

Nepal

2011 has been a monumental year in the struggle against caste discrimination in Nepal. The Government, civil society, Dalit human rights defenders, international governments and international agencies and NGOs, have all contributed to significant leaps being made towards ensuring and protecting Dalit rights in Nepal. While there is still much to be achieved, particularly within the social, economic and cultural context, the achievements in 2011 are grounds to celebrate the successes of a Dalit movement that has united and worked tirelessly to effect tangible political change.

A prime example of such a leap is the passing of the historical Untouchability Bill²⁶ prohibiting the practices of 'untouchability' in public and in private spheres. It is the first time that a law, criminalising 'untouchability' practices in the private sphere, has ever been introduced in any country. Dalit civil society organisations including the Dalit NGO Federation (DNF) and the Feminist Dalit Organization (FEDO), worked for years to lobby and prepare input and amendments for the bill, and the UN Deputy High Commissioner for Human Rights (OHCHR), Kyung-wha Kang, also urged the Government to adopt the draft bill during her April visit to Nepal²⁷ as did the Head of the OHCHR-Nepal, Jyothi Sanghera.

The UN Office of the High Commissioner for Human Rights – Nepal (OHCHR-Nepal), has shown unwavering support to the struggle against caste discrimination throughout 2011. Following the January UN Universal Periodic (UPR) review of Nepal, where more than 20 states referred to caste discrimination in their interventions²⁸ and the Nepal government expressed its support for a number of the recommendations, the OHCHR, national level Dalit organisations and the Asian Human Rights Commission (AHRC) called for concrete implementation of the commitments on caste discrimination made by the Nepal Government at the review.

In September OHCHR-Nepal teamed up with the National Dalit Commission to launch the *100 Day Campaign against caste discrimination and untouchability*.²⁹ The campaign was carried out both on the ground, where awareness

“This is the first time ever Nepal has adopted specific legislation for addressing the serious crime of caste-based discrimination and untouchability... It is now vital to ensure effective implementation of this law, taking appropriate measures such as raising awareness of the law amongst the general public and specific training for the police.” Jyoti Sanghera, Head of the Office of the High Commissioner for Human Rights – Nepal

“Three years after signing of the agreement, freed Haliyas [bonded labourers] have yet to receive promised relief and rehabilitation, and have yet to be issued with identity cards ... Consequently, the freed Haliyas continue to face difficulty in accessing basic needs including food, shelter and health services, thus forcing them to live in often deplorable conditions ... The lack of access to alternative livelihoods, as promised in the agreement, has also compelled many Haliyas to continue as bonded labourers with their former landlords.” The UN International Labour Organization (ILO) and the OHCHR - Nepal and other partners said in a joint statement³⁰ on bonded labour in Nepal.

raising activities were carried out and fingerprints from those committed to ending caste discrimination were collected, and online, via an impressive website where national and global supporters could sign up to register their commitment. The first one to commit online was the High Commissioner for Human Rights, Navi Pillay, through a video statement urging that we all stand together to end caste discrimination and untouchability.

Also in September the OHCHR worked with the International Labour Organisation (ILO), the National Human Rights Commission, National Dalit Commission and National Women Commission to improve the conditions of former bonded labourers, pointing out that most of the bonded labourers in Nepal's Haliya bonded labour System are Dalits or tribals. The lack of access to alternative livelihoods, as promised in the Government agreement in 2008, has compelled many Haliyas to continue as bonded labourers with their former landlords, and the UN and its partners strongly urged that the government take immediate steps to rectify the situation.

Following the January UPR review the Nepal Government has on several occasions made its support for the International struggle to end caste discrimination globally. The Prime Minister, Jhala Nath Khanal, called for concerted efforts to put an end to untouchability in a press statement issued on the occasion of Untouchability Eradication Day and said the state is committed to bringing an end to untouchability and all forms of discrimination.

At the national level many concrete steps were taken by the Government of Nepal and state actors in 2011. In addition to passing the Untouchability Bill the Nepal Police has established an Untouchability Surveillance Centre (USC), there is a Home Ministry Centre being established to deal with cases of caste-based discrimination specifically, the government launched the Marginalised, Deprived and Dalit



Class Upliftment Development Committee and in December they appointed Dr. Madan Pariyar, from Samata Foundation, as head of the newly constituted State Restructuring Commission (SRC) in Nepal. Caste discrimination has furthermore been officially set under the Constituent Assembly Committee on Fundamental Rights and Directive Principles.

The OHCHR-Nepal issued an important status report in December entitled *Opening the door to equal justice for Dalits in Nepal*³¹. The report recognizes progress made by Nepal in combating caste-based discrimination but also identifies the challenges and obstacles that continue to prevent victims from accessing the justice system. In connection with the release of the report, OHCHR also organised a regional symposium on access to justice for victims of caste-based discrimination, where challenges, lessons learned and good practices from Nepal were shared with participants from the country and other South Asian nations.

