



COUNTRY OF ORIGIN INFORMATION KEY DOCUMENTS

# NEPAL

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6 MAY 2008

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## 1. Preface

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- i This Country of Origin Information Key Documents (COI Key Documents) on Nepal has been produced by COI Service, UK Border Agency (UKBA), for use by officials involved in the asylum/human rights determination process. It provides general background information about the issues most commonly raised in asylum/human rights claims made in the United Kingdom. The COI Key Documents includes information available up to 6 May 2008.
- ii The COI Key Documents is an indexed list of key reports, papers and articles produced by a wide range of recognised external information sources. It does not contain any UKBA opinion or policy.
- iii For UKBA users, the COI Key Documents provides direct electronic access to each source referred to in the document, via a link on the source numbers in the index and list of sources. For the benefit of external users, the relevant web link has also been included, together with the date that the link was accessed.
- iv As noted above, the documents identified concentrate mainly on human rights issues. By way of introduction, brief background information on Nepal is also provided. Please note this background material is not intended to provide a summary of the material contained in the documents listed.
- v This COI Key Documents and the documents listed are publicly disclosable.
- vi Any comments regarding this COI Key Documents or suggestions for additional source material are very welcome and should be submitted to COI Service as below.

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- vii The independent Advisory Panel on Country Information (APCI) was established in 2003 to make recommendations to the Home Secretary about the content of the UKBA's country of origin information material. The APCI welcomes all feedback on the UKBA's Key Documents, COI Reports and other country of origin information material. Information about the Panel's work can be found on its website at [www.apci.org.uk](http://www.apci.org.uk)
- viii In the course of its work, the APCI reviews the content of selected UKBA COI documents and makes recommendations specific to those documents and of a more general nature. The APCI may or may not have reviewed this particular document. At the following link is a list of the COI Key Documents,

COI Reports and other documents which have, to date, been reviewed by the APCI: [www.apci.org.uk/reviewed-documents.html](http://www.apci.org.uk/reviewed-documents.html)

- ix Please note: It is not the function of the APCI to endorse any UKBA material or procedures. Some of the material examined by the Panel relates to countries designated or proposed for designation for the Non-Suspensive Appeals (NSA) list. In such cases, the Panel's work should not be taken to imply any endorsement of the decision or proposal to designate a particular country for NSA, nor of the NSA process itself.

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## 2. Background information on Nepal

### 2.01 Full Country Name: Nepal

**Area:** Total area approximately 147,000 sq. km

**Population:** 28.2 million (2006 est)

**Capital City:** Kathmandu

**People:** Tribal groups include Gurung, Limbu, Newar, Rai, Sherpa, Tamang and Tharu with diverse smaller groups. Major caste groups are the Brahmans and Chhetris. Large numbers of Indians and some Tibetans make their home in the country.

**Languages:** Nepal has over 30 Languages and dozens of dialects. Nepali 58% (official language), Newari 3%, mainly in Kathmandu. Tibetan languages (20%) mainly in the hill areas and Indian languages (20%) mainly in the Terai areas bordering India.

**Religion(s):** Officially 90% Hindu, 8% Buddhist and 2% Islamic – but these figures are thought misleading. Hinduism and Buddhism overlap considerably in Nepal. Other estimates also suggest that there are some 400,000 Christians in the country.

**Currency:** Nepalese Rupee (NPR)

**Major Political Parties:** Nepali Congress Party (Girija Prasad Koirala, Party president), Nepali Congress Party Democratic (Sher Bahadur Deuba, Party president), Communist Party of Nepal/United Marxist-Leninist or CPN/UML (Party General Secretary Madhav Kumar Nepal) National Democratic Party or NDP (also called Rastriya Prajatantra Party or RPP), now split into RPP (Thapa) and RPP (Rana). Nepal Sadbhavana (Goodwill) Party or NSP, also split into factions Nepal Sadbhavana Party (Anandi Devi) and Nepal Workers and Peasants Party or NWPP, CPN (Maoists) (Chairman, Prachanda – Pushpa Kamal Dahal).

**Government:** Constitutionally, Nepal is a parliamentary democracy.

**Head of State:** Prime Minister Girija Prasad Koirala. The King no longer holds any executive powers or ceremonial functions.

