

# NEPAL

The work of IDSN members, associates and the broader network in Nepal in 2014, revolved around political dialogue and mobilisation, and implementation of the Anti-Caste Based Discrimination and Untouchability Act, in addition to work on Dalit women's rights, caste-based slavery and access to services and rights for Nepal's Dalits. Alliances are also being built to foster inclusion of more non-Dalits in the struggle for Dalit rights.

Dalit women marched and united to fight for their rights and Dalit civil society organisations held consultations with politicians and officials on the implementation of legislation, budget allocations and creating awareness to change the public attitude towards Dalits in Nepal.

Political concerns included the risk of losing gains made in the previous Constitutional Assembly, including provisions on proportional representation and special rights for Dalits. Despite national legislation, forbidding caste-based discrimination and the practice of caste-based slavery in Nepal, discrimination persists and Dalit human rights defenders report a serious and widespread lack of enforcement and implementation of laws to protect Dalits.

The 2014 UN review of Nepal in the Human Rights Committee (on civil and political rights)(CCPR), also raised concern about the lack of implementation of the Caste-based Discrimination and Untouchability (Offence and Punishment) Act.

*“While welcoming the adoption of the Caste-based Discrimination and Untouchability (Offence and Punishment) Act in 2011, the Committee remains concerned at the lack of its effective implementation and the persistence of *de facto* discrimination against the Dalit community.”*  
Concluding observations of the 2014 UN review of Nepal in the Human Rights Committee(CCPR)

Only 22 judgements have been made since its enactment and Dalit organisations call for an amendment of the law, inter alia to ensure penalty efficiency. Furthermore, a key problem found is also that Dalits, and state officials, generally lack awareness of the legislation.

Implementation of policy initiatives to address caste discrimination, especially at the local level is insufficient or lacking, partly due to inadequate resources and traditional mind-sets in communities and the bureaucracy. State institutions also remain behind in effectuating inclusion policies, and importantly in reporting on inclusion of Dalits in government services, military, police and as teaching staff.

In order to create awareness the Nepal National Dalit Social Welfare Organisation (NNDSWO), the Feminist Dalit Organisation (FEDO), the Dalit media organisation JMC and others organised a 12-day anti-discrimination campaign. The campaign celebrated the state's commitment towards ensuring equal rights for Dalits, by creating pressure and providing policy feedbacks to agencies for fair and effective implementation of the law. The campaign also served to create public

awareness about laws for combating caste-based discrimination and promoting collective action among key stakeholders.

The continued campaigning takes place in a difficult environment of political fragmentation, resulting in a much delayed Constitutional process, and the weakening of some human rights institutions including the National Dalit Commission (NDC), whose effective operation is still pending enactment of a bill. The NDC remains a politically appointed body with little autonomy and few resources. On a more positive note, the National Human Rights Commission took important steps to expand its work on caste-based discrimination.

### **Dalits at the bottom of poverty and development tables**

The ineffectiveness of measures to boost the social and economic standing of Dalits also became apparent in two key reports published in 2014, singling out Dalits as one of the worst off groups in Nepal.

The [UNDP Nepal Human Development Report 2014](#) found Dalits and Muslims in Nepal to be at the bottom of development tables on all fronts including education, poverty and health. The report emphasizes that,

“Social sector policies need to recognize the caste and ethnic dimensions of human development. Clear and ongoing caste and ethnic inequalities are revealed in different educational achievements and earnings. This strengthens the argument for deliberate strategies to increase inclusiveness by providing educational and economic opportunities for disadvantaged ethnic and caste groups such as the Dalits and Muslims.” The [UNDP Nepal Human Development Report 2014](#)<sup>i</sup>

Dalits also reign at the bottom of the scales in the [Nepal Multidimensional Social Inclusion Index](#), by Tribhuvan University’s Central Department of Sociology and Anthropology.<sup>ii</sup> The Index attempts to encompass all aspects of life and is a composite derived from six other indices: social, economic, political, cultural, gender, and social cohesion.

Across all counts, Dalits are faring very poorly in Nepal and gender discrimination is also high across castes. There is a glaring gap between especially Tarai Dalits, and their dominant caste countrymen from the same region when it comes to all dimensions of the index.

The reports also found that Dalit women ranked particularly low as they were victims of multiple discrimination.

### **Dalit Women mobilise against intersectional caste and gender discrimination**

This fact was also highlighted by the UN Women Representative and acting UN Resident Coordinator, Ziad Sheikh, in his key note speech at a conference on Dalit women in 2014, organised by FEDO.

“When, for example, you are a Dalit woman, you face double discrimination leading to social, political and economic exclusion and often worse. As we know, this is a reality in Nepal.” UN Women Representative and acting UN Resident Coordinator, Ziad Sheikh

The conference was organized to sensitize Government, political parties, civil society and related stakeholders on Dalit women's human rights issues and agenda, push for the inclusion of Dalit women's issues in the new constitution and discuss the major challenges Dalit women face from the local to the national level.

Around 300 Dalit women from across the country, Dalit non-governmental organizations, Dalit intellectuals, Feminist Dalit organization, human rights organizations, Government, political parties, international non-governmental organizations, donor agencies, the United Nations, the EU and journalists participated in the conference. The IDSN Executive Director also participated and spoke at the conference.

Major themes discussed were the status of violence against Dalit women; media monitoring of violence against Dalit women, political participation and Constitution making as well as the socio-economic status of Dalit women.

