



# FACTSHEET

CIVIL SOCIETY CONSULTATION (CIVICUS MONITOR)  
IN PROVINCE 1 AND PROVINCE 2

## WORKING DEFINITION OF CIVIC SPACE, ACCORDING TO CIVICUS MONITOR:

“The space in which citizens can freely express themselves, peacefully assemble and organize themselves without fear of repercussions. It is the right of citizens to claim civic space and the duty of power-holders to provide and protect civic space”.

Group discussion based on six different dimensions of civic space:

### 1. FREEDOM OF ASSOCIATION



### 2. FREEDOM OF EXPRESSION



### 3. FREEDOM OF PEACEFUL ASSEMBLY



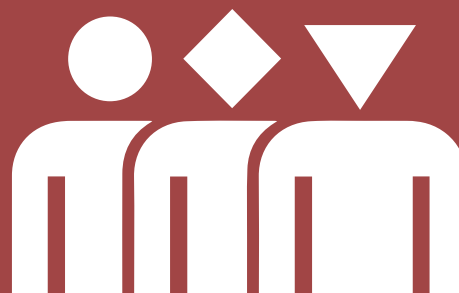
### 4. PERSONAL SAFETY AND WELL-BEING



### 5. DIALOGUE AND CONSULTATION



### 6. SOLIDARITY AND DIVERSITY



Use of Mentimeter.com to collect the response from the participants on below mentioned ratings and trends:

#### CIVIC SPACE RATING:

-  CLOSED
-  REPRESSED
-  OBSTRUCTED
-  NARROWED
-  OPEN

#### CIVIC SPACE TREND:

- OPENING UP 
- STATIC 
- SHRINKING 

### OVERALL RESULTS BASED ON RATINGS:

Civic space to promote SDG 16 - rated as 'obstructed'.

CIVICUS monitor describes the obstructed rating as:

*"Civic space is heavily contested by power holders, who impose a combination of legal and practical constraints on the full enjoyment of fundamental rights. Although civil society organizations exist, state authorities undermine them, including through the use of illegal surveillance, bureaucratic harassment and demeaning public statements. Citizens can organize and assemble peacefully but they are vulnerable to frequent use of excessive force by law enforcement agencies, including rubber bullets, tear gas and baton charges."*

**Freedom of Expression** - rated this particular freedom as '**narrowed**'.

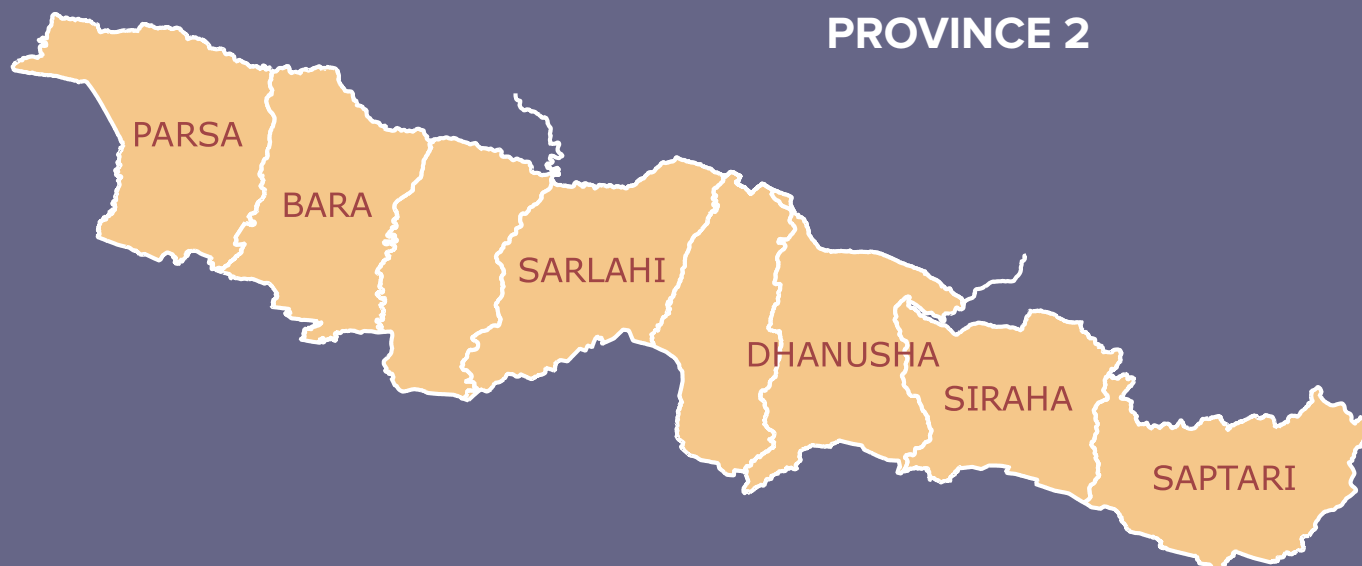
This corresponds to the following civic space context:

