



Australian Government

Department of Foreign Affairs and Trade



DFAT COUNTRY INFORMATION REPORT NEPAL

1 March 2024

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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
LGBTQIA+	Lesbian, gay, bisexual, transgender and/or intersex
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
<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
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, but not limited to 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 1 March 2019.

2. BACKGROUND INFORMATION

COUNTRY OVERVIEW

2.1 Nepal was established as an independent monarchy in 1769. It was never colonised, in part due to its rugged geography and value as a buffer state between British India and Imperial China. From 1846 Nepal was ruled by a line of hereditary prime ministers called the Ranas. A revolution in 1951 overthrew the Ranas, restored power to the royal family, and saw the establishment of Nepal's first popular government, led by the Nepali Congress party.

2.2 In the 1990s, persistent economic inequality and political disenfranchisement led to a violent Maoist insurgency; the ensuing civil war killed almost 18,000 people and led to over 1,300 disappearances. The Maoists carried out numerous terrorist attacks, and both sides committed widespread human rights abuses. A peace accord was struck in 2006, and the Maoists won democratic elections held in 2008. One of their first acts was to abolish the monarchy and declare Nepal a federal democratic republic (see [Political system](#)).

2.3 Politics in Nepal is unstable, and governments often rely on fragile, multi-party coalitions to hold power. The parliament was dissolved twice in 2020 and 2021, and the ruling coalition, led by the Communist Party of Nepal (Maoist Centre), collapsed in March 2023. The Prime Minister, Pushpa Kamal Dahal, survived a confidence vote and secured the support of the opposition Nepali Congress party to hold onto power.

2.4 Nepal is one of the poorest, least developed countries in the world, prone to regular natural disasters, including floods, landslides, and earthquakes. In 2015, a 7.8 magnitude earthquake devastated the country, killing thousands and hampering post-war development. In 2021, floods and landslides killed hundreds and damaged crops and homes. Nepal is also vulnerable to the effects of climate change, which, along with poverty, is a driver of internal and external migration.

DEMOGRAPHY

2.5 The 2023 CIA World Factbook estimates the population of Nepal is 30.8 million people (approximately 22 per cent are urban dwellers). Kathmandu, Nepal's largest city, has a population of approximately 2 million people, with 3.1 million living in the greater Kathmandu Valley.

2.6 Nepal is divided into three natural east-west geographical zones. Along Nepal's southern border is a strip of flat, fertile land known as the Terai, an extension of the 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. A small number of people also live in the northern strip, which is formed by the Himalayas, an unbroken mountain range containing eight peaks higher than 8,000 metres.

2.7 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. For ethnic demography see [Race/Nationality](#). For religious demography, see [Religion](#).

ECONOMIC OVERVIEW

2.8 Nepal is among the poorest and least developed countries in the world. The UNDP's 2022 Human Development Report ranked Nepal 143rd out of 191 countries. In 2022, GDP per capita was approximately USD 1,300 (AUD 2,000), around half that of India or Bangladesh. It is not uncommon for households to be without tap water, toilets or washing facilities. According to the Nepal Economic Forum, a think tank, more than 90 per cent of Nepalis have access to on- or off-grid electricity. Parts of Nepal are food insecure, especially the western provinces.

2.9 Following the end of the civil war, the economy experienced a strong period of growth. In 2020-21, global conditions, exacerbated by the COVID-19 pandemic and worldwide inflationary pressures, led to a sharp contraction in GDP. Although the economy had largely recovered by 2023, growth remains weak, inflation is high, and Nepal's trade deficit is at record levels. In-country sources told DFAT that without significant reforms the Nepali economy was likely to stagnate, although also said that an economic crisis was unlikely.

2.10 Remittances from the very large Nepali diaspora (up to an estimated two to five million people) are central to the economy. Other important industries include agriculture, construction, and manufacturing. Many Nepalis work in the Middle East and other oil producing countries (see [Employment](#)), and therefore the price of oil and the employment opportunities in those countries can affect remittances into Nepal.

2.11 Tourism remains a relatively small part of the economy, accounting for only 2 per cent of GDP. Most tourists are backpackers and do not necessarily spend a lot of money. The 2015 earthquake had a significant impact on tourism, and while there was some recovery in the following years, progress was hampered by the COVID-19 pandemic. As at the time of publication, the tourism industry was improving.

2.12 According to the United Nations Food and Agriculture Organization, more than half of the population of working age people in Nepal are economically active, 66 per cent of whom are engaged in agriculture. 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 climate risks. The agricultural sector is vulnerable to shock from natural disaster, with floods historically known to routinely destroy thousands of hectares of crops during severe weather events.

2.13 Non-agricultural activities are gradually accounting for a larger proportion of GDP, and the services sector (approximately 62 per cent of GDP) has been the primary source of growth since the 2000s.

Employment

2.14 The 2015 Constitution provides for the freedom to practice any occupation and a right to be employed. Most employment is in the informal sector, and the private and government sectors are small by comparison. According to the Institute for Integrated Development Studies (IIDS, a think tank), the unemployment rate was 11.3 per cent in April 2023.

2.15 Young graduates can experience difficulty finding employment and many seek to migrate as a result. An estimated 3 to 5 million Nepalis work overseas, predominantly in India, Malaysia, and the Gulf Arab states. Most work as low-skilled labourers and domestic workers, however many also work in occupations such as nursing and security guarding. As highlighted in the [Economic Overview](#), remittances from overseas Nepalis are a significant contributor to national income, contributing as much as a quarter of GDP. Young men, particularly from rural areas in the 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.

2.16 Labour laws permit collective bargaining, 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 strike. Nepal's legal minimum age for employment is 14 years and child labour is widespread. According to the ILO, Nepal has 1.1 million children (aged 5 to 17 years in child labour, of whom 222,493 are estimated to be engaged in hazardous work. 85 per cent of child labour in Nepal occurs in the agriculture sector. In 2021, the US Department of Labor estimated around 15 per cent of all children in Nepal were engaged in work (a significant reduction from previous years). See [Children](#).

Health

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

2.18 Free essential health services are available via primary health care centres and district hospitals, which do not charge fees for registration, outpatient, emergency, and inpatient services, or for essential drugs. Nevertheless, out-of-pocket health expenditure remains high, accounting for more than half of all medical expenses. Families can take out government-provided health insurance for USD 28 per year (AUD 40), however fewer than 20 per cent of people do so. While those aged over 70s and the very poor are entitled to free medication and treatment under the government's health insurance scheme, complex eligibility rules and corruption can serve as access barriers. Very few people have private health insurance.

2.19 Despite the availability of public and private health services, Nepal's health sector faces many challenges, such as widespread poverty, limited government funding, and remote and mountainous geography which affects service delivery, especially outside of the densely populated southern plains region. Most provincial and local-level hospitals have adequate basic amenities, such as running water, soap, and reliable electricity, although many rural healthcare centres do not.

2.20 Patients often rely on family to provide non-medical care in hospitals. Specialist doctors are available, including in smaller local hospitals, however those requiring specialist treatment may need to travel to urban areas for care. Nepal has a high burden of infectious disease, including bacterial diarrhoea, hepatitis A and E, typhoid fever, Japanese encephalitis, malaria, and dengue fever. Risk of infection is further exacerbated by lack of access to clean water, sanitation, and hygiene (WASH). There is a low prevalence of HIV in Nepal, however HIV circulates amongst men who have sex with men, sex workers and migrant workers. According to Nepal's National Centre for AIDS and STD Control, in July 2022 there were 84 anti-retroviral treatment sites and 45 anti-retroviral dispensing centres operating across 76 districts in Nepal.

2.21 According to the WHO Nepal Country Office, as at 15 October 2023 Nepal had recorded 1,003,436 confirmed cases and 12,003 deaths from COVID-19 since the onset of the pandemic. Approximately 80 per cent of the population were considered fully vaccinated against COVID-19 as at August 2023.

2.22 Violence against health care providers has increased throughout Nepal in recent years, exacerbated by the COVID-19 pandemic. Violence has included physical assault against doctors and health care providers, 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

2.23 Nepal is yet to adopt a national mental health act. The *Act Relating to Rights of Persons with Disabilities*, 2074 (2017) provides for every citizen's right to health, rehabilitation, social security, and

recreation. Sections 35 and 36 of the Act ensure additional service facilities for people with mental or psychosocial disabilities in line with UN Convention on the Rights of Persons with Disabilities.

2.24 Mental health services are not universally available and are significantly under-resourced. According to the Nepali Government's 2021 Health Facility Survey, mental health services in the form of acute psychiatric care and medication are most likely to be available in federal or provincial level hospitals, but not in local health facilities. As with all health services, Nepal's remote and mountainous terrain is also barrier to access.

2.25 Trained mental health professionals are scarce in Nepal. There is one psychiatric hospital in Kathmandu and one in Dharan. Limited telephone counselling services exist. Some counselling and referral services are provided through NGOs. Use of psychiatric medication, if available, may not comply with international standards or practice.

2.26 Repeat cycles of natural and man-made disasters serve as predisposing, precipitating and perpetuating factors driving increased risk of mental illness in Nepal. Suicide prevalence is estimated at 11.6 suicides per 100,000 population, which is higher than the global average. According to the WHO, the COVID-19 pandemic highlighted the limitations of mental health services in Nepal, and exacerbated mental illness, leading to increased suicide rates. In response, the government has increased spending on mental health, although practical outcomes have not yet been realised.

2.27 People living with mental illness often experience stigma and discrimination. As a result, many Nepalis are reluctant to seek support for mental health needs. According to in-country sources, Nepalese families often hide and/or abuse family members living with mental illness. See also [People living with Disability](#).

Education

2.28 Article 31 of the 2015 Constitution guarantees every citizen the right to free education up to secondary level. Under the new federal system, local governments run schools and there is wide variation in quality and curriculum.

