

Overview of UPR Recommendations on caste-based discrimination from the first review 2011 to the Government of Nepal, their status of implementation and specific follow up actions/recommendations proposed to the Government of Nepal by the Dalit Civil Society Organisations Coalition and IDSN
(Dalit Civil Society Organisations Coalition and IDSN - Joint UPR Submission Nepal 2015 - Annex IV)

Note: Recommendations to GoN on caste-based discrimination with no related first cycle recommendation are included from page 8 to 13.

Scope of International Obligations		
<i>First cycle 2011 UPR Recommendations to Government of Nepal</i>	<i>Implementation Status</i>	<i>Specific follow up actions/recommendations proposed to the government</i>
<p>Uphold international rights</p> <p>Continue its efforts to overcome discrimination and social exclusion on the basis of gender, caste, class, ethnic group, disability or geographic situation, in order to ensure the respect of civil, political, economic, social and cultural rights (Argentina)</p>	<p>Nepal is a party to 24 human rights related instruments including the International Convention on the Elimination of all forms of Racial Discrimination (ICERD). Nepal Treaty Act, 1990 states that the provision of a treaty to which Nepal is a party shall prevail for the purpose of the Treaty if there is any inconsistency with Nepalese Laws and be enforceable as good as Nepalese law. However, Nepal has not submitted a CERD Report since 2004 which is negligence of the Government in promoting Dalit rights. The Government has not effectively implemented various recommendations and concluding observations received from treaty bodies on its state reports in terms of advancing Dalit rights.</p>	<ul style="list-style-type: none"> • Uphold its international human rights obligations, submit the reports to Treaty Bodies including CERD after wider consultation with stakeholders in a timely manner; • Implement the recommendations made by Treaty Bodies, specifically, the recommendations made since Nepal's first UPR; CCPR and CDESCR 2014 and CRC OP 2012 and CEDAW 2011. • Develop a National Plan of Action with adequate resource allocation to eliminate caste based discrimination and untouchability and empower the Dalit community.
Constitutional and Legal Framework		
<i>First cycle 2011 UPR Recommendations to Government of Nepal</i>	<i>Implementation status</i>	<i>Specific follow up actions/recommendations proposed to the government</i>

<p>Constitution Making Process</p> <p>Ensure full participation of ethnic groups and castes in the Constitution-making process, in particular in the Constituent Assembly (Poland)</p>	<p>The Interim Constitution 2007 has ensured the Right against Untouchability and Racial Discrimination (Article 14) as fundamental rights. Currently, Nepal is in a political transition, striving to write a new constitution through the second Constituent Assembly (CA) while the first CA demised without delivering the constitution in the given tenure. The drafting of a new constitution has remained entangled.</p>	<ul style="list-style-type: none"> • Ensure that the constitution is promulgated by this second CA and enshrines the rights of the Dalit community.
<p>Existing Laws</p> <p>While appreciating the fact that the Government's priorities include combating caste-based discrimination, ensure that the policy is fully implemented also by the local authorities in rural and remote areas (Czech Republic)</p> <p>Review and adopt relevant legislation and policies, including bills related to caste-based discrimination, the Women's Commission, the Dalit Commission, the rights of indigenous peoples and the rights of the child, to ensure full compliance with international human rights standards (Norway)</p>	<p>The Caste Based Discrimination and Untouchability (Offence and Punishment) Act, 2011 is the main law that has criminalized the act of caste based discrimination and untouchability in any form anywhere. However, the implementation is very weak. Still there are number of laws that contain discriminatory provisions against Dalit.</p>	<ul style="list-style-type: none"> • Strengthen its measures to effectively implement the Caste-based Discrimination and Untouchability (Offence and Punishment) Act and to eliminate all forms of discrimination against the Dalit community, as recommended by the Human Rights Committee (CCPR) in 2014. In particular, by sensitizing law enforcement officials, investigating and prosecuting those responsible for discrimination against Dalits and conducting awareness-raising campaigns on the rights of Dalits, as recommended by the Committee on Economic, Social and Cultural Rights (CESCR) in 2014.