The challenges identified in the report include the low levels of awareness that caste-based discrimination is a crime, lack of appropriate support from law enforcement agencies, and the social and economic factors that further

hinder progress, such as poverty. These challenges were also raised throughout 2011 by several national level Dalit organisation and by a number of International human rights organisations.

In its Annual Report issued in 2011, Human Rights Watch stated that Dalits in Nepal continue to suffer discrimination in economic, social and cultural spheres and that Nepal has yet to implement recommendations made in 2004 by the Committee on the Elimination of Racial Discrimination with respect to caste discrimination. The Asian Human Rights Commission (AHRC) issued several statements including calling for Government attention to Nepal's Dalits who suffer from severe food insecurity and poverty and urging

“The adoption of legislation criminalizing caste-based discrimination was a great achievement in 2011 for the Dalit community, who had long been advocating for this legislation. However, this legislation runs the risk of being rendered meaningless, if no tangible rejuvenation of the justice system takes place.” Asian Human Rights Commission

Dalit women in Nepal rallied, joined together and got creative for their rights in 2011. The Dalit women movement in Nepal went from strength to strength in 2011 and have shown impressive resilience, initiative and activity throughout the year. In May, The National Conference of Dalit Women organised by FEDO, took place in Kathmandu bringing together Dalit women activists from 75 districts of Nepal, human rights activists, constitutional assembly members, researchers, representatives from UN and bilateral agencies and I/NGOs, members of the media, and international delegates. The conference results are summed up in the declaration entitled the *Kathmandu Proclamation on Dalit Women Issues in New Nepal*. Photo: FEDO.

the government to implement the new Untouchability Act immediately.

DNF launched a census drive to engage the Dalit community in the 2011 Census. DNF lobbied with the Central Bureau of Statistic (CBS) Nepal Planning Commission for the involvement of Dalits in every process of the population census 2011. The 5 points agreement with the CBS and the Planning commission suggested ensuring dalit representation in the monitoring committee and steering committee for the census. As a result, Dalit representatives were represented in the enumerator, supervisor and monitoring teams. The correct registration of Dalits in the census will form the basis for both statistics on caste in future as well as government schemes and legislation. The Center for Human Rights and Global Justice (CHRGJ) also released the statement *Nepal's Human Rights Obligations to Conduct an Accurate & Non-Discriminatory Census*³².

The 2011 Nepal Living Standard Survey III, found a decrease in poverty levels in Nepal but also concluded that, "Hill Dalits and Tarai Dalits have the highest poverty level while the Hill Brahmins and Newars have the least." The Nepal Human Development Report released in 2011 likewise found Dalits at a disadvantage when it came to literacy and education, with Dalit women being severely disadvantaged. Statistics in the report cite that only 17% of Tarai Dalit women are literate and only 5.2% of them acquire secondary education.

That threats from state and non-state actors against human rights defenders is directly hampering the country's democratisation and peace process was stressed in the work of The Asian Legal Resource Centre (ALRC) and other organisations who also issued a statement³³ in 2011, highlighting the difficulties faced by Dalit human rights defenders in Nepal when attempting to carry out their work. The statement notes that Dalit women human rights defenders are particularly at risk and are not being recognised, even among the mainstream human rights movement.

Despite the difficulties identified, the Dalit women movement in Nepal went from strength to strength in 2011 and have shown impressive resilience, initiative and activity throughout the year. In March, Dalit women marked the International Women's Day with a Photography exhibition and film screening, the Social Women's Forum with cultural activities and a workshop on "How Dalit people can access the government", and a rally for Dalit rights in the streets of Kathmandu kicked off the International Day for the Elimination of Racial Discrimination. Political parties

and Dalit organisations including FEDO participated in the rally with banners and slogans to urge that Dalit rights be included in the next constitution.

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In August, FEDO prepared a lobby brief and contributed to the comprehensive shadow report by the Forum for Women, Law and Development (FWLD)³⁵ on Dalit Women in Nepal for the UN Committee on the Elimination of Discrimination against Women (CEDAW) review of Nepal. Following the Review CEDAW urged Nepal to take specific measures to increase the "very low" political representation of Dalit women³⁶.

Political representation of Dalits was also at the top of the agenda of the Dalit NGO Federation's (DNF) work this year. DNF engaged in conducting voter education across Nepal and have informed more than 46,000 Dalits of their voting rights. DNF also established resource centers in five regions and provided support to Dalits through an atrocities Help Line and a Dalit Dialogue Centre. DNF engaged in political lobbying including organising campaigns to urge CA members to ensure a Dalit inclusive constitution, lobbying the Finance minister for budget allocations for Dalits and issuing position papers on state restructuring and budgets. DNF also took up the issue of inter-caste marriages and the problems and violence often faced by the couples who engage in them. The continued focus of DNF is on political, social and cultural empowerment of Nepal's Dalits and DNF helped secure funding for a team of Dalit activists to climb Mt. Everest to make a statement about putting an end to caste discrimination, to be organised in 2012.

