



Joint Submission to the UN Committee on Elimination of Discrimination Against Woman (CEDAW)

January 2024

Submitting Organisations:

International Dalit Solidarity Network

The International Dalit Solidarity Network (IDSN) was founded in March 2000 to advocate for Dalit human rights and to raise awareness of Dalit issues nationally and internationally. IDSN is a network of international human rights groups, development agencies, national Dalit solidarity networks from Europe, and national platforms and organisations in caste-affected countries.

Dalit Welfare Organization (DWO) was established in 1994 and is a large National level NGO working for Dalit human rights and development in Nepal. It has 30 years of working experience in Nepal to establish a just society by eliminating caste-based discrimination and untouchability. Its primary target groups are women, youth and children especially from Dalit communities.

Nepal National Dalit Social Welfare Organization (NDSWO) is a pioneer organization in combating “caste-based discrimination and untouchability” and promoting equality and dignity of Dalits in Nepal. Established in 1982, is a first registered non-government organisation by Dalit for Dalit rights.

Feminist Dalit Organisation (FEDO) is a national-level NGO established by a group of rural Dalit women in Nepal. It aims to create a discrimination-free society where all Dalit women and girls can live dignified lives, enjoy their human rights, and participate in development and decision-making at local, provincial, and federal levels.

Association for Dalit Women Advancement of Nepal (Adwan) has been working to empower women, children, and Dalits who have been marginalized in society since 1998. Through their socio-economic, advocacy, livelihood, and education programs, Adwan has championed the cause of Nepal’s Dalits and marginalised communities.

Dalit Alliance For Natural Resources (DANAR-Nepal) is a non-profit, a non-governmental organization dedicated to ensuring the rights of Dalits and other poor excluded people in natural resources such as land, water and forest and to assist for building the vision of inclusive, equitable and prosperous society, was founded in 2009 by Dalits, Women and poor excluded Forest Activists of Nepal.

Nepal Dalit Human Rights Organization (DHR-Nepal) is a non-profit, non-political, non-ethnic, independent and autonomous social organization working in the field of human rights. It is affiliated with the Social Welfare Council. Since the establishment, it has been launching awareness and advocacy programmes on human rights and caste-based discrimination issues.

Additionally, further information has been gathered from political, social and CSO leaders, the National Human Rights Institutions (NHRIs) representatives and the development and human rights experts. A separate national consultation with DWHRDs from all provinces was conducted in Kathmandu.

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1. Background

The Government of Nepal submitted its Seventh Periodic Report on the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) on 5 July 2023. The CEDAW Committee is scheduled to assess the report in February 2024. Following the government's report, civil society organizations are preparing alternative shadow reports for consideration by the CEDAW Committee in 2023.

According to the 2021 Census, there are 1.6 million Dalit women in Nepal - 15 percent of the total female population of the country.¹ The distinctive aspects of Dalit women's lives are marked by exclusion, stemming from customary caste provisions related to notions of purity and pollution, as well as patriarchal structures and gender discrimination. This exclusion and discrimination result in experiences of poverty, humiliation, and the denial of social and economic rights, undermining their right to dignity as human beings. Like women from other minority communities, Dalit women often remain overlooked in alternative reports by civil society organizations.

This report is presented as a supplementary document to underscore the severe and multifaceted discrimination and vulnerability faced by women within the Dalit community. Its purpose is to strengthen the advocacy for women's rights and draw attention to the challenges specifically encountered by Dalit women. The submission also incorporates survey responses from Dalit civil society organizations in Nepal, enriching the report with first hand insights and experiences. The document aims to prompt further progress of Nepal's efforts in fulfilling its commitments under the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW).

1. Article 1 and 2 – Definition of ‘discrimination against women’ and duty of the State to eliminate discrimination.

The Constitution of Nepal prohibits *untouchability and discrimination* based on caste and gender. The Caste-Based Discrimination and Untouchability Act (Offense and Punishment) Act, 2011 is the main legal framework to criminalize Caste-based Discrimination and Untouchability (CBDU). Nepal is a party to the Convention on the Elimination of Racial Discrimination (CERD). In 2001, the government established the National Dalit Commission (NDC) with the mandate to protect and promote the human rights of Dalits and monitor the situation of the implementation status of Dalit-related national laws, policies and international treaties to which Nepal is a party. The Constitution of Nepal (2015) made NDC a Constitutional body.

