
A LEGAL EXAMINATION OF HUMAN RIGHTS VIOLATIONS DURING THE NEPAL “GEN-Z” PROTESTS (FREEDOM OF EXPRESSION, RIGHT TO LIFE, AND DEMOCRATIC GOVERNANCE)

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ABSTRACT

The recent civil unrest in Nepal, triggered by the sudden restriction on digital communication platforms and exacerbated by long-standing governmental corruption, raises significant concerns regarding violations of fundamental human rights recognized under both international and domestic legal frameworks. This research critically examines the State's conduct in light of the *Universal Declaration of Human Rights*¹, which protects the right to freedom of expression and ensures individuals can access and disseminate information without undue interference, as well as the right to peaceful assembly, which secures citizens' ability to protest and engage in political participation. The disproportionate and lethal use of force contravenes the *International Covenant on Civil and Political Rights*², which safeguards the right to life and personal liberty and prohibits arbitrary detention and suppression of dissent. Furthermore, the *UN Basic Principles on the Use of Force and Firearms*³ underscore that force must be employed only as a last resort, in a proportionate manner. The *UN Declaration on Human Rights Defenders*⁴ emphasizes the State's obligation to respect and protect individuals advocating for human rights. *The Nepal's Constitution*⁵ guarantees equality, freedom of expression, communication, and assembly, permitting restrictions only in narrowly defined circumstances that are lawful, necessary, and proportionate to legitimate public interests. This paper explores the legal ramifications of the State's actions, the tension between security concerns and civil liberties, and the erosion of democratic norms.

Keywords: *Human rights violations, freedom of expression, right to peaceful assembly, right to life, personal liberty, arbitrary detention, rule of law, regional cooperation.*

¹ Universal Declaration of Human Rights, 1948, (UN).

² International Covenant on Civil and Political Rights, 1966, (UN).

³ UN Basic Principles on the Use of Force and Firearms, 1990 (UN).

⁴ UN Declaration on Human Rights Defenders, 1998 (UN).

⁵ Nepal Const. 2015.

METHODOLOGY OF THE STUDY:

This research adopts a doctrinal approach. Through this method, existing national and international frameworks related to freedom of expression have been critically analysed. The study examines instruments such as international and regional conventions, constitutions, statutes enacted by legislative bodies, court decisions, legal texts, law journals, scholarly articles, newspapers, and other relevant publications.

INTRODUCTION: BACKGROUND AND CAUSES OF THE NEPAL PROTESTS:

The recent civil unrest in Nepal, which spread across major urban centres, exposed serious human rights violations committed under the pretext of maintaining public order. The protests were triggered by the government's sudden ban on social media platforms such as Facebook and Instagram. The ban was justified as a measure to control misinformation and ensure national security. However, the restrictions were imposed without due process or transparency, thereby infringing upon fundamental rights protected by both international human rights instruments and the Constitution of Nepal.

The protests lasted for two days and were primarily led by students and young people. As a result, they came to be known as the “Gen Z Protests”⁶. Protesters expressed concerns over corruption, misuse of public funds, and systemic inequality. They accused elite political families, commonly referred to as “nepo babies”, of benefiting from taxpayers’ money while ordinary citizens, especially those from economically weaker sections, faced growing deprivation. At first, the demonstrations were peaceful, with protesters voicing dissent through social media and public gatherings. However, the situation escalated when security forces opened fire on the crowds, killing at least nineteen students⁷. The indiscriminate and excessive use of lethal force against unarmed civilians violated the right to life and the right to peaceful assembly, which in turn intensified public outrage and led some sections of the population to resort to violence as a form of resistance.

