

NEPAL: CRACKDOWN ON PROTESTS AND SUPPRESSION OF DISSENT



Riot police fire tear gas towards the demonstrators during a protest against the \$500 million U.S infrastructure grant under the Millennium Challenge Corporation (MCC) near the parliament in Kathmandu, Nepal February 20, 2022. REUTERS/Navesh Chitrakar



INTRODUCTION

Nepal is a [state party](#) to the International Covenant on Civil and Political Rights (ICCPR), which it ratified in 1991. The ICCPR imposes international obligations on the country to respect and protect civic freedoms, including freedoms of association, expression and peaceful assembly. These rights are also enshrined in [Nepal's Constitution](#), promulgated in 2015.

In March 2021, Nepal's human rights record was [reviewed](#) by the United Nations (UN) Human Rights Council. Civic space recommendations made by UN member states included a call to ensure the effective functioning of the National Human Rights Commission of Nepal in accordance with the [Paris Principles](#) – which establish standards for national human rights institutions – and to put an end to the excessive use of force against human rights defenders, journalists and protesters and sanction the perpetrators of violations of their rights.

The government also received recommendations to guarantee a safe and enabling environment for journalists, respect and support free and independent media, in line with international human rights standards, relax requirements for registering civil society organisations (CSO) and take measures to foster a safe, respectful and enabling environment for civil society and human rights defenders, particularly women human rights defenders, and ensure they are free from harassment, intimidation and persecution.

The government was urged to ensure no person is arrested for peacefully exercising their right to freedoms of association, expression and peaceful assembly, eliminate all provisions that restrict online and offline freedom of expression, including through means such as criminal provisions relating to defamation and slander, and ensure that legislation on cybersecurity guarantees the right to access information and freedom of expression.

Despite this, more than three years later, the [CIVICUS Monitor](#), a global research collaboration tracking civic space, has documented restrictions by the state, including arrests and excessive force during protests, targeting of journalists and censorship of media outlets. It has also documented arrests of and reprisals against activists and critics and digital rights restrictions. Due to this, the CIVICUS Monitor rates the state of Nepal's civic space as [‘obstructed’](#), indicating the existence of serious restrictions.

A [new coalition government](#) led by K P Sharma Oli came to power in July 2024, offering an opportunity to address these concerns and undertake reforms to better protect civic freedoms.

This brief highlights CIVICUS's key concerns about the state of civic space in Nepal and makes recommendations to improve the situation.

ABOUT THE CIVICUS MONITOR

The CIVICUS Monitor, an online platform that tracks threats to civil society in countries across the globe, rates civic space – the space for civil society – in Nepal as Obstructed.

The data provides the basis for civic space ratings, which are based on up-to-date information and indicators on the state of freedom of association, peaceful assembly and expression. Countries can be rated as:

CLOSED**REPRESSED****OBSTRUCTED****NARROWED****OPEN**

RESTRICTIONS, ARRESTS AND EXCESSIVE FORCE DURING PROTESTS

Article 17 of Nepal's Constitution guarantees freedom of peaceful assembly. However, in recent years peaceful protests have been met with arbitrary arrests and excessive force, including the use of firearms. In some cases, unlawful killings have been reported, with no one held to account. The authorities have also limited public space for people to express dissent against government policies through orders to prevent assemblies gathering.



Police kill four protesters in Rupandehi district, October 2021 @ Kathmandu Post

In October 2021, police in Motipur, Rupandehi district used excessive force during an [eviction](#), killing four protesters and injuring dozens. The police shooting occurred when the authorities moved to evict landless people who were involved in a long-running dispute with the government over plans to develop the area for industrial use. Among those killed was [Birendra Kurmi](#), a construction worker who had stopped to film the protest on his phone. Government officials later claimed that officers had acted in self-defence when they fired on the crowd with live ammunition.

In February 2022, hundreds of protesters came out onto the streets to [demonstrate](#) against a controversial US\$500 million grant from the USA that was up for parliamentary approval. Critics were concerned the grant would [undermine](#) Nepal's sovereignty and force it into a military or security alliance with the USA. [Riot police](#) responded by firing teargas and water cannon and beating protesters with bamboo batons. Police also reportedly fired rubber bullets. Police [detained dozens](#) of protesters.

On 6 June 2022, police [killed a woman](#) from a marginalised ethnic community in the Terai region as they used excessive force against protesters. Police opened fire on protesters as they blocked a highway to demand the government do more to protect them from wild animals in a nearby national park. Thakur Bhandari, secretary of the Federation of Community Forestry Users Nepal, [said](#) the police started firing without any warning. The government responded by appointing a committee to investigate the violence, but no one was held to account.