2.29 According to UNICEF, although more children now attend primary school in Nepal, barriers related to geography, poverty, social exclusion, disability, social norms and gender biases, migration, child labour, and mother tongue instruction remain. Girls are more likely to not attend school than boys, and this gender gap is wider in the poor and disadvantaged castes and ethnic groups. With recent decentralisation, local governments are now tasked with bringing all children into the formal school system; however, limited capacity impacts outcomes in practice (see [Women](#), [Children](#), [Caste Discrimination](#)).

2.30 According to in-country sources, girls tend to receive a poorer quality of education than boys. While not the only barrier, this is reportedly associated with taboos regarding menstruation, and lack of access to sanitary products. Many schools have inadequate WASH facilities for students of any gender, including a lack of toilets.

2.31 While primary education has been free and compulsory since the early 1990s, parents are often required to pay fees or other costs associated with textbooks, uniforms, meals, and other educational materials. These fees can be unaffordable for those from disadvantaged backgrounds (for example [Dalits](#)), particularly families with multiple children, which can also lead to children dropping out of school.

2.32 The COVID-19 pandemic severely disrupted education for Nepali students. Schools shut nationwide for months at a time between March 2020 and February 2022. During this time students relied on online study or self-learning from textbooks to maintain their education, which negatively impacted their learning.

POLITICAL SYSTEM

2.33 The 2015 constitution established a bicameral federal parliament consisting of a House of Representatives and a National Assembly, as well as unicameral provincial parliaments. Representation of disadvantaged and minority groups, including [women](#), [Dalits](#), [Madhesi](#) and [Muslims](#), is required in both houses of the national parliament. 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 cabinet is chosen by the Prime Minister in consultation with their party and any coalition partners.

2.34 The federal system instituted under the 2015 Constitution marked a significant shift in Nepali politics, which was previously highly centralised. In addition to the federal government, the 2015 Constitution created seven provinces, based on ethno-linguistic identity and economic viability, and 753 local government areas. The shift was intended to spread the benefits of development, increase government effectiveness and accountability, and empower marginalised groups such as Dalits, Muslims and Tharus. In-country sources told DFAT that federalisation had brought both benefits and challenges, including budgeting issues and increased opportunities for corruption.

2.35 Elections were held in November 2022 for both national and provincial parliaments. The national poll was won by a coalition of the Communist Party of Nepal – Unified Marxist Leninist and the Communist Party of Nepal – Maoist Center, though this alliance survived for only a few months. In the provincial elections, Nepali Congress enjoyed a significant swing, but communist parties still won more seats. Note that while many Nepali political parties identify as 'Communist' or 'Maoist' and publicly espouse Marxist-Leninist ideology, most do not actively pursue traditional communist aims and would be better described as social-democratic or leftist parties. Ideological splits are common, and coalitions and allegiances shift frequently.

Corruption

2.36 Corruption is widespread in Nepal, including bribery, graft, nepotism, and influence peddling. Nepal ranked 110th out of 180 countries in Transparency International's 2022 Corruption Perceptions Index. International consultancy GAN Integrity notes high levels of corruption in the [judiciary](#), [police](#) and other public services. In-country sources told DFAT that businesses often have patrons in powerful politicians who facilitate corrupt conduct.

2.37 In-country sources reported that it was common to pay 'facilitation fees' for basic government services (for example, renewing a driver licence). These can range from several hundred to several thousand rupees (NPR 1,000 = approximately AUD 10). Without bribes, such processes can take several years. It is common for people of influence to use personal networks to influence government and judicial outcomes, such as court cases (see [Judiciary](#)).

2.38 The Commission for Investigation of the Abuse of Authority (CIAA) is the peak anti-corruption body in Nepal. In-country sources told DFAT that the CIAA dealt effectively with corruption by low-ranking officials but was much less effective when the perpetrator was high-ranking or influential. The CIAA can refer cases for prosecution which sometimes result in convictions, and DFAT is aware of officials being fined and/or imprisoned for corruption.

HUMAN RIGHTS FRAMEWORK

2.39 Nepal is party to a number of international human rights treaties. For a full list see the [OHCHR website](#). Nepal is not a party to the 1951 Refugee Convention or its 1967 Protocol.

2.40 Many basic human rights are enshrined in the 2015 Constitution and are covered in relevant sections of this report. Although the 2015 Constitution contains comprehensive guarantees of basic rights, implementation of protections is often lacking. While many rights are enforceable in court, access to the courts may be difficult, especially for the poor due to economic and structural barriers such as geographic remoteness and the caste system (see [Judiciary](#) and [Caste discrimination](#)).

National Human Rights Institution

2.41 Nepal established a National Human Rights Commission (NHRC) in 2000, and reference to the Commission was included in the 2015 Constitution. 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.

2.42 In October 2022, the Global Alliance of National Human Rights Institutions (GANHRI) recommended downgrading the status of the NHRC from 'A' to 'B', indicating it was not in full compliance with the Paris Principles on national human rights institutions. GANHRI cited 'serious concerns' about the NHRC's appointment of office bearers and the NHRC's lack of independence in its decision-making. This followed complaints by civil society and the filing of a case in the Supreme Court, after five council members were appointed in December 2020 without the legislatively required quorum. The downgrade did not occur, however, and the NHRC retains its 'A' status; DFAT assesses the NHRC is active and implementing its mandate.

Transitional Justice

2.43 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.

2.44 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-country sources told DFAT that with accused abusers from all sides of the conflict in parliament, there was political ambivalence in relation to transitional justice. However, an amendment to the 2014 legislation is before parliament and, to some degree, it responds to deficiencies in the original Act, including in relation to provision of support for victims of sexual assault. As at the time of publication, the amendment had not been passed.

SECURITY SITUATION

2.45 The overall security situation in Nepal has improved dramatically since the end of the conflict (see [Country Overview](#)). Political violence and terrorism are no longer day-to-day threats. Poverty and weak rule of law (see [Police](#), [Judiciary](#) and [Corruption](#)) continue to contribute to insecurity.

2.46 Isolated terrorist attacks have occurred in recent years, including arson and the use of improvised explosive devices (IEDs). In-country sources told DFAT these were attacks not generally intended to cause mass casualties, and few fatalities have resulted. Many of these attacks were carried out by the Communist Party of

Nepal (Maoist) splinter group known as Biplav; the government signed a peace agreement with Biplav in March 2021 and terrorist incidents have since largely ceased.

2.47 Violence can sometimes occur around elections or during conflicts between rival political groups. There were a handful of violent incidents during the November 2022 elections: one man was shot dead following an altercation between two groups in Bajura, and a 'minor' explosion briefly closed a polling station in Kailali (no one was injured), however, these kinds of events are generally rare.

2.48 Although violent crime occurs, it is not a significant day-to-day concern for most Nepalis. Pickpocketing and petty theft are common. While organised crime exists, it does not affect most Nepalis. Organised crime is often involved in smuggling (including drugs and wildlife) and [human trafficking](#). There is some crossover between crime and politics (see [corruption](#)).

2.49 Protests are frequent and occasionally turn violent (see [Political Opinion](#)). Political parties have been known to enforce strikes (bandhs), which can close transport and business operations for extended periods, although these have become less common in post-conflict Nepal. Police sometimes arrest those trying to enforce a bandh (see [Private Sector/Business Community](#)).

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; among 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); 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.

Madhesi

3.3 The Madhesi are a group of people of Indian origin who live in the Terai. Many have continuing strong socio-cultural and ethnic links across the border with India. Some Madhesi experience discrimination by hill people on the basis of their darker skin and perceived loyalty to India. Most lower-caste Madhesi live in poverty and work in daily wage labour (see [Caste Discrimination](#)).

3.4 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 land and access to government benefits) under the *Citizenship Act* (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. This law contained a short window period for Madhesi to claim citizenship that closed in November 2008 and has not allowed them to pass on citizenship to their children (see [Stateless People](#)).

3.5 Between 2015 and 2017, Madhesi activists participated in a series of protests to end discrimination and seek greater regional autonomy. Following a period of negotiations, some Madhesi aligned to political parties and participated in the 2017 election. There are two main political parties in Madhesh Province – Janata Samajbadi Party and Loktantrik Samajbadi Party. According to local media sources they had difficulty registering as national parties due to a lack of votes (three per cent of the vote is required). This is exacerbated by the fact that many Madhesi are not citizens and thus cannot vote. The Janata Samajbadi Party achieved national party status following the November 2022 elections; the Loktantrik Samajbadi Party did not. A Madhesi leader was arrested in 2018 and released in 2019 after agreeing to refrain from calling for an independent Madhesi state. The influence of Madhesi political parties in the Terai has waned somewhat since 2017.

3.6 In-country sources told DFAT that Madhesi, and Dalit Madhesi in particular, sometimes experience mistreatment and abuse, including physical abuse, at the hands of ‘racist’ police from the hilly regions of Nepal. DFAT is also aware of reports of mistreatment of Madhesi in national parks by soldiers and park rangers, including reported rapes of Madhesi women foraging for food and firewood. DFAT was not able to verify these claims but considers them credible. There are numerous media reports of stereotyping and verbal abuse against Madhesi by hill people, including in Kathmandu, although some of those same reports indicate the situation has improved somewhat in recent years.

3.7 Following political violence in 2015, Madhesi activists reported there had been around 60 extrajudicial killings of Madhesi by security forces and/or rival groups. DFAT is unable to verify these claims but considers them credible. A government-sponsored commission investigated these claims in 2016, but the report was never publicly released.

3.8 DFAT assesses that Madhesi face a moderate risk of official discrimination because of ongoing difficulties obtaining citizenship, which impacts their ability to access basic rights and services. DFAT assesses that Madhesi also face a moderate risk of official violence, especially when in contact with police, and that they are at moderate risk of societal discrimination when in contact with hill people.