Dalit Women's Multiple Struggle

Despite the national and international laws and mechanisms, Dalit women and girls face social, economic and cultural violence and discrimination and gender-based violence (GBV) both in personal and public life based on their caste, gender, culture, and occupation, among other attributes. Dalit women represent a segment of women belonging to the so-called “lower” castes within the Nepali Hindu caste hierarchy. Positioned at the bottom of Nepal's caste, gender, and class hierarchy, Dalit women bear the weight of multiple and intersectional discrimination—both in terms

¹ Central Bureau of Statistics, Government of Nepal. See <https://censusnepal.cbs.gov.np/home/index/en>.

of caste and gender. They endure severe deprivation exacerbated by violence, sexual assault, and humiliation. Madhesi Dalit women face additional challenges due to exclusionary practices related to language, identity, and regional disparities. The intersection of caste and gender encapsulates various forms of discrimination, human rights violations, and inequality within Nepal. Despite some progress, Dalit women, within the broader female population, continue to encounter severe and diverse forms of discrimination.

Legal Gaps and Justice System Challenges

Article 18 of the Constitution of Nepal prohibits discrimination based on caste and sex, yet the definition remains broad. It fails to acknowledge indirect and invisible forms of discrimination, as well as discrimination by non-state actors. Although Article 24 of the Constitution addresses untouchability, it lacks provisions for adequate reparation for discrimination victims and compensation for the historical marginalization of Dalit communities. The CBDU Act of 2011 establishes a legal framework for punishing caste-based discrimination and untouchability. However, its practical effectiveness is hindered by inadequate measures for the protection of victims and witnesses, as well as insufficient punishment provisions relative to the gravity of the offenses. Notably, both the Constitution and the CBDU Act fail to recognize Dalit women as a distinct category, overlooking the unique forms of discrimination they experience as both women and Dalits.

Moreover, persistent untouchability practices by dominant caste individuals restrict Dalit women's access to essential resources such as water, public spaces, and temples. They are excluded from social processes and face barriers to freely marrying individuals from other castes. Untouchability further hinders their access to education, healthcare, and poverty-alleviating services, acting as a significant impediment to realizing the equal rights of Dalit women in Nepal. Discrimination related to untouchability often goes unreported, with police the primary contact for filing First Information Reports (FIRs) and investigating cases. Despite having the authority to act *suo motu* (on their own initiative), the police are hesitant to file formal FIRs and investigate cases of caste-based discrimination against Dalit women due to ingrained discrimination and caste-based allegiances. Informal encouragement for mediation exacerbates the situation, severely hindering equal access to justice for Dalit women².

As consequence, Dalit women of all ages face caste-based discrimination and untouchability in many fields. For example, a single Dalit woman, aged 62, was refused shelter in the Elderly Home in Morang district after the owner identified her as Dalit³. FEDO also documented a case of a Dalit girl in Silgudhi Municipality-6 in Doti district who dropped out of school due to caste-based discrimination and untouchability and migrated to India, putting herself at risk of human sex trafficking. Traditional beliefs about witchcraft have also negatively affected Dalit women despite a law criminalizing discrimination and violence against those accused of witchcraft.⁴

² Country Reports on Human Rights Practices for 2019 United States Department of State • Bureau of Democracy, Human Rights and Labour

³ Nepal Khabar, 9 December 2023, [जसलाई जातकै कारण वृद्धाश्रममा बसने टिन्डिएन](#) | Nepal Khabar

⁴ Country Reports on Human Rights Practices for 2019 United States Department of State • Bureau of Democracy, Human Rights and Labour

Recommendations

1. Hold the abusers of violence and discrimination against Dalit women and girls accountable and demand reparation for the victims.
1. Prohibit discrimination explicitly against Dalit women and girls by reforming and strictly implementing laws and policies and integrate measures to combat caste-based discrimination and untouchability into equality plans and programs.
2. Decentralize human rights knowledge and expertise, including Dalit and women's rights, at the federal and local levels of government and make the government accountable for the human rights of Dalit women and girls.
3. Publish a periodic Human Rights Action Plan for all 753 local governments, containing the intersecting issues of Gender and caste-based discrimination to specifically address the rights and problems of Dalit women and girls.

2. Article 3 – Gender Equality

Challenges in CBDU Act Implementation

In line with the 2006 Comprehensive Peace Agreement (CPA), Nepal's 2015 Constitution guarantees equality and non-discrimination across various protected characteristics. These include origin, religion, race, *caste*, tribe, sex, physical conditions, disability, health condition, matrimonial status, pregnancy, economic condition, language, geographical region, ideology, and other relevant grounds. The Constitution also commits to fundamental rights, human rights, gender equality, proportional inclusion, participation, and social justice through its directive principles. Despite these legal assurances and the existence of the CBDU Act of 2011, aimed at eradicating caste-based discrimination and untouchability, practical implementation remains ineffective.

