

Nepal UPR Pre-session – written statement

Namaste!

I am Roshana Khadka, Chairperson of the Collective Campaign for Peace (COCAP) in Nepal. COCAP, together with the Law Society of England and Wales, submitted a UPR report on Nepal.

Our report shows that - since the previous UPR cycle in 2015 - there have been a number of constitutional and legislative developments that negatively impact on civil liberties and hinder the work of lawyers and human rights defenders.

Nepal adopted a new Constitution in September 2015 in which three tiers of government were established – federal, provincial and local. Citizen engagement with local government is especially encouraged, but the executive effectively controls which legislation is drafted and enters into force. The current system of government gives rise to concern that the Nepalese government can interfere with the regulation and oversight of local and international NGOs.

The potential implementation of new legislation would impose further restrictions on NGOs. For example, laws have been proposed which create a more burdensome registration process for NGOs, increase the government's power to prosecute members of NGOs, and restrict their access to funding. Some provisions of the NGO (Regulation) Bill, if implemented, may also prevent NGOs from speaking out against government policies and practices.

Other proposed legislative changes that cause concern include government control over the issue of passports and increased surveillance powers of the intelligence services. These measures could endanger lawyers and human rights defenders and curtail civil liberties in Nepal. The government also proposes to amend the National Human Rights Commission Act which may undermine the jurisdiction and independence of the Commission and limit access to it.

The persecution of lawyers and human rights defenders continues in Nepal and attacks against them are often not adequately investigated. Those who file a complaint against state agencies are especially at risk of violence and intimidation. In addition, women lawyers and human rights defenders who defend victims of gender-based violence are particularly vulnerable to attack and face denigration and humiliation. This often leads to hostility within their own communities. Offenders of gender-based

violence are rarely brought to justice and inadequate protection is provided to those who defend the victims.

Since the submission of our UPR report, a new law has been proposed: the Social Organisation Act. There has been a lack of transparency about its content, but civil society organisations believe it will further restrict NGOs' movement.

Under Covid-19, the situation of some lawyers and human rights defenders in Nepal has deteriorated. They face an increased risk of threats due to restricted mobility. More generally, protests in Kathmandu against the government's handling of the pandemic have been met by excessive use of force by state agents.

Thus, we recommend:

- Amend legislation and regulations that interfere in an impermissible manner with the functioning of NGOs.
- Introduce and implement measures to protect lawyers and human rights defenders at risk, and effectively investigate and bring to justice perpetrators of attacks against them, particularly against women human rights defenders.
- Amend legislation and regulations interfering with the independence of the National Human Rights Commission and ensure its functioning in line with the Paris Principles.
- Repeal impermissible restrictions of the rights to freedom of expression, freedom of assembly, freedom of association, and other human rights.

Thank you!

Roshana Khadka

Chairperson

Collective Campaign for Peace (COCAP), Nepal

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