

**Mandates of the Special Rapporteur on the situation of human rights defenders; the Special Rapporteur on the rights to freedom of peaceful assembly and of association; the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance and the Special Rapporteur on violence against women and girls, its causes and consequences**

Ref.: AL NPL 3/2024  
(Please use this reference in your reply)

20 August 2024

Excellency,

We have the honour to address you in our capacities as Special Rapporteur on the situation of human rights defenders; Special Rapporteur on the rights to freedom of peaceful assembly and of association; Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance and Special Rapporteur on violence against women and girls, its causes and consequences, pursuant to Human Rights Council resolutions 52/4, 50/17, 52/36 and 50/7.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning **the recent harassment of [REDACTED] and its members in two separate incidents.**

[REDACTED]

[REDACTED]

[REDACTED]

According to the information received:

On 28 May 2024, the landlord of the building occupied by [REDACTED] [REDACTED] came into their office and proceeded to violently throw their equipment out of their premises to protest against the recruitment of a Dalit staff member by the office. The landlord's wife also verbally abused the [REDACTED]

staff members present there, threatening to slander them as “impure” and demanding that access to their building be denied to the Dalit staff member. They threatened to raise the rent and forced the [REDACTED] staff members, including [REDACTED] to immediately vacate the premises.

Prior to this incident, [REDACTED] district coordinator [REDACTED] had received several phone calls from their landlord, including the night before, threatening them with eviction if they did not restrict access to the building to the Dalit staff member.

On 31 May 2024, staff members of [REDACTED] office went to the police to relay what had happened. The police initially took the incident lightly, but the women human rights defenders insisted on the seriousness of the incident and its discriminatory nature.

On 1 June 2024, [REDACTED] decided to move their [REDACTED] office to another location, as their staff and the communities they support no longer felt safe from discrimination and harassment there.

On 3 June 2024, [REDACTED] registered a First Information Report (FIR) at the District Police Office [REDACTED]. The case was settled informally on the same day, when the police brought the landlord and his wife in front of the community to publicly apologise and seek forgiveness. Since the incident, the Nepali police has been using loudspeakers throughout the community to spread messages against caste-based discrimination.

In a separate incident, on the night of 23 June 2024, at around 11.30 p.m., a group of five local young men gathered at the entrance of the [REDACTED] office [REDACTED], and attempted to break in by repeatedly kicking the gate and throwing stones at it. They then proceeded to hurl verbal abuse at the staff members of [REDACTED] including [REDACTED], using demeaning and vulgar language. They also threatened the women human rights defenders who were present with rape and killing and said the [REDACTED] should be shut down. The situation escalated until dozens of local community members, including two members of the national police, gathered outside and stopped them. The young men even threw stones at the police force. Staff members of the [REDACTED] were able to identify and name four of the perpetrators as members of the local community.

On 26 June 2024, the [REDACTED] registered the case with the Chief District Office in [REDACTED].

On 30 June 2024, a First Information Report was lodged at the District Police Office, [REDACTED]. While [REDACTED] staff members initially intended to register the case under the offence of sexual harassment, the police advised against it and instead registered it under “indecent conduct”, as per section 118 of the 2017 National Penal Code. The [REDACTED] was told the case was now being investigated, but no arrest has been carried out at the time of writing, despite most of the alleged perpetrators having been identified as

members of the local community. [REDACTED] was told that the police had other priorities, which caused further distress to the women human rights defenders [REDACTED].

Without wishing to prejudge the accuracy of the information, we wish to express our serious concern at the alleged threats, acts of intimidation and verbal harassment targeting women human rights defenders affiliated with the [REDACTED], as well as the physical attacks on their offices, which appear to be related to their work in support of women and marginalised communities [REDACTED].

In particular, we express grave concern about the alleged threats against the life and physical integrity of [REDACTED]. In this regard, we remind that States must ensure effective protection through judicial or other means to individuals and groups who are in danger of extra-legal, arbitrary or summary executions, including those who receive death threats and must take reasonable, positive measures that do not impose disproportionate burdens on them in response to reasonably foreseeable threats to life.

We would like to further convey our concern regarding the alleged delay into the investigation of the allegations of threats and intimidations against the [REDACTED] women human rights defenders [REDACTED], after the FIR was filed on 30 June 2024.

In connection with the above alleged facts and concerns, please refer to the **Annex on Reference to international human rights law** attached to this letter which cites international human rights instruments and standards relevant to these allegations.