This inefficacy contributes to the intersectional discrimination faced by Dalit women, rooted in factors such as caste, untouchability, and gender. As a result, Dalit women struggle to realize their human rights and fundamental freedoms on an equal footing with men, rendering Constitutional guarantees unfulfilled. The Act envisioned the establishment of the National Women's Commission and the National Dalit Commission, dedicated to advancing gender equality and safeguarding Dalit rights. However, these commissions often overlook the specific concerns of Dalit women due to the predominant influence of dominant-caste women, those from the general category, and Dalit men. The minimal representation of Dalit women in these commissions further constrains their agendas, influenced by the resources controlled by the Ministry of Finance.

Nepal's adoption of the Gender Equality and Social Inclusion (GESI) policy aimed to inform the programs and plans of various Ministries. GESI Units were established as focal points to support planning, budgeting, and monitoring ministerial programs for promoting GESI. However, the GESI policy and its corresponding Unit have been more cosmetic than substantive. They have failed to address the specific problems faced by Dalit women, lacking a standardized monitoring system and the use of disaggregated data to track how Dalit women are targeted and/or have benefited from government programs.

Recommendations

1. Reinforce the existing laws for attaining equality. Hold the police and relevant authorities accountable for not filing First Information Reports (FIRs) and not initiating an investigation for cases of discrimination.
2. Establish an Equality Commission to proactively promote gender and social equality and practically abolish the caste system.
3. Reform the Gender Equality and Social Inclusion (GESI) programme with a specific focus on Dalit women and install a robust system of monitoring with disaggregated data on gender, caste, and ethnicity.

3. Article 4 – Special Measures

Nepal's Constitution has embraced policies encompassing proportional representation, affirmative action, and economic development programs for Dalits. However, despite these Constitutional provisions and the growing issue of gender inequality, Nepal has yet to implement a comprehensive program to address the disparity between males and females. The government's special measures are primarily confined to establishing quotas in the civil service. Additionally, there is a lack of recognition of diversity within the female population, leaving women from the Dalit community, indigenous peoples, Madhesi, and religious minorities largely unnoticed and unheard.

The Constitution advocates for "special provisions by law for the protection, empowerment, or advancement of women lagging behind socially and culturally, Dalits, Adivasi, Madhesi, Tharu, Muslims, oppressed classes, backward communities, minorities, marginalized groups, peasants, laborers, youths, children, senior citizens, sexual minorities, persons with disabilities, pregnant, incapacitated, and helpless persons, as well as citizens from backward regions and financially deprived citizens, including the Khas Arya." However, despite emphasizing support for women at a social disadvantage, in practice, it tends to favour only the dominant Khas Arya community for inclusion.

Moreover, a limited understanding of affirmative action, primarily limiting it to quotas in specific areas, has left the issues of Dalit women unaddressed. Even when the quota system is implemented, it is often arbitrary and does not necessarily empower representatives from Dalit and other disadvantaged women.

Recommendations

1. Expand the definition of affirmative action beyond quotas to include a wide range of special measures required to address the situation of Dalit women for advancement of Dalit women in political, social, economic and cultural fields.
2. Ensure proportional representation of Dalit women at all levels of governance including executive, legislative, judiciary, bureaucracy, security forces and political bodies to enable their access to decision making.
3. Initiate targeted and time-bound programmes to reduce inequality by devising a range of affirmative action policies, programs and corresponding budget for attaining equal status of Dalit women on par with non-Dalit women and men.

4. Article 5 – Stereotyping and cultural prejudices

Nepal's Patriarchal Value System

Nepal is characterized by a strong patriarchal value system, positioning Dalit women in a subordinate role to men. They often face discrimination and violence, including domestic abuse, sexual harassment, and harmful traditional practices like dowry-related violence. Social norms and stereotypes sometimes perpetuate these injustices by normalizing or excusing such behaviour. Despite ongoing efforts to challenge these norms, they persist, significantly impacting Dalit women's lives by restricting their access to education, employment, and decision-making opportunities. Indeed, this patriarchal influence manifests in the constrained participation of women across various levels. In Nepal, a significant proportion of Dalit women are involved in home-based work within the informal sector, receiving low wages and enduring instances of harassment and abuse. Despite advancements, domestic violence persists, indicative of the enduring presence of a patriarchal mindset. These harmful practices are deeply rooted, influencing many aspects of Dalit women's lives.

Stereotyping and Cultural Prejudices Against Dalit Women

Dalit women in particular face negative stereotyping and cultural prejudices. The stereotypical image of Dalit women created by the dominant caste discourse in Nepal diminishes their agency and capacity, suggests impurity and the lesser worth of Dalit women, and dismisses Dalit women that stand up for their rights and treats them in discriminatory ways. Cultural prejudices created by dominant caste are ingrained in the everyday socialization of Dalits and non-Dalits and are reflected in their behaviour.