Limbus

3.9 The Limbu are an indigenous people who live in Nepal on the eastern section of the Himalayas east of the Arun river, and in northern India. There are fewer than 400,000 Limbu living across both countries. Limbus are descendants of Tibetan migrants who came to Nepal centuries ago. Limbus mainly reside in the regions of Taplejung, Khotang and the Arun Valley, in the east of Nepal. Limbus speak a distinct language and have their own indigenous religion that is influenced by Tibetan Buddhism and includes ancestor worship.

3.10 The Limbus are politically marginalised, and many Limbus are poor. A Limbuwan movement exists, which advocates for the ethnic interests and identity of Limbu people in Nepal. The movement has reportedly experienced violence, but has also reportedly been accused of violence against other groups. In March 2023, a Limbu protester named Padam Bahadur Limbu was killed by police in Biratnagar during a protest against the re-naming of Province 1 to Koshi Province (Limbus had wanted the province name to reflect Limbu ethnic identity). A further 12 people were injured at his funeral. The government subsequently declared the dead protester a ‘martyr’, enabling his family to access reparations. DFAT is not aware of any wider pattern of violence against Limbus on the basis of ethnicity.

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

Tibetans

3.12 Nepal has hosted Tibetan refugees since the People’s Republic of China annexed Tibet in 1959. In 2020, the United Nations High Commissioner for Refugees (UNHCR) estimated there were approximately 12,000 Tibetans in Nepal, an estimated 75 per cent of whom were undocumented. DFAT understands that some Tibetans are provided with exit permits by the Nepali government and that they are sometimes allowed to seek permanent resettlement in India. From 1989, the Nepal Government permitted the safe passage of Tibetans to India under an informal ‘Gentleman’s Agreement’ with India and the UNHCR. This has become less common in recent years reflecting both increased sensitivity by the Government of Nepal to Chinese concerns and the reduced number of Tibetans arriving in Nepal. Both COVID-19 border closures and more rigorous Chinese monitoring of the border between Tibet and Nepal have had an impact on border crossing. The

number of Tibetan arrivals in Nepal has begun to increase in 2023 off a low base, but still numbers less than 100.

3.13 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. It also grants the holder the right to study at university and open a bank account, but not do business, work legally, or apply for a driver's license. Nepal ceased issuing RCs in the mid-1990s and does not regard Tibetans who arrived in Nepal since then as refugees. Nor does the Nepali Government issue identity documentation to the children or grandchildren of Tibetan refugee card holders. Lack of identity documentation for Tibetan refugees and asylum seekers and long-stay members of the community causes difficulties at police checkpoints. Some Tibetans have documents from China.

3.14 DFAT is aware of reports that China pressures Nepal to refoul Tibetan asylum seekers who cross the border from China to Nepal. In-country sources told DFAT that Nepali authorities denied these requests and that while Nepali police sometimes arrested Tibetan asylum seekers at the border, they were usually handed over to immigration officials and referred to the UNHCR. Border communities in Nepal, on the other hand, are reportedly induced by Chinese border authorities to refoul Tibetan refugees. According to in-country sources, Tibetan asylum seekers who are returned to China could face serious consequences (see the [DFAT Country Information Report on The People's Republic of China](#)).

3.15 In-country sources and international observers have reported increased cooperation between Nepal and China in recent years, including increased border security cooperation; a partially enforced ban on Tibetan public demonstrations; closer monitoring of the Tibetan community and Buddhist religious sites and monasteries, their leaders, and real or perceived activists; and increases to the number of Nepali police deployed in Tibetan neighbourhoods around dates perceived by the government to be politically sensitive, such as the Dalai Lama's birthday or Tibetan New Year.

3.16 Tibetans have been able to publicly celebrate the Dalai Lama's birthday and Tibetan New Year in recent years. Nevertheless, in-country sources told DFAT that Nepali authorities (and Chinese authorities) continue to monitor these events closely.

3.17 DFAT assesses that documented Tibetan refugees in Nepal face a low risk of official discrimination in the form of barriers to some occupations and services. DFAT assesses that undocumented Tibetan refugees face a moderate risk of official discrimination and barriers to accessing basic rights and services, and the local economy. Support from international agencies and Tibetan exiles mitigates their circumstances, but only marginally. Many members of the Tibetan refugee community have reported serious mental health issues due to the constraints on their mobility, access to services and opportunities to participate in the economy (see [Mental Health](#)).

Bhutanese

3.18 Around 120,000 Nepali-speaking Bhutanese people fled to Nepal in the 1990s and registered in refugee camps following reported ethnic cleansing in Bhutan. Around 113,500 of these refugees have been resettled in Western countries, including the United States, Canada, and Australia under a UNHCR program from 2007-16. UNHCR-facilitated group resettlement ended in December 2016, after widespread campaigns to encourage its uptake.

3.19 In-country sources told DFAT that around 6,000 Bhutanese refugees remained in Nepal as of 2023. They are based in two settlements in Jhapa and Morang districts in Koshi Province, which are supported by UNHCR and a variety of international donors. Most of those who remain have either chosen not to seek

resettlement, preferring to stay in Nepal, or await family reunification with relatives already overseas. Some have sought voluntary repatriation to Bhutan; this is not supported by the Bhutanese Government. Some have married into local Nepali families.

3.20 In-country sources told DFAT that Bhutanese refugees could access education, healthcare, and livelihoods, often with the assistance of international organisations. Bhutanese refugees have access to public health services equal to Nepali citizens and receive UNHCR support to participate in the National Health Insurance Scheme (see [Health](#)). UNHCR has invested in schools, water supplies and sanitation in Jhapa and Morang. Bhutanese children attend Nepali public schools for free, and they receive additional support from UNHCR to buy school supplies such as uniforms and stationery. Bhutanese refugees are allowed to conduct 'general trade and business' in Nepal under a 2021 Cabinet decision, although in-country sources report that challenges remain at the local level in registering businesses and obtaining business PAN cards (see [Documentation](#)). Many Bhutanese work in the local informal sector.

3.21 In 2023, a scam was uncovered involving high-ranking government officials that involved Nepalis falsely claiming to be Bhutanese seeking asylum in the US. The claims failed, and victims lost tens of thousands of dollars they had paid in expectation of being resettled in the US. In-country sources advised this scam has slowed progress on Nepali Government re-registration of the Bhutanese refugee population, negatively impacting their access to services and livelihoods. However, at the time of publication, UNHCR advised re-registration had recommenced.

3.22 DFAT assesses that Bhutanese in Nepal face a low risk of official discrimination. While they are denied some benefits of citizenship, such as accessing formal work rights, DFAT assesses that they can generally access basic services and livelihoods.

Stateless people

3.23 An estimated 400,000 people in Nepal are stateless due to the historical effects of the *Citizenship Act* (2006), which denied citizenship by descent to people whose parents acquired citizenship by birth. These people are mostly [Madhesis](#). The Act also denied citizenship to children of Nepali single mothers (see [Women](#)). Statelessness brings serious disadvantages, including barriers to employment, education, and healthcare, as well as the denial of driver's licenses, passports, and the ability to open a bank account.

3.24 In June 2023, the *Nepal Citizenship (First Amendment) Bill* was authenticated by President Paudel and came into force on 22 June 2023 after a challenge in the Supreme Court failed. The amendment clears a path for an estimated 400,000 persons, whose parents were Nepali citizens by birth, to receive citizenship by descent. People have started applying for citizenship and are receiving them under the newly introduced provisions. The bill also paves the way for a child born in Nepal to a Nepali woman and an unidentified father to get citizenship by descent. The applicant's mother will have to make a self-declaration that the father 'cannot be identified'. The mother could face penalties if she lied about the father's whereabouts or identity. The amendment also removes a previous seven-year waiting period for a foreign man married to a Nepali woman to acquire citizenship (see [Women](#)).

3.25 The amendment also creates a path for non-resident Nepalis to acquire citizenship, giving them economic, cultural, and social rights but not the right to vote in elections. The provision will be applicable only to those who reside outside the South Asian region. Non-Resident Nepalis (NRN) have started receiving NRN citizenships from early October.

3.26 DFAT assesses that stateless people in Nepal are at high risk of official discrimination in the form of barriers to accessing basic rights and services, although with the passage of the *Nepal Citizenship (First Amendment) Bill* a path to citizenship now exists for many stateless people.

RELIGION

3.27 The 2015 Constitution specifies that Nepal is a secular state and guarantees freedom of religion. According to the 2021 Population Census (the most recent available), 81.2 per cent of Nepalis are Hindu, 8.2 per cent are Buddhist, 5 per cent are Muslim and 1.8 per cent are Christian. Syncretic faiths encompassing elements of Hinduism, Buddhism and traditional folk practices are also widespread. Nepal celebrates public holidays for numerous religious faiths, in addition to secular and political anniversaries.

3.28 In-country sources told DFAT there had been a rise in Hindu-nationalist sentiment in Nepal in recent years, especially since the election of Narendra Modi as Prime Minister of India. Some Hindu-nationalists in India and Nepal reject religious pluralism and have called for the restoration of Nepal as a Hindu monarchy. Religious minorities reportedly sometimes experience difficulties establishing new places of worship. Hindu, Buddhist, and Muslim communities report being able to establish religious schools. Some Christian groups reported they were denied funding provided to other religions for this purpose.

3.29 The 2015 Constitution prohibits attempts to convert people from one religion to another, and proselytising is explicitly prohibited under *The National Penal (Code) Act*, (2017). The 2022 US Department of State International Religious Freedom Report documented arrests of Catholics and Jehovah's Witnesses who attempted to proselytise in the previous year. In-country sources told DFAT that while arrests for proselytisation were common, convictions were rare. In April 2019, Pastor Dilli Ram Paudel, secretary-general of the Nepal Christian Society, and four other Christians were arrested in Dang for reported attempted religious conversion. They were subsequently released on bail. In 2021, another Christian pastor, Keshab Raj Acharya, was sentenced to two years in prison and a USD 167 (AUD 260) fine for proselytising in Ding.