The crisis culminated in the resignation and flight of Prime Minister KP Sharma Oli. The finance minister was publicly assaulted by angry crowds. Government buildings were attacked and emergency curfews were imposed, highlighting the collapse of trust between the state and

⁶ TIME, *Nepal Gen Z protests: Social media, ‘Nepo kids’, and corruption explained*, TIME (Sep. 10, 2025), <https://time.com/7315492/nepal-gen-z-protests-social-media-nepo-kids-corruption-explainer/>

⁷ Reuters, *Death toll in Nepal's anti-graft protests jumps to 51*, Reuters (Sep. 12, 2025), <https://www.reuters.com/business/media-telecom/death-toll-nepals-anti-graft-protests-jumps-51-2025-09-12/>

its citizens⁸.

The rights implicated in this unrest are enshrined in both international and domestic law. The UDHR⁹ and the ICCPR¹⁰ protect the rights to freedom of expression, peaceful assembly, life, and personal liberty. These instruments allow restrictions only when necessary and proportionate. The *UN Basic Principles on the Use of Force and Firearms*¹¹ call for accountability and require that force be used only as a last resort. The *UN Declaration on Human Rights Defenders*¹² obligates states to safeguard individuals advocating for human rights and political accountability. At the domestic level, the *Constitution of Nepal*¹³ secures equality, expression, communication, and assembly rights, permitting restrictions only in narrowly defined circumstances that are lawful, necessary, and proportionate to legitimate public interests.

CONSTITUTIONAL SAFEGUARDS UNDER NEPAL'S CONSTITUTION:

The *Constitution of Nepal, 2015*¹⁴, enshrines fundamental rights that serve as a bulwark against arbitrary state action, safeguarding human dignity, democratic freedoms, and the rule of law. The violations observed during the recent protests manifestly contravene these constitutional guarantees.

Right to Life and Dignity under Article 16:

*Article 16(1)*¹⁵ affirms that “Every person shall have the right to live with dignity,” and *Article 16(2)*¹⁶ prohibits the imposition of the death penalty. The indiscriminate use of lethal force against unarmed protestors constitutes a prima facie violation of this provision, undermining the inherent dignity and sanctity of life.

Right to Freedom under Article 17:

*Article 17*¹⁷ guarantees that “No person shall be deprived of his or her personal liberty except

⁸ The Guardian, *Nepal appoints its first female PM after historic week of deadly protests*, The Guardian (Sep. 12, 2025), <https://www.theguardian.com/world/2025/sep/12/nepal-appoints-its-first-female-pm-after-historic-week-of-deadly-protests>

⁹ Universal Declaration of Human Rights, 1948, (UN).

¹⁰ International Covenant on Civil and Political Rights, 1966, (UN).

¹¹ UN Basic Principles on the Use of Force and Firearms, 1990 (UN).

¹² UN Declaration on Human Rights Defenders, 1998 (UN).

¹³ Nepal Const. 2015.

¹⁴ Nepal Const. 2015.

¹⁵ Nepal Const. art. 16, cl. 1.

¹⁶ Nepal Const. art. 16, cl. 2.

¹⁷ Nepal Const. art. 17.

in accordance with law” and enumerates freedoms including:

- (a) freedom of opinion and expression,
- (b) freedom to assemble peacefully and without arms,
- (c) freedom to form political parties,
- (d) freedom to form unions and associations,
- (e) freedom of movement and residence, and
- (f) freedom to practice any profession, trade, or business.

The arbitrary arrests, suppression of peaceful assemblies, and internet shutdowns during the protests violate these constitutional protections. While sub-clauses provide for reasonable restrictions in the interests of sovereignty, public order, and morality, such restrictions must be lawful, necessary, and proportionate, criteria evidently unmet in this instance.

Right to Equality under Article 18:

*Article 18(1)*¹⁸ guarantees equality before law, and *Article 18(2)*¹⁹ prohibits discrimination on grounds including caste, religion, sex, economic status, or disability. Politicians’ misuse of tax funds for personal gain violates citizens’ right to equality under *Article 18*²⁰.

Right to Communication under Article 19:

*Article 19*²¹ protects the freedom of press, broadcasting, and other modes of communication, prohibiting censorship except under reasonable restrictions provided by law. The disruption of social media constitutes a direct breach of this protection.

