

Nepal

The November elections to the Constituent Assembly (CA) dominated the political landscape in Nepal throughout 2013. Dalit civil society groups fought hard to secure a level of Dalit political representation that would match the community's share of the country's population. While the result was somewhat disappointing, it was not as bad as the Dalit movement initially feared. Altogether, at least 40 Dalits won seats in the new CA.

Despite the declaration of an 'Untouchability free nation' and the introduction of legislation against caste discrimination, Dalits continue to be discriminated through the social practices of 'untouchability' and by the larger institutional framework that is expected to protect and safeguard citizens' rights. Human rights violations against Dalits are reported every single day all over Nepal. Dalits are placed at the bottom of all development indicators compared to other caste and ethnic groups.

Hopes were high when the 'Untouchability Bill' was adopted in 2011, but so far the law has proved ineffective as it is not being properly implemented. According to the Asian Human Rights Commission, the police often recommend victims of caste discrimination to enter into an agreement with perpetrators of violations against them rather than follow the legal process. In many cases, crimes against Dalits are carried out with impunity as the authorities neglect to investigate and prosecute perpetrators.

Two cases of serious human rights violations against Dalits – the violent assault on a settlement in Rautahat District, and the brutal attack against two journalists in Morang District – attracted particular attention in 2013.

Sadly, I don't think our society is progressive enough when it comes to Dalits. If the educated masses working for human rights had been progressive, such an event, like what happened in Rautahat, would not have occurred in the first place.

Durga Sob, President, Feminist Dalit Organization (FEDO)

In June, a mob armed with sticks and stones ransacked a Dalit settlement in the village of Pipariya, Rautahat District. More than 65 houses were damaged, 200 people displaced, and 18 Dalits injured, some of them seriously. The incident was triggered by a dispute over the use of a local temple. Local dominant caste people had refused Dalits to enter the temple on several occasions. When they continued to try to enter, their settlement was attacked.

The police were reportedly unreachable during the four hour long attack and only arrived on the scene 24 hours later. By that time, most of the perpetrators had escaped across the border to India, and only two were arrested.

The attack was condemned by a number of European missions in Nepal. In a statement, they described it as a "stark reminder that much effort is still needed to overcome the scourge of untouchability and identity-based discrimination."⁶⁶ They also urged the authorities to implement legislation against caste discrimination and called upon all political parties and civil society to raise awareness of the law and promote social inclusion.

Dalit civil society groups launched protests and demanded that the Government of Nepal conduct a fair investigation into the incident and support the victims. Nine organisations organised a fact-finding mission to the area, reporting that most of the village's female inhabitants had been sent away for safety reasons and that the remaining Dalit villagers were forced to sleep in the open air due to the damages to their houses. The team was led by Nepal National Dalit Social Welfare Organisation (NNDSWO), one of IDSN's Nepalese partners.

That caste discrimination incidents are regularly reported are evidence that the implementation of the law against it is rather lax, and the perpetrators are not in any way brought to book due to their clout or power. It makes a mockery of our own constitution and the law. Editorial, The Himalayan Times

In another much publicised incident, a mob in Morang District brutally attacked a Dalit woman and a male journalist from the Dalit community. Maya Sarki, a mother of two, had mistakenly accused a local man, Jivan Bhetwal, from a dominant caste of attempting to rape her, but apologised to him when it turned out that he was not the culprit. The apology was apparently not sufficient for Bhetwal's relatives, including his wife and mother, and other villagers, who called Ms Sarki to a public place, beat her up, smeared her face with black soot, and garlanded her with shoes and slippers. The angry mob also attacked Manoj Bishwakarma, a Dalit journalist and human rights activist who had tried to help Ms Sarki file a complaint about the rape attempt to the police. Reportedly, a larger group of villagers were cheering while this was happening.

The police were initially reluctant to receive a complaint from the two victims, but following intense pressure from Dalit organisations, including Jagaran Media Center, six of the suspected perpetrators were eventually arrested, while an estimated 10 more fled the village. The suspects have since been released on bail, and the case against them is pending. The National Human Rights Commission expressed concern over the incident.

Throughout the year, Dalit civil society groups, including the Dalit NGO Federation (DNF), Feminist Dalit Organisation (FEDO) and NNDSWO, campaigned for the rights of Nepal's Dalit community, promoted political, social and economic inclusion, monitored human rights violations, and raised awareness of caste discrimination nationally and internationally.

