

Nepal: End Intimidation of Human Rights Commission *Interference by Prime Minister Deliberate Attempt to Stifle Independence*

(New York, April 15, 2016) – The [Nepal](#) government should immediately stop all intimidation and harassment of the National Human Rights Commission (NHRC) and its staff and respect its independence in line with international standards, Amnesty International, Human Rights Watch, and the International Commission of Jurists (ICJ) said today. The attempts to intimidate the NHRC are a direct contradiction of the United Nation’s Principles relating to the Status of National Institutions ([the Paris Principles](#)) as well as Nepal’s [constitution](#), the rights organizations said.

According to the commissioners and confirmed by independent media accounts, on April 3, 2016, Prime Minister K.P. Sharma Oli summoned the National Human Rights Commission chair, Anup Raj Sharma, and other commissioners to question them about the NHRC’s [statement](#) delivered by Commissioner Mohna Ansari during the Universal Periodic Review (UPR) of the human rights situation in Nepal before the UN Human Rights Council in Geneva in March. In its statement, the commission highlighted various ongoing human rights concerns, including discriminatory citizenship provisions in the new [constitution](#), the continued [failure](#) to properly investigate alleged unlawful killings and excessive use of force during protests in the Terai region in 2015, violations of the economic, social, and cultural rights of [earthquake](#) victims, and the need for [credible transitional justice](#) for conflict victims.

“As the principal independent constitutional body mandated to promote and protect human rights in the country, the NHRC plays a vital role in ensuring governmental accountability, and was well within its authority under both the Nepali Constitution and international standards when it delivered its submission to the UN Human Rights Council during the UPR,” said Nikhil Narayan, ICJ’s South Asia senior legal adviser. “The PM’s blatant attempt to intimidate the NHRC members for that submission is a flagrant violation of the government’s basic obligation to ensure the NHRC’s ability to carry out its work independently and without undue interference.”

While it is entirely appropriate for the prime minister, like other stakeholders, to consult with the NHRC, such exchanges should be conducted with due respect for the legitimate exercise of the institution’s constitutional mandate, independently and free of undue interference or intimidation. NHRC members present at the meeting uniformly expressed the sentiment that Oli, through his aggressive questioning and reprimanding of the commissioners over the contents of certain sections of its submission, was trying to intimidate the commission and in particular Commissioner Ansari, at whom the questioning appeared exclusively directed.

The Paris Principles set out internationally agreed upon standards designed to guide the work of national human rights institutions in a credible, independent and, effective manner. Crucially, the Paris Principles define the role, composition, status, and functions of these bodies, which include engaging with the UN and regional institutions and states’ obligation to ensure their real independence through a broad mandate, adequate funding, and an inclusive and transparent appointment process.

Furthermore, the UN Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms (Declaration on Human Rights Defenders) reaffirms the right of

human rights defenders and institutions to advocate for human rights at the national and international level, including by engaging with the UN and other intergovernmental organizations.

“The line and manner of questioning, including insinuations of bias and a lack of neutrality, particularly those aimed at Commissioner Ansari, the public face of the NHRC in Geneva, revealed an intent not of clarification, but intimidation that seeks to limit the role and effectiveness of the NHRC,” said Champa Patel, director of the South Asia Regional Office at Amnesty International.

Based on media accounts, discussions between the commissioners and the prime minister reflected an apparent attempt by the prime minister to discredit the commission’s statement by portraying it as the personal views of Commissioner Ansari alone or those of a nongovernmental organization.

Sharma promptly rebutted this characterization in a public statement on April 10, [clarifying](#) that “the statement delivered by NHRC Spokesperson Ansari at the UPR session was that of the commission and not her own,” and that “[i]mpunity has affected the overall promotion and protection of human rights.”

Amnesty International, Human Rights Watch, and the ICJ have consistently and repeatedly highlighted rights concerns similar to those the commission expressed in its UPR submission. The prime minister and government of Nepal should implement without delay the commission’s recommendations concerning discriminatory constitutional provisions, impunity for perpetrators of Terai violence on all sides, ensuring justice in the process of transition, and protecting the rights of earthquake victims.

The prime minister and the government of Nepal must publicly state that they will respect and guarantee the independence and integrity of the National Human Rights Commission, as the principal constitutionally mandated human rights body in the country, in accordance with international standards.

“The prime minister overstepped his authority, and his attempts to intimidate and intervene in the work of the NHRC contravene the Paris Principles, which clearly provide for the establishment of autonomous and independent institutions,” said [Meenakshi Ganguly](#), South Asia director at Human Rights Watch. “The prime minister seems unwilling to recognize that the NHRC acts independently and is not an arm of the executive, subject to governmental dictates.”

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