

Dalit Rights Kathmandu Charter 2007

Preamble:

Recognizing the fact that the state system based on feudal Hindu caste system that has marginalized the Dalit community in the political, economic, social, cultural, educational and other spheres of national life,

Respecting the sacrifice made by the Dalit community with the objective of ending untouchability prevalent in Nepali society and create equality in society in (each of) the revolutions and popular movements of country in 1950, 1961, 1971, 1985, 1990 and the 19-day historic movement in 2007,

Seriously considering the failure to implement the provisions of human rights in favour of the Dalits as outlined in UN Charter, Human Rights Worldwide Declaration 1948, Covenant of Civil and Political Rights 1966, Covenant on Social, Cultural and Economic Rights 1966, International Convention on the Abolition of all kinds of Racial Discrimination 1965, Treaty on the Abolition of all Kinds of Discriminations Against Women 1979, Convention on Child Rights 1988, International Human Rights Laws 1948, Convention on Slavery 1926, and Convention Against Torture and the UN Proposition on Violence Against Women 1325, along with continued occurrences of incidents of racial discrimination and untouchability,

Realizing the political change in the country and in the context of managing the achievements such as the Constitution of the Kingdom of Nepal 1990, the public declaration of the House of Representatives 2001, all understandings and agreements including the 12-point Comprehensive Peace Accord, the declaration of abolition of untouchability by the reinstated House of Representatives in June 2006, and the adoption of the principle of proportional inclusiveness by the Interim Constitution 2007,

(And) To end prevalent racial discrimination and untouchability and in the campaign of ensuring proportional representation of the Dalit community on the basis of their population at all levels and structures of the State and providing them with additional compensation, we, the (nearly) 300 Dalit participants from 75 districts of the country, would like declare this Kathmandu Charter 2007 on the basis of the analysis of the decisions reached in the regional conferences held in Dadeldhura of far-west, Dang of mid-west, Pokhara of western region, Birgunj of central region and Dharan of eastern region, and in accordance with the decisions of the three-day national conference (17-19 December 2007) held at Godavari of Lalitpur District, and urge the State to include the endorsed recommendations in the process of (new)constitution making and restructuring of the state.

Restructuring of state and political issues:

1. The State should be restructured as an inclusive federal democratic republic.
2. Constitutional and legal provisions should be made for an election system that will ensure proportional representation of the Dalits, Dalit women, Madhesi Dalits,

Newar Dalits, including 20 percent representation of Dalits in the elections to the Constituent Assembly on the basis of total percentage of its members.

3. Dalit participation should be compulsorily ensured from the preliminary stage of the process of restructuring of state to the election commission, election advisory committee and other committees that will be formed with regard to constituent assembly elections.
4. There should be constitutional provision for the participation, representation and access of Dalit (Madhesi Dalits, Newar Dalits, Khas-Parbate Dalits and Dalit women) communities at all levels and bodies of the political parties.
5. A compulsory provision should be made for the proportional representation of Dalit community (Madhesi Dalits, Newar Dalits, Khas-Parbate Dalits and Dalit women) on the basis of their population in the representative, constitutional and all other bodies of the State.
6. Reservation should be made for proportional inclusion of the Dalit community on the basis of their racial, regional and gender proportion by restructuring the administrative sector.
7. The National Dalit Commission should be made a powerful body by making it constitutional and proportionally inclusive.
8. Since that Dalits do not need a separate state in a federal setup, the national constitution should have a provision of a package policy to resolve the economic, political, administrative, social and cultural problems of the Dalits in the federal state system along with the provision of proportional representation for them.
9. The constitutional provision to be made in favour of the Dalits for the protection, development, and empowerment of Madhesi, Newar, Khas-Parbate Dalit and Dalit women to enable them to enjoy their rights should have the provision of internal proportional representation.

Economic issues:

10. Land ownership rights of the Dalits should be ensured through revolutionary land reform initiatives.
11. The State should see that all arrangements regarding employment opportunities for Dalit communities are ensured by using employment as a fundamental right.
12. The open market policy of the government which is playing a major role in displacing the traditional profession and skill of the Dalit community should be replaced with mixed economic system.
13. The profession and skills of the Dalits should be modernized. Small industries should be established and subsidy provided to Dalits while ensuring the management of their products.
14. All kinds of bonded labours and exploitation of labour as determined by feudal land-production system in the form of *Haliya*, *Kamaiya*, *Haruwa*, *Charuwa*, *Baligharey*, *Doli*, *Bhund*, *Sino Khaney* and *Phyakney*, *Bethbegary*, *Kamlary* and such other (evil) social practices should be ended and provisions be made for rehabilitation of the affected Dalits.
15. There should be a compulsory management policy for the inclusion of Dalit community in all planning and development activities of the State as well as in the non-governmental sector.

Education, health, culture and social issues:

16. Impunity should be ended and untouchability should be defined as a serious social crime, and a crime against the State and humanity.
17. A code of conduct should be made and implemented for all levels of political parties and civil servants against racial discrimination and untouchability.
18. There should be a provision of a Dalit Bench in all judicial and quasi judicial bodies and a special court at the Centre to look into cases of racial discrimination.
19. The privatization of health service should be stopped by making health service a fundamental right. Dalit community's access to health services should be ensured and the State should provide free health services to the poorest of the poor Dalits.
20. The economic and socio-cultural persecution of the Badis should be rooted out. The agreement reached between the Badis and the government should be implemented immediately.
21. The participation of the Madhesi Dalits, Newar Dalits, Khas-Parbate Dalits, the Dalits of the Karnali region and all other marginalized Dalits should be ensured while guaranteeing the rights of the Dalit community.

Special proposals:

1. A new situation has arisen in the Dalit Movement following the historic people's movement. There is a need for involving Dalits in the forthcoming constituent assembly, restructuring of state and in all decision making processes. We would, therefore, like to underline the need for a strong cooperation among all Dalit political organizations and Dalit civil society bodies, and strongly urge all Dalits to unite for an integrated, joint movement by consolidating all our efforts.
2. Since that the unity between the seven political parties is equally relevant today for the establishment of an inclusive democratic republic through the elections to the constituent assembly as per the mandate of the historic people's movement, we would like to make a strong demand for further strengthening of the unity of the seven parties for immediate declaration of the date to hold the elections (to the constituent assembly) by April 2008.
3. We would like to make a strong demand to hold a fruitful dialogue with Dalits, Madhesi, women's groups, Janajati and the agitating people of the remote regions before the constituent assembly polls and reach a national consensus to ensure the elections.
4. Ensure meaningful representation of Dalits in all the structures that will be set up during the (on going) peace process and in the restructuring of state as envisioned by the Interim Constitution as well as in the Truth and Reconciliation Commission and such other bodies.
5. The participation of Dalits in private and governmental media houses should be ensured. The programs relating to Dalit issues should be produced, published and broadcast through private and government media free of cost.
6. Ways should be found to address the issues pertaining to language(s) of the Madhesi Dalit community.

The Kathmandu Declaration endorsed by the national conference of the Dalits organized by the Dalit civil organizations on 17-19 December 2007 in Godavari, Lalitpur, Nepal