*"An independent media sector is allowed to function freely and journalists are free to practice albeit in an environment where the government and powerful economic interests still dominate public narratives and access to information legislation is only sometimes respected."*

## PROVINCE 1



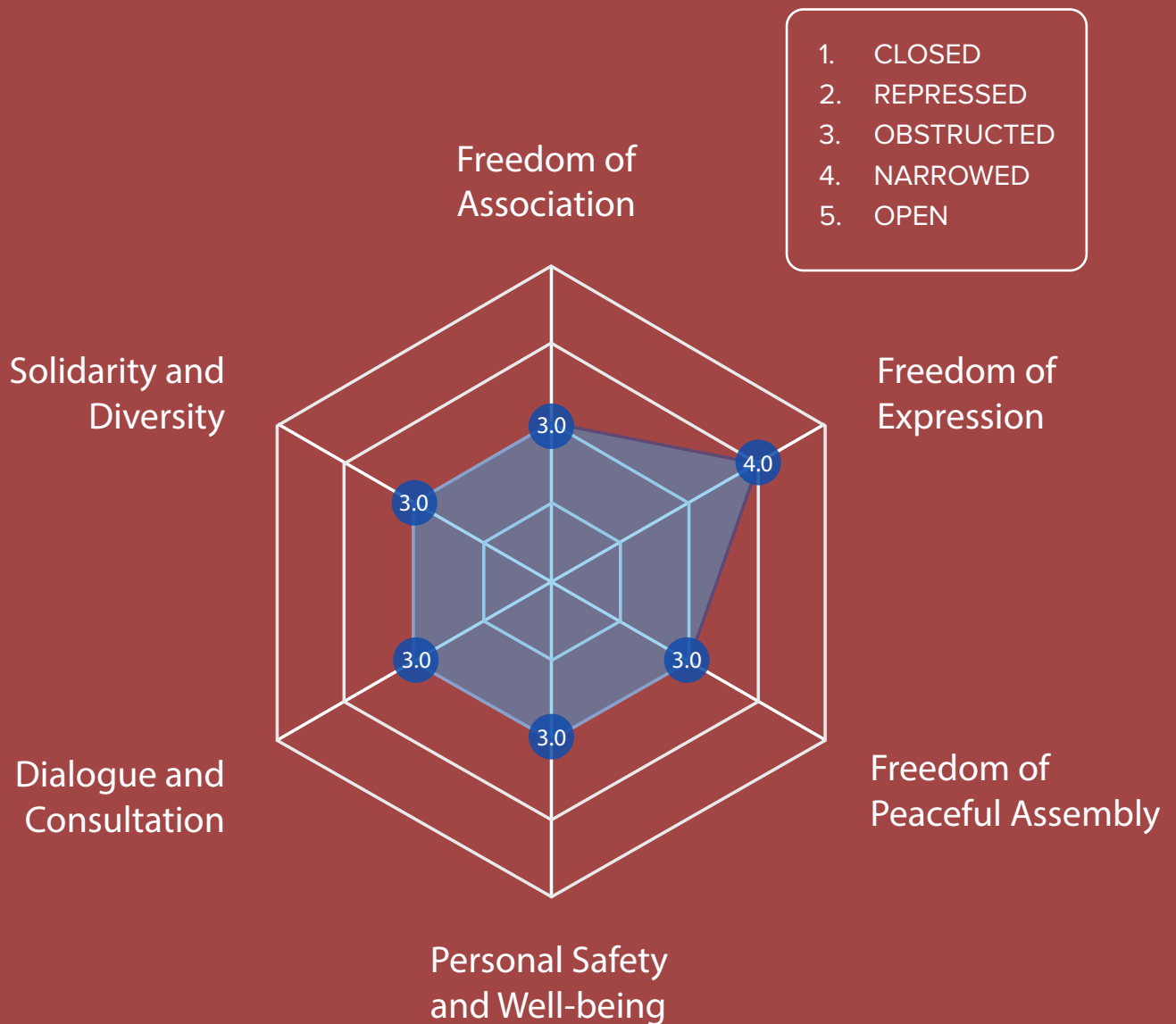
## PROVINCE 2



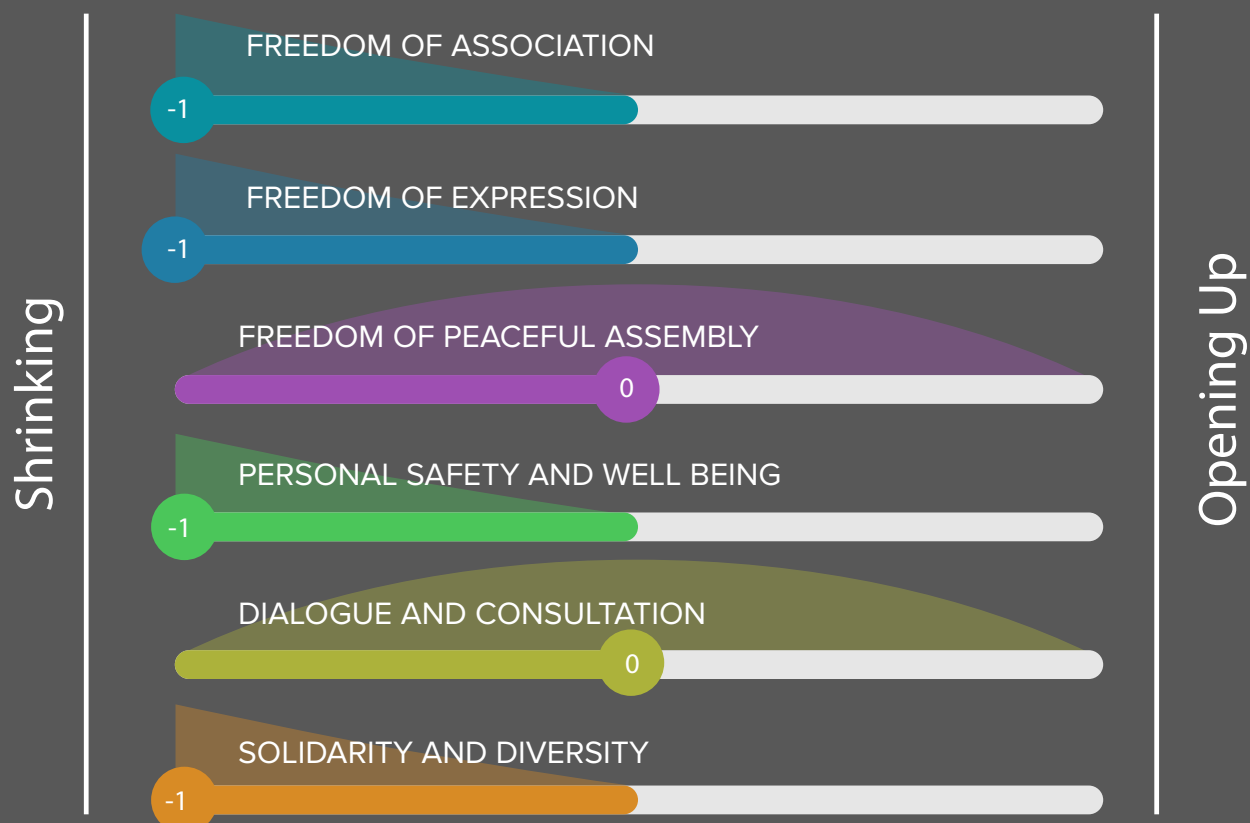
**‘OBSTRUCTED’ AND ‘NARROWED’**

# VISUAL PRESENTATION OF THE RATING DURING THE WORKSHOP

## CIVIC SPACE RATING



## VISUAL PRESENTATION OF THE TRENDS DURING THE WORKSHOP



-1 : SHRINKING

0 : STATIC

+1 : OPENING UP

## FREEDOM OF ASSOCIATION

Assessment of the laws, regulations and procedures that regulate the establishment and operation of associations in curtailing of the rights to civic freedom of association.



### STATUS:

- CLOSED
- REPRESSED
- OBSTRUCTED
- NARROWED
- OPEN

### TREND:

- OPENING UP ↑
- STATIC →
- SHRINKING ↓

### Discussion Points:

- . The government's drafted law to amend the National Human Rights Commission Act. (If implemented the amendment bill would curb the autonomy of the National Human Rights Commission (NHRC). The bill would make it mandatory for the NHRC to submit cases of human rights violations to the Office of the State's Attorney-General who would have discretionary power in filing these cases. In addition, the NHRC would require approval from the Finance Ministry for receiving additional financial resources for human rights related activities. The law would also withdraw the NHRC's legal basis to establish regional and sub-regional offices.)