<p>Criminalize discrimination based on caste, gender, religion, ethnicity, political belief or disabilities (Germany)</p> <p>Eliminate all forms of discrimination and pass the bill on caste-based discrimination and untouchability (Denmark)</p> <p>Take the necessary legal and policy measures to end discrimination, including of women, children and Dalits (Netherlands)</p> <p>Take further steps to eliminate discrimination against vulnerable or marginalized groups, including on the basis of gender or caste, by enacting laws to criminalize all forms of discrimination (United Kingdom)</p>		
<p>Institutional and Human Rights Infrastructure</p> <p>Provide the National Dalit Commission and the National Women's Commission with sufficient resources to</p>	<p>There is the National Human Rights Commission (NHRC), National Women Commission (NWC), National Dalit Commission (NDC) and the National Muslim Commission (NMC). The NDC has still to receive a statutory mandate despite the recommendation by first UPR to make it a statutory body and resourceful. However, still it lacks essential capacity, resources and independent status to effectively fulfil its mandate of monitoring the cases of caste-based discrimination and untouchability across the country and providing policy recommendations to the government. It is highly appreciated that there is a statutory provision to include at</p>	<ul style="list-style-type: none"> • Immediately take steps to pass the bill of the National Dalit Commission which is pending in parliament and ensure that the NDC will be a constitutional body with the promulgation of new constitution;

<p>effectively realize their mandate (Slovenia)</p> <p>Continue promoting the work of the National Commissions for Women and for Dalit, through the reinforcement of resources that allows them to work in an efficient manner (Bolivia)</p>	<p>least one Dalit woman in the NWC. Other than this, the NHRC has lacked any Dalit representation since its establishment. The government has not equally implemented the recommendations of these national human rights institutions.</p>	<ul style="list-style-type: none"> • Equip the NDC with adequate resources and capacity, as recommended by the CCPR and CESCR in 2014; • Ensure the inclusion and representation of Dalits in the NHRC; • Implement the recommendations made by the NHRIs with due respect and priority.
<p>Human Rights Situation of Dalit Community in Nepal</p>		
<p><i>First cycle 2011 UPR Recommendations to Government of Nepal</i></p>	<p><i>Implementation status</i></p>	<p><i>Specific follow up actions/recommendations proposed to the government</i></p>
<p>Right to Equality and Non-Discrimination (Caste Based Discrimination and Untouchability) and Access to Justice</p> <p>That cases of caste-based discriminations be reported, investigated, perpetrators prosecuted and victims of such violence are compensated (Czech Republic)</p>	<p>The first UPR provided a number of recommendations, “that cases of caste-based discrimination be reported, investigated, perpetrators prosecuted and victims of such violence are compensated”. The ‘Caste Based Discrimination and Untouchability (Offence and Punishment) Act 2011’ is much appreciated and attributed as the result of the first UPR cycle of Nepal which has criminalised any act of caste-based discrimination and untouchability. Beside this, no significant progress has been observed with regards to the implementation of the UPR recommendations particularly addressing the issues of caste based discrimination and untouchability.</p> <p>The Interim Constitution ensures Right to Freedom (Article 12), Right to Equality (Article 13), Right against Untouchability and Racial Discrimination (Article 14). Any discriminatory treatment on the grounds of caste, ethnicity, sex, colour, race, political opinion, etc. is outlawed and the victim of any such discrimination is entitled to compensation. However, in practice Dalits are facing entrenched discrimination based on caste in every sphere of their life (<i>Annex II</i>).</p> <p>After the enactment of the Caste Based Discrimination and Untouchability (Offence and Punishment) Act, 2011 altogether 4 people from the Dalit community have been killed due to caste-based atrocities. The Police deny, in many cases, filing FIR’s on cases of caste-based discrimination and untouchability. Rather, they compel to make agreement between victims and perpetrators which further victimises Dalits</p>	<ul style="list-style-type: none"> • Adopt the principles of equality and non-discrimination as the key guiding principles and fundamental rights of the new constitution. The preamble of the new constitution must acknowledge past historical injustices based on caste against Dalits. • Regularise employment incentives and ensure physical security for inter-caste married couples and their family. Also, provide incentives to those families who accept Dalit brides and / or bridegrooms; • Process all cases of caste based discrimination and untouchability according to the Principle of Zero tolerance in the justice delivery system and punish law enforcement agencies (Police, government attorney and judge) who deny following the due process of laws. • Train all law enforcement agencies and authorities on the Caste Based Discrimination and