Civil society respondents from a survey conducted by the UN country office in Nepal, highlight the detrimental consequences of such stereotyping, with rape and kidnapping emerging as significant challenges faced by women in Nepal, with a majority of victims reportedly identified as Dalit women. Despite notable and ongoing improvements, addressing discrimination and violence against women and girls requires the formulation of new legislation to align with Constitutional mandates. Survey respondents moreover report that 26 percent of women aged 15-49 continue to experience physical or sexual violence. Various forms of violence persist, with domestic violence being the most prevalent, followed by issues such as girls' trafficking, physical/sexual abuse, social abuses, and malpractices like allegations of witchcraft, Chhaupadi (exclusion from the family during menstruation), dowry-related problems, and early marriage (before the age of 18 years). These findings underscore the urgent need for targeted interventions to safeguard the well-being and rights of Dalit women and girls in Nepal.

This survey shows that caste-based discrimination and belief in untouchability prevails, particularly in Karnali and Sudurpaschim Provinces. Irrespective of caste, the majority of respondents stated that there is little caste-based discrimination in access to public service facilities such as police stations, health posts or government offices. However, 13 percent of Dalit respondents stated that they had not reported cases of discrimination to police because they felt they would not be believed.

Chhaupadi and Child Marriage

Menstrual restrictions are prevalent across the three Provinces covered in the survey, with more than 90 percent of respondents stating that female family members practice some form of restriction while menstruating. The survey confirms that chhaupadi is widely practiced in Karnali

and Sudurpaschim Provinces with 52 percent of respondents stating that chhaupadi is practiced in their communities.

According to 56 percent of respondents, marriage between individuals under the age of 20 occurred in their communities. When asked why parents would marry their children young, the most common response was fear of elopement (90 percent). The responses did indicate a link between dowry and early marriage, with 20 percent indicating lower dowry payments as the motivation for marrying daughters early. While 60 percent of respondents believed that child marriage had a negative impact on the health of girls/women, 96 percent of respondents in Province 2 said that dowry is common in their communities compared to approximately 1 percent in Karnali and Sudurpaschim Provinces. Dowry is seen to place a high economic burden on the families of the brides and the majority of respondents stated that dowry payments motivated families to marry their daughters at an early age.

Recommendations

1. The National Women's Commission and the National Dalit Commission should undertake a comprehensive inquiry into the root causes of cultural prejudices and gendered casteist discrimination against Dalit women and provide concrete recommendations for action to the government.
2. Develop legal procedures for identification of gendered-casteist prejudiced speech and treatment against the Dalit women. Integrating measures for appropriate redress and punishment to prevent impunity.
3. Develop policy guidelines and programs through media to stop propagation of racial and descent-based prejudices and segregation by state and non-state actors.
4. Reform educational curricula and textbooks and implement transformative training for schoolteachers, police, community and religious leaders, political activists, bureaucrats and local representatives to provide information on Dalit human rights and remove discriminatory language against Dalit women and men.

5. Article 6 – Prohibition of Trafficking and Prostitution

Trafficking challenges and Dalit women's vulnerability

Survey respondents described how the trafficking of women and girls remains a critical issue in Nepal. Various factors are contributing to its prevalence and continuation. Women and girls from marginalized communities, poor socio-economic backgrounds, and victims of domestic violence are particularly vulnerable to trafficking. Natural disasters exacerbated by climate change, such as the earthquakes most significantly in 2015 (and again in 2023), can exacerbate vulnerabilities, displacements, and economic hardships, leading to increased risks of trafficking especially women and girls who are more exposed to a trafficker's influence and exploitation.

As Nepal and India have an open border system which exacerbates cross border trafficking. Traffickers exploit this to traffic women and girls for forced labour, sexual exploitation, and involuntary/forced marriages. Women and girls are trafficked both internally and across borders for forced labour, including domestic servitude, and exploitation in industries like agriculture, entertainment, and the sex trade.

According to an ILO/IPEC report, as many as twelve thousand women and children from Nepal maybe trafficked and sold every year. They are mostly trafficked to India and other countries for forced sex work. There are about 1,200 locations where more than 50,000 people work. Studies shows that more than 80 percent of the workers are female and up to 20 percent of the sex workers are girls between 12-15 years of age.

