

I. Background and Framework

A. Introduction

1. This joint submission has been prepared by the Dalit Civil Society Organizations' Coalition in order to reflect the human rights situation of the Dalit community in Nepal, for the consideration by the UPR Working Group at its 3rd Cycle.
2. Caste Based Discrimination and Untouchability (CBDU)¹ continue to be deeply entrenched in the Nepalese society. As a consequence of the system based in casteism, Dalits in many parts of the country are still subjected to the worst forms of discrimination. They are subjected to endless humiliation and injustices in their social, cultural, economic, administrative and political lives; assaulted, raped and murdered; and denied access to places of worship, common water sources, education and dignified jobs.
3. The Dalit community constitutes 13.8% of the total population² of Nepal. There are 26 sub-castes under the overall Dalit community³, including seven Hill Dalit castes and 19 Madhesi Dalit castes.
4. The Dalit Civil Society of Nepal strongly believes that the support from the international human rights community in this regard will be highly significant to strengthen the human rights of Dalits in Nepal and bolster the governments' commitment to ensure their rights.

B. Methodology

5. This joint report has been prepared in line with the guidelines issued by the Human Rights Council (HRC), based on the reviews and insights emerged from a wider consultation process in every province of Nepal. Each provincial consultation program had around 100 participants from different backgrounds, including various stakeholders⁴. A national multi-stakeholder consultation⁵ was organized in Kathmandu inviting representatives from the Office of Prime Minister and Council of Ministers, National Human Rights Commission (NHRC), National Dalit Commission (NDC), media, a large number of human rights organizations and activists. In addition, a closed-room workshop was held on 1st March 2020 to finalize the report in the presence of experts, solidifying issues and references where specific tools were used to find the expectations and recommendations. Furthermore, this report has been prepared using research tools i.e. Key Informant Interview (KII) and desk review, which included an analysis of previous UPR recommendations, concluding observations from treaty bodies, recommendations of Special Procedures and cases of Dalit human rights violations. To support the process, the Dignity Initiative undertook research⁶. The report has been endorsed by the broader Dalit civil society movement of Nepal. The whole process was coordinated by the Dalit NGO Federation (DNF), along with its member organizations and allies as well as individuals from multi-sectorial backgrounds. In addition, the International Dalit Solidarity Network (IDSN) provided technical support to prepare the report.

II. Scope of International Obligations

6. Nepal is party to several international human rights treaties and is accordingly obliged to implement them. However, the Government has not effectively implemented various recommendations and concluding observations received from treaty bodies and other mechanisms in terms of advancing Dalit rights.
7. Nepal is a party to the International Convention on the Elimination of all forms of Racial Discrimination (ICERD). However, Nepal has put a reservation on Article 14⁷. Furthermore, the Government of Nepal (GoN) is deemed to be negligent as the Committee on the Elimination of all forms of Racial Discrimination (CERD) Report of the 95th session of CERD in April-May 2018, was received after a gap of 14 years since its previous report.
8. The large number of recommendations⁸ that arose from both the first and second cycles of that UPR stressed the importance of eliminating CBDU and taking every possible action and measures in order to implement legislation on it. It was overwhelming that GoN had supported all recommendations (7 Dalit Specific⁹ and 19 Dalit related) in the 2nd cycle which were made for Dalit rights and ending CBDU. Nonetheless, the situation of CBDU and status quo remains the same. It delineates the negligence of GoN to its international commitments and actions towards international human rights standards.

Recommendations:

1. Put in place an effective mechanism to implement the recommendations emanating from the previous UPR cycles, in a transparent manner and in close cooperation with civil society.
2. Take accelerated action to implement the concluding observations arising from CERD and other treaty bodies, in a transparent manner and in close consultation with civil society.
3. Accept the individual complaint procedure (Article 14) of ICERD.

III. Constitutional and Legislative Infrastructure

9. The Constitution of Nepal has recognized rights of Dalits as fundamental rights, assuring their representation in the state bodies, under Article 24 (Rights against Untouchability and Discrimination) and Article 40 (Rights of Dalits), which is in line with both ICCPR and ICESCRs. However, even after four years of its promulgation, the Dalit community has not enjoyed those rights on equal footing, neither have they felt satisfactory action from the government to ensure the rights enshrined therein.
10. The National Dalit Commission (NDC) has been elevated to a constitutional status, but still far behind the standards set by the Paris Principles. Moreover, the Chairperson and Members to the NDC have not been appointed after the Commission acquired constitutional status due to the apathy of GoN. No constructive engagement between NDC and Dalit CSOs has been seen to protect and promote of Dalit rights.
11. The Caste Based Discrimination and Untouchability (Offence and Punishment) Act, 2011 is the main law which has criminalized CBDU. The Criminal (Code) Act 2074 (2017) has also further strengthened actions against it.
12. All the rights guaranteed under Article 40 of the Constitution were supposed to be ensured by law. However, no specific laws were enacted and the newly adopted and amended laws had to incorporate under specific and related laws. However, those Acts are not carrying the spirit of the Constitution; instead, infra-constitutional norms have curtailed Dalit rights¹⁰.