**Prime Minister:** Prasad Koirala. Sworn into office on 30 April 2006.

**State Minister for Foreign Affairs:** Sahana Pradan (CPN – UML Party) (Foreign and Commonwealth Office (FCO) Country Profile, 8 June 2007) [4a]

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## GEOGRAPHY

### 2.02 The FCO Country Profile on Nepal, updated on 8 June 2007, noted:

“Nepal covers approximately 147,000 sq km, stretching 800 km from east to west and 90 to 230 km from north to south. Nepal is land-locked between China (including the Chinese autonomous region of Tibet) and India. Nepal has three geographic regions; the mountainous Himalayan belt (including 8 of the 10 highest mountain peaks in the world), the hill region and the plains region. Nepal contains the greatest altitude variation on earth, from the lowland Terai, at almost sea-level to Mount Everest (Sagarmatha) at 8848 metres.” [4a] (Geography)

## MAP

2.03 **Error! No topic specified.** <http://www.un.org/Depts/Cartographic/map/profile/nepal.pdf>

[19a]

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## RECENT HISTORY

2.04 Europa World Online, undated, accessed on 4 February 2008, stated that:

“Nepal is an hereditary monarchy, but for more than 100 years, until 1951, effective power was held by the Rana family, who created the post of hereditary Prime Minister. A popular revolution, led by the Nepali Congress Party (NCP), ousted the Ranas and restored King Tribhuvan to power. A limited constitutional monarchy was established in 1951. During most of the 1950s government was controlled by the monarchy, first under Tribhuvan and then, after his death in 1955, under his son, Mahendra. In February 1959 King Mahendra promulgated Nepal’s first Constitution.” [1]

2.05 The BBC Country Profile on Nepal, updated on 2 May 2008, reported:

“A brief experiment with multi-party politics in 1959 ended with King Mahendra suspending parliament and taking sole charge. Democratic politics was introduced in 1991 after popular protests, but it was extremely factionalised with frequent changes of government. The current monarch twice assumed executive powers - in 2002 and 2005. Meanwhile, Maoist rebels intent on setting up a communist republic waged a decade-long campaign against the constitutional monarchy. The rebellion left more than 12,000 people dead. The UN said 100,000 people were displaced. Its envoy said the use of torture by government forces and rebels was routine.” [7a]

2.06 The FCO Country Profile on Nepal, updated on 8 June 2007, noted:

“On 1 February 2005 the King dismissed Prime Minister Deuba and his Government, putatively for failing in its mandate to hold elections by April, and took power directly himself. He immediately imprisoned the top party leaders and many civil society and political activists. The takeover was met with widespread international criticism from India, the US, the EU and the UK. A State of Emergency was imposed, which included a number of measures including censorship of the press and suspension of many fundamental rights. Following condemnation of the King’s actions by the international community the State of Emergency was lifted and many detainees were released. On 14 April the King announced his intention to restore democracy by holding municipal elections in February 2006 followed by national elections by April 2007.

“In September 2005 the Maoists announced a three-month unilateral ceasefire and in November 2005, the Maoists and seven of the political parties (the Seven Party Alliance - SPA) announced a 12 point understanding aimed at ending the King’s autocratic rule and restoring democracy. Despite all the

major political parties boycotting the elections and the majority of seats having no candidates, the municipal elections went ahead on 8 February 2006. Voter turnout was low.

“With widespread political discontent among the political forces and the population, the SPA and the Maoists announced a programme of nationwide strikes and mass street protests throughout from 6-9 April 2006. The Maoists organised nationwide blockades and announced an indefinite ceasefire in Kathmandu Valley. Despite bans and curfews, mass protests took place throughout the country during most of April 2006. At least 21 people were killed and over 4000 people were injured after violent clashes between protestors and security forces. The international community condemned the excessive use of force by security forces who used live bullets, baton charges, and tear gas on protestors.

“Following weeks of nationwide civil unrest in April 2006, the King handed power to the political parties and reinstated Parliament. The reinstated Parliament convened on 28 April 2006. The new Prime Minister, G P Koirala was sworn in to office on 30 April 2006 and proposals to hold elections to a Constitutional Assembly and peace hold talks [sic] with the Maoists were passed. On 18 May 2006 the Parliament declared itself 'supreme' and voted unanimously to curtail the King's political powers. This included removing his powers as Supreme Commander-in-Chief of the Army. Nepal was declared a secular state. On 26 May 2006 the Government and Maoist rebels began peace talks, the first in nearly three years. They agreed a 25-point Code of Conduct to govern the ceasefire and prepare the way for elections to a Constituent Assembly...