Dalit women are extremely vulnerable to sexual exploitation and often victims of trafficking and forced sex work. A recent comparative media analysis revealed that about 21 percent of the cases reported related to Dalit women.⁵

Support Gaps

Moreover, the government's implementation of anti-trafficking laws faces challenges marked by ineffectiveness and inconsistency. The increasing trend of trafficking among Dalit girls and women is attributed to a lack of coordination among various government bodies. The need for more effective coordination with SAARC countries is crucial to successfully combating this issue.

The causes of cross-border human trafficking are multifaceted, involving complex interactions with economic, social, and legal issues. Unfortunately, there has been a lack of systematic inquiry into this phenomenon to comprehensively understand its complexity and shape policies accordingly. Additionally, the support provided to survivors of human trafficking lacks systematic organization, particularly in terms of rehabilitation into society, shelter home availability, and counselling services. This gap is more pronounced in cases involving Dalit women, as there are no targeted programmes addressing their unique challenges and needs.

Recommendations

1. Effectively implement anti-trafficking laws to stop the trafficking of women and children for sex work. Given the higher degree of trafficking incidents reported from the Dalit community, additional effort is needed to combat the situation.
2. Establish shelter homes and rehabilitation centres with counselling facilities and skills training in order to reincorporate the survivors in the society.
3. Ensure coordination with the SAARC countries and at the international level to prevent trafficking in accordance with international standards.

6. Article 7 – Political and Public Life

Several survey respondents noted that since the federal government implemented practices to enhance gender participation, there has been a significant increase of at least 33 percent in women's involvement in political spheres in Nepal. This positive shift is considered an affirmative change. However, challenges persist, such as a lack of leadership capacity, caste-based discrimination, and a limited substantive role in decision-making at higher levels. Some political parties still hesitate to assign leadership positions to women within the party.

⁵ Alliance Against Trafficking in Women and Children in Nepal (AATWIN), Human Trafficking and Transportation: 5 Years Comparative Media Analysis from 2012 to 2016 of seven national daily newspapers.

While the Constitution guarantees a minimum of 33 percent representation for women in both national and provincial parliaments, at the local government level in 2022, actual women's representation stands at approximately 41 percent, reflecting progress in female participation in governance at this tier. The survey respondents' observations emphasize the ongoing efforts needed to address barriers and ensure meaningful inclusion and leadership roles for women across all political levels in Nepal.

The Seventh Periodic Report puts Nepal highest among other South Asian countries to promote women's participation in the government. However, Dalit women have only marginally benefited from the measures implemented aimed at ensuring women's participation in political and public life and international participation.

Dalit Women's Representation in Local Governance

The new federal structure established a total of 753 local bodies⁶. Altogether 7,710 Dalits were elected in different posts at the local level. Of the two seats reserved for women at the Ward Committee, at least one is for Dalit women. In the 2022 local elections, 6,567 Dalit women were elected to the 753 local governments⁷. Representation has reached 22 percent of the total far beyond the size of their population of 13.3 percent. Out of the total Dalit representatives 88 percent comprises Dalit women. The significant increase in the representation of Dalit women in local bodies is attributed to the policy of reserving a seat for a Dalit woman in each Ward. However, in reality, their impact on decision-making is less impactful due to the challenges associated with being both Dalit and women and limited previous exposure to the political sphere.⁸

Additionally, while the number of Dalit women has far exceeded expectations, their representation is largely limited to Ward member posts. Dalit women members were not able to secure even a single seat as Mayor, Chairperson of Village Council, or Ward Chairperson. Out of 276 municipalities there are eight Dalit women elected as vice-mayor. Likewise, out of 460 rural municipalities, eight Dalit women have been elected vice chairperson. The high number of Dalit women representatives as Ward members roles gives the illusion of inclusion, but the majority of them lacking real influence on the political process.

Ensuing Systemic Discrimination

The lack of representation of Dalits in the political parties is directly linked to the outcomes of representation in political bodies and systemic discrimination. In July 2020, non-Dalit people padlocked the school when a Dalit woman was elected the Chairperson of the School Management Committee in Siraha District⁹. Caste-based discrimination and untouchability against elected Dalit women has discouraged their active participation in local planning, decisions, and development.

⁶ Following the provisions of new Constitution 2015, federalization of the country restructured its administrative units into 7 provinces within which there are 753 local bodies. The local bodies comprise of 6 Metropolitan City, 11 Sub Metropolitan City, 276 Municipality and 460 Rural Municipalities. Each local bodies are further divided into wards with total 6557 wards in the country. Each ward elects four members and a chair person. Out of four ward members, one seat is reserved for Dalit women.

⁷ The Seventh Periodic Report of Nepal, 2023

⁸ Local level Election Act 2017.

