

ADVOCACY BRIEFING

Caste-Based Discrimination and Violence Against Dalits in Nepal

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Executive Summary

The Dalit community in Nepal has faced deep-rooted historical, structural, and systemic caste-based discrimination that has socially, economically, and politically marginalized them for centuries. Despite constitutional guarantees, Dalits continue to face widespread and systemic caste-based discrimination, exclusion and violence. Representing 13.4% of the population, Dalits are subject to entrenched inequality in justice, education, health, employment, and political participation. Previous UPR recommendations, despite addressing caste discrimination explicitly, have seen limited implementation. This briefing highlights the urgent need for comprehensive and enforceable state action, accountability mechanisms, and international pressure to uphold Dalit rights.

Key concerns include inadequate law enforcement, judicial bias, economic deprivation, educational disparities, and underrepresentation in governance. Systemic barriers remain, especially for those affected by intersectional discrimination, such as Dalit women and children, those with disabilities, LGBTQIA+ persons, and the most marginalized Dalit sub-castes like the Badi, Gandarbh, and Musahar. Nepal's international obligations under the human rights treaties demand full and non-discriminatory implementation. This briefing calls on UN member states to urge Nepal to adopt time-bound, actionable reforms to end caste and intersecting forms of discrimination.

Key Human Rights Issues

1. Legal Framework and Enforcement

- Nepal's Constitution and laws criminalise caste-based discrimination, yet implementation is weak.
- First Information Reports (a document prepared by the complainant and submitted to police) are frequently delayed or denied; there is a lack of proper investigation.
- The Supreme Court directed the Government of Nepal to revise laws and policies to implement of Article 40 pertaining to the rights of Dalits. This directive has not been implemented, and no law yet been formulated.
- Dalits face judicial bias and impunity in caste-motivated killings. 79 deaths have been reported since the Caste-Based Discrimination Act (CBDU Act) enactment.
- Nepal retains reservations to ICERD Articles 4, 6, 14 and 22.
- The National Dalit Commission (NDC) has been accorded constitutional status, but it lacks financial and human resources as well as a provincial presence.

Recommendations:

- Amend the Caste-Based Discrimination Act (CBDU Act) to ensure imprisonment of a minimum of five years, sufficient compensation (NPR 2 lakh), and lay the burden of proof on the perpetrator.

- Implement a zero-tolerance policy for delayed FIRs; establish special Dalit benches within all district courts.
- Enact Article 40 pertaining to the rights of Dalits.
- Establish a Dalit Rights and Development Authority, ensuring 50% Dalit representation and gender parity.
- Withdraw reservations to ICERD articles 4, 6, 14 and 22.

2. Access to Justice and Equality

- Dalits suffer poor access to justice and high acquittal rates due to weak investigations; this is compounded for Dalit women and those facing intersectional discrimination.
- Legal reforms lack implementation and enforcement mechanisms, while victim and witness protection mechanisms are unavailable.
- Overall representation of Dalits in the judicial system remains low, without proportionate inclusion. No Dalit has ever been appointed as a Supreme Court judge.
- Caste-based online hate speech and digital exclusion are rising.

Recommendations:

- Establish free Dalit legal aid services and community legal awareness programmes.
- Train judiciary and law enforcement on caste and gender sensitivity.
- Reform the victim/witness protection system and fast-track caste-based cases through the court system.
- Establish special benches to address caste-based discrimination with specialised prosecutors.
- Enforce digital rights laws to tackle online casteism, especially against Dalit women and Dalit human rights defenders.

3. Socioeconomic Exclusion

- Dalits have the highest poverty rates (36%), and landlessness is high (up to 24.5% among Madhesi Dalits). Landlessness is higher still among Madhesi Dalit women.
- Dalit communities often live in disaster-prone areas and face higher climate risks due to social exclusion.
- Disparities persist in access to employment, education (including vocational training), health services, and social security.
- There is limited access to natural resources including land, capital, and financial services.

Recommendations:

- Establish the Dalit Economic Empowerment Fund, with an explicit gender and intersectional focus, to provide financial resources, skills, and opportunities to improve Dalit communities' livelihoods, promote entrepreneurship, and reduce economic inequality.
- Expand budget allocations for Dalit-targeted programmes, with clear criteria and annual audits, paying special attention to intersectional Dalit identities.
- Launch a Dalit-specific economic inclusion strategy, accounting for the effects of intersectional discrimination, including land access, business support and technical training, providing land and credit access.