	<p>and discourage them to seek justice. Impunity, converting case (<i>the case of caste based discrimination is converted into other cases</i>), and creating counter case are widely observed while dealing the cases of caste based discrimination (<i>Annex II</i>).</p> <p>The Government of Nepal has taken initiatives to provide incentives for inter-caste marriage since 2009 by recognising it as a good tool to promote assimilation and reduce caste-based discrimination in society. However, the government has not been providing such incentives in a decentralised and accessible manner. In many cases, the couple who gets married regardless of caste are physically attacked and socially boycotted and face inhuman treatment in the society. The couple and the family of an inter-caste marriage are socially boycotted and displaced, murdered (<i>See Sete Damai, Shiva Shankar Das</i>) and imposed fines by the community. Dalit also face discrimination in terms of religious and ritual practices, particularly inter-caste married couples or their family.</p> <p>The Government of Nepal has developed its fourth Human Rights National Action Plan for five years. It has addressed the issues of Dalits under Inclusive Development. The Ministry of Federal Affairs and Local Development (MoFALD) has been designated as the lead agency to implement the Plan. Likewise, NDC has been presented as one of the key responsible agencies. The executive body of the NDC often remains vacant for long periods of time and lacks essential capacity and resources for implementing the Plan. The local bodies and line agencies of the government are unaware and hesitant to talk about the contents and implementation of the Plan.</p> <p>It is appreciated that ‘Caste Based Discrimination and Untouchability Elimination and Dalit Rights Promotion Mechanisms’ have been formed under the Office of the Prime Minister. However, it is almost non-functional.</p> <p>It is appreciated that the Government of Nepal has criminalized caste-based discrimination and untouchability through legislation. However, though there are some ‘substantive errors’. Rampant impunity and poor implementation of the Act has remained a challenge to access to justice for Dalits. The ‘caste attitude’ of law enforcement authorities and institutions, <i>inter alia</i>, and political influence have fuelled impunity (<i>Annex II</i>). In doing so, cases of caste-based discrimination and untouchability have been converted into other cases of libel and slander, battering and public offence by the police and the court.</p> <p>The government declared Nepal an untouchability free nation in 2006 but in practice caste-based discrimination and untouchability practices are rampant and</p>	<p>Untouchability (Offence and Punishment) Act 2011 and ensure effective implementation of existing laws;</p> <ul style="list-style-type: none"> • Amend the existing Evidence Act, 1974, specifically stating that the burden of proof is to be borne by the defendant on the cases related to caste discrimination and untouchability in order to address the widespread use of proverbs and derogatory terms towards Dalit that takes away their dignity. • Amend the Caste Based Discrimination and Untouchability (Offence and Punishment) Act, 2011 by increasing imprisonment and monetary fines as well as compensation to the victim. Similarly, the provision of fines and imprisonment should be made mandatory. For that existing provision, “Or” needs to be replaced by “And”. • Conduct awareness/sensitization programmes and campaigns against caste-based discrimination and incorporate caste-based discrimination and untouchability in all training curricula of the government. • Establish protection mechanisms of human rights defenders and enhance their capacity to effectively work for the protection and promotion of human rights of all including Dalits. • Effectively functionalize the Caste Based Discrimination and Untouchability Elimination and Dalit Rights Promotion Mechanisms formed under the Office of the Prime Minister and expand it to all districts. Also, capacitate with resource, the Neglected, Suppressed and Dalit Upliftment Development Committee and Badi Development Board.