13. To date, the Dalit Empowerment Act is only enacted by the provincial government of Province 2. Remaining provincial governments have not shown much interest or expedited efforts to enact laws to promote and protect rights of Dalits.
14. Neglected, Oppressed and Dalit Upliftment Development Committee (NODUDC) and Badi Development Committee (BDC), which were established to operate development programs for Dalit and Badi community, are now defunct.

Recommendations:

4. Enact an Integrated Act in order to implement the fundamental rights of the Dalit community, enshrined under Article 40 of the Constitution, in close consultation with the Dalit communities.
5. Immediately appoint the Chairperson and Members to the National Dalit Commission, provide adequate resources and mandates as Paris principal along with quasi-judiciary status.
6. Ensure that each provincial government enacts necessary legislation to empower Dalits immediately.
7. Immediately revitalize the NODUDC and BDC and provide sufficient resources to undertake its regular activities.
8. Enhance and extend the constructive engagement between NDC and Dalit CSOs for ensuring Dalit rights in a proper manner.

IV. Human Rights Situation of the Dalit Community in Nepal

a) Equality and Non-Discrimination:

15. CBDU, is deeply entrenched in the mindset of every section of society and has become a customary way of life. Due to the burden of unabated exclusion, alienation, deprivation and discrimination, the Dalit community remains at the periphery of the mainstream development, access to justice, resources, services and opportunities. The Dalit community faces hard time to file complaints, as the Police normally deny them being registered. Rather, Police compel Dalits to reconcile with perpetrators, further victimizing Dalits and discouraging them from seeking justice. Poor investigations and prosecution of perpetrators by law enforcement agencies is another obstacle to seeking remedies. Creating counter (false allegation) cases against victims are widely observed in the cases of CBDU¹¹. After adopting the CBDU Act in 2011, 14 Dalits have in total been murdered¹² until March 2019. In 2019 alone, Dalit-related violations occurred in 62 cases¹³. Due to insufficient access to remedies, many violations do not become formal justice cases. Thus, many cases are not recorded whereas discrimination, atrocities and deprivation remain rampant which outlines a picture of grave human rights violations of Dalit community in Nepal¹⁴.
16. Nepali society is still plagued with harmful practices i.e. child marriage, discrimination against women, Chhaupadi¹⁵, witchcraft accusations, various superstitious beliefs. Other similar forms of discrimination are still prevalent in every part of the country. The Dalit community, particularly Dalit women, is always victimized by the non-Dalit community due to aforementioned harmful social customs¹⁶.
17. Inter-caste couples are the messengers of social cohesion, but unfortunately, they are murdered¹⁷, disregarded, excluded, displaced, offended and their lives are at risk. Inter-caste marriages remain taboo. Families of dominant castes force these marriages

- to be dissolved through coercion, intimidation and abduction. It has been widely raised in each consultation held in every province, that families from non-Dalit communities frequently make false allegations about the victims after they get married, they are prosecuted for rape, abduction, child marriage, human trafficking and so on. There was a provision since 2010 to award inter-caste marriage couples with cash incentives of approximately US\$1,000, but for some years this has been discontinued without any specific reason.
18. The Dalit communities, especially in the rural areas, are found having high fear of police and security forces. It has been observed that Dalits are arbitrarily arrested without an arrest warrant¹⁸.
 19. CBDU has evolved into newer forms i.e. discrimination on social media¹⁹ and indirect discrimination.²⁰ Established Dalit political and social leaders are guested in hotels, not in homes, whereas non-Dalit leaders are hosted in homes by local leaders. The monetary value of property of Dalits in same area is less than other areas²¹, Dalit officers are transferred to rural areas, difficult and non-desirable departments and face other similar discriminations.
 20. Dalits, mostly students²², have difficulties getting rooms and flats to rent due to their caste background. This is also the case with elected Dalit parliamentarians.²³ Dalit rights defenders face hardship in handling human rights cases and are often intimidated by perpetrators, risking their lives at times.
 21. The Dalit community faces discrimination even in humanitarian response. The relief distribution and other support programs were distributed equally where the Dalit community has always been in the vulnerable condition due to the longstanding deprivation. The present pandemic COVID-19 has hit the world and Nepal is in lockdown and due to that mostly the Dalit community is facing difficulties of living.
 22. Amid the on-going lockdown due to COVID-19 pandemic in Nepal, it is shocking that several cases of Dalit human rights violation and caste-based discrimination have occurred whereas many cases may have not come into light. Among those cases; a case of massacre²⁴ of Dalit youths has shown a brutal picture of deeply entrenched caste-based discrimination of Nepali society. On 23rd May, 2020, Nawaraj BK and a group of his friends had gone over to a neighboring village to bring home Nawaraj's girlfriend, as Nawaraj's bride. The marriage was unacceptable by the girls' family as they belong to the so called higher caste and Nawaraj was a Dalit. The group of 18 young men were hounded and chased by the villagers to the shores of the Bheri River, six of them were beaten to death and then thrown to the river, rest were beaten and later police rescued them. Likewise, a 13 years old girl named Angira Pasi was raped and murdered in Rupandehi District and another 21 years old Dalit youth named Shambhu Sada was mysteriously found dead while in police detention.