As it is our responsibility, under the mandates provided to us by the Human Rights Council, to seek to clarify all cases brought to our attention, we would be grateful for your observations on the following matters:

1. Please provide any additional information and/or comment(s) you may have on the above-mentioned allegations.
2. Please provide the full details, and where available the results, of any investigation that may have been carried out in relation to both incidents, and indicate whether any arrest and/or sanction has taken place.
3. Please provide the full details of any protection measures that have been taken to ensure the physical and psychological security and integrity of women human rights defenders and staff members of [REDACTED].
4. Please provide information on the measures your Excellency's Government has taken to ensure that women human rights defenders and civil society organisations in Nepal are able to carry out their legitimate human rights work in a safe and enabling environment without fear of threats or acts of intimidation and harassment of any

sort.

5. Please provide detailed information about the steps your Excellency's Government is taking to exhaustively investigate the reported incidents and harassment of the women human rights defenders from [REDACTED]. Please further indicate the steps taken to ensure accountability for serious violations against those who were exercising their rights to peaceful assembly or expression during these protests.

We would appreciate receiving a response within 60 days. Past this delay, this communication and any response received from your Excellency's Government will be made public via the communications reporting [website](#). They will also subsequently be made available in the usual report to be presented to the Human Rights Council.

While awaiting a reply, we urge that all necessary interim measures be taken to halt the alleged violations and prevent their re-occurrence and in the event that the investigations support or suggest the allegations to be correct, to ensure the accountability of any person(s) responsible for the alleged violations.

Please accept, Excellency, the assurances of our highest consideration.

Mary Lawlor  
Special Rapporteur on the situation of human rights defenders

Gina Romero  
Special Rapporteur on the rights to freedom of peaceful assembly and of association

K.P. Ashwini  
Special Rapporteur on contemporary forms of racism, racial discrimination,  
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Reem Alsalem  
Special Rapporteur on violence against women and girls, its causes and consequences

Laura Nyirinkindi  
Chair-Rapporteur of the Working Group on discrimination against women and girls

## Annex

### Reference to international human rights law

In connection with above alleged facts and concerns, we would like to draw the attention of your Excellency's Government to its obligations under binding international human rights instruments. Nepal has ratified numerous international treaties, including the International Covenant on Civil and Political Rights (ICCPR) on 14 May 1991, the International Covenant on Economic, Social and Cultural Rights (ICESCR) on 14 May 1991 and the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD) on 30 January 1971.

We would like to refer in particular to articles 2, 6, 19, 22 and 27 of the International Covenant on Civil and Political Rights (ICCPR), which provide for the principle of non-discrimination, the rights to life, liberty and security of the person, the right to freedom of opinion and expression, the right to freedom of association and the protection of the rights of persons belonging to minorities.

The right to security of person refers to protection against physical or psychological injury, or physical and moral integrity, and obliges States parties to take appropriate measures to protect individuals from foreseeable threats to their life or physical integrity from any State or private actor. As the Human Rights Committee has emphasised in its general comment No. 35, States parties should respond appropriately to patterns of violence against certain categories of victims, such as intimidation of human rights defenders (CCPR/C/GC/35, para. 9). Similarly, in its General Comment No. 36 on the right to life enshrined in article 6 of the ICCPR, the Human Rights Committee found that the duty to protect the right to life requires States Parties to adopt special measures of protection for persons in vulnerable situations whose lives are at particular risk due to pre-existing patterns of violence. This includes, of course, human rights defenders (CCPR/G/GC/36, paragraphs 23 and 53).

Article 22 of the ICCPR protects the right to freedom of association with others. As stated in a report by the Special Rapporteur on the rights to freedom of peaceful assembly and of association, States not only have a negative obligation to abstain from unduly interfering with the rights of peaceful assembly and of association but also have a positive obligation to facilitate and protect these rights in accordance with international human rights standards [A/HRC/17/27, para. 66; and A/HRC/29/25/Add.1].

Furthermore, we would like to refer your Excellency's Government to the fundamental principles set forth in the United Nations Declaration on Human Rights Defenders, which states that everyone has the right to promote and to strive for the protection and realisation of human rights and indicates State's prime responsibility and duty to protect, promote and implement all human rights and fundamental freedoms (articles 1 and 2). The Declaration details the State's obligation to ensure that no one is subject to violence, threats, or retaliation as a consequence of carrying out their legitimate work as human rights defenders (article 12). We would also like to refer to Human Rights Council Resolution 13/13, which urges States to put an end to and take concrete steps to prevent threats, harassment, violence and attacks by States and non-State actors against all those engaged in the promotion and protection of human rights and fundamental freedoms.

