

Dalit Ngo Federation – Nepal

Caste-based discrimination continued to be a source of non-development, instability, and conflict in Nepal, a country generally characterised by political instability and institutional challenges. Despite the Government's declaration of Nepal as an 'untouchability free state', Dalits are still subjected to violence and social exclusion, bonded labour, and forced prostitution. The constitution-making process has provided unprecedented opportunities as well as challenges for the Dalit movement. Dalits in Nepal demanded and worked hard to secure inclusion of Dalit rights in the Constitution in accordance with Nepal's international human rights obligations, proportionate political representation and special measures to address the historical injustices.

One of the critical issues is the lack of adequate disaggregated data. According to Government statistics, Dalits constitute 13 percent of the population. However, a survey done by Dalit organisations estimates that the number should be as high as 20 percent. Dalits only constitute eight percent of the Constituent Assembly. It is therefore essential that the Government, Dalit organisations, and donors make efforts to secure adequate and correct data in the national census planned for 2011.

The government made concessions, including a number of bold new provisions on caste discrimination in its budget proposal. These included grants for inter-caste couples and child protection measures for poor Dalit families. Nepal's Maoist Prime Minister also announced plans to ban the country's dowry system. In a televised address in January, he called caste discrimination "inhuman" and a "national shame".

Later that year, the Government of Nepal joined the international struggle against caste discrimination by making strong statements within the framework of the United Nations, including the Durban Review Conference in April.

The main focus of activities undertaken by the Dalit NGO Federation (DNF) was on integration of Dalit human rights in Nepal's new constitution through lobbying different thematic committees of the Constituent Assembly (CA). DNF held a seminar for Dalit members of the CA to increase their lobbying capacity. The program was organized jointly by the Centre for Human Rights and Global Justice (CHRGJ), DNF, and IDSN. At the seminar DNF presented key recommendations for the inclusion of Dalit rights in the new constitution.

A joint statement submitted by DNF, CHRGJ, and IDSN in February called on the CA to respect and promote international human rights principles in the drafting process in compliance with the main human rights treaties that reject the inherently discriminatory features of the caste system. The statement addressed the substantive rights guarantees in areas such as equality and non-discrimination and economic, social and cultural rights, as well as the issue of enforcing such rights. The President of the Thematic Committee, Bindha Pandey, received the recommendations and acknowledged the need for Dalit rights as fundamental rights in the new constitution.

In August DNF organised a national seminar on Dalit rights in the new constitution with the objective of influencing political parties. State Minister Jeet Gautum participated as a chief guest and made a commitment to address Dalit issues in the new constitution. Other seminar participants included political party leaders, Dalit activists and CA members.

"Untouchability is a heinous social crime and stern actions will be taken against the offenders by amending the law if necessary." Pushpa Kamal Dahal, Prime Minister of Nepal, 25 January

Nepal constitutional Project – centre for Human rights and global Justice (cHrgj)

In support of the constitution-building process in Nepal, IDSN has contributed financially to the Nepal Constitutional Project held by CHRGI (research associate of IDSN). In April 2008, CHRGI's report *Recasting Justice: Securing Dalit Rights in Nepal's New Constitution* was issued. The report analyses Nepal's Interim Constitution in order to suggest how the new constitution may be drafted in accordance with the country's international human rights obligations to ensure the rights of Dalits. Since the launch of the report CHRGI, DNF and IDSN have worked to disseminate its findings. In 2009 With IDSN and DNF, CHRGI co-authored an eight-page Joint Statement in February 2009 distilling DNF's major recommendations and those outlined in CHRGI's report *Recasting Justice*. To enable broad dissemination, the Statement was published in both English and in Nepali. CHRGI also commenced research on Nepal's international human rights obligations to enact special measures as a way to ensure equality for Dalits and other marginalised groups.

CHRGI staff organised a visit to Kathmandu in April, with the support and partnership of IDSN and DNF, and met with relevant actors in the constitution-building process. CHRGI also contributed to a one-day seminar organised by DNF, bringing together a group of CA members and Dalit civil society representatives to discuss how to best protect Dalit rights in the new constitution.

Main points from CHRGI's research into Nepal's international human rights law obligations as to special measures:

- **Nepal is obligated to implement special measures to remedy discrimination and/ or to ensure substantive equality;**
- **Special measures programs must address the marginalised among the marginalised, e.g., Dalit women – in a meaningful way;**
- **International human rights law requires that special measures apply to the government, public, and private sectors;**
- **Special measures must be accompanied by a larger set of measures designed to ensure substantive equality of Dalits and other marginalised groups;**
- **go beyond reservations and include programs to change social and cultural attitudes and norms; include capacity building, education, and training.**

Besides having regional and district level activities on Dalit rights, DNF also conducted a signature campaign for Dalit rights in the new constitution to draw the attention of CA members, political parties and other stakeholders.

25.000 signatures were collected from Dalits, human rights advocates, and other political activists and submitted to the Chief of the CA political parties and the relevant thematic committees.

DNF also undertook an analysis of the annual government budget and programme of the fiscal year 2009/2010, and disseminated the analysis countrywide.

One of the burning issues in 2009 was how to position the Dalits in a new federal structure. Some political parties propose that the federal state should be based on ethnicity and caste. However, since Dalits are found in all parts of the country, which state should they belong to? The political Dalit organisations came up with different proposals.

The Dalit Liberation Front focused on 'special rights' for Dalits, some wanted 'progressive reservation', and others wanted no reservations at all. For two years DNF facilitated a platform for bringing together different political

sister organisations, most of which represent different agendas. With these joint efforts, it was possible to produce a common Dalit demand paper, which was submitted to the Government and the CA Chief in 2009.

In 2009 DNF made a documentary movie named “Whip Up” as a follow up to the documentary “Achhut”, which was made in 2008. The first documentary covered the social, political and economic conditions of the Terai Dalit population. DNF also published a number of books and reports.

“the draft principles and guidelines can serve as good reference in devising the ways and means to address the issue of caste-based discrimination. These principles and guidelines also may be useful tools to work out amendments and reforms of discriminatory laws and revitalize their implementation.” State Minister Jeet Bahadur Darjee Gautum, Government of Nepal, at UN Human Rights Council parallel event, 16 September

Dalit demands create results

During a meeting with the city corporation mayor in barisal, Dalits demanded higher salaries. The mayor took instant action and increased the salary level from taka 600 to 1500 and appointed five young Dalits to city corporation jobs. In another instance, a local leader in Joypurhat and a bDerm leader, advocate babul robidas, protested against the eviction of a cobbler. Now the cobbler is reemployed.