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	<p>increasing all over the country. Barriers for Dalits in accessing justice include pressure on victims [Dalits] for forceful negotiation in the name of social harmony, security threats to victims and witnesses, undue political influence, difficulty in collecting tangible evidence, not supportive attitude/behaviour of the non-Dalit community, a lack of Dalit representation in law enforcement agencies, and economic dependency of Dalits.</p> <p>Dalits are discriminated at work including at government offices. Human Rights Defenders who raise caste-based discrimination and untouchability issues including the victims and witnesses face threats and security challenges.</p> <p>Despite the Government's decision, people from the Dalit community who attempt to acquire citizenship using their surname [different than the caste name] including children of Badi women and inter-caste married couples are harassed and discouraged by the authorities.</p>	<ul style="list-style-type: none"> • Ensure that people from the Dalit community can get citizenship using their surname [different than caste name] without any hindrance.
Economic, Social and Cultural Rights of Dalit		
<p><i>First cycle 2011 UPR Recommendations to Government of Nepal</i></p>	<p><i>Implementation status</i></p>	<p><i>Specific follow up actions/recommendations proposed to the government</i></p>
<p>Right to Education</p> <p>Ensure that all girls, Dalit children and children belonging to ethnic minorities have equal access to quality education (Finland)</p> <p>Pay special attention to helping Dalit children, girls, and children belonging to ethnic minorities to complete their education cycle, and to ensure their employment opportunities after education in order to</p>	<p>The Government of Nepal has ensured free primary education to all children below 5 years including free text books and Rs. 400 a year to all Dalit students. Beside this, the Neglected, Suppressed and Dalit Upliftment Development Committee has been providing scholarships to selected Dalit students for higher studies. Likewise private schools need to provide free scholarship to 10% of all students in the school; however it is not in implementation. Although it is 'free' up to secondary level, school education is still unaffordable for Dalit children until and unless those households who are below the poverty line are provided with economic upliftment opportunities. The improper and untimely distribution of scholarship schemes by the schools further excludes Dalit children from being properly benefitted.</p> <p>The literacy rate of Dalits (6 years and above) is 52.4% compared to the national average of 65.9% and it is 34.5% for Tarai/Madhesi Dalit. Only, 24.7% of Hill Dalits and 11.8% of Tarai/Madhesi Dalits complete 8th grade which is far behind the national average (41.7%). Dalits comprise only 1.6% of those with a SLC and above; and only 0.8 % of those with a Bachelors' degree. The low educational status has a multifaceted impact in the socio-economic and political life of Dalits. Similarly, the literacy rate of Dalit women is 45.5%. Women from Musahar and Dom community are at the bottom with literacy rates of 17.4% and 17.9%.</p>	<ul style="list-style-type: none"> • Standardize the scholarship amount to Dalits with due priority given to girls by considering the minimum needs of the students and strengthening monitoring mechanisms for efficient use and effective distribution of scholarship schemes and adopt policy measures to ensure employment to Dalits who attain a certain level of education; • Strengthen its efforts to achieve universal provision of quality education for girls at each level of the education system in urban, rural and remote areas, with special attention to Dalit girls, as recommended by CEDAW 2011; • Schools and education institutions need to be declared discrimination free zones; • Take immediate step to appoint at least one Dalit teacher including Dalit women at each level of schooling;

<p>enable them to claim their rights and work as agents of change for their communities (Finland)</p>	<p>The low educational status of Dalits has remained one of the major barriers for their human development. It is evident that there is an inverse relationship between education levels and incidences of poverty i.e. the lower the education, the higher the incidence of poverty. This is attributed to the high incidences of poverty among the Dalit community.</p> <p>Children from the Dalit community face discrimination at schools by teachers and peers. Due to a discriminatory mindset, teachers provide less care for Dalit children, Dalit children not being permitted to drink water; rude manner of addressing them; putting Dalit children in separate lines, etc. Ultimately, their learning achievement becomes low which leads them to dropout.</p>	