- . Freedom of Association is obstructed in overall, and repressed for the LGBTIQ+ Community.

# FREEDOM OF EXPRESSION

The restrictions of free expression, through direct control or indirectly through intimidation and obstruction, and from the state towards severely curtailing the online and offline freedom of expression by proposing numerous pieces of legislation before parliament.



Discussion points:

1. The government attempt to curb people's rights to freely express themselves and to criticize the government and its policies by tabling several restrictive laws before and during the Covid-19, including the following:





- . The new Information Technology (IT) Management Bill in February 2019, with provisions to block social media platforms
- . On May 9, 2019, the Media Council Bill was introduced to parliament as a replacement to the existing Press Council Act. The Media Council would be allowed to impose high fines on journalists and editors for violating the Council's code of conduct or publishing content that damages someone's reputation.
- . A new Special Service Bill, endorsed by the Upper House in May 2020, provided Nepal's intelligence agency, the National Investigation Department (NID), with sweeping new powers to intercept communications and search properties without judicial oversight.
- . Government's Social Media Directive in 2021 to restrain online freedom of expression.

These bills before the parliament contain numerous stringent measures seeking to control the media and limiting freedom of expression for journalists and social media users, threatening custodial sentences for those who violate broad and vague prohibitions especially for online speech.

2. Strict actions are taken against the duty bearers for having an independent opinion over social media, magazines, online, radio, TV etc.

3. Human rights defenders facing action while criticizing the government, and are often more vulnerable than journalists to face backlashes against criticizing power holders.

## STATUS:

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

## TREND:

OPENING UP 

STATIC 

**SHRINKING** 



## FREEDOM OF PEACEFUL ASSEMBLY

The restrictions for individuals and groups to peacefully gather and to take nonviolent action in public spaces.



### STATUS:

- CLOSED
- REPRESSED
- OBSTRUCTED
- NARROWED
- OPEN

### TREND:

OPENING UP ↑

STATIC →

SHRINKING ↓

### Discussion points:

- . Though the Constitution of Nepal preserves and protects the freedom to assemble peaceably and without arms, the government has declared some restricted zones in which public rallies are prohibited.
- . Government restrictions on allowing only up to 25 persons gathering during the Covid-19 crisis as a measure to contain the spread of the contagious virus has curtailed the civilians' rights to protest peacefully. However, campaigns like "Enough is enough" towards the government's incompetence in managing the Pandemic, is an example of civilians claiming their rights to assemble peacefully, adopting social distancing measures and following the Covid-19 protocol, despite a global health crisis.