Recommendations:

9. Devise a 10-year National Plan of Action with adequate resource allocation to eradicate CBDU.
10. Amend the Caste-Based Discrimination and Untouchability (Offence and Punishment) Act, 2011 increasing the sentences to ten years and 1,000,000 rupees, or both and make a provision that the compensation for the victims is to be borne by the State.

Furthermore, establish special benches/courts to deal with the cases of CBDU and hold burden of proof to be borne by the defendant.

11. Bring a "Zero Tolerance" policy against CBDU cases and ensure impartial investigation, prosecution and right to a fair trial.
12. Develop "Comprehensive Human Rights Education Program" on CBDU for law enforcement agencies and office bearers.
13. Effectively functionalize the High Level Committee on CBDU, expanding it to all levels of government.
14. Ensure protection and life security to inter-caste married couples and their family members; and reinstate cash incentives with special packages/schemes for the couples
15. Establish a separate Dalit desk at local level, mainly in the police and administrative offices.
16. Establish protection mechanisms for Dalit human rights defenders and build their capacity for the protection and promotion of human rights.

b) Right to Participation and Representation of Dalits:

23. The Constitution of Nepal, mainly the preamble and the Articles 18 and 42 i.e. Right to Equality and Right to Social Justice, provide that the socially backward and indigent KhasArya shall have the right to participate in the State bodies on the principle of proportional inclusion. However, Article 84 of the Constitution has guaranteed KhasAryas, the major dominant caste-group in Nepal to have more than full proportional representation as per their population. Accordingly, the electoral law of Nepal has prioritized compulsory in the first rank for KhasArya, while nominating members for the House of Representatives under proportional electoral system. Therefore, it is inconsistent with the spirit of Constitution's preamble and fundamental rights, which aim to provide for affirmative action to the marginalized and excluded groups who have long suffered from historical injustices.
24. Article 40(1) of the Constitution ensures that the Dalit community shall have the right to participate according to the principle of proportional inclusion in every state body. After the promulgation of the Constitution, the country became a federal system where the principle of inclusion needs to be considered. However, there is not proportional representation in every mechanism of the state. For example, the federal cabinet of Nepal does not have proportional representation of women and Dalits. It is alarming that there are no Cabinet Ministers from the Dalit community in any of the seven provincial governments of Nepal. The House of Representatives of Nepal has only 6.91% representation of Dalits. Not a single provincial parliament has achieved proportional representation of Dalits. Among 753 mayoral positions at local level, only 6 (2.05%) individuals are elected as mayors in Municipalities and 1(0.22%) in Rural Municipality, 12 (4.10%) as Deputy-mayors in Municipalities and 15 Vice-chairs (3.26%) in Rural Municipalities.
25. The representation of the Dalit community in the judicial mechanisms is insignificant, as there have never been any Dalit judges in the Supreme Court, and only 3 judges in all seven high courts and one district judge in entire 77 district courts. Representation in high ranking positions in the police force is negligible.
26. Article 285 of the Constitution ensures that positions in the federal civil service as well as all federal government services shall be filled through competitive examinations, on the basis of open and proportional inclusive principles. The Public Service Commission has reserved quotas for Dalits and marginalized communities