<p>Livelihood and Employment</p> <p>Formulate effective strategies and programmes in order to provide employment and income-generating opportunities for the population, in particular, the rural population, Dalits and ethnic minorities (Malaysia)</p>	<p>A large proportion of Dalits are depending on elementary occupations (as per ILO definition) for their livelihood. This indicates that they have been excluded from better employment opportunities. The lower status of education and discrimination become barriers to obtain better jobs for Dalits. For instance, 42.5% Tarai/Madhesi Dalits earn their livelihood from elementary occupations. Among males, one out of twelve is engaged in professional/technical jobs, whereas it is half for females. Among women, one out of twenty five is now engaged in such jobs. Women from Madhesi Dalits have a figure of only 0.8% compared to their hill counterparts.</p> <p>The Dalit community has <i>de facto</i> been denied the right to earn a livelihood by running business of their own interest i.e. tea-shop, dairy, small hotels. Still, trading animal milk produced by Dalits include challenges.</p>	
<p>Right to Food</p> <p>Improve food safety of vulnerable groups, particularly indigenous people, former bonded labourers, Dalits, Muslims, persons with disabilities and those who are</p>	<p>The National Food Corporation has maintained a national food reserve stock (buffer stock). However, Dalit people do not have access to this, particularly in remote areas.</p> <p>Dalit are most vulnerable in terms of the right to food. The food sufficiency mean value (percent) is extremely low for Dalits compared to an average 77%. The food sufficiency for Hill Dalits and Tarai/Madhesi Dalits is 56.0% and 53.7% respectively, which indicate that up to 46% of Tarai/Madhesi Dalits do not consume adequate amounts of food (i.e. two meals a day throughout the year). The lack of access to agricultural land and employment opportunities result in extreme poverty and put</p>	

<p>infected with HIV/AIDs (Hungary)</p>	<p>Dalits in the lowest food sufficiency status which violates their right to food and ultimately right to life.</p>	
<p><i>Below are recommendations to GoN on caste-based discrimination with no related first cycle recommendation.</i></p>		
<p>Access to Land and Natural Resources and Extreme Poverty</p>	<p>Land is the main asset for determining an individual’s social status and standard of living in Nepali society. Dalits’ land holdings are small; and the landlessness among Dalits is extreme –36.7% Hill and 41.4% Madhesi Dalit are landless. Landlessness has made Dalits economically vulnerable and dependent upon landlords. Such dependency is often exploited by the landlords, allowing for many abuses against Dalit. Most Dalit victims of violence and discrimination are agricultural and occupational labourers who are generally landless. The root causes of <i>Haliya, Balighare/Khalo, Charuwa, Haruwa</i>, etc. systems are associated with the issue of landlessness and small holding.</p> <p>Dalits comprise the poorest community in Nepal, in terms of all poverty measures – income, consumption and human development. A total of 42% of Dalits fall below the poverty line which is 17 percent higher than that of the national average (25.2%). The average per capita consumption in Nepal is 34,187. Madhesi Dalits have the lowest level of consumption with per capita of NRs. 23,106 followed by Hill Dalit 25,298 per annum. Whereas, among the Dalits of both Hill and Madhesi origin, every two in five persons are poor.</p> <p>The issues of Freed Haliya have not been addressed with adequate resources and sustainable rehabilitation although the Freed Haliya Rehabilitation Committee is working in this regard. The Badi Development Board has been working since 2012 for the upliftment of the Badi community; however, it has not been able to produce significant results due to a lack of adequate resources. Likewise, the Neglected, Suppressed and Dalit Upliftment Development Committee is also working for the</p>	<ul style="list-style-type: none"> • Provide land to landless Dalits and ensure equal access of Dalits to natural resources and inclusion of Dalits in natural resource management committees; • Expand the governments “People’s Housing Programme” covering all landless Dalits and all other affected by the disaster across the country; • Take immediate steps to provide land to landless Dalits and guarantee employment for landless Dalits [though living for centuries/generations] who do not have citizenship certificates and cannot own land due to their lack of citizenship certificates; • Ensure that the issues of freed Haliyas addressed with sustainable rehabilitation.