Despite the constitutional safeguards enshrined in *Articles 16 to 19*, citizens were systematically deprived of their fundamental rights. Arbitrary use of force, suppression of peaceful assembly, restrictions on expression, and unequal treatment undermined the very protections intended to uphold human dignity, freedom, and equality, revealing a stark disconnect between constitutional guarantees and their enforcement.

¹⁸ Nepal Const. art. 18, cl. 1.

¹⁹ Nepal Const. art. 18, cl. 2.

²⁰ Nepal Const. art. 18.

²¹ Nepal Const. art. 19.

INTERNATIONAL LEGAL OBLIGATIONS AND HUMAN RIGHTS STANDARDS:

The human rights violations during the recent protests in Nepal must be evaluated in light of binding international legal obligations. Instruments such as the UDHR²² and the ICCPR²³ protect freedoms including expression, assembly, personal liberty, and the right to life. *The UN Basic Principles on the Use of Force and Firearms*²⁴ and the *UN Declaration on Human Rights Defenders*²⁵ further guide how States must exercise restraint and protect activists. Nepal's actions clearly contravened these obligations, highlighting the urgent need to uphold the rule of law and ensure accountability during times of political unrest.

Freedom of opinion and expression is a fundamental right, essential for individual development and the functioning of a democratic society. It encompasses all forms of communication, including political discourse, journalism, cultural expression, teaching, and religious commentary, and protects the right to seek, receive, and impart information across all media²⁶. While not absolute, restrictions are permissible only if prescribed by law and necessary for respecting others' rights or reputations, or for protecting national security, public order, health, or morals. Measures that unduly limit expression such as blocking access to media or restricting political canvassing are likely to violate this right²⁷.

The Universal Declaration of Human Rights.

The drafters of the UDHR²⁸ drew heavily on historical documents and the natural law tradition to frame human rights as inherent to all humans. René Cassin, John Humphrey, and Charles Malik, among others, referenced the *1776 American Declaration*²⁹, the *1789 French Declaration*³⁰, and other constitutional and Pan-American sources. The UDHR's preamble and first article emphasize that human rights are grounded in the inherent dignity and equal, inalienable rights of all individuals, reflecting a natural law understanding that such rights exist by virtue of human nature itself, making claims to human rights universally applicable and

²² Universal Declaration of Human Rights, 1948, (UN).

²³ International Covenant on Civil and Political Rights, 1966, (UN).

²⁴ UN Basic Principles on the Use of Force and Firearms, 1990 (UN).

²⁵ UN Declaration on Human Rights Defenders, 1998 (UN).

²⁶ Madhu Sudan Neupane (PhD), Shashi Nath Marasini, *Provisions of Freedom of Expression in International Law*, SSRN, pp. 8–9 (2022).

²⁷ UN Human Rights Committee, General Comment No. 34, CCPR/C/GC/34 (Issued on 12 September 2011 (UN)).

²⁸ Universal Declaration of Human Rights, 1948, (UN).

²⁹ American Declaration of Independence, 1776, (USA).

³⁰ Declaration of the Rights of Man and of the Citizen, 1789, (France).

credible³¹.

The human rights violations perpetrated during the recent protests in Nepal warrant rigorous scrutiny under established international legal instruments that impose binding obligations upon States. The UDHR³², though not a treaty, serves as a foundational normative framework, with *Article 19*³³ guaranteeing the right to freedom of expression, encompassing the liberty to seek, receive, and disseminate information and ideas through any medium without interference. *Article 20*³⁴ further enshrines the right to peaceful assembly and association, recognizing the intrinsic value of collective action in a democratic polity. *Article 21*³⁵ of the UDHR affirms that everyone has the right to participate in the government of their country, directly or through freely chosen representatives, and that the will of the people shall be the basis of government authority expressed through genuine elections.

