

# **Kathmandu Declaration**

## **On the Issues of Dalit Women**

2011/04/14

Considering that at a time when the changing social and political situation is preparing grounds for the promulgation of a new constitution and restructuring of the state, with the objective of speedy promulgation of constitution and logical end to the peace process in guaranteeing the representation of Dalit women in the state power, policy formulation and development process and for their dignified life, inclusiveness, social transformation, Dalit Women Association during the National Conference of Dalit Women attended by women from 75 districts and some representatives from Europe and South Asia discussed issues such as timely, inclusive constitution, sustainable peace, poverty, proportional representation, free education, inter caste marriage, *Chhaupadi* custom, dowry custom, *untouchability*, risk from HIV AIDs, exploitation of *Badi* women, polygamy, rape, reproductive health, domestic violence etc and the negative impacts from these;

The Dalit women have been continuously participating in every political movement. From the peoples revolution of 1950-51 to the People's Movement of 2006 along with the other communities [they] have carried the flag in the frontline facing the bullets and becoming martyrs. Hundred of Dalit women have lost their lives during the ten-year People's War as well; and martyrdom of Setu BK, a Dalit women, and hundreds of injured dalit women illustrate that there was active participation of Dalit women during the People's Movement of 2006. Thus, highlighting that following the political changes the Dalit women who had leading roles in the political movements do not have proportional access in the state power;

Recognizing the fact that just and sustainable peace is the real peace which accepts the essential and meaningful role of women in creating a non-violent environment by behaving impartially and without discrimination towards all ethnicities, class, religion, sex at the social, economical, political and cultural levels;

Drawing attention towards the fact that the Dalit women are suffering day to day due to untouchability practices, and that concrete efforts have not been made to bring down the number of incidents of violence, murder, rape, exploitation against Dalit women despite paying respect to declaring the nation free from untouchability and the Year 2010 as End Violence against Women;

Recognizing that the liberation of the Dalit women can be ensured only through an inclusive constitutions; since, in a situation where the state restructuring through the Constituent Assembly and new Nepal is being envisaged, the representation of Dalit women has not been possible due to the political, economic, social, cultural structure still being influenced by feudalistic ideas and patriarchal tradition; Kathmandu Declaration is issued hereby making an appeal to the government, political parties and other stakeholders to promulgate a progressive constitution based on proportional inclusive principles ending ethnic, class, gender and all

types of discrimination and establishing the rights of the Dalit women, along with the mandatory addressing required of the issues of the Dalit women,.

#### **Political/administrative issues of Dalit women:**

- Right of proportional representation of Dalit women at all levels of the state (parliament, government, judiciary, administrative mechanism, local authorities and social organizations etc) should be ensured.
- Atleast 20% reservation for Dalit community in the women's quota and 50% reservation for Dalit women in the Dalit's quota should be ensured until their status do not reach near about the level of other ethnicity and community of the society. While allocating rights, there should be provision of prioritizing the Madheshi Dalit women, *Badi*, *Gandharwa* as well as Dalit women, and amongst them the single Dalit women and the disabled Dalit women who are the most backward.
- Constitutional provision must be made of an electoral system guaranteeing the proportional representation of the Dalits and the Dalit women.
- For the Dalit women compulsory provision must be made of proportional representation right from the local level to the central level by the political parties.
- In the new federal state, all the rights of the Dalit community, including the social-cultural, economical, political and educational rights, must be guaranteed constitutionally.
- The Dalit Commission must be rendered a constitutionally mandated commission. In the commission, the provision of proportional representation of the Dalit women must be ensured. In addition, a separate mechanism to look into the issues of Dalit women must be developed.
- A separate bench must be established in each court to look into the cases of untouchability and discrimination. In addition, the state should initiate effective work by immediately establishing the Untouchability Watch Centre at the VDC level announced by the government.
- The Inclusive Bill tabled in the parliament should be adopted immediately by establishing at least the proportional inclusive right of the Dalit women marginalized in all the sectors of the state and the society.
- There should be provision for birth registration of the children of the *Badi* women engaged in forced prostitution where the children's fathers are unascertained; and the Supreme Court's order of issuing citizenship certificates in the name of the mother should be implemented. In addition, the *Badi* Development Board must be constituted immediately for resolving the issues of the women from the *Badi* community.
- Representation of the *Dalit* women in the government and the private media must be made compulsory.
- There should be provision of free preparation classes with scholarship for the Dalit women in civil services.
- There should be provision of proportional opportunity for the Dalit women in the government services, employees' administration in the government sector as well as in the private sector.

