

Universal Periodic Review – Nepal 2011

The following states made oral statements relevant to the issue of caste discrimination during the UPR session at the UN Human Rights Council in Geneva on 25 January 2011.

Thailand:

Thailand notes with appreciation Nepal's pursuit of equitable development through elimination of existing regional, class and **caste-based**, ethnic and other disparities and discriminations.

At the same time, we support Nepal's attempt to promote the rights of all vulnerable and marginalized groups, including, among others, migrants, the **Dalits**, women, children and persons with disabilities.

Czech Republic:

While we appreciate the fact that the Governments' priorities include combat **caste-based discrimination**, the Czech Republic recommends to ensure that the policy is fully implemented also by the local authorities in rural and remote areas. At the same time, the Czech Republic recommends that the cases of **caste-based discriminations** are reported, investigated, perpetrators prosecuted and victims of such violence are compensated.

Slovenia:

We would like to offer the following recommendations for the consideration of the Government:

- To provide the **National Dalit Commission** and the National Women's Commission with sufficient resources to effectively realize their mandate.

Question: Does the Government of Nepal intend to use the draft UN Principles and Guidelines for the Effective Elimination of Discrimination based on Work and Descent as a guiding framework in combating **caste discrimination**?

Hungary:

To improve the situation of these vulnerable people, Hungary recommends improving food safety of these groups, particularly indigenous people, former bonded laborers, **Dalits**, Muslims, persons with disabilities and those who are infected by HIV/AIDS.

Finland:

The right to education: What measures does the government intend to take to insure equal access to relevant quality education to girls, to **Dalit children** and to children belonging to ethnic minorities?

Finland recommends that Nepal:

- ensure that all girls, **Dalit children** and children belonging to ethnic minorities have equal access to education.
- Pay special attention to helping **Dalit children**, girls and children belonging to ethnic minorities to complete their education cycle, and ensure their employment opportunities after education in order to enable them to claim their rights and work as agents of change for their communities.

Austria:

Question: While your constitution recognizes a right against “**untouchability**” and racial discrimination, long-standing discrimination and social exclusion related to gender, **caste**, class or ethnicity continue to be among the major barriers to the effective realisation of human rights. What steps have been taken by your Government to address these challenges?

Recommendation:

- Initiate legislative measures to effectively address and eradicate long-standing discrimination, including “**untouchability**”

Canada:

We note key achievements by the Government of Nepal in 2010, including the discharge of child combatants from cantonments, the creation of a **National Dalit Commission**, and the adoption in 2009 of a national plan to eliminate gender-based violence.

We also recommend the Government of Nepal to take immediate steps to pass the **Caste-based Discrimination** and **Untouchability** Crime Elimination and Punishment Act, ensuring that the Act provides comprehensive definitions and a classification of offences by order of severity, and lists commensurate punishments.

The Republic of Korea:

In particular, we highly commend Nepal’s endeavors to meaningfully change the situation of vulnerable groups, including, women, children and people from **lower castes**.

Malaysia:

Recommendation:

- To formulate effective strategies and programmes in order to provide employment and income generating opportunities for the population, in particular the people living in the rural areas, **Dalits** and ethnic minorities.

United Kingdom of Great Britain & Northern Ireland:

Recommendation:

- That Nepal take further steps to eliminate discrimination against vulnerable or marginalized groups, including on the basis of gender or **caste** by enacting laws to criminalize all forms of discrimination.

Germany:

Question: It appears that there is a lack of appropriate legal framework to properly address the issue of discrimination, associated with gender, marital status, ethnicity, religion, political belief, disabilities and **caste**. Against this reality, the submission of the draft caste –based Discrimination and Unsociability Crime Elimination and Punishment Act to the Legislature-Parliament provides an opportunity to improve the legislative framework and fight discriminatory practices.

What is the government's plan on this bill and other related issues such as National Dalit Rights Commission Bill (NDRC)?

Recommendation:

- To criminalise discrimination based on **caste**, gender, religion, ethnicity, political belief or disabilities.

Slovakia:

As reported in the UNCT, UPR submission, long-standing discrimination and social exclusion associated with gender, **caste**, class, ethnicity, disability and geography continued to be among the major barriers to the effective realization of economic, social and cultural rights.

Poland:

The Polish delegation notes that the National Human Rights Commission (NHRC), the National Women's Commission and the **National Dalit Commission** have been given considerable scope to engage in the defense of human rights in principle, however, in practice face serious challenges.

In this context the delegation of Poland would like to ask the following question: What other steps does the Government of Nepal intend to take to further improve the situation of women, children, **Dalits** and various ethnic and linguistic communities, in line with their rights and aspirations?

Recommendation:

- To ensure full participation of ethnic groups and **castes** in the constitution-making process, in particular in the Constituent Assembly.

Italy:

Italy notes with concern that freedom of religion encounters some obstacles due mainly to the **caste system**, which is still de facto in place despite the Interim Constitution prohibits the discrimination based on castes. Some forms of discrimination occur towards the lower caste, the dalits, and towards religious minorities. We recommend Nepal to ensure that the new constitution fully guarantees the right to freedom of religion or belief and the right to equality and non-discrimination in line with the international standards.

Netherlands:Recommendation:

- Take necessary measures to end discrimination against women, children and **Dalits**.

Denmark:Discrimination:

There is widespread discrimination in Nepal against **Dalits**, women, indigenous peoples, and persons with disabilities, religious minorities, sexual and gender minorities and other marginalized groups.

Denmark recommends that Nepal eliminates all forms of discrimination, and passes the bill on elimination of **caste-based discrimination** and **untouchability**.

Norway:

Recommendation: To enhance the fight against discrimination we recommend that the relevant legislation and policies, including bills related to the Rights against Discrimination, The Women's Commission, the **Dalit Commission**, the rights of Indigenous Peoples and the Rights of the Child are reviewed to ensure full compliance with international human right standards.

Sweden:

Discrimination based on gender, **caste**, class, ethnicity, disability and geography continues to pose grave obstacles to the enjoyment of human rights, including access to justice. Despite the legal recognition of equal rights, **Dalits**, indigenous people, persons with disabilities and religious and sexual minorities face social exclusion. Women continue to suffer discrimination in both public and private life, and **Dalit women** in particular face obstacles to securing the most basic rights.

Sweden recommends the Government of Nepal to take prompt and effective measures to safeguard the equal enjoyment of human rights by all, and to combat discrimination in all its forms, especially gender, **caste** and ethnic discrimination as well as based on sexual orientation and gender identity. Sweden also recommends the Government of Nepal to conduct thorough and

impartial investigation into all allegations that the police or any person of the justice system has taken part in discriminatory actions.

Argentina:

Recommends Nepal to continue its efforts to end discrimination and social exclusion whether based on gender, **caste**, class, ethnicity, disability or geographical location.

Bolivia:

We welcome the inclusion of women, **Dalits** and indigenous people in the Legislative Assembly... We also welcome the establishment of the National Commission for Human Rights..., the National Women's Commission and the **National Dalit Commission**.

Recommendations:

- To continue to promote the work of the National Commissions through a strengthening of resources which will allow them to work efficiently
- To continue efforts to eradicate all forms of discrimination, by implementing national norms according to its obligations towards the CERD.