In *Gelman v. Uruguay*³⁶, the Inter-American Court of Human Rights held that Uruguay violated the rights of María Claudia García Iruretagoyena de Gelman and her family, including their freedom of expression, by engaging in enforced disappearances and suppressing information about their identities during the country's dictatorship, underscoring the State's obligation to uphold fundamental human rights even in periods of political turmoil.

Furthermore, in *Massacre of El Mozote v. El Salvador*³⁷ the Inter-American Court of Human Rights held that El Salvador violated the rights to life, personal integrity, and judicial protection when its military massacred over 1,000 civilians in El Mozote in 1981, emphasizing the State's obligation to investigate and prosecute human rights violations.

The International Covenant on Civil and Political Rights (ICCPR).

The ICCPR³⁸ to which Nepal is a State party, codifies these protections into legally enforceable obligations. *Article 6*³⁹ establishes the inherent and non-derogable right to life, prohibiting arbitrary deprivation of life under any circumstances.

³¹ Tom Finegan, *The Right to Life in International Human Rights Law*, Backgrounder No. 3464, HERITAGE FDN, pp. 3–6 (2020).

³² Universal Declaration of Human Rights, 1948, (UN).

³³ Universal Declaration of Human Rights, 1948, § 19 (UN).

³⁴ Universal Declaration of Human Rights, 1948, § 20 (UN).

³⁵ Universal Declaration of Human Rights, 1948, § 21 (UN).

³⁶ *Gelman v. Uruguay*, (2011) Ser. C No. 221 Inter-Am. Ct. H. R. 1 (2011).

³⁷ *Case of the Massacre of El Mozote v. El Salvador*, (2012) Inter-Am. Ct. H. R. Ser. C No. 252, 1 (2012).

³⁸ International Covenant on Civil and Political Rights, 1966, (UN).

³⁹ International Covenant on Civil and Political Rights, 1966, § 6 (UN).

In *D. Kitumaini & Others v. Democratic Republic of the Congo*⁴⁰, the UN Human Rights Committee found that the State party violated *Article 6(1)*⁴¹ by failing to investigate the arbitrary killing of Pascal Kabungulu, a human rights defender, and by not providing adequate domestic remedies for his family.

*Article 9*⁴² safeguards personal liberty and security, mandating that no individual shall be subjected to arbitrary arrest or detention. *Article 19*⁴³ reiterates the right to freedom of expression, permitting restrictions only where they are prescribed by law and are necessary and proportionate to protect the rights or reputations of others or to safeguard national security, public order, or public health.

In *Alla Romanchik v. Belarus*⁴⁴, the Committee found that Belarus violated *Article 19*⁴⁵ by imposing a fine on Alla Romanchik for participating in unsanctioned peaceful meetings, thereby infringing on her freedom of expression.

*Article 21*⁴⁶ recognizes the right of peaceful assembly, subject to narrowly tailored restrictions that are necessary in a democratic society to protect public order or the rights of others.

In *Berik Zhagiparov v. Kazakhstan*⁴⁷, the Committee found that Kazakhstan violated *Article 21*⁴⁸ by imposing administrative arrests on Berik Zhagiparov for organizing and participating in peaceful protests without prior authorization. The State failed to demonstrate that such restrictions were necessary and proportionate to protect national security or public order.

The actions of the State during the protests, specifically the indiscriminate and excessive use of lethal force resulting in the deaths of at least nineteen students, amount to a manifest violation of *Article 6*⁴⁹, undermining the most fundamental human right, the right to life. Similarly, the abrupt imposition of an internet shutdown and the suppression of dissenting voices contravened *Articles 19*⁵⁰ and *21*⁵¹, effectively silencing political discourse and

⁴⁰ *D. Kitumaini & Others v. Democratic Republic of the Congo*, (2012) Afr. Comm'n H. R. Comm. No. 264/03, 1 (2012).

⁴¹ International Covenant on Civil and Political Rights, 1966, § 6(1) (UN).

⁴² International Covenant on Civil and Political Rights, 1966, § 9 (UN).