“A peace agreement between the Government of Nepal and the Maoists was signed in Kathmandu on 21 November 2006 thereby ending 11 years of conflict in Nepal. Under the terms of the agreement the Nepali Army and Maoist cadres will be confined to barracks and cantonments. Both sides agreed a permanent ceasefire and an arms management arrangement, which will be monitored by the UN. The agreement also provides for elections to a Constituent Assembly by June 2007 and for the Maoists to become part of the political mainstream as a legitimate political party. Subsequently an arms management agreement was signed on 28 November 2006 between the Maoists and the government under the auspices of the UN.” [4a] (Political Developments)

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## RECENT EVENTS AND POLITICAL DEVELOPMENTS

- 2.07 The FCO Country Profile of Nepal, updated on 8 June 2007, observed that “On 15 January 2007 the House of Representatives was dissolved and the interim parliament was formed, promulgating the interim constitution. On 1 April 2007, the interim government was formed which for the first time includes Maoist ministers..” [4a] (Political Developments)
- 2.08 The BBC Timeline for Nepal, updated on 2 May 2008, noted that the Constituent Assembly elections due in April 2007 were postponed in May until November that year. In September 2007 Maoists quit the interim government



in order to press demands for the monarchy to be scrapped. The Maoist withdrawal from the government forced the postponement of November's constituent assembly elections. There was also a bomb attack in Kathmandu in September – the first since the end of the Maoist insurgency. In December 2007 Parliament approved the abolition of the monarchy as part of a peace deal with the Maoists, who agreed to re-join the government. In January 2008 the already postponed elections for the constituent assembly were set for 10 April 2008. [7b] Following the April polls, the former Maoist rebels won 220 of 601 seats in the constituent assembly, while the Nepali Congress Party and the Communist Party of Nepal won 110 and 103 seats respectively. The Maoists said they wished to include these “two other big parties” in a coalition government. (BBC News, 25 April 2008) [7n] The Maoist leader, Prachanda, also confirmed that the first meeting of the assembly would abolish Nepal's monarchy. [7b]

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## ECONOMY

- 2.09 **GDP:** US\$ 7.323 billion (2007 est.)  
**GDP per head:** US\$ 1,100 (2007 est.)  
**Annual Growth:** 2.5% (2007 est.)  
**Inflation:** 8.6% (November 2006 est.)  
**Major Industries:** Tourism, carpet, textile, small rice, jute, sugar and oilseed mills; cigarettes; cement and brick production. (Central Intelligence Agency (CIA) Factbook, updated on 20 March 2008) [10a]  
**Major trading partners:** India 63%, US, China & Germany (FCO Country Profile, 8 June 2007) [4a] (Economy)  
**Exchange rate:** £1 = 124.603 NPR as at 13 February 2008 (XE.com, accessed on 13 February 2008) [42]

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### 3. Human Rights

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#### OVERVIEW

- 3.01 The United States Department of State Country Report on Human Rights Practices, 2007 (USSD Report 2007), Nepal, released 11 March 2008, stated in its introductory section that:

“Members of the security forces committed some human rights abuses during the year [2007], and the Maoists/Young Communist League and members of other small, often ethnically based armed groups committed numerous grave human rights abuses. Members of the Nepal Army were confined to their barracks in accordance with the Comprehensive Peace Agreement of 2006. Members of the Nepal Police and the Armed Police Force occasionally used excessive and lethal force in response to continued demonstrations throughout the country. Maoists frequently employed arbitrary and unlawful use of lethal force, including torture and abduction. Violence, extortion, and intimidation continued throughout the year. Impunity for human rights violators, threats against the media, arbitrary arrest, and lengthy pretrial detention were serious problems. The government also compromised the independence of the judiciary, and society continued to discriminate against persons with disabilities and lower castes. Violence against women and trafficking in persons, mainly women and girls, continued.” [2a]

- 3.02 In the FCO’s Country Profile of Nepal, updated in June 2007, it is stated:

“The human rights situation had been steadily deteriorating in Nepal for several years with serious abuses and violations being carried out by both the Maoist insurgents and the security forces. Of particular concern are the Maoist practices of killing, abducting, extortion, and forcibly recruiting soldiers, including child soldiers. Of equal concern is the culture of impunity that exists within the security forces, in which extra-judicial and summary killings, beatings, rape, enforced disappearance, arbitrary arrests, illegal and incommunicado detention and torture go unpunished.

“Following the ceasefire, the human rights situation has improved. Maoists have accounted for the majority of human rights violations and have continued to carry out widespread intimidation, abduction and extortion. The security forces have been largely confined to barracks and their involvement in human rights’ violations has dropped as a result. [4a]

- 3.03 The Human Rights Watch, World Report 2008, Nepal, Events in 2007, (HRW Report 2008), released on 31 January 2008, stated:

“Implementation of the November 2006 Comprehensive Peace Agreement (CPA) to end the 1996-2006 civil war progressed with the promulgation of an interim constitution, and establishment of an interim parliament in January 2007, but withdrawal of the Communist Party of Nepal-Maoists (CPN-M) from government in September was a blow to plans for elections to a constituent assembly. There was considerable progress on the human rights front, though concerns remain about a lack of political will to address accountability for past and ongoing human rights abuses. The CPN-M also continues to stall the

verification process of cantoned combatants, which means that an unknown number of child soldiers remain in their ranks.