DNF is the driving force behind a ten-year 'strategy plan on caste-based discrimination and untouchability' that is being prepared jointly with the National Dalit Commission and other institutions. The aim is to promote cooperation between governmental bodies and Dalit civil society groups in order to eliminate caste discrimination and 'untouchability' practices.

DNF has also been part of numerous other initiatives, including lobbying with political parties to ensure proportional representation of Dalits in the CA elections, cooperation with the Election Commission to ensure voter registration of Dalits, and efforts to make the police more sensitive to crimes against Dalits.

On 24 May, a coalition of Dalit civil society organisations embarked upon a 12-day nationwide campaign against caste discrimination and 'untouchability'. Their aim was to mobilise significant parts of society – including non-Dalit civil society groups, political parties, and the media – for their cause. The campaign had three aspects: to celebrate the state's commitment toward ensuring equal rights for Dalits; to appeal to the state and other stakeholders to do more for Dalit rights; and to encourage the effective implementation of the country's anti-caste discrimination law.

At the campaign launch, the Minister for Information and Communications admitted that the implementation aspect of the legislation was 'pathetic' and promised that this would change.

Both the starting date – the second anniversary of the adoption of the 'Untouchability bill' – and the final day of the campaign – the anniversary of the date when Nepal was declared an 'untouchability free nation' on 4 June 2006 – were highly symbolic for Nepal's Dalit movement. The campaign finished off with a rally in Kathmandu with more than a 1,000 participants.

From 7-11 December, to mark the 65th International Human Rights Day, civil society organisations led by DNF organised the Human Rights National Magna Meet 2013. For the first time, the programme of this collective civil

society event was led by a Dalit organisation. The slogan was "Working Together for Human Rights", and a broad range of human rights issues were covered, including gender, caste discrimination, child rights, LBGT, and disability issues.

The election to the Constituent Assembly (CA) finally took place on 19 November after many delays and a protracted political stalemate. Dalit organisations had campaigned tirelessly for an inclusive CA, but their efforts were undermined by the political parties who showed little interest in promoting Dalit candidates. The largest party, Nepali Congress, did not nominate a single Dalit for 'first-past-the-post' seats where 40 per cent of the 601 CA members were elected, and all in all, only two Dalits won seats through this system.

However, many more Dalits secured seats through the proportional representation system that accounts for approximately 55 per cent of the CA seats. By the end of 2013, 40 Dalits (19 men and 21 women) had won seats in the new CA, and Dalit organisations were lobbying for a share of the final 26 seats that are allocated through party nominations.

The final number of Dalit seats will probably be slightly lower than in the first CA. In 2008, Dalits won eight per cent of the seats, although this did not match their share of the population (13.6 per cent), it was still an unprecedented number. This time, the number will be around seven per cent, and while this is disappointing, there are also some positives worth noting.

So far, there are 21 Dalit women in the second CA, compared to 24 in the first one. However, FEDO believes that this new group is better prepared for parliamentary work than the previous one whose presence in the CA was not an unqualified success. FEDO focused on political empowerment and participation of Dalit women throughout 2013, and worked to build the capacity of Dalit women and their political parties. This should enable Dalit women to make their presence felt in the new CA.

It is important for Nepal's Dalit women to have a strong voice in the CA, as they remain one of the most marginalised groups in the country. They are subjected to violence and discrimination, have little control over resources such as land, housing or money, are forced into the most demeaning jobs, and are very vulnerable to sexual exploitation.

Dalit women are at the receiving end of violence, whether domestic or social, for two reasons: they are treated as the second sex and belong to the most oppressed social group. Hira Bishwakarma, team leader of a study on Dalit women

According to a study conducted by the Dalit Studies and Development Center (DSDC) on behalf of FEDO, economic empowerment of Dalit women is the key to combating violence against them. Rather than focusing on the lack of effective acts, regulations etc., the report cites poverty, illiteracy and ignorance on the part of both victims and culprits as the main reason behind the prevalence of violence against Dalit women and children in Nepal.

Dalit human rights campaigners continued to be active on the international stage, taking part in IDSN lobby interventions at UN and EU level, and supporting other initiatives such as the formation of the South Asian Parliamentarians Forum that took place in Kathmandu in December.