⁴³ International Covenant on Civil and Political Rights, 1966, § 19 (UN).

⁴⁴ *Alla Romanchik v. Belarus*, (2018) Eur. Ct. H. R. App. No. 44572/14, 1 (2018).

⁴⁵ International Covenant on Civil and Political Rights, 1966, § 19 (UN).

⁴⁶ International Covenant on Civil and Political Rights, 1966, § 21 (UN).

⁴⁷ *Berik Zhagiparov v. Kazakhstan*, (2017) Eur. Ct. H. R. App. No. 22857/14, 1 (2017).

⁴⁸ International Covenant on Civil and Political Rights, 1966, § 21 (UN).

⁴⁹ International Covenant on Civil and Political Rights, 1966, § 6 (UN).

⁵⁰ International Covenant on Civil and Political Rights, 1966, § 19 (UN).

⁵¹ International Covenant on Civil and Political Rights, 1966, § 21 (UN).

obstructing citizens' lawful participation in democratic processes.

Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

As a State party to the *Convention against Torture (CAT)*⁵², Nepal is bound by *Article 1*⁵³, which proscribes any act causing severe physical or mental suffering inflicted by or with the acquiescence of public officials, including through the use of excessive force or coercive methods. The deliberate use of lethal force against unarmed protestors constitutes a prima facie violation of this provision.

In the case of *Ireland v. The United Kingdom*⁵⁴, the issue of inhuman and degrading treatment was addressed. The Court examined the use of certain interrogation techniques by the United Kingdom, including wall-standing, hooding, subjection to noise, deprivation of sleep, and deprivation of food and drink. The Court found that these methods, when used in combination, amounted to inhuman and degrading treatment, even if they did not reach the threshold of torture.

Under *Article 2*⁵⁵, Nepal is under a positive obligation to adopt effective legislative, administrative, and judicial measures to prevent torture and ensure accountability for such acts. The State's failure to exercise due diligence in protecting demonstrators and preventing the use of disproportionate force amounts to a breach of its treaty obligations, undermining the principles of legality, proportionality, and the rule of law.

The UN Basic Principles on the Use of Force and Firearms.

The *UN Basic Principles on the Use of Force and Firearms*⁵⁶, though non-binding, provide authoritative guidance on the application of force by law enforcement authorities. These principles stipulate that force must be employed strictly as a last resort, be proportionate to the threat posed, and be accountable through transparent and independent oversight mechanisms. The State's resort to lethal force absent such safeguards constitutes a grave breach of international norms and standards.

⁵² Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, 1984, (UN).

⁵³ Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, 1984, § 1 (UN).

⁵⁴ *Ireland v. The United Kingdom*, (1978) Eur. Ct. H. R. 25, 1 (1978).

⁵⁵ Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, 1984, § 2 (UN).

⁵⁶ UN Basic Principles on the Use of Force and Firearms, 1990 (UN).

The UN Declaration on Human Rights Defenders.

Further, the *UN Declaration on Human Rights Defenders*⁵⁷ underscores that States bear a positive obligation to protect individuals and collectives advocating for the advancement of human rights and democratic accountability. Any attempt by authorities to intimidate, silence, or repress such activism through coercive or violent means constitutes a direct affront to this obligation, rendering the State culpable under international human rights law.

In conclusion, the human rights violations during the recent protests in Nepal clearly breach binding international obligations. The State's excessive use of force, restrictions on peaceful assembly, and suppression of expression violate the UDHR, ICCPR, CAT, and related UN standards. These actions reflect a failure to uphold both positive and negative duties to protect human rights, underscoring the urgent need for accountability, legal remedies, and safeguards to ensure compliance with Nepal's international commitments.