In December 2022, the authorities imposed unnecessary restrictions on protests against the death of a student in an [accident](#) in Dhangadhi city, Kailali district. An [order](#) was issued barring people from protesting. Despite this, locals and students still protested. In response, police reportedly fired teargas to disperse the crowd. Around 11 people were arrested during the protest.

Riot police used batons and teargas to [halt tens of thousands of supporters](#) of Nepal's former king who attempted to march to the centre of the capital, Kathmandu, in November 2023 to demand the restoration of both the monarchy and the nation's former status as a Hindu state. The authorities had banned protests in key areas of the city prior to the rally. On 23 November 2023, the protesters, waving the national flag and chanting slogans supporting former King Gyanendra, gathered on the edge of Kathmandu and attempted to move toward the city centre. Riot police blocked them, beating them with bamboo batons and firing teargas and water cannon. The police reportedly [arrested](#) 261 protesters, eventually releasing them by the end of the day.

On 20 November 2023, the District Administrative Office in Kathmandu declared the Maitighar to Baneshwar road section as an [area prohibited for protests](#) for a month. The order banned gatherings of groups of more than five people and the staging of demonstrations, hunger strikes, meetings, processions

and protests in the area. The order was issued ahead of planned protests by the Communist Party of Nepal (United Marxist and Leninist) youth wing.



Police arrest protestors of the civil society movement, Brihat Nagarik Andolan (Photo Credit: Online Akhbar)

On 15 December 2023, the [police arrested 28 protesters](#) from Brihat Nagarik Andolan, a citizen movement formed in 2021 to highlight [Nepal's deteriorating political climate](#). They were arrested while marching from Bhadrakali to Maitighar Mandala demanding justice for loan shark victims. They were arrested as they marched towards the no-protest zone.

At least two protesters died on 29 December 2023 from bullet wounds caused by weapons fired by police during a protest by hundreds of people in

the city of Lalitpur. They were [protesting to demand they able to retake a language test](#) they had failed, which would allow them to travel to South Korea to work in shipbuilding. Police arrested 54 people during the protest.

On 9 April 2024, police fired teargas and water cannon as [thousands marched](#) in Kathmandu demanding the restoration of the monarchy and Hindu state status. The [protest was staged](#) by the Rastriya Prajatantra Party – the fifth largest party in parliament – which called for its 40-point demands to be addressed. The party said some of its cadres [sustained injuries](#) during the protest.

On 12 May 2024, police [arrested](#) at least 11 activists from the Nepal Student Union, the student wing of the Nepali Congress, who were protesting outside parliament against Home Minister Rabi Lamichhane. Lamichhane has been [accused of fraud](#) in a cooperative that duped savers of millions of rupees.

TARGETING OF JOURNALISTS

There have been ongoing reports of threats and physical attacks against journalists, mainly while covering protests.

Online TV journalist Milan KC was [physically attacked](#) by police in Chitwan, Bagmati province in July 2021 while filming a protest by family members demanding an investigation into the death of a woman whose body was found in a forest. The attack did not stop even after he showed his identity card. He sustained injuries to his legs and his camera was damaged during the incident.

In January 2022, reporter Shivendra Rohita from the todaykhoj.com news portal was [attacked](#) by police while covering a protest in Janakpur. According to Freedom Forum, Rohita was taking pictures of the protest organised by a political party when police started a baton charge on him and the protesters. Rohita sustained minor injuries and his phone was broken.

In April 2022, police [assaulted reporters](#) who were covering a protest in Butwal, Lumbini province. They were reporting on a protest to demand an investigation into the suspicious death of a woman outside a police station.

On 6 August 2022, police [attacked](#) Arbin Paswan and Chandradeep Thakur, journalists at Siraha-based Radio Gangajal, while reporting on a protest at a cement factory. The journalists were wearing T-shirts bearing the name of their radio station and carrying their press identity cards. They suffered bruises on their backs, hands and legs.

On 6 January 2024, Bijay Rana, editor of [EParinews](#), was [attacked while reporting](#) in Baglung, Gandaki province. Rana was reportedly videoing a police baton charge during a festival. Several police beat Rana and seized his phone. He suffered bruises and received hospital treatment.

Journalists have also faced arrest and been subjected to judicial harassment for their work.