“Unresolved grievances and issues of representation make the Terai region in the southern plains-home to almost half of Nepal’s population-the most critical area for continuing instability. The security situation is steadily worsening in the Terai, as strikes and protests disrupt daily life, and abductions, killings, and other violence by armed groups sharply increases.” [5a]

3.04 The HRW Report 2008 continued that:

“People’s courts’ and other parallel government structures have been mostly dismantled. A number of individuals who had been ‘sentenced’ to long periods of forced labor or captivity by ‘people’s courts’ were released or handed over to the police. However, cadres of the Young Communist League (YCL), the CPN-M youth wing, have not been fully reined in since the CPA came into force, and were responsible in 2007 for extortion, threats, intimidation, physical assault, ill-treatment sometimes amounting to torture, forced labor, disruption of rallies and meetings ,and destruction of property.

“Some prospective improvements were made in securing better political representation for women. The Constituent Assembly Members’ Election Act (2007) allots women half the seats in the proportional representation system and a third of the candidates across the board. [5a]

3.05 The same source added that:

“Security sector reform, which would strike at the heart of the problem of impunity, has been resisted by the army and neglected by the political establishment. The International Committee of the Red Cross estimates there are 1,042 cases of enforced disappearances attributable either to the Nepalese Army or CPN-M forces. There has been almost no progress on resolving these. The CPA committed the government and Maoists to make public the whereabouts of ‘disappeared people’ within 60 days of its signing, a deadline that came and went with little action.” [5a]

3.06 The HRW Report 2008 also stated that:

“Denial of citizenship prior to November 2006 and state monolingualism contributed substantially to the marginalisation and under-representation of the Madhesi community, an ethnic group that makes up nearly 40 per cent of Nepal’s population of 27 million. Madhesis occupy less than 12 per cent of posts in the judiciary, executive, legislature, political parties, industry and civil society. Madhesis are also poorer and have lower education and health indicators than hill communities. Madhesis argue they are systematically under-represented in the electoral system, since the number of parliamentary seats for the Terai does not reflect its population.

“The CPA includes provisions committing the parties not to use or enlist children in any military force and to ‘immediately rescue and rehabilitate’ such children. Children continued to be actively recruited by the CPN-M after the April 2006 ceasefire.” [5a]

- 3.07 The United Nations Office of the High Commissioner for Human Rights (OHCHR) produced a report in December 2007, 'Human Rights in Nepal – One Year After the Comprehensive Peace Agreement' (CPA) which stated:

“The signing of the CPA and the human rights commitments made in the Agreement raised hopes that improvements in the human rights situation made immediately after the ceasefire would be built upon. Regrettably, in the past year, the initial gains have not been strengthened or consolidated and respect for, as well as the protection of human rights, has again deteriorated. Human rights have been marginalised and subordinated to political considerations in the peace process. Although human rights defenders, journalists, political parties and other sectors of civil society have been able to carry out their activities more openly than before the April 2006 ceasefire, they have been facing increasing risks and constraints over the past year.” [31a] (page2)

- 3.08 The report continued:

“Protection of the right to life in particular has been increasingly eroded in 2007. As of the end of October [2007], OHCHR has received reports of more than 130 killings of civilians since the beginning of the year, almost all in the Central and Eastern regions of the Terai. These killings include some 60 individuals killed as a result of criminal acts by armed groups, mostly since May; 14 killed as a result of violence in Kapilvastu in September [2007]; five killings in which the CPN-M cadres were directly implicated; and at least 24 people killed during the Madhesi Andolan in January/February [2007]. Nineteen of those killed during the Madhesi Andolan and a further ten killed in other incidents died as a result of police action, some of them amounting to cases of excessive use of force. At least 45 CPN-M cadres have been killed, including 10 by armed groups and 27 brutally attacked during incidents related to violence following simultaneous protests by the Madhesi People’s Rights Forum and the Young Communist League in Gaur. Seven alleged members of armed groups were also killed by local people in incidents of “popular justice” in the absence of police action. Many other individuals have been injured in the course of the year.” [31a] (page2)

- 3.09 The report further stated:

