

Human Rights and the *Constituent Assembly Elections*

Respect for human rights is essential to ensuring that an environment free of fear and intimidation is created for the elections. Otherwise, both the process and outcome of the elections can be open to question. The human rights most relevant during the elections process include primarily:

- ✓ *The right to **participation***
- ✓ *The right to **non-discrimination***
- ✓ *The right to **freedom of opinion, expression and access to information***
- ✓ *The right to **peaceful assembly and freedom of association***
- ✓ *The right to **freedom of movement***

The rights to life, to physical integrity and to not be arbitrarily detained, as well as gender and child rights, are also relevant during the elections process.

These rights are enshrined in the International Covenant on Civil and Political Rights, which has been ratified by Nepal.



United Nations



The State's responsibilities

The State has an obligation to promote and protect the human rights of its population, with emphasis during elections on the rights listed above.

The actions of the state's security forces to protect the population, maintain law and order, and ensure that people's democratic rights are respected will be key to ensuring peaceful and fair elections. The State is responsible to ensure that women and historically marginalized groups – Madheshis, Dalits, Janajatis/Adivasis, sexual minorities, the disabled and those from geographically excluded regions – can participate in the elections process, including as candidates, without intimidation or fear of violence. The Constituent Assembly should be as representative as possible.

Special attention must be given to actions taken by the security forces and the administration to address any problems that arise, to manage demonstrations and political rallies peacefully, and to prevent any interference in the electoral process that results in restrictions on the rights of participants.



The Population's rights and responsibilities

All persons, including political actors (candidates, their supporters and others playing political roles), must be free to enjoy the rights listed above, and must refrain from activities that impede others' enjoyment of these rights. They must:

- Respect the rights of political competitors, voters, members of their families and other members of the community
- Respect the freedom of the press
- Reject violence and intimidation in the election process.



Political leaders have a special responsibility to ensure that their officials, candidates, members and supporters do not:

- Use violence or intimidation at any time
- Prevent the distribution and display of handbills and leaflets of political actors
- Prevent any political actor from holding peaceful rallies, meetings, marches or demonstrations
- Try to prevent any person from attending the events of political actors
- Use language that is inflammatory or derogatory or threatens or incites violence in any form against any other person
- Abuse a position of power, privilege or influence by offering a reward, threatening a penalty, or by any other means.

Political actors have a right to **peaceful** protest at an election result even if the result is certified.

Young people under the age of 18 have a right to participate in peaceful political processes and to express their own opinions. However, political parties and security forces must ensure that any young people who voluntarily choose to participate in political activities are protected from any potential risk of violence or intimidation.

OHCHR-Nepal's Role

In its agreement with the Government of Nepal, the Office of the High Commissioner for Human Rights in Nepal (OHCHR-Nepal) has a broad mandate to do monitoring, reporting and advocacy. The Comprehensive Peace Agreement (CPA) also gives OHCHR-Nepal the mandate to monitor the human rights provisions of the CPA, including many rights linked to an electoral process. OHCHR's monitoring of democratic rights in the pre-election phase has begun, and monitoring will continue during the campaign, on the day of the elections and also in the period immediately after.

OHCHR-Nepal's monitoring will focus on:

- Protection of and respect for the rights of the population by the State, including through maintenance of law and order
- Respect by the population, including political actors, for the rights of others.

OHCHR-Nepal will work both proactively and in response to individual cases or incidents. The Office will:

- Analyze legislation and regulations to promote adherence to international human rights standards
- Gather information about the political and electoral context in various districts in order to identify emerging concerns and trends and take appropriate action to prevent violations and abuses, including prior to political rallies and demonstrations
- Investigate serious incidents of violence or abuse and advocate for action to be taken against those responsible
- Disseminate information, provide briefings and undertake other activities to raise awareness about human rights issues related to the elections.

To make a complaint

If you believe that any of the rights discussed above have been violated, or you have any other information that you would like to report, you should contact the returning officer in your constituency.

You can also contact OHCHR at the addresses and phone numbers below:

Head Office / Central Region

Silu Building, Chhauni, Museum Road,
GPO Box 24555, Kathmandu
Tel: **01-4280164**, Fax: 01-4670712
Email: registry.ktm.np@ohchr.org

Central Region Sub-Office

Shiva Chowk, Janakpur – 2, Dhanusha
Tel: **041-527550**, Fax: 091-526504

Eastern Region

Binayak Road, Tintoliya – 14, Block No. 18, Biratnagar
Tel: **021-534124**, Fax: 021-534126

Western Region

Khaharipath, Lakeside, PO Box: 160,
Pokhara
Tel: **061-551155**, Fax: 061-551154

Mid Western Region

Kaushalya Marg, Ward No. 16, Nepalgunj
Tel: **081-521989**, Fax: 081-524337

Far Western Region

Hasanpur – 5, Dhangadhi, Kailali
Tel: **091-523503**, Fax: 091-526504