Bhuwan Bhusal, a journalist at Radio Shringeshwor in Gulmi, was issued with an [arrest warrant](#) on a cybercrime charge on 26 September 2021 for his reporting on a radio programme and on his online media Desh Darshan channel. The arrest warrant was issued on the basis of a complaint filed with the police.

In February 2022, Umesh Shrestha, editor of Nepal Fact Check, was [summoned and harassed](#) by officers from the police's Cyber Bureau after publishing a report on 'fake news' about the Millennium Challenge Corporation Nepal Compact fund. Shrestha, founder of independent blog MySansar, alleged the police threatened him with arrest.

In June 2022, it was [reported](#) that journalist and right to information activist Kailash Majhi was held in police custody for four days for his critical reporting in Saptari, Madhesh province. Majhi, a reporter at the privately owned broadcaster Mountain Television, said he had been reporting on the local authorities and had used a right to information application to seek information on the activities of a construction consumer committee in the district. The police arrested Majhi and charged him with indecent behaviour before releasing him on bail.

Police officers [obstructed three journalists](#) from reporting in Jhapa, Koshi province on 19 April 2023. Journalists Sudeep Adhikari of Himshikhar TV, Chiranjibi Ghimire of Nayapatrika newspaper and Bishnu Prasad Pokharel of Gorkhapatra newspaper were allegedly barred from reporting on a protest in Om Mechi Hospital after a woman died giving birth. When the journalists reached the hospital, the police stopped them, even though they showed their press identity cards. One of the officers also reportedly shoved Ghimire.

On 24 May 2023, police harassed Sushila Pathak, a reporter from Kantipur Television in Biratnagar, Koshi province, as she shot a video of police checking the movement of goods in the border area. The police [shouted at her to stop filming and seized the phone](#) she was using to make the video.

In February 2024, police in Kanchanpur district, western Sudurpaschim province [arrested](#) Puskar Bhatt, a correspondent for Mountain Television, and Aishwarya Kunwar, a reporter for the privately owned news website Nigarani Khabar, following their reporting and social media commentary on allegations of police misconduct. Police opened an investigation into the journalists, who have since been released, under section 47 of the Electronic Transactions Act, 2008. This law, which prohibits the publication of illegal materials in electronic form 'contrary to public morality or decent behavior' with a penalty of up to five years in prison and a fine of 100,000 rupees (approx. US\$754), has repeatedly been used to detain and investigate journalists for their work.



Kailash Sirohiya, chairperson and publisher of the Kantipur Media Group, was arrested on 21 May 2024, allegedly over supposed irregularities in his citizenship card. However, according to the [Asian Human Rights Commission](#), the reason for Sirohiya's arrest was that the Kantipur Daily had published a series of reports on the misappropriation of funds from cooperatives linked to Rabi Lamichhane when he was the managing director of the Gorkha Media Network. Sirohiya was kept under judicial custody in Dhanusha, Madhesh province for nine days before being [released](#) on 29 May 2024 on the condition that he appears before the police when summoned. Journalists' organisations, media unions and press freedom advocates condemned the arrest.

Chairperson of the Kantipur Media Group, Kailash Sirohiya arrested in May 2024 (Photo Credit: Twitter/@thedmnnews)

HARASSMENT AND CENSORSHIP OF MEDIA OUTLETS

Media outlets have been targeted for their reporting or have had critical articles blocked, raising concerns about state censorship.



Office of the Press Nepal Council
(Photo Credit: ShareSansar)

In October 2022, the Press Council Nepal issued a letter to media outlet Nagarik Daily requesting an explanation for the [publication of a satirical cartoon](#) of KP Sharma Oli, which the council claimed violated journalistic and electoral codes of conduct. The decision was criticised by press freedom agencies and the Federation of Nepali Journalists.

On 4 November 2022, the Setopati news portal published news that Nishan Kharel, son of former Law Minister and election candidate Agni Kharel, had retained Nepali citizenship and voting rights in Nepal despite his active service in the US army. The following day, the Election

Commission of Nepal (ECN) [ordered](#) Setopati to delete the article within 24 hours, deeming the story defamatory and in violation of the electoral code of conduct. The ECN's move [was criticised](#) by the media and media rights organisations, who questioned the justification behind the order. The ECN rescinded its order on 7 November 2022.

On 7 May 2023, the Press Council of Nepal ordered the Telecommunications Authority to block [National Dainik](#) news portal for its critical content following a complaint filed over a news story published the day before. National Dainik had published news of an audio recording concerning a case of fraud, and one of the people involved filed a complaint that this was false news and an attempt to defame her. The letter stated that the Council had found that National Dainik had violated the journalists' code of conduct and was not registered nor listed with the Council. It called for the portal to be shut down. [Freedom Forum condemned](#) the Council's move.