⁹ Annual Report 2020-2021, NDC

NHRC reported cases of CBDU against Dalit women representatives by the elected local representatives in the local governments and government mechanisms, including in the District Coordination Committee (DCC) of Kalikot District where a female Dalit Deputy Chairperson was rejected as Chief Guest in the District Sports Program¹⁰. In 2022, NHRC monitored a case of an elected female Dalit Ward member whom the Ward Chairperson treated inhumanly in a formal meeting in Kaski district¹¹

Recommendations

1. Increase the representation and participation of Dalit women by ensuring their mandatory representation in all levels of elected bodies (at a minimum of 33 percent) as guaranteed by the laws.
2. Introduce a ROADMAP at all three levels of government to ensure meaningful participation of Dalit women and girls in political and public life and at the international level.
3. Implement the CEDAW Committee's previous recommendations in paragraph 29 (a), (b), (c), and (d) regarding women's political and public life at all levels.
4. Monitor and investigate the allegations of caste-based discrimination and untouchability against elected Dalit women representatives, make the report of such allegations public and dismiss the elected representatives from their positions if proven culprits.

7. Article 10 – Education

Gender Stereotypes and Educational Challenges

Survey respondents expressed that gender stereotypes have contributed to unequal access to education for girls in Nepal. Cultural beliefs prioritize boys' education over girls' leading to lower enrolment and higher dropout rates for girls in specific regions. The prevalence of child marriage in some parts of Nepal further impacts girls' education and health. Early marriage often results in early pregnancies, posing risks to young girls' physical and mental well-being and limiting their opportunities for personal and professional growth.

Dalit girls in Nepal often face limited opportunities for education due to traditional gender roles, where they are expected to take on domestic responsibilities or marry at a young age rather than pursue schooling. Financial difficulties in families often lead to prioritizing boys' education, leaving girls struggling to afford fees, uniforms, books, and other educational expenses. Additionally, inadequate infrastructure, lack of girls' toilets, restrooms, and clean water facilities in many schools, especially in rural areas, pose further challenges. Girls also encounter gender-based violence, harassment, or discrimination within educational institutions, creating a hostile environment that hinders their educational progress.

Disparities in Dalit Women's Education

The current educational statistics for Dalit women reveal a persistent disparity between the government's goals and actual performance. According to the Census, the average literacy rate in Nepal stands at 65.9 percent, with 75.2 percent for men and 57.5 percent for women. However,

¹⁰ 23rd Annual Report 2022-2023 of NHRC

¹¹ 23rd Annual Report 2022-2023 of NHRC

Dalits, with a literacy rate of 52.4 percent (6 years and above) falls below the national average. Dalit women, especially those from the Musahar and Dom communities, have literacy rates of 45.5 percent, 17.4 percent and 17.9 percent respectively.

While the Government of Nepal has implemented measures such as free secondary education, textbooks, and financial support for Dalit students, primary school education remains financially burdensome for households below the poverty line. Completion rates for 8th grade are notably lower for Hill Dalits (24.7 percent) and Tarai/Madhesi Dalits (11.8 percent) who significantly lag behind the national average of 41.7 percent. Moreover, Dalits constitute only 1.6 percent of those with a School Leaving Certificate (SLC) and above, and a mere 0.8 percent of those with a Bachelor's degree.

Children from Dalit communities encounter discrimination in schools from both teachers and peers. Prejudiced attitudes lead to unequal treatment, including lack of respect when addressing students, and segregation. These discriminatory practices impede the educational progress of Dalit children, often resulting in early dropouts. Consequently, the low educational attainment levels become a multifaceted barrier affecting the socio-economic and political life of Dalits, hindering their overall development.

It is worth noting that the literacy rate for individuals aged 15-24 stands at 92.4 percent as of 2020, as per the Spotlight report. Despite progress, the challenges faced by Dalit and Madhesi women in education underscore the ongoing need for comprehensive strategies to address socio-economic barriers and ensure equal educational opportunities.

Recommendations

1. Adopt additional affirmative action measures including mentoring, hostel facilities, and extra classes to enable the Dalit girls.
2. Introduce legal and administrative measures to mitigate gender and caste-based discrimination in educational institutions.
3. Ensure representation of Dalit women at all national educational mechanisms, agencies, councils, committees, and teachers' bodies.

8. Article 11 – Employment

Workplace Discrimination and Gender Bias

Survey respondents noted ongoing discriminatory practices in Nepali workplaces, affecting women's professional lives across hiring, promotions, and leadership opportunities. Biases result in unequal pay, inadequate or no maternity leave, and under-representation in leadership roles are attributed to implicit biases.