“The emergence of armed groups and an expansion of their violent activities, as well as growing social unrest particularly around issues related to representation and discrimination, have posed serious challenges to the Government and state institutions responsible for maintaining law and order and protecting the rights of the population. The weakness or absence of state responses to deal with these issues has had a serious impact on the human rights situation, and contributed to a situation of lawlessness in which human rights are paid little attention. On-going violations by state entities (including through omission), as well as abuses by CPN-M cadres, have also impacted on the human rights situation.” [31a] (page3)

- 3.10 The report added:

“Most seriously, perpetrators of killings and other violence enjoy almost total impunity whether in the case of human rights violations by the State, abuses committed by CPN-M cadres or criminal acts of violence committed by armed

groups, those involved in violent protests or violence stemming from discriminatory practices. Likewise, those responsible for gross violations and abuses during the conflict have yet to be prosecuted.” [31a] (page3)

## REFUGEES

- 3.11 The USSD Report 2007 indicated that “the government has no national legislation to provide for the granting of asylum in accordance with the 1951 UN Convention relating to the Status of Refugees and its 1967 protocol. The government, however, has had ad hoc administrative discussions, which have been used to develop policies that provide protection for Bhutanese and Tibetan refugees.” [2a] (Section 2d)

### Bhutanese

- 3.12 A Refugees International report entitled ‘Lives on Hold: The Human Cost of Statelessness’ of 14 February 2005 indicated that:

“Over 100,000 individuals of ethnic Nepali origin were stripped of their citizenship and forcibly expelled from Bhutan in the early 1990s, and their right to return has been systematically obstructed by the Bhutanese government. They are also refused citizenship in Nepal. The stateless Bhutanese in Nepal are predominantly Hindus from southern Bhutan, ethnically and culturally distinct from the majority ethnic group and ruling elite, the Buddhist Ngalongs from Northern Bhutan. Most of the individuals sought safety in Nepal where they now live in camps administered by UNHCR.” [46a]

- 3.13 IRIN reported on 5 February 2008 that “Since 1990 Bhutanese citizens of Nepalese origin – also known as ‘Lhotsampas’ in Bhutan – have been living in refugee camps in Jhapa District, nearly 500 km southeast of Kathmandu, after they were evicted from their homes by the Bhutanese government which introduced a law stripping them of citizenship and civil rights due to their ancestry.” [33e]

- 3.14 The USSD Report 2007 stated:

“Lutheran World Federation administered the camps and the World Food Program provided food assistance; the Association of Medical Doctors of Asia provided medical care and Caritas and others also provided organized assistance to the refugees in the camps. Security was a problem in the camps throughout the year [2007] due to criminal elements in the camps and political disputes over third-country resettlement. The security situation delayed government approval for resettlement. In response, in October, the UNHCR completed construction of facilities to house an Armed Police Force presence in all seven camps, easing the way for government to announce its approval for third-country resettlement.” [2a] (Section 2d)

- 3.14 A Human Rights Watch Report of May 2007, ‘Last Hope: The Need for Durable Solutions for Bhutanese Refugees in Nepal and India’ stated:

“The Bhutanese refugees in Nepal are restricted to living in camps and prohibited from engaging in income-generating activities, even within the camp confines. As a consequence the refugees are entirely dependent on the

support of the international community for their survival. With the passage of time this support system in the camps has come under increasing strains, with budgetary constraints necessitating cuts in the provision of services, including food, fuel, and medical care. The Bhutanese refugees in Nepal are trapped between their forced dependency on international assistance and the increasing reluctance of the international community to keep providing for their needs.” [5f]

3.16 The same source continued:

“For some of the women in the camps the consequences of the cutbacks in international aid are even worse. Refugee women reported that the worsening conditions in the camps and the resulting strains on families are a contributing cause of domestic violence. They argued that this explained at least in part why no progress had been made in bringing down the overall level of sexual and gender-based violence in the camps, including domestic violence, despite the efforts made by the UNHCR and the refugee community alike to address this problem.” [5f]

3.17 The US Committee for Refugees and Immigrants (USCRI) World Survey for 2007 reported that there was occasional violence between Bhutanese refugees residing in camps and the surrounding population and that “The refugee camps were in areas under the tacit control of the Maoist insurgency, and there had been no police presence since 2003. Sexual and gender-based violence and physical assaults were major problems in the camps.” [37a]