ARREST AND REPRISALS AGAINST ACTIVISTS AND CRITICS



Arrest of activist Ruby Khan in Kathmandu, October 2021 (Photo Credit: X/@NoNext_Question)

The CIVICUS Monitor has documented cases of the authorities targeting activists, critics and human rights defenders for their activism. Some have faced reprisals, including being arrested, harassed and prosecuted.

On 8 October 2021, police detained Ruby Khan, a woman human rights defender, on [trumped-up charges](#) of polygamy. She had walked 500 kilometres to Kathmandu from Nepalgunj, southwest Nepal and was leading a peaceful sit-in protest against the failure to properly investigate two alleged murders linked to land acquisition.

The police defied a Supreme Court habeas corpus

order issued on 10 October 2021 to produce Khan within 24 hours. She was finally brought to court and released on 14 October 2021. Khan said that during her week in custody the police attempted to bargain with her, saying she would be released if she ended her protest movement.

In January 2023, police [arrested](#) Khan again along with several other activists who had been holding a sit-in outside Kathmandu District Court to demand action against those involved in the alleged murder of two women from Nepalgunj. The arrested people were held at the police office in Singha Durbar.

In March 2023, police moved in to forcibly detain a group of young people who stood up at an event attended by former Prime Minister Pushpa Kamal Dahal and shouted about the high interest imposed by the government on bank loans. Police were seen trying to [tightly cover the mouths](#) of some of the young protesters. Police arrested three young people, charged them with indecent behaviour and kept them in detention for five days for further investigation.

Photojournalist and activist RK Adipta Giri was targeted [for a critical post on social media](#) on 8 August 2023. Police in Parbat, Gandaki province issued an arrest warrant. Giri had been conducting the 'Save Kaligandaki river' campaign for over three years, observing encroachment into the river and exploitation of natural resources. A complaint was filed against him demanding he be arrested under the Electronic Transaction Act section 47. He also faced threats.



Protest against construction of the Chhaya Center in the Thamel tourist district in Kathmandu (Photo Credit: X/@IPRightsIntl)

On 14 May 2024, [UN experts expressed concern](#) about reports of retaliation against human rights defenders because of their opposition to the development of the Chhaya Center retail and entertainment complex, which has led to destruction of the historic Kamal Pokhari pond and disrupted the daily rituals and cultural practices of the Indigenous Pradhan Newar community. Indigenous human rights defender Bhagabat Narsingh Pradhan has led the campaign to restore the pond. Because of his activism, Pradhan has faced threats, including intimidating house visits and a contempt of court case filed against him in the Supreme Court.

In April 2024, Ganesh Man Singh Thakuri was [harassed and intimidated](#) by the police following a social media post critical of Rabi Lamichhane. Thakuri, from Jajarkot district, Sudurpaschim province, was arrested and brought to the police Cyber Bureau in Kathmandu for interrogation about his post. During the police interrogation, officers asked him to show proof of what he had written on social media and threatened to send him to jail following an order from Lamichhane .

[According to Digital Rights Nepal](#), police arrested three young people for shouting slogans against KP Sharma Oli and Nepali Congress President Sher Bahadur Deuba during the Gaura Festival in Kathmandu on 26 August 2024. Following widespread criticism from the public and members of parliament they were released on 30 August 2024 after posting bail. On 27 August 2024, Kailali police arrested two young people from Dhangadhi for allegedly posting comments about Deuba and his wife, Minister for Foreign Affairs Arju Rana Deuba. They were handcuffed before being released a few hours later after signing an affidavit stating they would not engage in anything disrupting public peace.

DIGITAL RESTRICTIONS

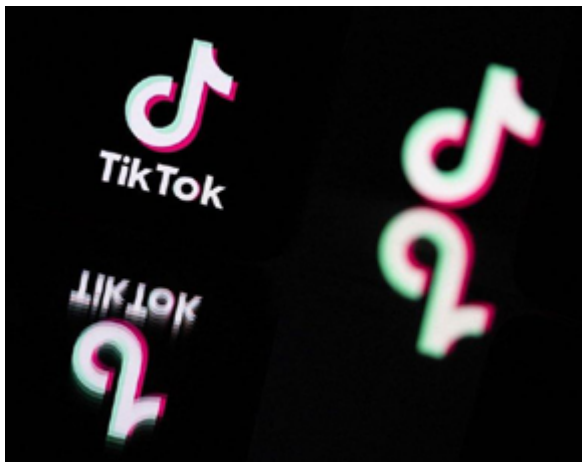
There are also concerns that the authorities are seeking to restrict online space.