IMPACT ON DEMOCRACY, RULE OF LAW, AND GOVERNANCE:

The suppression of peaceful dissent, abuse of emergency powers, and disregard for judicial oversight during the recent protests in Nepal have had serious consequences for democratic institutions, the rule of law, and governance. Freedom of expression and assembly are fundamental rights that enable citizens to participate in public affairs, hold leaders accountable, and shape policy. When these rights are restricted, democratic discourse is stifled, weakening the ability of people to influence governance and fostering alienation⁵⁸.

Historical examples show the dangers of such repression. During the *Tiananmen Square protests in China (1989)*,⁵⁹ the government's violent crackdown on peaceful demonstrators undermined political freedoms, silenced dissent, and entrenched authoritarian governance. Similarly, the *Emergency imposed in India (1975-1977)*⁶⁰ saw widespread suspension of civil liberties, censorship of the press, and misuse of state powers, leading to a decline in public trust and democratic legitimacy. In both cases, arbitrary executive actions eroded the rule of law, with courts either sidelined or powerless to act, reinforcing a governance model based on control rather than consent.

⁵⁷ UN Declaration on Human Rights Defenders, 1998 (UN).

⁵⁸ Steven D. Smith, *Dissent and the Rule of Law*, No. 36 BYU J. PUB. pp. 81, pp. 89–91 (1995).

⁵⁹ Amnesty International, *People's Republic of China: Human Rights Violations during the Tiananmen Square Crackdown*, AMNESTY REP. 89/05, 5–10 (1990).

⁶⁰ S. S. S. Chawla, *Silenced Voices: Unravelling India's Dissent Crisis Through Historical and Contemporary Analysis*, 33 POL. SCI. 42, 47–50 (2023).

Nepal's actions parallel these instances, where emergency powers were invoked without proportional justification and judicial safeguards were ignored, exposing citizens to unchecked state power. Such measures signal that governance is driven by fear and control rather than constitutional principles and human dignity. The erosion of judicial oversight further weakens the enforcement of rights, leaving victims without recourse and undermining the separation of powers a cornerstone of democratic governance. When authorities act with impunity, it diminishes public faith in institutions, encourages disengagement, and breeds instability.

Restoring democratic governance requires accountability for abuses, protection of civil liberties, and robust judicial mechanisms to prevent executive overreach. Historical lessons underscore that respect for rights and rule of law is essential not only for democracy to flourish but for peace, stability, and legitimacy to endure.

RECOMMENDATIONS AND LEGAL REMEDIES:

In light of the grave human rights violations discussed, the following recommendations and legal remedies are proposed to ensure compliance with international human rights obligations and to fortify the protection of civil liberties during political unrest.

Judicial Mechanisms:

Judicial mechanisms must be strengthened to effectively address human rights violations. Courts should be empowered to hear cases on arbitrary force, suppression of dissent, and other rights violations. Specialized human rights benches and expedited procedures should be introduced, while ensuring judicial independence and impartiality through constitutional safeguards. Public interest litigation should also be promoted to hold authorities accountable.

Legislative Safeguards:

Legislative reform is necessary to curtail the potential abuse of emergency powers and to provide clear definitions of permissible restrictions on rights under Articles 19, 21, and 6 of the ICCPR. Further, safeguards should mandate parliamentary oversight and periodic review of emergency declarations to prevent their indefinite extension and misuse.

Accountability Frameworks:

A robust accountability framework is essential for ensuring that perpetrators of rights violations are brought to justice. Civil remedies, including compensation, restitution, and rehabilitation, must be accessible to victims. Institutional measures such as witness protection, anti-retaliation

protocols, and human rights ombudsman offices should be established to foster an environment of trust and transparency.

Regional and International Cooperation:

Given the cross-border nature of human rights, regional cooperation should be strengthened through capacity-building, knowledge-sharing, and coordinated efforts. States must engage with bodies like the UN Human Rights Council and adopt peer reviews, technical assistance, and joint monitoring to ensure compliance and provide remedies during crises.

These recommendations collectively aim to reinforce the rule of law, restore public confidence in democratic institutions, and ensure that the exercise of civil and political rights is upheld in accordance with both national and international legal standards.