### **Economic Issues:**

- Most of the Dalit communities are landless. The Dalits are deprived of land which is the main source of income, therefore they should be provided enough land for production to earn their living. Dalit women should be ensured their right to land.
- Provisions should be made to make available loans without interest or mortgage to the small scale industries, and low- interest loans for the medium and large scale industries in order to protect and promote the industries and businesses run by the Dalit women.
- Exploitative labour management systems like the customs of *Balighare, Haliya, Charuwa, Khalo* should be ended and provision made that the labourers are paid in cash.
- Allocation should be made for the Dalit Women in the budget for the coming fiscal year, and arrangements should be so that the budget is spent on their development.
- Arrangement made for '*equal wages for equal work*' putting an end to unequal wages for men and women.
- The excessive exploitation of the Badi women should be put to an end and alternative employment for those involved in the sex trade must be arranged immediately.
- The state should make arrangements for free trainings with necessary infrastructure to produce skilled human resources from within the Dalit women.
- In order to solve the issues of the Badi Community, the agreement reached between the National *Badi* Rights Struggle Committee and the Government should be implemented immediately.
- The state must run special programme for the development and promotion of traditional skills possessed by the Dalit community. The state should commercialize and industrialize their occupation and trade, and thus establish their right of priority in their occupation.

### **Socio-cultural issues:**

- Establishing that the caste based discrimination and untouchability against the Dalit community are crimes against humanity, the most stringent action must be taken against the perpetrators. Legal and constitutional provisions must be made that Dalit communities are not discriminated against in any place.
- Violence against women due to patriarchal social structure must be ended and their rights to lead a respectful life like that of men must be guaranteed.
- The Dalit Community has not been able to live a respectful and dignified life due to caste based discrimination and untouchability. The state should make special initiatives for the establishing social system that ensures a dignified and self-esteemed life.
- The state should provide protection and social security to the inter-caste couples of the Dalit and non-dalits and their families. Special initiation should be made for justice to women victim of inter-caste marriage.

**Educational Issues:**

- The state should provide free primary and higher education with scholarships for the Dalit women.
- Special priority should be given to the Dalit women in technical education by providing free education with scholarships.
- Educational curriculum materials containing gender and caste based discrimination in the educational syllabus must be invalidated, and women and Dalit friendly curriculum included.

**Health issues:**

- Health services must be recognize as the fundamental rights of the citizens ,and Dalit women's access to the health services must be established providing free health treatment for the destitute Dalit women.
- There is an increasing trend of HIV/AIDS affected Dalits in the Dalit community due to poverty and unemployment them compelling them to go abroad. The state must conduct free health programmes for them.

**Legal Issues:**

- Legal provision of stringent action should be made against the perpetrators of the incidents like rape, trafficking, sexual abuse, domestic violence, violence in the allegation of witchcraft against Dalit women and the state must seek legal treatment on behalf of the victims.
- All the national and international treaties, conventions and covenants related to caste based and gender based discrimination must be abided by; and legal, constitutional provisions should be made accordingly.
- In order to solve the economic, socio-cultural, political, administrative and educational problems that the Dalit community is undergoing, the state must make constitutional and legal provisions and develop a strong and strict implementation mechanism.
- Provisions must be made for taking action against officials who decline to facilitate filing of complaints and refuse to proceed with the legal procedures regarding violent incidents against the Dalit women.
- Legal provisions of action against those who encourage suicide on the ground of caste based and gender based discrimination must also be made.

Finally, the national conference of Dalit Women held during May 11-13, 2011 requests the government, the Constituent Assembly, political parties and all the stakeholders to make special provisions in the new constitution to address the above mentioned economic, political, socio-cultural, educational, health and legal issues passed by the conference; and also to expeditiously address those issues that can be addressed at the moment.