	<p>development of Dalits, however, it has limited interventions and result with a limited mandate and resources.</p> <p>There is null representation of Dalits in all planning and executive bodies that guide overall development process of Nepal. Thus, they are excluded from the very planning process and development outcome.</p>	
<p>Traditional Occupational Skills of Dalit</p>	<p>Dalits serve others as semi-bonded labourers. Most Dalit groups employ their own traditional occupational skills such as iron work, gold smith, tailoring, shoemaking, bamboo crafts, etc. Such inherent occupational skills are the only way that many Dalits are able to survive. Unfortunately, most of these skilful people are not receiving fair value and social respect for their work. Dalits are often exploited in the name of <i>Balighare, Khalo</i>, etc. systems and get only minimal payment (mostly in kind/grains) for their works.</p> <p>Lack of modernization and limited access to markets and having no patent rights for their inherent skills has put Dalits' traditional occupations in danger. Developing social respect for these occupations of Dalit, making them competitive in the market and protecting patent rights is a major concern for ensuring the livelihood rights of Dalits.</p>	
<p>Right to Health and Sanitation</p>	<p>The second Long-term Health Plan of Nepal, 1997 to 2017, stipulated to make essential healthcare services available in all districts to 90% of the population within 30 minutes of walking time. Despite this target, overall, only 58% of households can access such facilities in Nepal. However, just 39.7% of Hill Dalits have access to health facilities within 30 minutes of walk. In Nepal, 55.5% people cannot afford medical treatment from their own household income which is much critical among Dalits. 60.5% Hill Dalits and 66.1% Tarai/Madhesi Dalits cannot afford medical treatment from their own household income.</p> <p>Discrimination in access to health services is another major issue in enjoying the right to health – 43% of Tarai/Madhesi Dalits and 14.6% of Hill Dalit experience discrimination when receiving medical treatment in local health services. On average, 72% of women experience problems in accessing health service. The figure for Dalit women is higher than the national average with 79 and 85% respectively for Hill and Tarai/Madhesi Dalit women.</p> <p>Child marriage and early pregnancy have worsened the health problems for Dalit women. The girls who get married before 15 years of age ranges up to 62% among Dalit groups. This, along with other, has worsened the maternal health and other</p>	<ul style="list-style-type: none"> • Devise and implement free medical service and health insurance policy for all including Dalits who are unable to bear health service from their household income and are below the poverty line. Discrimination in accessing health services needs to be addressed through effective monitoring and prosecution of the offenders;

	<p>health problems such as prolapsed uterus, early pregnancy, sexual violence and exploitation.</p> <p>The access to drinking water of Nepalese people has significantly increased though it is as low as 47.8% in overall. The situation of Tarai/Madhesi Dalits is worst in this regard. Just 14.1% of Tarai/Madhesi Dalit have access to safe water. The practice of untouchability is directly related to water. The water touched by Dalit is considered impure in the society. Due to these practices, the majority of Dalit households face discrimination or restrictions even violations while collecting water from common water sources. There are a number of such severe incidences from every corner of the country which are also reported in the newspapers.</p> <p>The Dalit population also has very minimal access to improved toilet facilities. The situation is particularly poor for Tarai/Madhesi Dalit, of whom just 5.5% have access to improved toilet facilities whereas it is 30.6% for Hill Dalit compared to 41.7% of national average.</p>	
Social Security	The Government has made some provisions for the social security of people including senior citizen allowance. However, it has not been implemented in an integrated manner and there is no clear legal framework for implementing it from a human rights based approach. The procedural limitation and size of the amount is also a barrier in realizing existing provisions.	