- spurred by the Constitution on inclusive representation. However, it is not in compliance with the proportional system²⁵.
27. The Public Service Commission in 2019 curtailed the quotas for all classified marginalized communities while publishing a large number of vacancies. There were in total 9,161 vacancies for various posts in local level governments, but it failed to follow the inclusive principle, as maximum seats were curtailed in the vacancy of classified section and there were only 30 seats vacant for Dalits²⁶. This led to months of protest by Dalits, indigenous communities, physically disabled people and other marginalized sectors of Nepal, but the government did not listen to their claims.
 28. The National Human Rights Commission has not had any Commissioners from the Dalit community since its establishment in 2000. Similarly, except NDC no constitutional commissions have Dalit representation.
 29. The public institutions and political parties should have followed the essence and principle of inclusive democracy, ensuring proportional representation of Dalits in their respective political parties. However, there is no proper participation of Dalit community in any public institutions and political parties. The representation of Dalits in decision-making levels of leading political parties is negligible. The promises political parties made during electoral campaigns have not materialized, leading to a regressive representation.
 30. The new policies and laws relating to various issues of human rights e.g. media, civil society organizations, media and information technology act, land and housing have shown the States' regressive steps with regards to human rights values, including shrinking space of civil society, freedom of expression, freedom of association and assembly and right to participation²⁷. These steps jeopardize an enabling environment for the realization of Dalit rights in the long run.

Recommendations:

17. Adopt concrete measures to guarantee the full proportional representation of the Dalit community in every state body at all levels including the judiciary, administrative bodies, diplomatic missions, commissions and political appointments, intensifying the measures to give an additional 10% compensation based on a compensatory justice system for the Dalit community.
18. Amend the Civil Service Act and ensure that Dalits full proportional representation in the public service as per Article 40(1) of the Constitution at all levels of government.
19. Amend the Constitution, on the sections of Federal Parliament Formation, Article 84 and House of Representative Election Act 2017, in order to ensure consistency with the Preamble and the fundamental rights of the Constitution which guarantees the full proportional representation of the Dalits.
20. Ensure compulsory Dalit equal representation in the National Human Rights Commission and in other constitutional commissions as well.

c) Budgetary Allocations:

31. Previously, the Local Development Ministry of Nepal would disburse its budget to local agencies where a targeted budget used to be allocated within the total budget for the Dalit community. But it has been discontinued without explanation. The Dalit community had expected that the government formed after election would allocate a significant portion of the budget and resources to the Dalit community; instead it has done the opposite.

32. The national budget of the Fiscal year 2020/2021 has come in the time of the pandemic, thus it is focused on public health. However, there has been no mention of 'Dalits' in the entire national budget and there has been no actual disbursement of funds in the areas of Dalit empowerment. The budget should have been Dalit-friendly and allocated for law and policy implementation on CBDU.

Recommendations:

21. Allocate adequate Dalit-specific budgets at all levels of government to improve the condition of Dalits on a par with national average.
22. Allocate sufficient resources to functionalize institutions established for Dalit rights and effectively implement the laws and policies that establish these institutions.
23. Strengthen efforts to ensure the implementation of SDGs from a Dalit perspective in order to "Leaving No One Behind".

d) Right to Education:

33. The Constitution of Nepal provides compulsory and free basic education for all, including Dalits. Article 40 ensures free education for Dalits with scholarships, from primary to higher education. Furthermore, a special provision shall be made by law for Dalits in technical and vocational education systems. According to the Article 42 (2) of the Constitution, it must be free at all levels for every Dalit student with scholarship, but this is not the reality in practice. Dalit students get free education in schools up to high school level in public schools and also get textbooks and scholarship annually at value of 4 \$.
34. A large percentage of primary level enrolled Dalit students drop out before completing basic education ²⁸. In order to mould the compulsory education (spirit of the Constitution) into reality, it is essential to have greater awareness and sensitization programs.
35. The low status of quality education in government schools is a major problem in Nepal, and most of the Dalit students go to public schools since they cannot afford private schools.
36. Children from the Dalit community face discrimination in school from teachers and peers. Teachers provide less care for Dalit children - not allowing Dalit children to drink water, speaking to them in a rude manner, putting Dalit children in separate lines and classes weakening their learning ability, affecting their mental health and leading to dropouts²⁹.

Recommendations:

24. Ensure every Dalit student receives compulsory free education from primary to the higher level at every institution with standardized scholarship.
25. Take immediate steps to appoint at least two Dalit teachers (1-Male 1-Female), at each school
26. Ensure Dalit-friendly teaching and learning at all levels of education by declaring schools and education institutions discrimination-free zones and revising the curricula.
27. Ensure free vocational and technical education including in the medical, engineering, legal and science and technology fields with adequate scholarships for Dalit students.

e) Citizenship issues of the Dalits

37. Inter-caste couples face difficulties obtaining citizenship, and most of their children face difficulties to register births and other vital identity certifications.
38. The children of Badi community are compelled to get citizenship in the name of their mother by writing "Father not found" in the section of father's name; this has created a considerable social stigma around those children.
39. Large numbers of landless Dalits (mostly Madheshi Dalits) around the country have not been able to acquire citizenship because of insufficient proofs despite being inhabitants/citizens of the nation.