Balancing work and family responsibilities is challenging due to societal expectations and gender roles, placing a disproportionate caregiving burden on women. Unconscious biases impact perceptions of women's capabilities, commitment, and leadership, hindering opportunities and career growth. The absence of family-friendly policies, like parental leave and flexible work arrangements, exacerbates challenges, limiting professional growth for women.

Dalit Women Economic Challenges

Historically, Dalit women face economic challenges due to a lack of land ownership and reliance on traditional service-based occupations. They engage in agricultural and domestic labour for dominant caste landowners, often forced into demeaning jobs. While Dalit men seek wage labour outside the village, Dalit women are restricted to working locally, and therefore are dependent on landowners, making them susceptible to abuse and exploitation.

According to the Nepal Demographic and Health Survey (2022), 76 percent of married women and 98 percent of married men aged 15-49 were employed in the last 12 months. However, the overall employment rate for married women stands at 40 percent, while it is notably higher at 78 percent for married men.

Several barriers to women's employment are identified, including a lack of education, stiff competition in formal sector jobs, concerns about the security of women in the workplace, and the persistent burden of domestic work. These factors collectively contribute to the challenges faced by women in accessing and sustaining employment opportunities in Nepal. Recognizing and addressing these barriers is crucial for promoting gender-inclusive employment practices and fostering greater economic empowerment for women.

Recommendations

1. Distribute agricultural land to landless, especially female-headed, Dalit households to support their livelihood.
2. Ensure proportional participation of Dalit women in the formal labour sector.
3. Adopt affirmative action plans to expedite the enhancement of entrepreneurial and income generating skills and credit access to Dalit women.
4. Adopt and implement laws that can monitor the discrimination against Dalit women and punish the perpetrator in the workplace.
5. Ensure equal opportunities and grievance and redressal mechanisms are in place in all formal workplaces.

9. Article 12 – Health

Geographical Disparities

Survey respondents informed us that women's health in Nepal has shown improvement over the years. However, despite progress, challenges persist, especially in accessing reproductive health services and maternal healthcare, including family planning, contraception, and comprehensive sexual education that has hindered women's well-being.

Geographical disparities continue to exist regarding maternal mortality rates, with rural areas facing greater challenges in accessing quality maternal healthcare compared to urban regions. Lack of skilled birth attendants, inadequate infrastructure, and transportation difficulties contribute to this disparity. While efforts have been made to expand these services, barriers such as socio-cultural norms, lack of awareness, and limited access in remote areas hinder widespread availability and utilization. Practices of unsafe abortion as well as legal and societal restriction of abortion for children born outside of marriage, exacerbates the stigmatization that Dalit women.

Health Disparities Among Dalit Women

Disaggregated data providing insights into the health status of Dalit women is notably limited. The available data indicates that Dalits lag behind in multiple key health indicators. For instance, the under-five mortality rate among Dalits is 90 deaths per 1000 live births, contrasting with the national average of 68 deaths. Nepal boasts an immunization coverage of 83 percent, yet Dalits exhibit rates 13 points below this average. In 2011, approximately 31 percent of children under five displayed a low weight-for-age ratio. When examined across ethnic and caste groups, it becomes evident that the proportion of underweight children is highest among Madhesi Dalits (36.3 percent) and Hill Dalits (33.9 percent). This underscores challenges related to Dalit groups' access to nutritious food, among other issues. In rural areas, many Dalit women contend with uterine prolapse, resulting in elevated morbidity rates.

Survey respondents note a distinct food culture in households where men or other family members eat before the women, contributing to health inequalities. This sequential meal pattern sometimes results in inadequate intake of proper calorie-rich food items, contributing to increased malnutrition and health issues. Among women aged 15-49, only 56 percent achieve the minimum dietary diversity recommended. Furthermore, 18 percent of women in this age group experience hypertension problems. The survey also reveals mental health concerns, with respondent reporting that 22 percent of women aged 15-49 exhibiting symptoms of anxiety based on international standards. Additionally, 5 percent of women in the same age group display symptoms of depression according to these same standards.

Recommendations

1. Provide quality universal health services to all women free or at minimal cost. Implement health insurance policy to cover the cost of those who are not able to bear the cost.
2. Devise mechanisms to identify discrimination in providing health care services and prosecute the offenders discriminating against Dalit women in their access to reproductive health services.
3. Train Dalit women and girls as health volunteers or auxiliary nurse midwives delivering health care in local level.