## PERSONAL SAFETY AND WELL-BEING

Assessment of the use of legal and illegal mechanisms that create stress, fear, and insecurity among civil society members, rights defenders/activists, and other marginalized identities within the society.



### STATUS:



CLOSED



REPRESSED



OBSTRUCTED



NARROWED



OPEN

### TREND:

OPENING UP



STATIC



SHRINKING

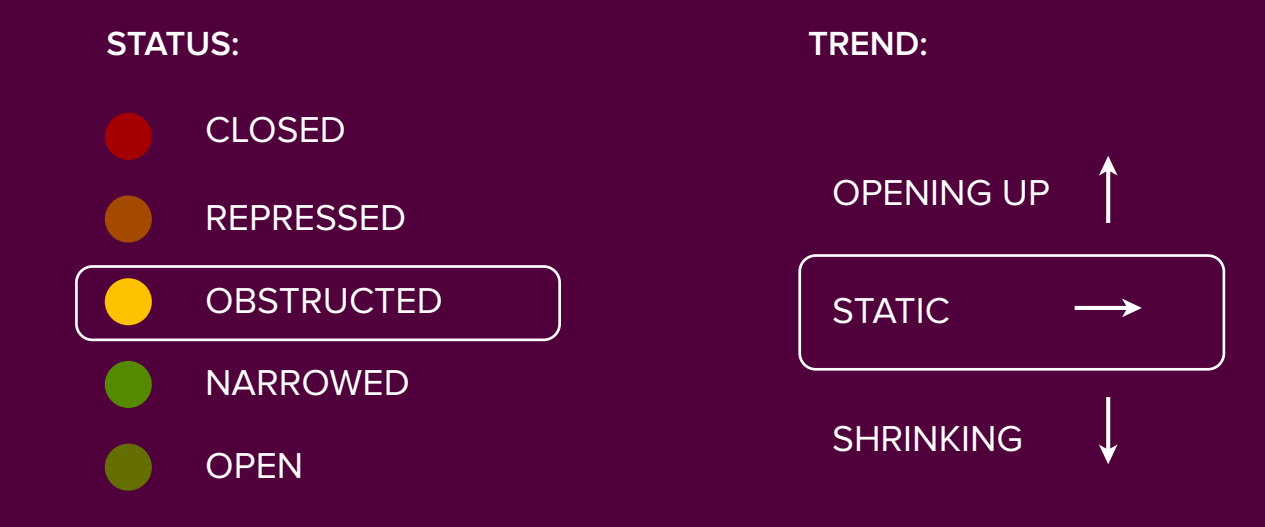


### Discussion points:

- . A threatening situation from the perpetrator and their personal network is created when civil society is leading an issue on behalf of the victims/survivors of gender-based violence. In many cases, local law enforcement bodies fail to provide adequate protection from these attacks and to bring the perpetrators to the judicial process.
- . Civil society members with marginalized identities (e.g., Dalit, Muslim, Madhesi, ethnic minorities) face more frequently backlash to their activism. LGBTIQ+ activists face particular obstacles as they are attacked both for their LGBTIQ identity and for being outspoken as activist.
- . The government has failed to adhere to the international standards on the protection of human rights defenders.

## DIALOGUE AND CONSULTATION

The way government engages with citizens in the development of policy and the extent to which civil society is consulted in government decision making. The voice of the narrowed civil society is often ignored by the state.