3.30 Nepali law prohibits the killing or harming of cattle (sacred to Hindus), and the State Department noted arrests for the slaughter of cows or oxen occurred in several districts in 2022. Muslims and Christians have been arrested and sentenced for harvesting meat from cows that reportedly died from natural causes.

3.31 While there are no legal barriers to inter-faith marriage, in-country sources told DFAT that inter-faith marriage remained a controversial issue for many families, including Hindu/Christian marriages and Hindu/Muslim marriages. Although Nepali society has generally become more tolerant of religious and caste differences, DFAT understands that such marriages remain uncommon (see also [Caste Discrimination](#)).

3.32 DFAT assesses that followers of minority religions are generally at low risk of official or societal discrimination on the basis of their religious practices or beliefs. DFAT assesses that people who marry outside their religion are generally at low risk of societal discrimination, but this varies by family and community. Inter-religious violence is rare.

Buddhists

3.33 Buddhists officially account for only eight 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 Nepali Buddhists is 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.

3.34 DFAT assesses that Buddhists are generally not at risk of discrimination or violence.

Christians

3.35 The 2021 Nepal Population Census records that 1.8 per cent of the population is Christian, the vast majority of whom are Protestant. In-country sources told DFAT that the number of Christians in Nepal was

growing. Nepal has dozens of Christian missionary hospitals, welfare organisations and schools. In general, these institutions operate without interference.

3.36 Some Christian groups report difficulties buying land to establish new places of worship or burial. In-country sources told DFAT a Christian group was recently blocked from building a church by a Hindu community in the Terai but did not supply further details. In-country Christian sources report difficulties obtaining and renewing registration of their churches as NGOs. In-country sources told DFAT that local authorities sometimes harass Christian groups, for instance by threatening to press charges for proselytisation unless the group pays a bribe, or demanding to see church accounts to check for payments by foreign groups.

3.37 The US Department of State's 2022 report on Religious Freedom in Nepal contained reports that rising Hindu-nationalist sentiment was creating an 'unfriendly environment' for Christians, including in social and traditional media. The Nepali government sent a diplomatic note to the US government in response. Some Hindu-nationalists reportedly equate the spread of Christianity with 'foreign influence' and say that Christians use charity to induce Hindus to leave their faith. In-country Christian sources denied these practices amounted to forced conversion, but they also said aggressive proselytisation by some Christian groups, in particular certain Korean churches, sometimes alienated other religious communities.

3.38 Small-scale terrorist attacks have affected Christians in Nepal, including detonation of improvised explosive devices at three churches in Jhapa district in 2015. An arson attack on a Catholic cathedral also occurred in 2017, causing significant damage to the building but not injuring priests living there. Hindu nationalists claimed the attacks. Notwithstanding these historic attacks, DFAT understands societal violence against Christians is rare and is not aware of more recent attacks on Christians in Nepal.

3.39 Although low-level discrimination against Christians occurs, individual Christians are generally able to practice their faith without interference. Christian students are exempt from participating in Hindu rituals in public schools, although in some cases they reportedly experience social pressure to do so, including from teachers. DFAT is aware of reports of Christian students being bullied in schools, as well as reports of Hindu landlords refusing to rent to Christian tenants. In-country sources reported that Christian soldiers were sometimes ordered to participate in Hindu rituals in the course of military duties but could assert their constitutional right not to. Converts from Hinduism to Christianity sometimes face discrimination by family members, for instance in inheritance.

3.40 DFAT assesses that Christians in Nepal face a low risk of official or societal discrimination, and face a low risk of violence, including from Hindu-nationalist extremist groups. 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 depending on personal circumstances.

Muslims

3.41 Five per cent of the population are Muslims, the vast majority of whom are Sunni. While found throughout Nepal, most live in the Terai. There are thousands of madrassahs (Islamic schools) in Nepal, both registered and unregistered. The Government organises annual Hajj pilgrimages.

3.42 According to local and international media reports, and in-country sources, rising Hindu-nationalist sentiment has reportedly caused apprehension among Muslim communities in Nepal. Islamophobia from Hindu-nationalist groups has also been reported in international media. A Nepali journalist writing in *Foreign Policy* in 2020 pointed to media reports that Muslims were 'spreading COVID-19.' Contrasting stories condemning Islamophobia were also published by local media at the time. Converts from Hinduism to Islam sometimes face discrimination by family members, for instance in inheritance. According to the US

Department of State's 2022 report on Religious Freedom, eight 'Muslim or Indigenous persons' were arrested for cow slaughter in 2022.

3.43 Violent clashes between Hindu and Muslim groups occurred in October 2017, when dozens were injured in Banke and Bardiya districts on the Indian border. Similar clashes occurred in the same districts in December 2016, when two Muslims were killed, and dozens injured; charges were brought against 28 people. DFAT is aware of historic reports of vigilante attacks against Muslims accused of cow slaughter. DFAT is not aware of more recent incidents of violence between Hindus and Muslims.

3.44 DFAT assesses that Muslims are at low risk of societal violence, including in the form of vigilante attacks for cow slaughter. State protection for Muslims is generally effective. 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 personal circumstances.

POLITICAL OPINION (ACTUAL OR IMPUTED)

3.45 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 are made for Madhesi, Dalits and other minority groups.

3.46 National and provincial parliamentary elections were held in November 2022 (see Political System). There was some electoral violence, leading to a high security presence at polling booths and the temporary suspension of polling in 15 places. One person died and several were injured. Voter turnout was about 60 per cent, lower than previous elections. Some communist groups boycotted the election (see Fear of Maoists).

3.47 In November 2019, Nepali Congress MP Mohammad Aftab Alam was charged with murdering 18 people by dumping them in a brick furnace, after they were injured while reportedly making a bomb at Alam's behest to be used against his political opponents. According to in-country sources, witnesses against Alam reportedly received death threats and had to be placed under police guard. At the time of publication, Alam remained in judicial custody.

3.48 Street protests are common in Nepal and occasionally result in violence. At least 45 people (including protesters, police, and children) were killed during the Madhesi protests in 2015-2017 (see Madhesi). A 2015 Human Rights Watch report found security forces had used excessive, and sometimes deadly, force in their response, and that armed protesters had launched unprovoked attacks against police, including the massacre of eight police officers in Tikapur in 2015. In June 2022, police killed an 18-year-old woman when they opened fire on protesters blocking a highway to demand the government do more to protect them from wild animals from a nearby national park. In March 2023, both police and protesters were injured during protests in Biratnagar, including one man who died five days after sustaining serious head injuries when police reportedly baton-charged protesters.

3.49 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 in Nepal. It is common for people to criticise the government without repercussions.

3.50 DFAT assesses Nepalis are generally at low risk of violence, harassment, or discrimination on the basis of political opinion, regardless of profile. People who pose a direct threat to powerful interests, for instance as witnesses in criminal cases, may be at higher risk, however state protection exists and is generally effective. Protesters face a low risk of official violence in the form of excessive force by police responders.

Fear of Maoists

3.51 Maoist forces committed numerous human rights abuses during the so-called ‘People’s War’ (1996 to 2006). These were carried out by the People’s Liberation Army (the armed wing of the Communist Party of Nepal) and Marxist cadres (militant revolutionaries). A 2012 report by the UN Office of the High Commissioner for Human Rights found Maoists had been responsible for the majority of over 2,000 incidents ‘amounting to a serious violation of international law’, including abductions, torture, and unlawful killings, including of civilians. Nepali security forces also committed serious and widespread abuses during the war, and both sides committed rape and sexual abuse. See also [Country Overview](#), [Security Situation](#).

3.52 The Maoists ceased their armed struggle following the 2006 peace accords and entered the political mainstream. Communist parties won the 2017 and 2022 national elections, and the wartime leader of the Communist Party of Nepal, Pushpa Kamal Dahal (Prachanda), is the current Prime Minister (see [Political System](#)). In 2023, an alliance called the Socialist Front was formed by four of the main leftist political parties: the CPN (Maoist Centre), CPN (Unified Socialist), the People’s Socialist Party Nepal and the Communist Party of Nepal. Before political groups were allowed to politically organise in 2015, Maoists recruited from among ethnic minorities who participated in their insurgency.

3.53 A transitional justice program was initiated in 2014 to hold perpetrators of wartime abuses accountable and provide reparations for their victims (see [Transitional Justice](#)). At the time of publication, no one had been prosecuted for wartime abuses, and in-country sources told DFAT that progress on transitional justice had stalled, pending the passage of a transitional justice amendment bill. Current and former governments have included accused perpetrators, including the current Prime Minister. In-country sources told DFAT that as a result those in power were ambivalent about pursuing transitional justice.

3.54 Conflict-related killings after 2008 have been extremely rare, and in-country sources told DFAT that Maoists had ceased to use violence against their opponents. DFAT is aware of one incident, referred to by in-country sources, involving a man who reportedly killed a former Maoist cadre in or around 2011, in reprisal for the killing of his father during the war. DFAT is not aware of any conflict-related killings by Maoists since 2008. DFAT is aware of allegations Maoists have threatened or offered bribes to silence witnesses to conflict-era abuses in recent years, but understands this is not common.

3.55 Tens of thousands of people remain displaced by the civil war (see [Country Overview](#)). As part of the peace process, Maoists and the government agreed on a program 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.

3.56 DFAT assesses that political opponents of Maoists are generally not at risk of violence from Maoist groups. DFAT assesses that witnesses to wartime abuses by Maoists face a low risk of harassment by Maoists and their associates, especially where their testimony potentially threatens powerful individuals.

Non-governmental Organisations

3.57 Nepal has an active civil society and an estimated 15,000 active international and local NGOs operating in the development sector, generally without interference. NGOs played a significant role in disaster response to the 2015 earthquake.