Beyond the national level work, DNF and FEDO also supported IDS N in international lobby activities throughout 2011 and alongside the Nepal National Dalit Social Welfare Organisation (NNDSWO) they were invaluable co-organizers of the IDS N International Consultation on Caste-Based Discrimination which took place in Kathmandu, Nepal. The Jagaran Media Center (JMC) supported the consultation on media work.

Throughout 2011 there has been a good amount of national level media attention to caste discrimination in Nepal,

Seeds of hope have been sewn for a better future for Dalits in Bangladesh. While many obstacles remain for Dalits in Bangladesh in terms of political participation, living standards, access to education and basic services and other rights, the Dalit movement in Bangladesh is growing strong and mobilising – giving a new generation of Dalits a reason to believe that things are changing. Photo: Abir Abdullah/EPA.

especially following key events. There has also been a fair level of international media attention particularly to the issues of bonded labour and education as well as the passing of the untouchability bill. To mention a few, the LA Times, The Guardian, and The BBC, have all published articles on the issue and ABC radio and MediaGlobal also interviewed IDS and UN officials on caste discrimination in Nepal.

Over the past years the Dalit movement has grown stronger and stronger and it was a difficult time for all partners in Nepal and around the world, when the young Dalit leader, Suvash Darnal, co-founder of JMC and founder of the Samata Foundation, passed away in a traffic accident. Several moving tributes were written and the Open Society Institute published a memorial stating, "Suvash's vision of a just and inclusive Nepal for all of its diverse peoples will not die with him. On the contrary, his short but fruitful life will surely serve as an example to all Nepalis working to build that bright, new Nepal that Suvash always knew was close and within reach." The activities and achievements in 2011, are a testament to this.

Bangladesh

Political lobbying, social mobilisation and networking continued to drive the Dalit movement in Bangladesh forward in 2011. Alongside other Dalit rights movements in Bangladesh, The Bangladesh Dalit and Excluded Rights Movement (BDERM), has empowered Dalits to start asserting their rights and inspired and pressured politicians and officials to take notice and make changes.

The impressive accomplishments of the movement were published in 2011 in the form of a 2008-2011 Work Statement from BDERM³⁷ including background information, goals, activities, documentation, priorities and actions for 2012.

BDERM furthermore published *Dalit Women in Bangladesh - Multiple Exclusions*³⁸ and together with NGO One World Action published a booklet documenting Dalit lives in Bangladesh entitled *Dalit rights are human rights*³⁹ depicting the Dalit struggle for dignity in Bangladesh. A print version of the publication was co-sponsored by IDS.

To further its spread of information and advocacy reach BDERM also launched a website on bderm.org including news, events, publications and information on the movement. The member base of the movement is continuing to grow steadily and BDERM has members throughout Bangladesh. A regular newsletter in Bangla was also disseminated in 2011.

Now we have leadership, skills, rights and dignity

Mukul Shikder, Chairperson, & Bothanki Solomon General Secretary, BDERM, in the foreword to the *Bangladesh Dalit and Excluded Rights Movement Work Statement: April 2008 – June 2011*

Over the past few years the Dalit movement in Bangladesh has gone from strength to strength, and is now a growing and effective force for positive change ... Until very recently, the existence of Dalits and caste discrimination in Bangladesh was denied, and now we see the issue being seriously addressed by both national and international policy makers and practitioners.

Attitudes amongst Dalit communities are slowly transforming, and for the first time in their history people are speaking out and not hiding their identity. As a direct result of our lobbying, Dalits and excluded communities are now included within the national Poverty Reduction Strategy Paper; in the recent election manifestos of all major political parties and in the priorities of the European Commission and other major donors.

A strong national movement has been established, combining community organising with public awareness raising and campaigning, lobbying, legal interventions and international advocacy.

Despite entrenched patterns of discrimination and extreme poverty, a new generation of courageous Dalit leaders and activists are starting to organise their communities and demand justice. What we thought would take generations has started to change in just a few years. We would like to take this opportunity to thank our partners and friends and to encourage your continued support so we can work together to end caste discrimination and untouchability practices in Bangladesh.

Although the Dalit movement has been very successful at raising awareness of Dalit rights in Bangladesh and mobilizing for political change, much work remains to be done as Dalits of Bangladesh are still generally repressed and their living standards incredibly low.

One of the key obstacles to progress that has been identified is that there is a lack of political leadership from the Dalit community and that other political leaders are not focused on Dalit rights. In the last parliamentary election, eight political parties in Bangladesh declared their commitment to developing the Dalit and excluded