Recommendations:

28. Expedite measures to ensure that no one from the Dalit community is deprived of citizenship, especially inter-caste married couples, their children, children born out of rape, and landless Dalits.
29. Make provisions to leave blank the section of 'Fathers' name' in the citizenship certificate for the Badi community who don't identified fathers.
30. Accelerate efforts to address the issues of statelessness, citizenship and vital registration affecting the Dalit community.

f) Right to an Adequate Standard of Living, Health and Sanitation:

40. The practice of untouchability is directly related to the use of water. The water touched by a Dalit is considered impure by the so-called 'high'-caste groups. Due to these practices, the majority of Dalit households face discrimination, restrictions or even violations while collecting water from common water sources. There are several such severe incidents from every corner of country which are also often reported in the newspapers³⁰.
41. The longstanding discrimination and deprivation of economic benefits by the state and society has left the Dalit community economically backward. The Dalit community is the second lowest in the Human Development Index (HDI) ranking after the Muslim community in Nepal. Although having traditional occupations and being the most labour intensive community, a large percentage of Dalits are not able to meet their basic needs.
42. The Dalit community lives below the line of hunger-based poverty³¹. The Dalit community often has scarcity of food because of extreme poverty, exclusions and marginalization.
43. Article 40 (6) of the Constitution has ensured that the Dalits who do not have housing shall have a settlement arranged for them. In line with this constitutional guarantee, the government has passed a law on right to housing. However, 'Dalit' has not been mentioned in the entire Act. Furthermore, the government has not taken expedited efforts for ensuring housing service to the Dalits.
44. Article 35 of the Constitution of Nepal ensures that every citizen shall have right to free basic health services from the State and that no one shall be deprived of emergency health services. However, discrimination in access to health services is another major issue in enjoying the right to health³².
45. The Dalit population also has minimal access to improved toilet facilities³³.

Recommendations:

31. Introduce a provision regarding a "Social Security Card" for Dalits to ensure basic health, education, employment and other social security schemes provided by the

- government.
32. Immediately launch transformative poverty reduction programs for the Dalit community.
 33. Speed up programs for ensuring adequate housing for the homeless and lands for landless Dalits, within one year.

g) Right to Employment, Livelihood:

46. Traditional occupations, skills and arts are historically inherited by the Dalit community. Nevertheless, Dalits are not respected and are excluded from mainstream society due to their inherited and designated. Occupational skills are the only way that many Dalits are able to survive. Appallingly, most of these skilful people are not receiving a fair wage and social respect for their work³⁴. Lack of modernization, limited access to markets and having no patent rights for their inherent skills has put Dalits' traditional occupations in danger of extinction.
47. The food and dairy production of the Dalit community do not get to market as their product is considered impure due to the superstitious belief of 'untouchability'. The programs rendered by the government and some non-government stakeholders encouraged the deprived community to produce food and dairy items, yet to get equal access in the market has been a problem across the nation.
48. The Dalit community has minimal financial literacy and consciousness on banking and financial processes. Hence, they are deprived from easy access to loan services, specifically small and medium enterprise loans.

Recommendations:

34. Revisit the laws and the policies, which provide land and housing services for Dalits and ensure that they get their Constitutional rights without difficulties and as early as possible.
35. Promote and accelerate programs for promotion, marketization and modernization of the traditional occupations and skills of the Dalit community.
36. Ensure patent or preferential rights for traditional occupations for Dalit community of their art, skills and traditional occupations and compensation.
37. Operationalize financial literacy program for Dalits and provide them loans for entrepreneurship without any collateral by making the provision easier.

h) Access to Land and Natural Resources:

49. Landlessness among Dalits is extreme, 36.7% among the hill population, 41.4% among Madhesi Dalits. Those who hold land have very small areas. Landlessness makes Dalits economically vulnerable and dependent on landlords. Most Dalits are agricultural and occupational labourers and are generally landless. This makes them vulnerable as victims of violence and discrimination.
50. The Constitution guarantees provision of lands and housing for landless Dalits according to the law. However, the amended law on land distribution is overly complex, imposing many conditions on land acquisition. Similarly, Dalits can obtain housing but under complex conditions.
51. By adopting a community and leasehold forestry scheme, the Forest Act 1993 established the link between forest management, the livelihood of the people and poverty alleviation. However, the Forest Act 1993 and Regulations 1995 pave the

way for leasing out forest land for commercial purposes, rather than providing a remedy to poverty of Dalit communities.

52. There is a lack of inclusion in the institutions made for forest resources and an unsatisfactory situation with regard to natural resources. Dalit employment in natural resources is very nominal³⁵.