Right to Budgetary Allocations and Access to Resources	The government has started a gender responsive budget at the national level. The gender equality and social inclusion (GESI) responsive budget formulation and its auditing guideline are also developed for local bodies of the government by MOFALD. Currently, national plan encompasses provisions for Dalit issues in the GESI chapter. However, the resource allocation is not ensured and lacks proper monitoring. The guidelines developed have not been implemented properly. Large sections of Dalits are unaware of these provisions. Their participation in budget process and decision-making is neglected. This ultimately violates their social and economic rights.	<ul style="list-style-type: none"> • Ensure that the planning and executive bodies are inclusive with respect to Dalits and that the government and development agencies allocate adequate resources for the economic empowerment by considering their poverty gaps;
Right to Participation and Representation of Dalit		
<i>First cycle 2011 UPR Recommendations to Government of Nepal</i>	<i>Implementation status</i>	<i>Specific follow up actions/recommendations proposed to the government</i>

<p>Right to Participation and Representation of Dalits</p>	<p>It is appreciated that the second CA has owned decisions made by the first CA which are progressive towards advancing Dalit rights. However, the voices of CA members from Dalits and marginalized community have been further marginalized in the CA which may hinder addressing their issues in the new constitution.</p> <p>Despite constitutional guarantees of proportional representation for Dalits, they have not experienced such in reality. The Government of Nepal has recently appointed 169 judges in the judiciary sector but none of them are from Dalit despite reservation quotas. In the Cabinet there is no representation of Dalits.</p> <p>The Constituent Assembly Act 2007 has provisioned that proportional representation of Dalits in the CA will be ensured; however, there is only 7% representation. There is null representation in political appointments including the National Planning Commission (NPC).</p> <p>Dalits have poor representation in the civil service of the government i.e. only 1.94% whereas it is 62.58%, 19.55% and 15.93%, for Brahman/Chhetri, Indigenous nationalities, and Madhesi respectively. Despite reservation quotas, it has not helped much to increase the participation of Dalits in the state bureaucracy due to their poor socio-economic condition and discriminatory practices.</p>	<ul style="list-style-type: none"> • Ensure proportional political representation of Dalits plus additional compensation quota at all levels of state structures including executive, legislative, judiciary, bureaucracy, security forces, political and diplomatic appointments, constitutional bodies and private sectors; • Adopt fast track methods or group recruitment provision for Dalits in civil and security services of the state in order to ensure the proportional representation in the civil and other government agencies; • Ensure the inclusion of Dalits in all stages of government planning from local to national level; specific measures needs to be enacted to ensure the participation and inclusion of Dalits; • Ensure inclusion of Dalits [including women, Tarai/Madhesi Dalit] in proportion to their population in all political parties from local to central committees' vital positions through the amendment of Political Party Registration Act.
<p>The Issues of Dalit Women</p>		
<p><i>First cycle 2011 UPR Recommendations to Government of Nepal</i></p>	<p><i>Implementation status</i></p>	<p><i>Specific follow up actions/recommendations proposed to the government</i></p>
<p>The Issues of Dalit Women</p>	<p>Nepalese society still is based on a patriarchal structure and culture. Dalit women are underprivileged, underrepresented and exploited in all spheres of society. The socio-cultural, political, economic and educational status of Dalit women is at the bottom in all indicators as well as in social stature. Dalit women's literacy rate is 45.4% whereas it is 52.7% for Dalit men. Women from Musahar and Dom community are at the bottom with 17.4% and 17.9% literacy rate.</p> <p>The Government of Nepal has enacted some progressive laws in response to international human rights treaties and commitments such as CEDAW (<i>Annex III</i>). Dalit women suffer triple discrimination – for being woman, being Dalit and being Dalit woman. In many cases, Dalit women have faced multiple forms of abuses and</p>	<ul style="list-style-type: none"> • Ensure that Dalit women will be given first priority in all programmes formulated targeting women putting priority in combating multiple forms of discrimination against Dalit women, and the adoption of legal provisions and comprehensive programmes, including public education and awareness raising campaigns involving the mass media as well as religious leaders, as recommended by CEDAW 2011;