3.58 Both international and domestic NGOs can visit prisons, criticise the Government, and organise public events and protests. Many religious bodies and their welfare organisations are structured as NGOs (see [Religion](#)). Registration processes are sometimes onerous, and the Government has the right to refuse

registration of NGOs or terminate their registration. NGOs report this process is not transparent. Freedom House, in its 2022 Freedom in the World Report, noted that there was a 'widespread view' in Nepal that NGOs 'should not be overly political' but also that registration is easier in some places than others. Some NGOs in Nepal have faced criticism for 'dollar farming', that is raising money for personal enrichment, rather than providing a social benefit.

3.59 DFAT is aware of isolated cases of reported violence against civil society activists/NGO workers. In 2021, an environmental activist working to stop rock quarrying from a river in the Terai died in a car accident, which some in-country sources reported was suspicious. In general, however, in-country sources said that activists and NGOs were able to operate freely and safely, even where they worked on potentially sensitive issues, such as supporting Tibetans, Madhesi or Dalits.

3.60 DFAT assesses that NGO workers and civil society activists face a low risk of official or societal discrimination or violence.

Media and Journalists

3.61 Nepal ranks 95th out of 180 countries in the 2023 World Press Freedom Index Report compiled by Reporters without Borders (RSF). In-country sources told DFAT that the local media landscape in Nepal is generally diverse and free. RSF describes the Nepali media landscape as 'abundant', with over 4,800 newspapers and magazines, 880 radio stations, 160 television networks and 3,100 online information portals. Similarly, BBC News' Nepal Media Guide notes that 'private broadcasting has flourished' and notes a wide array of public and private, local, and international news outlets.

3.62 In-country sources told DFAT that there have been attempts by authorities in the past to silence journalists, for example by arresting then releasing those who criticise the government, but this does not appear to be a widespread pattern, and many self-censor.

3.63 Freedom House, in its 2022 Freedom in the World Report, gave Nepal a score of 2/4 for a 'free and independent media'. The report noted that journalists covering COVID-19 faced harassment and detention over their coverage. These detentions seem to relate to breaching lockdown rules. The Committee to Protect Journalists also reported violent assaults by unknown actors on journalists after reporting on illegal mining or researching stories critical of the Government.

3.64 DFAT assesses that journalists face a low risk of official discrimination in the form of arbitrary detention and are generally not at risk of violence.

GROUPS OF INTEREST

Caste discrimination

3.65 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 from birth. Caste is seen through the lens of 'purity' and is traditionally associated with occupation. Caste has a direct and significant impact on a person's access to education, employment, residence, and life opportunities. Caste discrimination persists among Nepali communities overseas, including in Australia.

3.66 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', now self-label as 'Dalit' (oppressed). Dalits are affected by 'untouchability', a type of ostracism, and have traditionally been limited to roles considered demeaning to higher castes.

3.67 According to the 2011 census (the most recent data on Nepali caste populations available), Dalits make up 13.6 per cent of the Nepali population, although Dalit groups estimate the population is around 20 per cent. Dalits can be broadly categorised into 'Hill Dalits', who live in the hilly areas of Nepal and 'Terai Dalits' (or 'Madhesi Dalits') who live in the lowlands of the Terai. Despite these groupings, Dalits live throughout Nepal.

3.68 Caste-based discrimination was abolished from the National Civil Code in 1963 and criminalised under the *Caste-Based Discrimination and Untouchability (Offence and Punishment) Act* (2011). Nevertheless, caste discrimination remains widespread. Upper castes dominate government and business. The President, Prime Minister, Chief of Army, and Chief Justice are all Brahmans. According to Dalit sources, Dalits make up just 2 per cent of all public servants and less than 1 per cent of senior public servants. The poverty rate among Dalits is twice the national average, at 42 per cent, and Dalits are much more likely to live in poor, marginalised communities. A small proportion of Dalits are wealthy and well-educated.

3.69 Some formal studies have suggested caste discrimination in Nepal is rare. A large-scale survey published by The Asia Foundation in 2022 reported that only 1.5 to 2.6 per cent of respondents felt that they were at a disadvantage because of their caste or ethnicity. These results were not replicated in DFAT's 2023 in-country interviews, which found strong evidence that caste discrimination is a common cultural practice in Nepal, including by some officials.

3.70 Dalits report discrimination when renting accommodation, accessing healthcare and in engagement with police. In June 2021, police arrested a woman in Kathmandu under the *Caste Discrimination Act* (2011) after she refused to rent a flat to Dalit journalist Rupa Sunar. The case was later dropped, citing lack of evidence. In-country Dalit sources told DFAT that Sunar's experience was not unusual. While healthcare workers are reported to sometimes treat Dalits disrespectfully, they do not normally refuse treatment. Higher-caste people sometimes refuse to share food or water with Dalits, deny them entry to temples, and exclude or bully them in schools. Discrimination is strongest in rural areas, but also occurs in cities.

3.71 In-country sources and local media have reported numerous cases of societal violence against Dalits in which caste discrimination appears to have been an important, if not the primary, factor. In May 2023, a Dalit man was injured in Simraungad after a priest poured hot rice starch on him for entering a temple. The priest was later arrested. Also in 2023, a restaurant owner in Gorkha beat a Dalit woman to death after her daughter drank a beverage without permission. The case was reportedly settled after the restaurateur provided the victim's family with financial compensation. Local media reports suggest Dalit women and girls are sometimes targeted for rape by higher-caste men (see [Women](#)).

3.72 In-country sources told DFAT that Dalits (particularly young men) experienced discrimination and violence at the hands of police, especially in rural areas. Dalit Lives Matter, an NGO, recorded 48 cases of murder, death, or assault in custody against Dalits in 2022. In May 2022, a 20-year-old Dalit man, who was reported to be serving a prison sentence on behalf of a higher-caste man, died in prison. In-country Dalit sources said the man was murdered to cover up police involvement in his false incarceration. In another recent case, police reportedly arrested six young men for stealing a mobile phone, released five who were not Dalits, and beat the remaining Dalit man to death. According to in-country sources, [police](#) do not always take allegations of crimes against Dalits seriously.

3.73 There are no legal barriers to inter-caste marriage, but it remains taboo for many Nepali families. Inter-caste couples often elope to escape family disapproval. Where inter-caste relationships occur between couples under 18, parents of higher-caste girls sometimes report their daughter's lower-caste boyfriends or

husbands for statutory rape, leading to their imprisonment. In some cases, inter-caste marriage has led to familial violence or murder. In July 2021, an inter-caste couple who had run away because of death threats were attacked by their families on return, and the woman was kidnapped. In 2020, six Dalit men were lynched, and their bodies dumped in the Bheri River because one of them was planning to marry a higher-caste woman. At least 12 arrests were made in relation to the lynching.

3.74 DFAT assesses that caste discrimination remains a significant problem in Nepal, and that Dalits in particular face a moderate risk of societal and official discrimination, including in the education and justice systems, and in daily societal treatment. DFAT assesses that Dalits face a moderate risk of official violence at the hands of police, including beatings and deaths in custody. DFAT assesses that couples who marry outside their own caste face a moderate risk of societal discrimination and, where a Dalit is in a relationship with a higher-caste person, a moderate risk of societal violence in the form of beatings or lynchings. While serious offenders are usually punished, state protection is not always effective.

Women

3.75 The 2015 Constitution prohibits discrimination based on gender in relation to inheritance and government employment and allows for ‘positive discrimination’ to establish special opportunities in education, health, employment, and social security. The 2015 Constitution prohibits physical, mental, sexual, and psychological violence against women and establishes the right to compensation for such violence. These rights are not always respected in practice.

3.76 Nepali women are active in business, politics, academia, civil society, and the media. Nepal has had a female president and deputy prime minister. Nevertheless, women are underrepresented in positions of power and often face discrimination and barriers to full enjoyment of their rights in daily life. The World Economic Forum’s Global Gender Gap Report 2022, an index that measures gender-based gaps in accessing resources and opportunities, ranked Nepal 96th out of 146 countries. While the report notes high levels of equality for educational and health outcomes, it cites poorer outcomes in women’s economic participation and very low equality in ‘political empowerment’.

3.77 Women remain underrepresented in the military and police. While female guerrillas fought with the Maoist insurgency, few were integrated into the regular army following the 2006 peace agreement.

3.78 Gender-based violence (GBV) is a significant problem in Nepal. Research suggests around one in four Nepali women experience GBV in their lifetime. According to the UN, violence disproportionately affects women and girls in Nepal who face multiple forms of discrimination based on disability, caste or ethnicity, limiting their access to protection, treatment, and justice. Societal attitudes towards the acceptability of domestic violence vary by individual, family and community, and people with higher levels of education or socioeconomic status are not necessarily less tolerant of domestic violence.

3.79 In-country sources told DFAT that in some cases families were a source of protection and support, while in others they were a barrier. Some families pressure women to stay in abusive relationships to avoid ‘shaming’ the family. DFAT is aware of cases where families have physically intervened to prevent women reporting domestic violence or testifying against abusers in court. Geography is another barrier: a woman from a remote community might have to walk as much as two or three days to reach a district court, rendering it inaccessible.

3.80 Domestic violence is criminalised under the *Domestic Violence (Offence and Punishment) Act* (2009). The law includes provision for interim protection orders and includes penalties of up to NPR 25,000 (AUD 300) and/or six months in prison. Police operate ‘women’s cells’ (police units, not prison cells) in police stations in all districts, which are staffed by female police officers to facilitate reporting of crime by women. In-country

sources told DFAT that police generally took reports of GBV seriously, however they often emphasised reconciliation over women's safety and punishment of offenders, demonstrating a lack of training and capacity in practice (see [Police](#)). Judges sometimes hold chauvinistic attitudes, for instance believing it is acceptable to 'slap your wife if she disobeys you,' again demonstrating a lack of training and capacity in practice (see [Judiciary](#)).