Recommendations:

38. Ensure the state organs are inclusive with respect to Dalits and that the government and development agencies allocate adequate resources for the economic empowerment by considering the poverty gaps fulfil shortly.
39. Immediately provide land and housing to the landless Dalits, as ensured by the Constitution as a fundamental right and amend the law that bars its ownership for a certain time.
40. Engage in ensuring equal access of Dalits to natural resources and inclusion of Dalits in natural resource management committees.

i) Human Rights Issues of Dalit Women:

53. Although Dalit women constitute half of the Dalit population, they face intersectional three-fold discrimination: class, gender and caste. As Dalit women, they face violations of their civil, political, economic, social, cultural and religious rights. Dalit women in Nepal continue to endure discrimination in many areas including education, health, employment and access to economic resources. They are discriminated against, not only by dominant castes, but also within their own communities, where men are dominant. The discrimination against them is structural, distinctively marked, fraught with gender biases, collectively targeted, entrenched with violence and generationally imposed, resulting in life-long perverse effects.
54. Traditional harmful practices against Dalit women include extreme verbal abuse and sexual epithets, physical assault and rape³⁶. They are forced to drink urine and eat human waste and have their teeth, tongue and nails pulled out. Many are murdered after being labelled as witches. Impunity against them is rampant due to weak legal mechanisms. They also face obstacles while seeking legal and judicial redress for violence.
55. The local level election law has guaranteed Dalit women to be members of ward committees at the local level. Due to that system, a large number of women from the Dalit community are represented at the local level, and 6,567 are ward members. The consultations for this report showed, however, that such representation is merely formal, and has not led to effective participation of Dalit women in local decision-making processes.
56. Dalit women still face hardships regarding property rights and do not enjoy ownership of property on equal footing to men.
57. Child marriage, early pregnancy and uterus prolapse have worsened the health conditions of Dalit women, mostly the Madheshi Dalit women. Girls who get married before 15 years of age are up to 62% among some Dalit groups.
58. The country report of the Special Rapporteur on Violence against Women (2019) has shown [A/HRC/41/42] that women in the Dalit community face multiple forms of discrimination and are always vulnerable. Dalit women have not been able to enjoy the rights and benefits ensured through various laws and commitments for women at large.

Recommendations:

41. Take actions towards eliminating every form of violation against Dalit women introducing specific measures.
42. Accelerate immediate actions for the elected Dalit women representatives to enable their leadership skills and enhance their capacities to have meaningful participation in their respective positions.
43. Ensure that Dalit women be given priority in all policy, program and resources targeting women.
44. Expedite the process of adopting a National Action Plan on women as recommended by the Special Rapporteur on Violence against Women.
45. Develop awareness programs to stop child marriages and introduce and implement specific law to prohibit and prevent.

j) Human Rights Issues of Madheshi Dalits:

59. The Madheshi Dalits faces double discrimination and are even further behind in accessing civil, political, economic, social and cultural rights.
60. The Madheshi Dalits is poorest of the poor. Due to the historical *Jamindaari*³⁷ system and deprivation, they do not have adequate resources and work for others in a very minimal amount of shared production for low wages.
61. Land certificate would enable obtainment of citizenship, without which makes Dalits stateless since most of them do not possess a land certificate, so they face an additional hurdle to getting citizenship and vital registrations.
62. Incidences of rapes of Madheshi Dalit women are extremely high among all communities i.e. 23% Dalit women, while this percentage is 18% of Dalit women³⁸ in relation to all Nepalese women.
63. Due to extreme poverty, they live in miserable condition in the southern plain of Nepal, where education and health are major challenges. Their traditional occupations are on the verge of extinction and the State has not taken serious steps to provide them with alternative employment opportunities.
64. Some non-Dalits are taking benefits allocated for Madheshi Dalits, as the government recently added some backward castes into Dalits who are not historically untouchables and do not face caste-based discrimination in the society³⁹.
65. Poor Madheshi Dalits are being displaced from their settlements by land-brokers and also by the Local Governments for development projects, because of this they have become homeless and the state agencies have not provided alternative housing.⁴⁰

Recommendations:

46. Develop special programs for the Madheshi Dalits to improve their livelihoods through employment opportunities.
47. Speed up actions to ensure they obtain citizenship without hurdles and address their statelessness issues.
48. Immediately ensure land and housing to the poor Madheshi communities who have been displaced for various reasons.