3.18 The USCRI World Survey for 2007 further noted that rules in the camps required those living there

“... to obtain prior permission and passes to leave the camp for more than 24 hours. Authorities generally granted requests for passes. Camp rules specifically forbade Bhutanese refugees from engaging in livelihoods. The small number able to work illegally did so without protection of labour legislation or social security and often had to pay bribes or use false documents. Refugees could not legally operate businesses, own property or bank accounts, or obtain drivers licences. Camp rules also restricted Bhutanese from engaging in almost any income generating activity aside from small cottage industries, such as making sanitary napkins, chalk, blankets, and jute roofing materials. Authorities tolerated some illegal work where there were shortages such as teaching in remote schools.. UNHCR described living conditions in the camps as deplorable due to overcrowding and disrepair of dwellings and latrines... At the end of 2006, the Government reinstated police posts in some of the seven camps, but in most there were none and no street lighting. According to the Office of the UN High Commissioner for Refugees (UNHCR), ‘Dissatisfaction and rebellion amongst refugee adolescent boys posed a serious threat to safety and security in the camps.’ There were 174 reported incidents of sexual and gender-based violence in the camps, a nine percent increase from the year before, 88 of them cases of domestic violence, a six percent increase from the year before but 52 percent higher than 2004.” [37a]

3.19 The UNHCR reported on 10 December 2007 that the Nepalese government and the UNHCR “started a massive operation to distribute identity cards to the refugees from Bhutan living in seven camps east of Nepal, a move that will



improve protection and assistance for some 108,000 registered refugees.” It was also stated that “the ID cards will be issued on a camp-by-camp basis over the next few months. Registered refugees living outside the camps will receive their cards once the camp distribution is completed.” [6c]

3.20 A Nepalnews.com article dated 4 February 2008 confirmed that “the Nepal government has issued exit permits to Bhutanese refugees who have opted for third country resettlement. This allows refugees to leave the camps in eastern Nepal for third countries once their cases are accepted.” The article continued that refugees are divided over the resettlement. [40f] A BBC news article dated 22 January 2008 reported that the resettlement issue “has caused divisions among the refugees, with supporters of the move threatened with intimidation and violence” [7i]

3.21 A UNHCR briefing note dated 1 February 2008, summarising the comments of an UNHCR spokesman, stated that:

“... the group resettlement process has been gaining momentum in the camps since it started late last year. Thousands of refugees have expressed interest, and the UNHCR has submitted the details of nearly 10,000 interested refugees for consideration by the resettlement countries. The refugees are currently in various stages of the process, ranging from interviews to extensive medical screening and cultural orientation before departure. The international community is co-ordinating with the Nepalese government and expects that the first groups of refugees will begin to depart in March, with larger numbers leaving for resettlement countries starting in July. The United States has offered to consider for resettlement at least 60,000 refugees from Bhutan, and Canada has indicated it will accept up to 5,000. Australia, Denmark, the Netherlands, New Zealand and Norway have also indicated their willingness to accept refugees from Bhutan.” [6e]

### Tibetans

3.22 A Refugees International Report entitled ‘Lives on Hold: The Human Cost of Statelessness’ dated 14 February 2005 indicated that:

“An estimated 20,000 Tibetan refugees are in Nepal, many of whom live in Kathmandu and surrounding areas, have no legal status, and are generally divided into two classes: (1) residents who entered Nepal before 1989 and their children, and (2) new arrivals with no right to remain in Nepal. Tibetans cannot travel to certain restricted regions of Nepal, typically those near the border with China. Nonetheless, an estimated 3,000 refugees travel back to Tibet each year. [46a]

3.23 The same report continued:

“While Nepal’s Citizenship Act makes many Tibetan residents theoretically eligible for citizenship, the government does not view citizenship as a viable option for Tibetans. Candidates for citizenship must also demonstrate that they have made or can make a substantial contribution to science, philosophy, art, literature, and world peace. Other officials argue Tibetans never relinquished their prior citizenship.” [46a]

- 3.24 Until the end of 1989 the Nepalese government accepted Tibetan refugees as residents and, in this connection, the USSD Report 2007 stated that:

“Since that time [1989], most Tibetans arriving in the country have simply transited on their way to India. Tibetans continued to transit through the country on their way to India in significant numbers and, generally, the government continued tacitly to sanction that practice. During the year 2,156 Tibetans transited the country. There were credible reports by Tibetan refugees of increased harassment by Chinese border guards. Refugees also reported that border officials frequently tolerated incursions into the country by Chinese border officials pursuing refugees. According to refugee reports, Maoists regularly robbed Tibetan refugees travelling from border areas to Kathmandu. [2a] (Section 2d)

- 3.25 The USSD Report 2007 added:

“Many of the Tibetans who live in the country have irregular status. Business ownership, licenses, and most legal transactions must be accomplished with the assistance of local friends or associates. This has made them especially vulnerable to those, primarily Maoists, who extort money from business owners, even very small business owners, and others. Tibetans also reported numerous cases of abduction for the purpose of extortion.”