3.81 Domestic violence shelters run by NGOs exist in small numbers in some districts. They are often limited to 45 days of residence, and women are sometimes forced to return to abusive home situations due to a lack of options. Many women lack financial independence and are reluctant to seek help because of the risk to their security and livelihoods. Shelters sometimes offer livelihoods training. In-country sources told DFAT that abusive relationships often ended in divorce. Abusers are sometimes jailed; some flee to avoid justice. The ability to relocate to escape an abusive relationship depends on a woman's wealth, family, and friendship networks, and whether she has dependent children (see also [Internal Relocation and relocation to India](#)).

3.82 Acid attacks have occurred against women in Nepal. Reports have become less common following the passage of the *Acid and Other Harmful Chemicals (Regulation) Ordinance* (2020), which prescribes up to 20 years in prison for offenders. Hot oil attacks have also occurred. Acid attack survivors receive state support for rehabilitation, but hot oil survivors do not. Both face ongoing stigma.

3.83 Rape is illegal, including within marriage, and punishable by up to five years in jail. The definition of rape is consent-based. The age of consent is 18, and no consideration is given to the age of consenting sexual partners under 18. As a result, young men are vulnerable to imprisonment for statutory rape, even when they are married to their (consenting) partners – see [Caste Discrimination](#). Only men can be charged with rape, and rape against men is not a recognised offence (see [Sexual Orientation and Gender Identity](#)). Sexual harassment – defined as unwanted sexual touching or teasing or annoying 'with sexual motive' – is also illegal.

3.84 Poor and lower-caste women and girls (see [Caste discrimination](#)), as well as those [living with a disability](#), are particularly vulnerable to rape and sexual abuse, especially Dalit women. In September 2020, a 12-year old Dalit girl in Bajhang was reported to be raped and murdered by an upper-caste man, who was arrested. A similar case involving a 13-year old Dalit girl in Rupandehi, also in 2020, was ruled initially ruled a suicide, but the perpetrator was later arrested and sentenced for murder. See [Caste Discrimination](#).

3.85 Societal and structural barriers exist to the reporting and effective prosecution of rape. In 2022, the statute of limitations for rape was extended from one to two years; many observers argue it should be removed entirely. A culture of victim blaming exists. In-country sources told DFAT it was particularly difficult for rape survivors to pursue allegations against powerful or well-connected perpetrators, because of their ability to influence the [judiciary](#) and sway public opinion. A woman who accused the captain of the national cricket team of rape in 2022 experienced online harassment and death threats, and had rocks thrown at her in the street. She is reported to have left Nepal as a result. After multiple delays, the cricket player was found guilty in December 2023 and sentenced to eight years prison; his lawyers have said he would appeal.

3.86 [Police](#) do not always take reports of rape seriously. For instance, in January 2018, Durbar Marg police reportedly refused to register a first information report from a survivor of gang rape, instead pressuring her to sign a 'reconciliation paper' with the perpetrators. In-country sources told DFAT Nepal Police were becoming more responsive to rape allegations.

3.87 The practice of '*chaupadi*', in which women are expelled from their homes during menstruation and sometimes after childbirth, persists in some families and communities. Women and girls are sent to sheds outside the property where they are sometimes exposed to extreme temperatures, vulnerable to wild animals, and expected to engage in manual labour with limited access to food and fresh water. The practice is illegal and can result in three months imprisonment or a fine. The practice is most common in rural areas in the west,

but taboos about menstruation also persist in urban areas. *Chaupadi* may be known by different names including *chhue*, *bahirhunu*, *chaukulla* or *chaukudi*, depending on the district.

3.88 Women are sometimes harmed or killed on accusation of witchcraft. Reports of witchcraft most often relate to the onset of sickness or death amongst people or animals and are more common among the poor and especially among [Dalits](#). According to Nepal Police statistics, there was a total of 61 cases of witchcraft accusations and subsequent torture in 2020-21 (an increase of almost 80 per cent), at the height of the COVID-19 pandemic. Accusing or assaulting a woman on the basis of witchcraft is illegal under the *Anti-Witchcraft (Crime and Punishment) Act* (2015) and punishable by up to five years in prison and a NPR 50,000 (AUD 600) fine.

3.89 Divorce is available by mutual consent or on the grounds of infidelity, abandonment, or domestic violence. Stigma attaches to family breakdowns and single mothers; nevertheless, in-country sources told DFAT that divorce was increasingly common, especially among younger, urban Nepalis. According to local media reports, the number of single women in Nepal has risen sharply in recent years, including due to greater societal and legal empowerment of women to leave abusive relationships.

3.90 Widows sometimes experience discrimination, including in property rights, and, according to local media reports, are vulnerable to physical and sexual abuse. Article 14 of the 2015 Constitution states that 'Women shall have equal ancestral rights without any gender-based discrimination', and the Civil Code was amended in 2002 to ensure the right of widows to claim their share of property from the joint family and use this property even if she remarries. Previously, a widow lost her right to property from her husband or his family if she was found to be 'sexually disloyal' to her deceased husband or if she remarried. Nevertheless, such legal protections for widows are not always observed in practice.

3.91 Prior to the passage of the *Nepal Citizenship (First Amendment) Bill* in June 2023, foreign men married to Nepali women could only become naturalised Nepali citizens after domiciling permanently in Nepal for fifteen years, while foreign women married to Nepali men could immediately obtain Nepali citizenship. The amendment removed this requirement, as well as paving the way for a child born in Nepal to a Nepali woman and an unidentified father to get citizenship by descent. The applicant's mother would have to make a self-declaration that the father 'cannot be identified' and could face penalties if she lies about the father's whereabouts or identity (see [Stateless People](#)).

3.92 DFAT assesses that women in Nepal face a moderate risk of official and societal discrimination in the form of discriminatory laws and cultural practices. DFAT assesses that women face a moderate risk of GBV. DFAT assesses that widows, poor women, and women from lower-caste backgrounds, especially Dalits, face higher risks. State protection exists, but its effectiveness varies.

Sexual Orientation and Gender Identity

3.93 Nepal has a progressive legal framework regarding the rights of Lesbian, Gay, Bisexual, Transgender and/or Intersex (LGBTQIA+) people. Consensual same-sex sexual conduct is legal, and the 2015 Constitution specifically protects the rights of sexual and gender minorities and enables the state to pass laws to protect, empower and advance their interests.

3.94 Citizens can obtain third-gender identity documents. According to a 2007 court ruling, genders other than 'male' or 'female' can be listed on identity documents, including citizenship certificates and passports. The first third-gender passport was issued was in 2015. In June 2023, the Supreme Court ordered the government to begin registering same-sex marriages in preparation for an amendment of the Marriage Act to permit same-sex marriage. Nepal's first same-sex marriage was legally recognised in November 2023.

3.95 Nepal elected its first openly gay Nepali MP, Sunil Babu Pant, in 2008. There are several openly LGBTQIA+ celebrities, including activists, media personalities and a well-known supermodel. Pride parades and transgender beauty contests have taken place in Kathmandu, and LGBTQIA+ NGOs operate openly. Legal cases to uphold the rights of LGBTQIA+ people are rare, but have occurred. In December 2022, the Supreme Court ordered the government to recognise the marriage of a gay couple that had married in Germany, after the spouse visa of one of the men, a German national, was denied.

3.96 Despite a progressive legal environment, Nepali society remains generally conservative towards LGBTQIA+ issues, especially in rural areas. Families sometimes reject their LGBTQIA+ children, and in-country sources told DFAT that transgender people were often thrown out of their homes. Parents often pressure LGBTQIA+ children into heterosexual marriage. Bullying of LGBTQIA+ people is reported in schools, consistent with broader patterns of bullying of all students. Lesbians are much less likely to be open about their identity than gay men or transgender women (people born male who identify and/or present as women). An organisation called Mitini Nepal specifically advocates for the rights of lesbians.

3.97 In-country sources reported that employers generally do not discriminate against people who are gay or lesbian provided they are 'discreet' about their sexual orientation. In-country sources told DFAT there were no openly LGBTQIA+ people in the Nepali civil service, but said there were serving LGBTQIA+ civil service employees who kept their identity hidden. Transgender women face much higher levels of employment discrimination due to their greater visibility. An LGBTQIA+ NGO told DFAT an estimated 80 to 90 per cent of transgender women in Nepal were sex workers. While sex work itself is not illegal, soliciting, paying for sex, and providing a venue for sex work are illegal. Transgender sex workers are often harassed, and sometimes beaten, by [police](#) enforcing these laws. Nevertheless, in-country LGBTQIA+ sources told DFAT that police had generally become more sympathetic to LGBTQIA+ people in recent years.

3.98 In-country LGBTQIA+ sources told DFAT that verbal abuse of LGBTQIA+ people was common but physical violence towards LGBTQIA+ people was rare. DFAT is aware of a handful of incidents in recent years, including the murders of trans sex workers Ajita Bhujel in January 2020 and Junu Gurung in March 2019. Five men were arrested for Bhujel's murder, which was apparently motivated by a dispute over payment for sexual services; the murder of Gurung was the result of an interpersonal dispute. While serious, these incidents appear to be isolated, and do not necessarily indicate a broader pattern of societal violence against LGBTQIA+ people.

3.99 Family members sometimes harass or are physically violent towards LGBTQIA+ people. In-country sources described a recent case where family members followed a lesbian couple from a rural area to Kathmandu and assaulted them after they relocated to escape a forced heterosexual marriage. In another older case, a man killed his teenage son after learning he was gay.

3.100 DFAT assesses that LGBTQIA+ people face a low risk of official discrimination and harassment and a moderate risk of societal discrimination and harassment. DFAT assesses that LGBTQIA+ people generally face a low risk of violence, however this risk varies by family and community, and serious familial violence towards members of the LGBTQIA+ community can and does occur. DFAT assesses that transgender women are at higher risk of societal and official violence and discrimination due to their greater visibility and frequent involvement in sex work.