The Electronic Transactions Act 2008 contains vague provisions that have been [misused to stifle freedom of expression](#), particularly section 47. This provision is overly broad and has been used to target journalistic work and social media posts, resulting in legal actions against journalists and social media users that restrict online expression.

In August 2023, Nepal's cabinet [approved a new National Cyber Security Policy](#). According to [Article 19](#), while an earlier draft was shared for limited public consultation in 2021, the approved policy introduces new provisions that were not consulted on and that raise serious concern for internet freedom.

Article 19 stated that ‘Strategy 11.25’ of the police was among the most concerning provisions. It proposes the establishment of a government-owned intranet and a national internet gateway. There are concerns this could mean centralised control of all internet traffic in and out of Nepal through a government-appointed operator, potentially supercharging surveillance and censorship capabilities while raising serious questions about data privacy and protection, and bringing the risk of criminal penalties for telecommunication companies. Digital Rights Nepal pointed out that despite earlier recommendations, the policy remains vague in critical areas and fails to acknowledge the protection of human rights and fundamental freedoms.

In April 2024, UN Special Rapporteurs for Freedom of Expression, Peaceful Assembly and Association and Privacy sent a [communication](#) to the government about the policy, stating that some provisions appear to unduly limit freedom of expression, access to information and the right to privacy.



Logo of social media app Tik Tok (Photo Credit: IFEX)

In November 2023, Nepal [banned](#) TikTok. Rekha Sharma, Minister for Communications and Information Technology, said the decision was made because TikTok was consistently used to share content that ‘disturbs social harmony and disrupts family structures and social relations’.

[Access Now stated](#) that this was violation of freedom of expression and a disproportionate and undemocratic move by the authorities. It added that ‘no single authority, without a check or a balance, has the right to wield online censorship as a tool to restrict and regulate freedom of expression online’. On 23 August 2024, Nepal [lifted its ban](#) following a decision by the Council of Ministers.

Civil society groups have [raised concerns](#) about a directive on the Operation of Social Networking, issued in November 2023. The directive asks all social media companies, including Facebook, Instagram and X/ Twitter to [open liaison offices](#) and register with the Ministry of Information and Communication Technology in Nepal within three months. They could be banned if they fail to do so.

Free speech advocates [oppose](#) the government’s attempts to regulate social media through administrative measures and asserted that a new law or legal framework enacted by parliament is needed to do so. In January 2024, it was reported that the government had [proposed a new law](#) to regulate social media platforms. Digital Rights Nepal, in collaboration with 34 allied organisations, submitted a [comprehensive critique](#) of the bill. The submission points out several issues, including unnecessary restrictions on freedoms of expression and communication, potential violations of fundamental rights, ambiguity in criminal provisions, concerns about privacy rights, inconsistency with the principle of proportionality, a vague definition of serious crime, broad executive powers and the looming threat of censorship.

RECOMMENDATIONS

The government of Nepal should:

- Adopt best practices on freedom of peaceful assembly, as put forward by the UN Special Rapporteur on the Rights to Freedom of Peaceful Assembly and of Association.
- Publicly condemn at the highest levels the use of excessive and brutal force by security forces in the dispersal of protests.
- Immediately and impartially investigate all instances of unlawful killings and excessive force committed by security forces while policing protests and bring the perpetrators to justice.
- Provide recourse to judicial review and effective remedy, including compensation, in cases of the unlawful denial of the right to freedom of peaceful assembly by state authorities.
- Review and, if necessary, update existing human rights training for police and security forces with the assistance of independent CSOs to foster the more consistent application of international human rights standards, including the UN Basic Principles on the Use of Force and Firearms.
- Ensure that journalists and writers may work freely and without fear of retribution for expressing critical opinions or covering topics the government may deem sensitive.
- Provide human rights defenders and journalists with a safe and secure environment in which to carry out their work, conduct impartial, thorough and effective investigations into all cases of attacks, harassment, and intimidation against them and bring the perpetrators of such offences to justice.
- Refrain from blocking social media platforms and develop an action plan to ensure that all laws that impact on the internet and digital rights comply with the government's commitment to guarantee freedoms of expression and information under the ICCPR.