- 3.26 The report continued:

“Tibetan refugees were allowed to travel freely within the country but had difficulty obtaining documentation for foreign travel. Those Tibetans registered as refugees prior to 1989 were able to obtain travel documents with difficulty. Approximately 5,000 Tibetans who reached the age of 18 after 1989, however, had not been issued refugee ID cards and were thus unable to obtain documents for foreign travel.” [2a](Section 2d)

## ETHNIC/NATIONAL GROUPS

### Madhesi People

- 3.27 An IRIN article dated 8 February 2007 noted that:

“... the flat southern region of Nepal – the Terai – is known as Madhes in the Nepalese language and its indigenous inhabitants are called Madhesi. The Terai stretches from the east to the west of the country along the Nepalese-Indian border adjoining the Indian states of Bihar, Uttar Pradesh and West Bengal. It comprises nearly 17 percent of the land and the Madhesi people make up about 30 percent of the 27 million people in Nepal. The Madhesi are predominantly Hindus with some Muslims, Buddhists and Christians. Economically, the Terai is the most fertile and productive region of Nepal where agriculture dominates. Most of the agro-based industries are here. In addition, the region is rich in forestry.” [33b]

- 3.28 The article continued that “Despite the economic significance of the Madhesi people, they have felt neglected by successive Nepalese governments over education, health access, economic activities and development programmes. Many of the poorest communities survive on less than US\$1 a day. The



Madhesi leaders accuse the Nepalese government of treating them as outsiders and not as part of Nepal due to their Indian roots.” [33b]

3.29 The HRW Report 2008 stated:

“Promulgation of the interim constitution sparked 21 days of protests by the Madhesi in January-February 2007. On January 16<sup>th</sup> leaders from the political party Madhesi Janadhikar Forum (MJF) were arrested in Kathmandu for burning copies of the constitution. Three days later MJF activists protesting the arrests in Lahan, Siraha district, clashed with Maoists, who shot dead a young MJF activist. The killing sparked prolonged agitation. Madhesi activists called for a general strike in the Terai and organised widespread protests, to which the government responded with curfews and an increased police presence. On January 25<sup>th</sup> the MJF announced it would continue the protests indefinitely until the interim constitution was amended. Activists looted government offices, police posts, banks, mainstream parties’ political offices, and media organisations. The state response was harsh: police shot dead more than 30 demonstrators and wounded 800 in the following days. [5a]

“On August 31<sup>st</sup> [2007] the government signed a 22 point agreement with the Madhesi People’s Rights Forum (MPRF). Despite this, sporadic violent incidents continue to occur. The September 16<sup>th</sup> killing of the leader of the Democratic Madhesi Front, by an unknown group in Kapilvastu sparked riots against hill people. Three simultaneous bomb explosions in Kathmandu on September 2<sup>nd</sup> killed several people and injured others. These bomb attacks were the first in the capital and the most serious anywhere in the country since the end of the civil war.” [5a]

3.30 An IRIN article dated 29 November 2007 reported that:

“Nepal’s human rights workers are concerned at the increasing number of displaced families in the country’s Terai region where ethnic tension between the Madhesi and Pahade is rising. In the past few weeks alone, over 100 Pahade families – at least 500 people – fled their homes in Bara, Rautahat, Siraha, Saptari and Parsa districts, the most affected areas in the Terai. Whilst the Madhesi are the original inhabitants of the Terai, the Pahade are hill migrants who moved to the Terai, own much of the land and dominate Terai’s political life and economy. The Pahade make up about one third of the population of the Terai, which itself accounts for nearly half Nepal’s population. The two communities have had a long history of tensions especially over the control of forests and regional politics, but not to the extent of communal violence as in the past few months. [33d]

3.31 The report continued:

“Since pro-Madhesi groups launched their protests in a bid to achieve more regional autonomy in February [2007], violence has led to ethnic clashes and the displacement of both groups, with most displaced being Pahades. Last week alone, nearly 90 families fled in fear of the militant group Madhesi Mukti Tigers in Bara, Siraha and Saptari districts. It was said that most of the families were constantly threatened with death if they didn’t leave and Pahade families were being targeted by Madhesi militant groups, and all the displaced families, including children are living in very poor conditions.

