

STATEMENT

Nepal: Government expels UN human rights watchdog

ARTICLE 19

14 Dec 2011

ARTICLE 19 condemns the Nepali government's decision not to renew the mandate of the Office of the High Commissioner for Human Rights, the only branch of the United Nations watchdog in South Asia. ARTICLE 19 believes that the situation of the right to freedom of expression in Nepal will be far worse if the watchdog leaves.

The Office of the High Commissioner for Human Rights (OHCHR) announced last night, 12 December, that it would be forced to leave Nepal shortly. The current government, under the leadership of the Maoist party's deputy chief, Dr Baburam Bhattarai, says that it is simply enacting a decision by a previous government not to renew the mandate of the OHCHR. The other major political parties dispute this however, claiming they had agreed to extend the term for a further year to end after a new constitution has been adopted.

ARTICLE 19 believes that various politicians have used the OHCHR as a political tool to suit their own agendas, at times calling for it to leave, and at other times praising it as a vital institution at a time when the state remains unstable.

Under pressure from the international community, the Nepali government agreed on 10 April 2005 that the OHCHR establish a branch in Nepal to address widespread and increasing abuses during the country's armed conflict.

Although the mandate of OHCHR Nepal was broad, its key objectives were to monitor, investigate and verify human rights violations, and to inform the relevant authorities in order to end impunity. Another important objective was to build local capacity, in particular of the National Human Rights Commission (NHRC).

The objectives have not been achieved and although the conflict ended five years ago, freedom of expression and freedom of the media have deteriorated.

The Nepali government's constitutional promise to constitute a Truth and Reconciliation Commission to investigate grave violations of human rights (Art. 33) has failed to materialise, and, in the political debate, has morphed into a "peace" and reconciliation commission. ARTICLE 19 believes that without the guarantee of "Truth" it is unlikely that violators of the right to freedom of expression during the conflict - such as those who ordered attacks on journalists or human rights defenders or the closure and censorship of the press - will be held to account.

Since the conflict ended, impunity has become widespread, with several important Supreme Court rulings being completely ignored by the police, the army, the Home Ministry and the Constituent Assembly. Such impunity has been conducive to an environment of violence, with increasing attacks on journalists and human rights defenders taking place, and no subsequent effective investigation or prosecution.

ARTICLE 19 is concerned that the NHRC lacks the political will or the capacity to hold violators of the right to freedom of expression to account. Development of a strong NHRC has been unsuccessful. Several evaluations, including by its own members, articulate that it remains compromised in its independence, is inefficient, tainted with allegations of corruption, and serves to embolden human rights abusers by publicly criticising the OHCHR.

The International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights – the UN's governing body for national human rights commissions – has allegedly given the NHRC a grace

period of one year to improve or face being downgraded to the same status it enjoyed while under the dictatorship of the monarchy.

ARTICLE 19 calls upon the Nepali government to reconsider its decision not to renew the human rights watchdog's mandate, and instead to extend it by the previously agreed one-year term. OHCHR Nepal should not be considered to have completed its term until a new democratic constitution has been adopted with the NHRC firmly established as an effective and independent constitutional, rather than statutory, body.

ARTICLE 19 calls upon the UN Secretary General, Ban Ki Moon and the UN High Commissioner for Human Rights, Navi Pillay to ask the Nepali government to retain OHCHR Nepal until the peace process is complete.

Finally, ARTICLE 19 urges the governments of India, China, the European Union and the United States, to pressure the government to renew OHCHR's mandate, as part of international effort to ensure that Nepal does not plunge back into conflict, and that it remains on a stable path to democracy.

MORE INFORMATION

- For more information, please contact Oliver Spencer, oliver@article19.org +44 20 7324 2500