4. Dalit Women and Girls

Dalit women face compounded marginalization due to caste and gender. Their access to state services and resources remains significantly lower than that of Dalit men.

- Dalit women constitute a large share of violence survivors, yet cases involving rape and abuse rarely lead to prosecution.
- Dalit women often lack citizenship due to discriminatory laws, caste-based stigma, and bureaucratic barriers, denying them legal identity.
- A lack of recognition in citizenship denies Dalit women property rights, financial access, and social protection, perpetuating cycles of poverty. Economically, they are among the most excluded – often stateless, landless, and confined to low-paid or forced labour.

Recommendations:

- Ensure meaningful and proportional representation of Dalit women across all levels of government and key sectors.
- Implement nationwide skills training and entrepreneurship programs to promote Dalit women's economic empowerment.
- Enact intersectional, anti-discrimination legislation protecting Dalit women, LGBTQIA+ individuals, Dalits with disabilities, Madhesi Dalits and those affected by other forms of intersectional discrimination.
- Provide citizenship, housing, vocational training and psychosocial support for vulnerable sub-castes, like the Badi, Gandarbh, and Musahar.

5. Intersectional discrimination across vulnerable Dalit groups

- Dalit women and children, Dalits with disabilities, LGBTQIA+ communities, seniors, and minority sub-castes face multiple and intersectional discrimination.
- *Bonded and forced labour (Harwa–Charwa), Haliya.*
- Nepal lacks disaggregated caste data in key development sectors.

Recommendations:

- Enact intersectional anti-discrimination legislation, recognising the overlapping effects of caste, gender, disability, and sexual identity.
- Collect and publish caste-disaggregated data in education, health, employment, all levels of government, and the judiciary.
- Strengthen and adequately fund the National Dalit Commission to monitor rights violations and oversee implementation. Expand the Commission's presence to all seven provinces.

6. Political Participation and Representation

- Dalit representation is not proportional – Dalits make up 6.2% of the Federal Parliament and 5.6% of the Provincial Assemblies.
- Dalits represent less than 2.37% of positions in the state bureaucracy/civil service. Representation in the judiciary is less than 2%.
- While representation of Dalit women in the local government level is good, their meaningful representation is restricted, and they are often barred from decision making and executive positions.

Recommendations:

- Amend the Political Parties Act to ensure proportional representation across all tiers of government, accounting for Dalit women, and other marginalised identities.
- Ensure full implementation of Constitutional provisions across the judiciary, civil service, and elected offices, providing for gender parity.

7. Education and Employment Disparities

- 13.1% of Dalit children (27.5% in Madhesh) have never attended school. 32.6% Dalits are illiterate.
- Lack of Dalit representation among teachers and the absence of an inclusive curriculum contribute to persistently high dropout rates, particularly among Dalit girls.
- Higher numbers of Dalit children with disabilities are excluded from schools due to intersectional barriers of caste and disability.
- Employment discrimination continues, as affirmative action measures in the public sector are not fully enforced, and no such policy exists in the private sector.
- Labour migrants face caste-biased recruitment and abuse and lack reintegration support.

Recommendations:

- Enforce inclusive education policies that address intersectional discrimination through Dalit teacher recruitment and revision of the national curriculum to include Dalit history.
- Establish anti-discrimination accountability mechanisms in schools.
- Ensure the full implementation of constitutionally guaranteed scholarships from primary to higher education, including vocational and technical education (TVET).
- Mandate Dalit representation in both public and private sector employment.
- Enforce caste and gender-sensitive grievance mechanisms in public and private sectors, accounting for the difficulties faced by those with intersectional identities.
- Implement a Business and Human Rights Action Plan with caste as a protected ground and highlighted as a salient risk.

8. Health and Social Protection

- The health system lacks caste-sensitive provisions; Dalits, especially Dalit women and those with disabilities, face procedural barriers and discrimination in access.
- Social allowances for Dalits are low and inconsistently delivered. Lack of vital registration in Madhesh restricts their access to social security.

Recommendations:

- Ensure universal health insurance coverage for all Dalits to guarantee equitable access to healthcare services.
- Expand Dalit-focused health services ensuring their availability, accessibility, affordability, and good quality; train health workers on caste sensitivity.
- Simplify access to services and social protections, ensuring outreach to rural settlements.
- Equalise old-age allowances and increase child allowances.