Throughout the year many in the network worked on Dalit women's rights in Nepal and Dalit women from Nepal took part in IDSN interventions in the UN, including in the IDSN UN side-event on 'Caste-based violence against women the role of the UN in combatting caste-based violence and discrimination.'

At the side-event, Durga Sob, President of the Feminist Dalit Organisation in Nepal, explained that the UN has played a significant role in uplifting the situation of Dalit women in Nepal, for instance, through the presence of the former OHCHR office. She expressed the need for the OHCHR to organize training to enhance and strengthen the capacity of Dalit women and the need for a Regional Consultation on caste-based discrimination with a thematic focus on Dalit women. She also mentioned the important role that UN Women could play in Nepal to support Dalit women and that the UNDP and UN agencies should mainstream the issue of Dalit women and non-discrimination as a crosscutting issue.

Another crosscutting issue in Nepal, that legislation has also not been a sufficient deterrent of, is caste-based slavery, which continues to persist, particularly in the form of bonded labour.

### **Caste-based slavery continues to plague Nepal**

IDSN's international associate, the Asian Human Rights Commission (AHRC), published a [submission](#) to the UN Human Rights Council in 2014, to highlight caste-based slavery in Nepal.<sup>iii</sup>

With a particular focus on the form of bonded-labour in the agricultural sector termed Haliya, Haruwa and Charuwa. The AHRC points out that workers, sometimes in generations, are working to pay off small loans with no repayment plans and that there is no transparency as to when their loans may be considered repaid. Often their children inherit the loan.

Government figures in Nepal find that over 10% of Dalits in the far western region of Nepal are found to be in this type of debt-bondage and suffer ill health, extreme poverty, and lack of access to services and opportunities.

The AHRC also raised concern that there are no proper schemes in place for rehabilitation of Haliya workers in Nepal. This means that those who break free of the practice are often left with no alternative sources of livelihood due to discrimination in employment and lack of training.

Concern over Dalits in bonded labour in Nepal was also brought into high-level political dialogues between civil society and key state and international actors.

## High-level political dialogue

Civil society organisations in Nepal working on Dalit rights have held numerous consultations and meetings with members of the Constituent Assembly, those drafting the constitution and relevant ministers, officials and politicians.

While there is a will to push for improvements in implementation and inclusion of Dalit rights in the upcoming constitution, the political establishment seems to pay less attention to this issue of caste discrimination and political parties generally remain disinclined to promote Dalit leadership and issues within their parties.

“Only passing laws against caste-based discrimination and untouchability is not enough to end the deep-rooted social ill. Now, time has come to integrate both Dalit and non-Dalit activists in the movement against caste-based discrimination.” Rem Bahadur Biswokarma, JMC, Dalit rights activist.

Late in the year, a [high-level consultation workshop](#) on the implementation status of UN Universal Periodic Review (UPR) recommendations concerning caste-based discrimination was held at the Office of the Prime Minister and Council of Ministers (OPMCM) in Nepal.<sup>iv</sup>

The workshop enabled a constructive dialogue among 40 participants; government officials from the OPMCM and 10 line ministries, representatives of the police and the army, the Attorney General’s office and national human rights institutions, Dalit civil society organisations and IDSN.

Rikke Nöhrind, Executive Director of IDSN, facilitated a session on international human rights standards and measures for effective elimination of caste-based discrimination and Yam Bahadur Kisan, Social Inclusion Expert, addressed the outcomes of the ongoing UPR consultations on six major marginalised communities. Other speakers included Bhakta Bishwakarma, President of NNDSWO and Anshu Manav from FEDO who presented core issues and the implementation status of UPR recommendations, including those specifically related to the rights of Dalit women and girls.

The Government representatives acknowledged the gaps in implementation highlighted by the civil society pointing to key barriers such as the lack of awareness among both officials and the general public of the legislation addressing caste-based discrimination. Officials also acknowledged that the mechanisms in place to implement these laws were not yet fully functional and stressed the importance of enhancing the reporting culture on caste discrimination.

Civil society representatives recommended the development of a National Action Plan for the Elimination of Caste Discrimination and Untouchability and a road map for its implementation. Rikke Nöhrind suggested taking guidance from the UN human rights system, and establishing multi-stakeholder cooperation between the government, the UN Country Team, national human rights institutions, civil society and bilateral and other multilateral donors for a concerted effort.

The workshop is seen as an important stepping stone in the dialogue between state and non-state actors on how to work together to end caste-based discrimination.

Another key event in Nepal in 2014 was the [People's SAARC](#), an 'alternative' civil society South Asian Association for Regional Cooperation (SAARC) meeting.<sup>v</sup> Here, Dalit leaders from Nepal, India, Bangladesh and Pakistan came together for several events and workshops to highlight Dalit rights. Meetings of the Asia Dalit Rights Forum (ADRF) and the Asian Parliamentarians' Forum on Dalit Concerns (APFDC) were also held in connection with this.

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<sup>i</sup> [Nepal Human Development Report 2014](#)

<sup>ii</sup> [THE NEPAL MULTIDIMENSIONAL SOCIAL INCLUSION INDEX](#)

<sup>iii</sup> [NEPAL: Council should exert pressure to abolish Haliya practice, a form of slavery](#)

<sup>iv</sup> [Nepal: Prime Minister's office holds workshop to address caste discrimination](#)

<sup>v</sup> [Press Release: Asian Parliamentarians' Forum on Dalit Concerns and Asia Dalit Rights Forum at People's SAARC in Kathmandu, 25 November 2014](#)