“Rights activists say Madhesi families have also been displaced, among them those who do not support militant groups. Madhesis working for the government, media and human rights organisations also live in fear as they are constantly under threat of losing their jobs or being killed. The worst affected are middle class families and well-off farmers who own large tracts of land or have a lot of property. They are forced to pay large sums to militant Madhesi groups, activists said. Displaced Madhesi families are now taking refuge in safer Terai areas like Biratnagar, Inarwa, Janakpur and near the main highway leading to the northern belt of the Terai. Many madhesi families have moved to the capital for protection and better security. [33d]

- 3.32 The IRIN article dated 29 November 2007 continued: “An international aid analyst explained the current links between some political groups and armed gangs – with the latter funding militant activities and supplying arms, and the former giving them space for their criminal activities.” [33d]

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### HUMAN RIGHTS ACTIVISTS/JOURNALISTS

- 3.33 The USSD Report 2007 observed that “A number of domestic and international human rights groups generally operated without government restriction and were able to investigate and publish their findings on human rights cases. Government officials sometimes were cooperative and responsive to their views.” The report continued that “There were approximately 10 independent, domestic human rights NGOs, including the Human Rights Organization of Nepal, INSEC, the INHURED, and the Human Rights and Peace Society. The Nepal Law Society also monitored human rights abuses, and a number of other NGOs focused on specific areas such as torture, child labor, women's rights, or ethnic minorities.” [2d] (Section 4)

- 3.34 The same report added:

“The government welcomed and regularly granted visas to international NGOs and other human rights monitors, including members of Amnesty International and Human Rights Watch. Authorities generally gave international observers access to barracks and places of detention. International observers had not been granted access to courts martial and military investigations....As set out in the November 2006 peace agreement, the OHCHR worked with the interim government to formulate and implement policies and programs for the promotion and protection of human rights.” [2d] (Section 4)

- 3.35 On treatment of the human rights activists by the Maoists, the USSD Report 2007 recorded that “According to the UN Office for the Coordination of Humanitarian Affairs, there were occasional credible claims that Maoists refused to allow human rights NGOs (and journalists) to enter certain districts without party permission.” [2d] (Section 4)

- 3.36 The HRW Report 2008, however, noted that:

“Human rights defenders, particularly women, continue to face attacks. In the Terai region in particular, where most of the recent violence in the country has occurred, there have been at least a dozen incidents where those defending

the rights of women—including documenting violence against women—and the rights of Dalits were attacked and on occasion beaten. In August members of a Dalit community group, the Badi Women Human Rights Defenders, were beaten and arrested by the Nepal police in Kathmandu.” [5a]

3.37 On the position of the journalists, the USSD Report 2007 commented that:

“The law provides for freedom of speech and of the press...The independent media was active and expressed a wide variety of views. Hundreds of independent vernacular and English-language newspapers were available, representing various political viewpoints. *Kantipur* and *The Kathmandu Post* (Nepali and English language versions of the same paper) reported independently. Both *Gorkhapatra*, the government-owned Nepali-language daily, and *The Rising Nepal*, the third largest English-language daily, reflected government policy that included Maoist views since the April 1 appointment of a Maoist as Minister of Information and Communication. *Janadesh*, the Maoist-published newspaper, remained a source of Maoist propaganda...According to the Federation of Nepalese Journalists, from January through November 30, Maoists killed one journalist and abducted another, while police officials arrested 39 journalists.” [2d] (Section 2d)

3.38 The Reporters without Borders publication, Nepal – Annual Report 2008, commenting on events in 2007 noted in its introductory section that:

“The overthrow of King Gyanendra and the signing of a peace agreement in 2006 led to the hope that 2007 would bring real change, particularly for journalists, who had previously suffered so much ill-treatment. But an outbreak of ethnic violence in the south and blunders by some Maoist cadres left two dead and scores of injured among the media. It was a year of contrasts for Nepali journalists who regained their freedom but not their safety.

“The 2006 peace agreement with the Maoists was rapidly overshadowed by violence in the south of the country where the Madhesi people protested against the government which it said had treated them unfairly. Journalists, particularly correspondents for national media, who were accused of being in cahoots with the ‘powerful in the capital’, lived through hell. Around 100 of them were physically assaulted, threatened or forced to flee after being threatened by Madhesi militants who grew ever more radical. Lists of ‘wanted’ journalists along with rewards were posted up in the southern town of Birgunj at the end of January. A dozen reporters left the Parsa, Bara and Rautatah districts, in fear of their lives.

“Elsewhere the Maoists blew hot and cold towards the press. After the Maoists pulled out of government in September, groups of trade unionists and young Maoists launched a campaign of threats against the media. Some party leaders imposed a reign of fear throughout whole regions, preventing journalists from working freely. But a return to government by the former rebels at the end of December, after securing a transition towards a republic, gave rise to hopes of a reduction in violence in 2008.” [14a]

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## 4. Index to key source documents

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