k) Cross-cutting: Issues within the Dalit community

66. Women, children, elderly people, minority castes within Dalit population, people with disabilities and Madheshi Dalits are highly vulnerable and are always at a higher risk of human rights violations.
67. The Dalit youth, especially young Dalit women, face intersectional, double, or multiple forms of discrimination: they have limited access to the decision-making processes and lack representation in youth mechanisms. They are judged on their ethnic background and are frequently devalued and undermined, which most often makes them feel weak, poor and vulnerable. The constitutional commissions of Nepal, including the National Dalit Commission, have a minimum age limit of 45 years to become a Commissioner which is unfriendly to youths.
68. Child labour is still prevalent everywhere in Nepal due to the extreme poverty and so are child marriages in the rural areas. Most child labourers are from the Dalit community and the practice of child marriages in Dalit community still continues due to lack of education and poverty.
69. Modern slavery is still in practice and the Dalit communities are the main victims. Haliya⁴¹, Balighare⁴²/Khalo, Charuwa⁴³ and Haruwa⁴⁴ systems are the root causes of modern slavery. There is also a lack of sustainable rehabilitation of the freed Haliya even after 14 years of emancipation.
70. Minority castes within the Dalit community such as Badi and Gandharb and some Madheshi Dalits face extreme poverty and subsistence living.
71. Dalit LGBTIQ people face double and intersectional discrimination as a Dalit and as an LGBTIQ. They suffer from abusive words and derogatory languages and face hardship getting citizenship on their own identity.
72. Persons with Disabilities (PWDs) within the Dalit community suffer more compared to non-Dalit disabled people because of their caste identity.

Recommendations:

49. Speed up efforts to create employment opportunities for Dalit youths and take action to ensure their representation in decision making.
50. Take accelerated action to eradicate all forms of modern slavery and ensure that the issues of freed Haliyas, Balighare, Haruwa, Charuwa are addressed ensuring sustainable rehabilitation.
51. Gear up efforts to end child labour and ensure every child get access to education.
52. Expedite efforts to resolve the issues of LGBTIQ and PWDs within the Dalit community.

¹Caste discrimination involves massive violations of civil, political, economic, social and cultural rights. Caste systems divide people into unequal and hierarchical social groups. Those at the bottom are considered 'lesser human beings', 'impure' and 'polluting' to other caste groups -IDSN.

² Central Bureau of Statistics-CBS, 2011

³NDC, 2014.

⁴ Provincial consultations were held on 23 December 2019 in Surkhet (Karnali Province), 26 December 2019 in Dhanagdi (SudurPachmim Province), 29 December 2019 in Butwal (Province no. 5), 8 January 2020 in Itahari (Province no. 1), 10 January 2020 in Janakpur (Province no. 2) and 19 January 2020 in Pokhara (Gandaki Province).

⁵ National Multi-Stake holder dialogue was organized on 25 February 2020 in Kathmandu

⁶28 case studies on CBD, 7 provincial dialogues with the participation of 392 attendees and 1 national level consultation.

⁷https://tbinternet.ohchr.org/_layouts/15/TreatyBodyExternal/Treaty.aspx?CountryID=122&Lang=EN

⁸ The implementing status has been put on annex

⁹ 122.33 (Paraguay), 122.40.(Germany), 122.36.(Switzerland), 122.33(Paraguay), 122.35(Denmark), 122.39 (Czech Republic), 122.41 (Namibia), 122.55(Argentina)

¹⁰There is no specific Dalit words in Housing Act whereas Constitution has mentioned one time Housing will be given to Landless and Homeless Dalits, election law prioritized KhasArya in the priority list which is against the basic tenets of Social Justice and Inclusion, the Land Act ensured Lands for Landless Dalits but they cannot handover the ownership till 10 years, the Education Act Amendment only provides indigent Dalit students for free University education.

¹¹ Pointed by almost every participant in each consultation and covered by much news at many times.

¹²<https://kathmandupress.com/breaking/exclusive-story-on-caste-based-discrimination>

¹³The Nepal Human Rights Yearbook 2020, INSEC.

¹⁴ After the enactment of CBDU Act 2011, only 2 perpetrators are jailed as per this law, a Dalit woman in a district of Kalikot -who was also an elected rural municipality member, has been murdered by her non-Dalits neighbors. Such cases are repeatedly in a rise.

¹⁵Chhaupadi is a form of menstrual taboo which prohibits Hindu women and girls from participating in normal family activities while menstruating, as they are considered "impure".

¹⁶Strongly voiced by every stakeholder during each provincial consultation.

¹⁷AjitMijhar(18 years old youth) was murdered in July 2017 by conspiracy as he fell in love with a so-called upper caste (Brahmin) girl and got married, his dead body is still in the hospital and his family is waiting for justice. Shiv Shankar Das of Saptari District also was murdered in similar way.

¹⁸ Arise from the provincial consultations.

¹⁹PrakashSaput, a famous Nepali Folk Singer was abused rampantly in social media with abusive and intolerable words for piracy issues which was not true and later negotiated well.

