

UN Human Rights Committee (CCPR) review of Nepal (18-19 March 2014) in the 110th session of the Committee

IDSN March 2014 - References to caste issues

The Human Rights Committee considers the second periodic [report](#) of Nepal on its implementation of the provisions of the International Covenant on Civil and Political Rights in the 110th session of the Committee (Geneva 18-19 March 2014)

HRC Experts (speakers) (on caste issue)

Expert Mr. Andre Paul Zlatescu (Romania) on issue nr. 8 and 5

- Noted Dalit victims of witchcraft accusations – no apologies or reparations provided to victims and inquired as to this issue.

Expert Mr. Ahmad Amin Fathalla (Egypt) on issue nr. 6¹, 7 and 8. Mr. Ahmad Amin Fathalla commented specifically on issue no. 6 on measures taken to combat caste based discrimination in practice, particularly caste-based discrimination against the Dalit community and made the following comments and questions:

- Clarify what forms of mass media and what has been communicated in the social messages/societal awareness of Dalits human rights and their advancement (noted in reply to issue nr. 6)
- Comment on the economic support such as ‘microcredit, free education, drinking water and sanitation and housing an shelter’ that is provided (noted in reply to issue nr. 6)
- Provide information on nr. of Dalits at the decision-making level (noted in reply to issue nr. 6)
- Provide statistics on Positive discrimination and reservation in civil, police, military and other public services (noted in reply to issue nr. 6)
- Provide concrete results of the Caste-Based Discrimination and Untouchability Act of 2011? (noted in reply to issue nr. 6)
- Can you provide a time limit for the training programmes for the officials of the law enforcement agencies (noted in reply to issue nr. 6)
- Please provide more info on the provision of necessary budgetary and resource support to the National Dalit Commission – how much budgetary support? What you mean by necessary? (noted in reply to issue 6)
- When will the bill to upgrade the status of the Commission from an executive body to a statutory body be considered and implemented? (noted in reply to issue 6)

Government of Nepal (GoN) reply to expert speakers (on caste issue)

The Joint-secretary, Ministry of Law, Justice, Constituent Assembly and Parliamentary Affairs, Mr. Dilli Raj Ghimere of the GoN delegation responded to the queries relating to the right to equality and caste-based discrimination.

¹Issue no. 6. Please provide information on measures taken to combat caste-based discrimination in practice, particularly caste-based discrimination against the Dalit community, and to ensure effective implementation of the Caste-based Discrimination and Untouchability (Offence and Punishment) Act of 2011. Please indicate whether the National Dalit Commission has been provided with sufficient resources to effectively realize its mandate and whether legislation regulating its activity has been adopted. (Under Non-discrimination, equality between men and women, rights of minorities and indigenous peoples (arts 2, 3, 25 and 27)

- Measures on right to equality and non-discrimination includes legislative, political and institutional measures and measures designed to change the attitudes of people – we see an integrated approach - preventive, protective. We have tried to eliminate patriarchal attitudes with measures on changing attitudes of people along with legislative and political measures listed in the reply to list of issues.
- The right to equality and the principle of non-discrimination are a key pillar of the policy, legislative and institutional framework.
- Noted policy of zero tolerance against caste discrimination.
- Caste-based measures including micro support and Positive Discrimination policies to address caste-based discrimination.
- Caste-based Discrimination and Untouchability (Offence and Punishment) Act 2011
 - “Importantly, in 2011, we have adopted a Caste-based Discrimination and Untouchability (Offence and Punishment) Act which is a mile stone in the prohibition of caste-based discrimination”.
 - In order to ensure its effective implementation, the Ministry of Home Affairs has issued, to all 75 districts, to take necessary measures within their district to ensure effective implementation – so, all districts are instructed to take necessary measures.
 - In 2011, nr. of prosecutions was 23 with 6 convictions and 7 acquittals.
 - In 2012, nr. of prosecutions was 23 with 7 convictions and 5 acquittals.
 - = The act has therefore been implemented with sanctions if and when necessary.
- Noted inter-caste marriage – presented figures.
- National Dalit Commission (NDC)
 - Currently the Dalit Commission is formed by executive order - 60 members with 33 SC Dalit people and 7 Hill. The government plans to upgrade the status of the Commission from an executive body to a statutory body – to this end, a bill has been drafted and the GoN, in compliance, will do its best for the hourly enactment by parliament.
 - The government approach and support to the NDC constitutes a range of measures – financial, capacity development, supporting human resource development, supporting its distribution, supported women rights action plan, supported in administration and mainstreaming of programmes, helped in monitoring of government and non-government institutions. Noted 20 million rupees for a campaign. Government support has therefore been in the field of coordination and collaboration and in the field of support.
- Indigenous Peoples – vulnerable groups – “government measures in relation to Indigenous Peoples with focus on women and Dalits comprise measures that focus on inclusiveness, social justice, gender violence and mainstreaming – four main areas our measures are dedicated to.”
- Change of attitudes is very important. The Ministry has launched an ambitious village to village programme - has conducted the programme and developed a curriculum containing the issue of women, Dalit, Indigenous people and caste-based discrimination among others, including legal aid. So far, the Ministry has conducted the programme in 60 village communities with the participation of 8000 people including women, Dalits and the disabled benefiting from the programme and “we believe the programme has been successful in bringing about change in the attitudes of people”.

The Joint-Secretary also took note of the distinguished Expert of the Committee query around failure to criminalise, by law, the practice of witchcraft – We have already criminalised this practice many years back (section 10b of general code) – punishable with two years and a fine – nr of cases of witchcraft 122 prosecutions or cases of witchcraft – clearly criminalised by law – new bills also include dowry system and others. Informed of plans to develop an umbrella bill on this ill practice.

UN press release 19 March 2014 - References to caste-based discrimination

The Human Rights Committee this afternoon concluded its consideration of the second periodic [report](#) of Nepal on its implementation of the provisions of the International Covenant on Civil and Political Rights.

In the ensuing dialogue Committee Experts expressed extreme concern about continued impunity for the most serious human rights violations, including war crimes, torture and enforced disappearance, and the lack of accountability and reparation for victims. Steps taken to gender violence, trafficking in persons, caste-based discrimination and harmful traditional practices such as child marriage were asked about.

Presentation of the report

Nepal had made significant progress in the field of education, health, communications and peace processes and was on track to attain most of the Millennium Development Goals. Measures had been taken to combat caste-based discrimination in law and practice and to promote the rights of Dalits. Discrimination on any grounds, including sexual orientation or gender, was prohibited by the constitution and the law. All forms of violence against women, including rape, had been criminalized, and law enforcement agencies and courts were responding to cases of violence against women effectively. Access to justice for victims of domestic violence was being gradually strengthened.

Questions from the experts

What was being done to address discrimination against the Dalit minority and integrate them in all aspects of the society, the delegation was asked, as well as difficulties for vulnerable minorities, including sexual minorities, to obtain documentation easily.

Responses by the delegation

Positive discrimination measures were undertaken to address discrimination against Dalits and other indigenous groups. A circular had been issued to local authorities to undertake all necessary measures to eliminate caste discrimination, including through promoting inter-caste marriage. The Government was also supporting the commission in charge of protecting the rights of Dalits, and significant progress had been made in that regard. The Government had launched an ambitious sensitization programme against all forms of discrimination, which was a great success and contributed to an evolution of mentalities.

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