Children

3.101 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.

3.102 In Nepal, children born to Nepali fathers acquire Nepali citizenship in all circumstances. Children born in Nepal to Nepali mothers and foreign citizen fathers must apply to acquire citizenship through naturalization, which is not usually granted to them (see [Stateless People](#)).

3.103 Forced marriage is illegal under Nepal's Civil Code, which also requires parental consent for marriage between 18 and 20 years of age. Marriage from 21 years of age is legal without parental consent. Despite these provisions, early and child marriage is common, especially in rural areas (such as the Terai region) and among minority communities, including Madhesi and Dalits. NGOs and international organisations estimate 37 per cent of girls and 10 per cent of boys are married before the age of 18. Marriages of children as young as 10 are known to occur. Marriages are often arranged by parents, though in-country sources told DFAT that forced marriage was rare. Some underage couples initiate their own marriage or elope against their parents' will. Early childbirth is common, sometimes leading to medical complications.

3.104 Customarily, sons are preferred to daughters because they are culturally seen as able to continue the family lineage and perform death rites for their parents. Having a daughter requires paying dowry, which can cause significant financial pressure on families. Many women believe their social status is improved by having a son, and families sometimes pressure women to have a son.

3.105 Child labour and trafficking continues despite constitutional protections banning the practices. According to 2021 government and ILO statistics, 1.1 million children are engaged in child labour, which is a significant decline from 2008, when the number was 1.6 million. Children work in factories, brickworks, or restaurants, among other places. Some are trafficked to India where they are forced to work as beggars. Labour inspectors are active, but some 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.

3.106 DFAT assesses that children in Nepal are sometimes at risk of exploitation and abuse, but that this is not generally on the basis of juvenile status alone. See sections such as [Stateless People](#), [People Living with Disability](#), [Women](#), and [Caste Discrimination](#) for further information on intersectional risks as they apply to children in Nepal.

People Living with Disability

3.107 The 2015 Constitution specifically states that people living with disability (PLWD) have the same rights to live with dignity, equality, and social justice as other citizens. It entitles people with disabilities to state protection, free higher education, and representation within political parties.

3.108 *The Rights of Persons with Disabilities Act* (2017) criminalises discrimination against PLWD, including with fines and imprisonment, and stipulates various rights and entitlements, including free healthcare and education, employment quotas, and a 50 per cent discount on airfares and public transport. Disability issues are discussed publicly, and a wide range of NGOs exists to promote the rights of PLWD.

3.109 Despite a progressive legal framework, in-country sources told DFAT that PLWD face numerous barriers to the full enjoyment of their rights. Government schools generally do not offer individualised inclusive education, and private schools reportedly often refuse to enrol children with disabilities, citing a lack of appropriate facilities.

3.110 Although building codes require disability-inclusive features such as wheelchair ramps and accessible toilets, these rarely exist, even in buildings used by international organisations. Nepal has a limited supply of prostheses, wheelchairs, and other assistive devices, and these must be purchased without government support, usually with the help of NGOs.

3.111 PLWD and their families sometimes face societal stigma, especially in rural areas. For instance, siblings of PLWD sometimes find it hard to get married, and mothers are sometimes blamed for their children's disabilities. Children living with disabilities sometimes receive worse food and education than their able-bodied siblings. Some are abandoned by their families, and some turn to begging to support themselves.

3.112 PLWD are vulnerable to sexual abuse, especially girls (see [Women](#)). Children living with disability are sometimes bullied in schools, and there are rare reports of shackling or caging of people with neurodevelopmental disorders such as Autism Spectrum Disorder (ASD). Some PLWD lead active and fulfilled lives, especially in urban areas and where they come from wealthy families and have access to NGO support.

3.113 DFAT assesses that, notwithstanding strong legal protections, PLWD often face restrictions and barriers to the full enjoyment of their rights. DFAT assesses that PLWD are at heightened risk of GBV, and the risk of sexual abuse is even greater for [women](#) and girls living with disability. The ability of PLWD to access rights and services is highly dependent on the resources and attitudes of their families and communities.

Private Sector/Business Community

3.114 Local media has reported threats against businesspeople in Nepal, including extortion and kidnappings, both by criminal gangs and rogue police. In August 2022, six men were arrested for the kidnap for ransom of two Chinese businessmen in Kathmandu. Two of the kidnappers were later revealed to be [police](#) officers. In January 2023, three Pakistani men were arrested for the kidnap of a businessman in Thamel, near Kathmandu. Political parties and their youth wings sometimes extort 'compulsory donations' from businesses or force them to join their political parties. Businesses are sometimes required to bribe officials to operate, including to secure licenses and registrations (see [Corruption](#)).

3.115 *Although Bandhs* (strikes or large-scale rallies in which streets and transport are shut down to disrupt private sector activities to bring attention to a political agenda) were once common, they have been significantly curtailed by police since 2016. Today, calls for *bandhs* by disaffected business or political groups rarely take hold beyond a specific location.

3.116 DFAT assesses that businesspeople face a low risk of harassment and violence, including extortion and kidnapping, by criminal gangs and others. State protection is generally effective.

Bonded Labour

3.117 Bonded labour (a type of slavery) still occurs in remote regions of Nepal. This includes *haliya* (where 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) (see [Children](#)).

3.118 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. Government efforts to eradicate bonded labour have been only partially effective.

3.119 DFAT assesses that bonded labour continues to exist in Nepal. State protection is often ineffective.

Victims of Human Trafficking

3.120 The US Department of State rated Nepal as 'Tier 2' (out of 4) in its 2022 Trafficking in Persons Report, noting that while the government does not fully meet US-legislated standards to end human trafficking, it is making significant efforts to do so.

3.121 Maiti Nepal, an NGO that works with survivors of trafficking, told DFAT that around 12,000 Nepalis are trafficked into India each year. Many are also trafficked to the Middle East. Women are often trafficked into domestic service, where they work as much as 16 hours a day and often suffer physical and sexual abuse. Some women are trafficked into sex work. Men tend to be trafficked into the construction and security guarding industries. Food, accommodation, and medical care are usually substandard.

3.122 In-country sources told DFAT that trafficking was largely carried out by Indian gangs with the assistance of local Nepali agents. Occasionally the victim's own family is involved, but more often they are unaware their relative has been trafficked, and sometimes believe them to be dead or missing.

3.123 Trafficking survivors often experience societal stigma, homelessness and rejection from families and communities. NGOs provide services for them including shelter, psycho-social support, job training and family reunion. It is up to survivors whether they wish to initiate police prosecution of traffickers; few do. In-country sources told DFAT that while traffickers sometimes threatened and harassed survivors to keep them from testifying, physical violence was rare. Prosecution is mandatory where the trafficking victim is under 18. NGOs working with Nepal Police reportedly rescue around 3,000 potential trafficking victims at the Nepal-India border each year.

3.124 DFAT assesses that people trafficking remains a significant problem in Nepal. DFAT assesses that survivors who testify against their traffickers face a moderate risk of harassment by criminal gangs, and a low risk of violence.

Victims of Loan Sharks

3.125 According to 2021 local media reports quoting one Nepali bank, about two thirds of Nepalis have access to a bank account. Men are about twice as likely to have a bank account than women, and urban citizens are about four times more likely to have a bank account than rural citizens. Access to banking services has increased in recent years with the uptake of mobile phones.

3.126 Usury is illegal, and the maximum allowable interest rate is ten percent, except by licenced banks and financial institutions, who may charge more. The extent of loan shark activity is difficult to assess. No official statistics on the prevalence of this crime are available. In-country sources told DFAT that existing anti-usury laws are not well-enforced.

3.127 The formal credit system is not accessible to everyone, particularly the poor. Those who do not own land are likely to be denied formal lending, meaning they often turn to informal lending. Although microfinance exists, according to in-country sources, it can itself constitute loan sharking.

3.128 Some people take out informal loans to pay for migration attempts, including to the US and Europe. In-country sources told DFAT that fees paid to migration facilitators to go to the Middle East or Southeast Asia were around NPR 80,000 to 120,000 (about AUD 900 to 1,400, as much as the typical annual wage). Interest rates are as high as 36 per cent. In-country sources told DFAT that borrowers who were unable to repay these loans were likely to face social pressure and threats, but probably wouldn't face physical violence.

3.129 DFAT assesses that victims of loan sharks are at moderate risk of harassment and low risk of violence from creditors, including criminal gangs. State protection is often ineffective.

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 (see [Transitional Justice](#)). Since the conflict ended, reports of these types of crimes are rare.

Extra-Judicial Killings

4.2 According to the 2022 US Department of State Human Rights Report, 52 complaints of extrajudicial killing were reported to the [National Human Rights Commission](#) and the Ministry of Home Affairs between 2015 and 2020. None were reported in 2021 and two were reported in 2022. So-called ‘encounter’ killings, where police falsely report a suspect was killed in exchange of gunfire, are occasionally reported.

4.3 Political protests in Nepal occur spontaneously and can quickly become violent. DFAT is aware of several reports of police opening fire on protestors. Protesters themselves also sometimes engage in violence (see [Political Opinion](#)).

Deaths in Custody

4.4 NGOs reported that there were several dozen deaths in custody in 2022. Poor and lower caste people (especially Dalits, see [Caste Discrimination](#), [Madhesi](#)) are more likely to die in custody. Some deaths result from poor prison conditions, some are suicides, and some probably involve foul play. According to local and international media reports and in-country sources, deaths in custody are often not properly investigated.

Enforced or Involuntary Disappearances

4.5 Enforced disappearances were common during the civil war. Occurring between 1996 and 2006, 746 cases of reported enforced disappearance remain unresolved, according to the National Human Rights Commission (NHRC), most of which reportedly involved state actors. The government has set up a body, known as the Commission of Investigation on Enforced Disappeared Persons (CIEDP) to investigate cases. That body has 2,551 cases before it. Nepali civil society and international organisations have criticised the slow progress of the CIEDP (see [Transitional Justice](#)).