	<p>atrocities; and they are stigmatized as <i>Boksi</i> (witchcraft), tortured due to the dowry system, <i>Chhaupadi Pratha</i> (stay in separate shed during menstruation period), sexually exploited, and suffer from untouchability and domestic violence. These women are also vulnerable to serious health issues, sex trafficking, and suffer from social, political, and economic powerlessness.</p> <p>The Three Year Interim Plan (2011-2013) has incorporated special provisions for women and disadvantaged groups under the heading of “Gender Mainstreaming and Inclusion”, and “Empowerment of Women and Gender Equality”, National Plan of Action against Gender-Based Violence (2012-2017) states that gender-based violence will be controlled and security and protection will be provided to women and child victims of violence. The government has been implementing various programmes; however, they do not specifically target Dalit women. There is a lack of disaggregated data regarding the status of Dalit women which has been a main challenge in tracking the progress of Dalit women.</p>	<ul style="list-style-type: none"> • Dalit Women Help Desks should be established in District Administration Offices including in the National Woman’s Commission and the National Dalit Commission; • Ensure that complementary and comprehensive schemes are planned and implemented to specifically address Dalit women’s rights; • Allocate resources for Dalit women’s development in proportion to their population in the Gender Responsive Budget of Government of Nepal;
The Issues of Tarai/Madhesi Dalit		
<i>First cycle 2011 UPR Recommendations to Government of Nepal</i>	<i>Implementation status</i>	<i>Specific follow up actions/recommendations proposed to the government</i>
The Issues of Tarai/Madhesi Dalit	<p>Tarai/Madhesi Dalit community have been deprived of their human dignity and face discrimination based on caste in all spheres of social and political life. They are at the bottom in all human development and development indicators.</p> <p>The issue of land ownership and citizenship are intertwined. Many Tarai/Madhesi Dalit have not got a right to vote and participate in political life and in decision making bodies due to lack of citizenship. Access to modern toilet is about 42 percent of households in Nepal. For Madhesi Dalits, it is only 5.5% of households.</p> <p>Tarai/Madhesi Dalit have been categorised as Dalits but they are excluded from the Madhesi category in all reservation and representation quotas. Although there are a number of Tarai/Madhesi based parties, they are not inclusive.</p> <p>Still, people from the Dom community need to take their own glass/plate while having tea or food in teashop/hotels in their locality. They even face discrimination in public vehicles;</p> <p>Within the Dalit community too, certain groups are in worse situations. They have not been empowered even to access the available opportunities. For instance,</p>	<ul style="list-style-type: none"> • Ensure the right to a decent life by providing citizenship certificates and land to landless Dalits by enacting special measures; • Ensure special development programmes targeting Madhesi Dalits for their economic upliftment; • Ensure inclusion of Tarai/Madhesi Dalits in the Dalit and Madhesi category proportionately.

	Musahar, Dom, etc. in Tarai/Madhese and <i>Badi</i> in hill (who are also in a minority within Dalits) are much more excluded.	
The Issues of Children, Senior Citizens and Persons with Disability of Dalit Community		
<i>First cycle 2011 UPR Recommendations to Government of Nepal</i>	<i>Implementation status</i>	<i>Specific follow up actions/recommendations proposed to the government</i>
The Issues of Children, Senior Citizens and Persons with Disability of Dalit Community	<p>The malnutrition among Dalit is high as 33.9% children of Hill Dalit and 36.3% of Tarai/Madhese Dalit are underweight. Under-five mortality is also much higher than the national average.</p> <p>Discrimination against children from Dalit community at schools is rampant particularly in Tarai/Madhese and mid and far west of Nepal. The extreme poverty put children into child labour which is one of the major causes of low enrolment and high dropout in school.</p> <p>Senior citizens face more discrimination based on caste, they are in entrenched poverty, lack access to health facilities and do not have access to shelter. Many senior citizens from the Dalit community do not have citizenship certificates because of which they do not get social security schemes. There is no specific policy addressing the issues of senior citizens.</p> <p>Person with disabilities are facing multiple forms of discrimination. They have no opportunities for education. They, being Dalits, are also excluded in terms of receiving identity cards and social security schemes.</p>	<ul style="list-style-type: none"> • Ensure that children from the Dalit community have a good environment for their development and receive education without discrimination; • Ensure that a first priority is provided to Dalit children in all programmes targeting children; • Immediately enact policy to address the issues of senior citizens, particularly the most marginalised and excluded Dalit senior citizens; • Ensure that all persons with disabilities, including Dalits, are given first priority in accessing services, receiving education, and identity cards and accessing adequate social security schemes.