10. Article 13 – Economic and Social Benefits

Dalit Poverty Rates

Economic Human Development Index (HDI) values indicate that Dalits are positioned at the bottom of the hierarchy, with a value of 0.434, while Brahmans/Chhetris hold the highest value at 0.538. When disaggregated by region, Hill Dalits have a value of 0.446, and Madhesi Dalits fall to the lowest with a value of 0.40027. Around 42 percent of Dalits in Nepal live below the poverty line, 17 points higher than the national average of 25.2 percent. Despite the national average per capita consumption being 34,187 Nepalese Rupees (NPR), Dalits' per capita consumption is 23,106 NPR, followed by Hill Dalits at 25,298 NPR. Among both Hill and Madhesi Dalits, two out of every five individuals live below the poverty line.¹²

¹² Nepal Living Standard Survey 2010.

In the absence of land ownership and professional employment, Dalits rely on basic occupations and informal wage labour. They engage in traditional activities and providing services to non-Dalits, often compensated with grains through the traditional system called bali-gharepratha or riti-bhagya in Nepal. This payment method is highly unfair to Dalits, particularly Dalit women who operate on the fringes of this impoverished Dalit economy.

Dalits may also be part of the exploitative agrarian labour system called haliya, a form of bonded labour, where they plough the landlord's/moneylender's land to repay debts. Men handle field ploughing and other farm labour, while women engage in domestic tasks.

Recommendations

1. Adopt plan and policies to guarantee employment opportunities, vocational training and micro-credit support for entrepreneurship of Dalit women.
2. Address the women's concern in the Free Haliya programme for their appropriate rehabilitation of Dalit women members of the household.
3. Ensure equal wage for Dalit women. Adopt legal measure to punish the discriminatory practices.

11. Article 16 – Marriage and Family

Inter-Caste Marriage Challenges

Despite Constitutional guarantees and legal provisions criminalizing discrimination in inter-caste marriage, caste discrimination severely impacts Dalit women's right to choose their spouse. Societal attitudes toward inter-caste marriages persist necessitating programmatic initiatives from the government, civil society, and communities.

Inter-caste marriage significantly affects women's freedom, family rights, dignity, and social relations, given deeply ingrained caste-based norms. Discrimination and stigma are widespread, leading to obstruction, criticism, and social exclusion. Such challenges can result in emotional distress, isolation, and a lack of support.

Resistance from families and communities can lead to conflicts, disapproval, and abandonment, jeopardizing the women's sense of belonging and family support. In extreme cases, inter-caste marriages may even lead to violence or threats, posing risks to women's safety. Marriages between Dalit women and dominant caste men result in increased discrimination, raising the likelihood of marriage dissolution, false accusations, and forced eviction.

Raising children in inter-caste marriages is challenging, with potential discrimination and identity issues within families. For Dalit women in inter-caste marriages, discrimination remains a significant human rights issue, violating freedom of choice, the right to family, dignity, and social relations. Studies highlight various forms of violence, including physical assault, social boycott, forced eviction, separation, false accusations, domestic violence, and verbal abuse.

For example, under the leadership of a non-Dalit Ward representative, villagers beat up a 23-year-old Dalit boy and dozens of Dalit members of his village for marrying a non-Dalit girl in Sarlahi

district¹³. They forcefully took his buffalo, as the victim could not pay the fine of NRP 150,000 declared by the village Panchayat¹⁴ in the presence of elected representatives.

A tragic incident in Rukum Pashim in 2020, involving the murder of six boys due to an inter-caste affair, highlights the severity of this problem.

Vulnerability to Gender-based Violence

Survey findings expose concerning attitudes toward gender-based violence, with a notable percentage justifying violence against women in certain circumstances. Data reveals a prevalence of physical violence against women, particularly among divorced, separated, or widowed women. Sexual violence remains a significant issue, with under-reporting attributed to fear, societal pressure, lack of trust in the justice system, and insufficient support services. The historical context of conflict further exacerbates vulnerability to gender-based violence, emphasizing the urgent need to address ingrained attitudes and behaviours in Nepal.

Recommendations

1. Make and implement Dalit Empowerment Act with a focus on Dalit women and girls in all 753 municipalities.
2. Introduce life skills and employment opportunities for the empowerment of Dalit women and girls after inter-caste marriage.
3. Provide for the mandatory registration of all marriages, in line with paragraph 43 (b) of the previous concluding observations, even after the denial of the husband or ex-husband upon the dissolution of unregistered marriages.

¹³ अन्तरजातीय ब्रह्मचरिणी जन्मद्वारा नै सामेल भइ ब्रह्मचरिणी युवकमा ब्रह्मचरिणी कुटुम्बमा जन्मना. माने ब्रह्मचरिणी ब्रह्मचरिणी ब्रह्मचरिणी – Nepal Press

¹⁴ A traditional local mechanism in Madhesh Province