4.6 Enforced disappearance is not commonly reported in recent years. No instances were reported in US Department of State Human Rights Report for Nepal in 2022.

DEATH PENALTY

4.7 Nepal abolished the use of the death penalty for all crimes in 1991, and the death penalty is prohibited under the 2015 Constitution. The last execution took place in 1979.

TORTURE

4.8 Torture is prohibited by the 2015 Constitution. There are legislative provisions against torture, but reports must be made within six months, or they are barred by statute. The government states that the use of torture has decreased in recent years due to stricter enforcement, citing departmental action against 158 police and 22 armed police for torture over an unspecified period. In-country sources said that police accountability had improved, but that torture continues to occur, usually in the form of beatings in police custody, for example on the soles of feet, or death threats.

4.9 The use of torture by police to extract confessions is reportedly common. In a case reported by Nepali media in 2022, a man who stole NPR 81,735 (AUD 1,000) was tortured and killed by police even after confessing to the crime. According to NGOs, most complaints of torture are dismissed for lack of evidence, and many cases are not reported in the first place for a fear of retribution.

Arbitrary Arrest and Detention

4.10 According to the US Department of State 2022 Human Rights Report, despite provisions that arbitrary arrest and detention is illegal and that arrestees can challenge their arrest in court, the government 'generally did not observe these requirements'. Those accused of a serious crime that is likely to result in a prison sentence must be presented to a magistrate within 24 hours of arrest; this does not always happen in practice. In-country sources told DFAT that Dalits and Madhesi in particular were sometimes arrested or detained on flimsy evidence by 'racist' police from other caste and ethnic groups (see [Race/Nationality](#), [Caste Discrimination](#)).

5. OTHER CONSIDERATIONS

STATE PROTECTION

5.1 Human rights groups say 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 (see [Transitional Justice](#)).

Military

5.2 The Nepal Army is composed of six combat divisions, located throughout Nepal, with a total of around 95,000 personnel. Service in the military is voluntary and the minimum age for enlistment is 18 years. 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 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

5.5 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. There are around 72,000 Nepal Police personnel and around 10,000 Armed Police.

5.6 Nepali police are poorly paid, work long hours, and are expected to take on a wide range of non-traditional duties, including firefighting and clearing blocked roads. Corruption and misconduct are reportedly common. Police are also hindered by a lack of equipment and technology. Many police lack the training and capacity to respond to acts of violence against women and members of the LGBTQIA+ community in a gender and trauma sensitive manner (see [Women](#) and [Sexual Orientation and Gender Identity](#))

5.7 Chief District Officers (CDOs, a senior government rank heading a district, which is a sub-division of provincial government) hold wide discretionary powers. They can order detention or fines against criminals and have a coordinating role amongst police and other security agencies.

5.8 Nepal's security forces (mainly police) were heavily involved in responding to the Terai protests in late 2017. At least 45 deaths, including both civilians and police, were reported. Protest-related violence has generally declined since then, but occasional incidents have occurred, including use of deadly force by police responders (see [Political Opinion](#)).

Judiciary

5.9 Nepal's 2015 Constitution provides for an independent judiciary. Nepal's Supreme Court, the apex court, sits above the High Court and District Courts and has original and appellate jurisdiction.

5.10 Court cases sometimes take years to go through the courts, although others are resolved more quickly. In-country sources told DFAT that while cases involving women and children or unlawful detention are prioritised, a case can take six to twelve months to be completed. Nevertheless, many judicial officers lack the training and capacity to respond to acts of violence against women and members of the LGBTQIA+ community in a gender and trauma sensitive manner (see [Women](#) and [Sexual Orientation and Gender Identity](#)). Other in-country sources told DFAT that trafficking cases can take two or three years to go through the courts. Influence and corruption sometimes affect outcomes and the length of cases.

5.11 In-country sources told DFAT that bribes and threats are sometimes used against litigants or their lawyers to procure preferred outcomes. DFAT assesses that, while prevalent at all levels, the vulnerability of courts to political pressure, bribery and intimidation is more pronounced in lower-level courts. Court rulings are not always implemented: for instance, police sometimes decline to enforce rulings against other police. Still, in-country sources told DFAT that court rulings are widely reported in the local media and that most Nepalis have at least some faith in the justice system.

5.12 Very poor litigants are entitled to pro bono legal assistance, either from NGOs or from a court appointed lawyer. In-country sources told DFAT pro bono lawyers were generally effective and competent.

5.13 DFAT is not aware of any cases of double jeopardy, that is a person facing re-prosecution of a crime, including crimes committed overseas upon return to Nepal.

Detention and Prison

5.14 Nepal's laws provide for medical examinations of inmates after arrest, the separation of serious offenders from others, 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 can observe their religious practices. Procedures exist for complaints to be made against prison authorities. Independent monitoring visits occur by human rights organisations as well as the Attorney-General and the NHRC. 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.

5.15 In practice, implementation of these provisions varies by prison. 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 (prisoners may share a mattress in an overcrowded cell) and unsanitary. Inmates generally experience poor conditions including deprivation of natural light, ventilation, food, and hygiene facilities. Toilets and showers are very unsanitary. Prisons are very hot in summer.

5.16 Prisoners receive two meals a day and food is often inadequate. Some prisoners' families supplement this by bringing them food during visits. Drinking water (sometimes unclean) and basic healthcare are available, but doctors are not always available, and a very unwell prisoner is likely to be taken to hospital.

Prisoner-on-prisoner violence sometimes occurs in prisons, and DFAT understands gangs operate in prisons. In-country sources told DFAT guard-on-prisoner violence was rare.

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. Relocation is a common experience for Nepali. Millions travel each year to other countries seeking employment and other opportunities. Almost half of all Nepali households have at least one family member currently overseas as a migrant worker or living in Nepal as a returnee.

5.18 The open border arrangement with India, as per the 1950 [India-Nepal Treaty of Peace and Friendship](#), allows large numbers of Nepali to travel to and from India each year or reside in India on a long-term basis. Movement across the border with India is unhindered, and daily border crossing for shopping or employment is common.

5.19 Large numbers of Nepali also move within the country for economic, social, or family reasons and there are no legal barriers to doing so. The populations of major urban centres such as Kathmandu have increased substantially in recent decades, reflecting significant internal relocation.

5.20 One of the major causes of displacement is natural disaster. According to a 2022 report by the Asian Development Bank (ADB), 3.4 million people were displaced due to 245 natural disasters, including earthquakes, floods, and landslides between 2011 and 2021. About 2.6 million were displaced by the 2015 earthquake, and about 94,000 were displaced by natural disasters in 2022.

5.21 Displaced people sometimes have difficulty securing new accommodation, even after disaster relief payments and assistance. Displacement also disrupts livelihoods, education, and healthcare options. Resilience through displacement depends on individual circumstances and capacity to find informal work in another part of Nepal, but it is often financially devastating.

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

5.22 There is a long history of free and unregulated movement of people between India and Nepal, which dates back to the peace treaty signed after the 1814 Anglo-Nepal war. India and Nepal agreed their Treaty of Peace and Friendship in 1950 (the Treaty), which remains in force. The 1950 treaty allows free movement and the ability for Nepalis to own property and reside in India and conduct business freely.

5.23 Nepali citizens entering Nepal do not require a passport or visa to enter, but they must prove their Nepali citizenship, which can be done with a passport, citizenship certificate, voter identity card or other identity card issued by a Nepali consular mission abroad. Children travelling with their parents who have those documents need a photo ID issued by their school principal.

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 and may be in poor condition.

5.25 Many Nepali 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.

5.26 In order to fully participate in Indian society, Nepali migrants must obtain Indian identity documents, including a PAN (Permanent Account Number) and an Aadhaar Card (see the most recent [DFAT Country Information Report on India](#) for more information). To obtain these documents a Nepali migrant would need to have Nepali identity documents including proof of address and identity.

5.27 DFAT understands that many Nepalis in India work in the informal sector and may not pay tax, in which case a PAN card may not be required (an Aadhaar probably is, it is used in many diverse transactions in India and life would be difficult without one). This may be particularly true for people who cross the border daily to participate in work.

TREATMENT OF RETURNEES

5.28 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. Returnees generally do not suffer any societal stigma or adverse treatment by their government upon their return to Nepal.

5.29 Many 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. Those who leave the country illegally are likely to be questioned upon return.

Exit and Entry Procedures

5.30 Nepal's Department of Immigration, within the Ministry of Home Affairs, 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 unstaffed, meaning Nepalis and Indians are able to cross it at any point 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.

5.31 In-country sources told DFAT it was not difficult to leave Nepal without authorities knowing. This can be facilitated by [corruption](#) or simply by crossing the Nepal border outside formal procedures. There is an exit 'blacklist' that may be used against criminals, or reportedly for political reasons, but it appears possible to exit without going through formal procedures, thus bypassing the blacklist.

DOCUMENTATION

Birth and Death Certificates

5.32 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, although at the time of publication the decision had 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 (see [Stateless People](#)).

Citizenship Certificates

5.33 Citizenship certificates are required for 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 to access formal sector employment opportunities, such as full-time permanent jobs that provide sick leave and pensions (see [Employment](#)). Dual citizenship is not permitted in Nepal.

5.34 Lack of citizenship identification is a widespread problem in Nepal. The US Department of State Report on Human Rights Practices for 2022 in Nepal indicates that an estimated 6.7 million people lack citizenship documentation, although the majority of those would theoretically be eligible for citizenship under local law. See [Stateless People](#).

Passports

5.35 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.

5.36 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

5.37 A black market exists for citizenship certificates and other official documents in Nepal, and both 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.

5.38 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 at all.