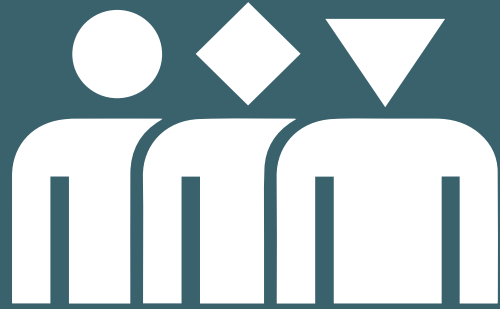


### Discussion points:

- Despite the adoption of federalism, the government and civil society are not provided with an opportunity to increasingly engage in dialogue and consultation on locally relevant issues.
- In many instances, politicians and government officials publicly criticized and defamed NGOs and INGOs instead of engaging them in dialogue on how to tackle problems and shortcomings within the CSO sector.
- As some media houses and journalists are politicized, they echo the attacks on CSO's legitimacy by power holders.
- Also, there have been a very less consultation among the citizens or with the relevant stakeholders, before introducing, enforcing, or amending any law, bill, or directive from the state.

## DIVERSITY AND SOLIDARITY

Assessment of the extent and ways that civil society creates space for diverse voices and expresses solidarity with each other when space is shrinking



### STATUS:

- CLOSED
- REPRESSED
- OBSTRUCTED
- NARROWED
- OPEN

### TREND:

- OPENING UP ↑
- STATIC →
- SHRINKING ↓

### Discussion points:

- . Even though repressed laws have been made, there is a situation where the citizens are not agreeing to implement them.
- . Civil society participation is almost impossible within the province, not life-threatening, but an environment of fear and violence is common where activities such as murder with impunity cause serious injury.
- . For some journalists and members of civil society who criticize the ruling party, it is very risky and difficult for them in the province.
- . Civil society participation exists within the province, but local officials have stopped it, and are not forced to fall victim to any kind of bullet, tear gas attack.
- . The people have started to unite on the issue of different governments and are not repressed from individual rights to freedom. Those in power have to face arrest, tear gas and bullets as excessive use of force.
- . Provincial and local representatives have created an environment conducive to the enjoyment of all civil rights and the protection of those rights, but without any local people's representatives to organize, reduce the level of fear of peaceful demonstrations and provide open platforms including members from the public.

## CONCLUSION

- . Nepal has witnessed a negative trend on civic space as the government have introduced a range of restrictive laws, bills, and amendments, since coming into power.
- . Hence, the space for civil society to promote SDG 16 is currently obstructed in Province 1 and Province 2 of Nepal.
- . The protests are being disrupted, protesters are being detained, human rights defenders/ activists, including journalists and media houses have faced threats and physical attacks while utilizing their freedom of expression, and freedom to protest.
- . And, some human rights defenders with marginalized identities are still left alone while facing attacks on their civil rights.
- . Various violence cases are being heard under the leadership of civil society. Though, civil society has the right to freedom of speech, and their participation being active within the state, in some cases, political interference (pressure), threats and intimidation have resulted in not being able to function independently as a civil society.
- . In some places, violent clash between the local representatives and journalists have been seen while questioning on development and budget issues. Even though the law has been made, the civil society voices are undermined in the development related works and the government is seen doing their work by selecting the committee as per their own will.
- . Also, the government seem to prioritize political and economic concerns more over civil rights.
- . Power-holders and the media discredit civil society as a whole for misconducts done by some in the past.
- . Many local elected representatives lack the capacity and willingness to engage civil society in meaningful ways. Moreover, the government neglects the important roles of civil society to shape the public agenda together with the government, and to hold the government accountable.

## ABOUT THE PROJECT:

The Violence Monitoring and Shrinking Civic Space (VMSCS) is a joint initiative by Collective Campaign for Peace (COCAP) and Innovation for Change (I4C) - South Asia Hub. The project is supported by the USAID and the Tides Foundation. The project aims to focus on violence and contestation, with a view toward improving our understanding of, and response to, violence and shrinking civic-space incidents in Nepal amid Covid-19. The VMSCS also provides as an instrument to measure progress against Sustainable Development Goals (SDG) Targets 5.2 (elimination of violence against women) and 16.1 (reduction of all forms of violence and related death rates) in Nepal.