²⁰SundarBishwokarma, a legislative member in provincial parliament (province no.2) shared his experience during the Provincial Consultation held in Janakpur on 10 January 2020 and said "he is invited in many occasions and feasts of non-dalits but he couldn't eat in same line as they respectfully say you're parliamentarian so you have a special place in an extra place" which is an intention of discrimination to not let him eat together with others.

²¹Biswokarma, J.B. 2019.*Prosperity Discourse in Nepal and Dalit* (Policy Paper). Kathmandu, Dignity Initiative

²²<http://dalitonline.com/archives/6936>

²³<https://kathmandupost.com/national/2019/07/19/people-refuse-to-rent-me-a-room-when-i-tell-them-my-surname>

²⁴ <https://www.recordnepal.com/wire/news-the-wire/killing-in-the-name-of-caste/>

²⁵The Dalit community has only 9% reserved seats in classified (allocation for marginalized groups is 45% of total vacancy and is considered as 100%) vacancies. The representation of Dalit community in Civil Service is around only 2% whereas the KhasArya's is approximate 62%²⁵.

²⁶<https://ekantipur.com/opinion/2019/06/06/15597859514011394.html>

²⁷<https://risingnepaldaily.com/opinion/shrinking-civic-space-in-south-asia>

²⁸ The status shows that Dalit students Primary level's enrolment 100%, whereas SEE (grade 10)- 17%, and Undergraduate level is 1.2%;

²⁹Conclusions of Case studies of Dignity Initiative and Samata Foundation in Janakpur and Annapurna Rural Municipality

³⁰ NMSS

³¹Within overall poverty status, about 42%³¹ of Dalits are below the poverty line in Nepal, which is 17% point higher than that of the national average (25.2%). Also, an average per capita consumption in Nepal is 34,187, yet MadhesiDalits consumption per capita is NRs.23,106, followed by Hill Dalit 25,298 per annum. Whereas, among the Dalits of both Hill and Madhesi origin, every two in five persons are below poverty line.

³²– 43% of Tarai/MadhesiDalits and 14.6% of Hill Dalit experience discrimination when receiving medical treatment in local health services. On average, 72% of women experience problems in accessing health service. The figure for Dalit women is higher than the national average with 79 and 85% respectively for Hill and Tarai/Madhesi Dalit women, Source- National Demographic Survey.

³³The situation is particularly poor for Tarai/Madhesi Dalit, of whom just 5.5% have access to improved toilet facilities whereas it is 30.6% for Hill Dalit compared to 41.7% of national average. Source: National Census 2011, CBS

³⁴Dalits are often exploited in the name of Balighare, Khalo, etc. systems and get only minimal payment (mostly in kind/grains) for their works.

³⁵ Statement of Mr. Sunil Pariyar (president of Dalit Alliance for Natural Resource) at the National Multi-Stakeholder Consultation.

³⁶Darnal, Ashok. 2019. *Escalating Violence against Dalit Women and Girls: Access to Justice (Research paper)*. Kathmandu, Nepal. Feminist Dalit Organization (FEDO).

³⁷ Land-lordship system

³⁸ Unpublished research of Mr. Shiv Hari Gyawali

³⁹ <https://www.nayapatrikadaily.com/news-details/32133/2019-12-25?fbclid=IwAR1GqcNPhXJn9KICFPIVrhKXvZ4J4UGgKWbc9idyRu7GIut7mM0gtv6A7uM>

⁴⁰ https://www.nayapatrikadaily.com/news-details/37508/2020-02-29?fbclid=IwAR3MELjvIPP2r3_ZX5le4Rnu3U9uglbZdVJ4DBOQpTgl_5KTo-DuTd9b9z4.%20http://enewsbulletin.com/news-details/5911/2020-01%2011?fbclid=IwAR3RzkvPG4_BURaq_y9xy3HnOoJ13ykXkKlyO_lax_wcSDX3QXYcymkTxg4#.XhmBh_xlZeE.facebook

⁴¹Haliya: The word Haliya comes from Halo which means a plough, a person ploughing the field is called Haliya. Sometimes the person is called Hali too.

⁴²Balighare: Balighre is a very traditional system of paying wages not in the form of cash but in the form of crop or kind. This system does not pay enough in comparison to the work done and has been found to be very exploitative in

economic terms and very humiliating in the social term.

⁴³Charuwa: In the Terai or Madhesh areas both Haruwa and Charuwa are used synonymously and sometime pronounced together. Though Charuwa means wanderer in practice it is understood as semi bondage labour.

⁴⁴Haruwa: The word Haruwa means defeated. This is also a kind of semi slavery system present in the Terai/Madhes area of Nepal and used simultaneously with Charuwa. Haruwa are mostly landless without having proper means of production.