We would also like to draw your attention to General Assembly resolution 68/181 as well as Human Rights Council resolution 31/32, in which States expressed particular concern about systemic and structural discrimination and violence faced by women human rights defenders. Specifically, we would like to refer to articles 7, 9 and 10, whereby States are called upon to, respectively, publicly acknowledge the important role played by women human rights defenders, take practical steps to prevent threats, harassment and violence against them and to combat impunity for such violations and abuses, and ensure that all legal provisions, administrative measures and policies affecting women human rights defenders are compatible with relevant provisions of international human rights law. States should take all necessary measures to ensure the protection of women human rights defenders and to integrate a gender perspective into their efforts to create a safe and enabling environment for the defence of human rights.

We would also like to remind your Excellency's Government that the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), ratified by Nepal on 22 April 1991, requires States to guarantee substantive gender equality. In fulfilling this obligation, States must adopt a broad definition of discrimination against women; combat harmful gender stereotypes; and ensure women's full development, their participation in political and public life, and their enjoyment of specific socioeconomic rights (arts. 1, 3, 5, 8 and 11–14).

Furthermore, in general recommendation No. 28, the Committee on the Elimination of Discrimination against Women (CEDAW Committee) clarified that “discrimination against women based on sex and gender is inextricably linked with other factors that affect women, such as race, ethnicity, religion or belief, health, status, age, class, caste and sexual orientation and gender identity” (CEDAW/C/GC/28, para. 18). The Committee stated that “States parties must legally recognize such intersecting forms of discrimination and their compounded negative impact on the women concerned and prohibit them,” and “adopt and pursue policies and programmes designed to eliminate such occurrences” (CEDAW/C/GC/28, para. 18).

We also wish to refer to you to the report of the Special Rapporteur on violence against women and girls, its causes and consequences on the country visit to Nepal in 2018 (A/HRC/41/42/Add.2), in which the Special Rapporteur established that violence against women disproportionately affects women and girls who face intersecting and multiple forms of discrimination, such as women human rights defenders. In the report, the Special Rapporteur expressed concern at reports that suggest that women human rights defenders have been targeted, criticized, threatened, intimidated, subjected to surveillance and harassed. The Special Rapporteur called on the Government to ensure that women human rights defenders and women representatives from non-governmental organizations be protected from all forms of reprisals in line with international law and the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms.

We would like to recall the thematic report of the Working Group on Discrimination against Women and Girls on participation in public life (A/HRC/23/50), which noted that stigmatization, harassment and outright attacks are used to silence and discredit women who are outspoken as leaders, community

workers, human rights defenders and politicians. Women human rights defenders are often the target of gender-specific violence, such as verbal abuse based on their sex, sexual abuse or rape: they may experience intimidation, attacks, death threats and even murder. Violence against women defenders is sometimes condoned or perpetrated by State actors. The Working Group recommended to accelerate efforts to eliminate all forms of violence against women, including through a comprehensive legal framework to combat impunity, in order to fulfil women's human rights and to improve the enabling conditions for women's participation in political and public life.

We would also remind your Excellency's Government of its obligations under the International Convention on the Elimination of All Forms of Racial Discrimination, ratified by Nepal on 30 January 1971. We recall under Article 1 of the said Convention, "racial discrimination" shall mean any distinction, exclusion, restriction or preference. including on the basis of descent. In general recommendation No. 29 (2002), the Committee on the Elimination of Racial Discrimination clarified that "descent" under the Convention includes discrimination against members of communities based on forms of social stratification such as caste and analogous systems of inherited status which nullify or impair their equal enjoyment of human rights. The Committee urged States parties to "take all measures necessary in order to eliminate multiple discrimination including descent-based discrimination against women, particularly in the areas of personal security, employment and education" (para. 12). Furthermore, it called State parties to "ensure the prosecution of persons who commit crimes against members of the communities and the provision of adequate compensation for the victims of such crimes" (para. 23).

We also draw your Excellency's attention to the concluding observations of the Committee on the Elimination of Racial Discrimination on Nepal (2018) recommending that your Government take measures to ensure that acts of racial discrimination are consistently investigated, prosecuted and sanctioned, and that victims are provided with appropriate remedies; ensure that law enforcement officers properly identify, register, investigate, prosecute and sanction racist hate crimes, organizations and hate speech; conduct awareness-raising programmes and dialogues throughout the country to eliminate caste-based and racial hatred and bias at the community level; and intensify its efforts to eradicate violence against women, including by conducting awareness-raising campaigns, encouraging reporting, investigating all reported cases, prosecuting and sanctioning the perpetrators, and providing protection and remedies to victims (CERD/C/NPL/CO/17-23).