

Caste discrimination and the Nepal UPR session

UPR: More than one third of the state interventions made during the review of Nepal referred to caste discrimination and the situation of Dalits. This is an encouraging trend that will, hopefully, continue during future Universal Periodic Reviews of caste-affected countries.

On 25 January 2011, the Working Group on the Universal Periodic Review (UPR) held its review of Nepal. A Nepali government delegation, lead by Deputy Prime Minister and Minister for Foreign Affairs, Sujata Koirala, presented an overview of the country's human rights record to the Working Group. The presentation was followed by an interactive dialogue between states and the Nepali government delegation.

During this dialogue, 55 states made comments, asked questions and presented recommendations. Of these, 20 state delegations, representing four different continents, referred to caste discrimination or Dalits during their oral interventions. This result was met with satisfaction by Dalit representatives who had travelled to Geneva to witness proceedings and continue their dialogue with the government on the country's human rights record.

Call to criminalise caste discrimination

The vast majority of delegations that referred to the caste issue made recommendations or asked questions. Several of these concerned legislative measures, some general, others more specific. Austria called on Nepal to "initiate legislative measures to effectively address and eradicate long-standing discrimination, including 'untouchability'," while Germany as well as the UK recommended that caste discrimination be criminalised.

Both Canada and Denmark called for an adoption of the caste discrimination and 'untouchability' bill, an issue that was also raised by Switzerland in a written question prior to the session. Germany asked about Nepal's plans with this bill. Poland recommended the involvement of Dalits in the constitution-making process, and Italy noted that the caste system was still de facto in place despite caste discrimination being prohibited in the interim constitution. Hence, Italy called on Nepal to ensure that the new constitution fully guarantees the right to equality and non-discrimination.

Sweden noted that Dalits continue to face social exclusion and that Dalit women are particularly vulnerable. The country called on Nepal to investigate allegations that the police and people working in the justice system have taken part in discriminatory actions. The Czech Republic recommended that "cases of caste-based discriminations are reported, investigated, perpetrators prosecuted and victims of such violence are compensated. "

The work of the National Dalit Commission (NDC) was the topic of several interventions. Slovenia and Bolivia recommended that the NDC be provided with sufficient resources to effectively realise its mandate, while Norway suggested that the bill relating to the Commission be reviewed to ensure full compliance with international standards. Poland noted that the NDC in practice faces serious challenges and asked about other possible steps to improve the situation of Dalits.

The Slovenian delegate asked whether Nepal “intended to use the UN draft Principles and Guidelines for the effective elimination of discrimination on the basis of work and descent as a guiding framework in combating discrimination.” These guidelines constitute the first international legal framework to eliminate caste discrimination.

Some recommendations concerned specific issues, such as improvement of food safety for Dalits (Hungary) and education for Dalit children (Finland). Malaysia called on Nepal to provide employment and income generating opportunities for Dalits.

A number of countries made statements of support of Nepal, such as Thailand and South Korea. The former expressed appreciation for the country’s efforts to eliminate caste-based disparities and discrimination and promote the rights of Dalits, while the latter commended Nepal for its endeavours to “meaningfully change” the situation of vulnerable groups, including lower castes. Argentina recommended that Nepal continue its efforts to end discrimination and social exclusion based on caste.

Prior to the session, a number of countries sent advance questions to the Nepali government. Canada, the Czech Republic, Denmark, Norway, Sweden and Switzerland all referred to caste discrimination in these written interventions.

Nepali responses

During and following the review session on 25 January, the Nepali delegation gave partial responses to the statements. During the session, it noted that a bill on the conversion of the National Dalit Commission to a statutory body is pending in Parliament.

Subsequently, the government delegation expressed its views on the numerous recommendations made by governments. These have been published in the draft report of the UPR Working Group (A/HRC/WG.6/10/L.3) and are divided into four overall categories:

- Recommendations that have been examined and enjoy Nepal’s support
- Recommendations that enjoy Nepal’s support, but are already being implemented or are in the process of implementation
- Recommendations that will be examined further by Nepal, which will provide responses no later than June 2011
- Recommendations that do not enjoy Nepal’s support (no caste-related recommendations ended up in this category)

The first category includes support for the following recommendations: to ensure full participation of Dalits in the constitution-making process (Poland); to pass the bill on caste-based discrimination and 'untouchability' (Denmark); and to ensure that policies to combat caste-based discrimination are fully implemented also by local authorities in rural and remote areas (Czech Republic).'

Judging from its responses in the second category, Nepal supports, but already believes that it is at least in the process of: providing resources to the NDC (Slovenia); criminalising caste discrimination (Germany); and taking the necessary legal and policy measures to end discrimination, including of Dalits (Netherlands).

Nepal also promised to examine a number of recommendations, including those on taking further steps to eliminate caste discrimination (UK), and investigating and prosecuting perpetrators of caste-based violence and compensation for victims (Czech Republic), and paying special attention to helping Dalit children (Finland).

All in all, the Nepal UPR process has been a positive experience for the country's Dalit population and organisations. The fact that so many countries referred to caste discrimination shows that the issue has definitely become part of the international human rights agenda. This is an encouraging trend, which will hopefully continue in future reviews of caste-affected countries.

IDSN, February 2011

Links:

[Draft report of the UPR working group – Nepal](#)

[Caste-related country statements – UPR Nepal](#)

[Caste-related written questions – UPR Nepal](#)

[IDSN news story on the UPR session on Nepal](#)

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