



Statement by Dignity Initiative, Nepal for UPR Pre-Session

Delivered by: Rup Sunar, Executive Head, Dignity Initiative, Nepal titled “Caste-based Discrimination against the Dalits in Nepal”

Dear member states of the Human Rights Council and civil society colleagues.

1. My name is Rup Sunar, and I am the Executive Head of Dignity Initiative, Nepal. Today, I will speak on caste-based discrimination against the Dalits in Nepal.
2. Let me begin by a brief overview of organization that I represent. Dignity Initiative, Nepal is a Kathmandu based organization, working on issues of social exclusion and human rights. It further focuses on knowledge production, academic activism and policy advocacy to mainstream the Dalit community in Nepal. I am submitting this statement on behalf of the Dalit CSOs.
3. My statement is structured as follows. It begins by outlining the constitutional and legal provisions extended to the Dalit community in Nepal. Secondly, it analyzes the recommendations of the first and second cycle of the previous Universal Periodic Review (UPR) and the status of their implementation. Thereupon, it summarizes the human rights situation of the Dalit community in Nepal and the impact of COVID-19. The presentation also delves into aspects of gender exclusion and in conclusion makes several recommendations for the perusal of the UPR.

CONSTITUTIONAL AND LEGAL PROVISIONS:

4. Rights to the Dalit Community have been ensured as fundamental rights under articles 24 and 40 in the Nepalese constitution. The government has also enacted the Caste-Based Discrimination and Untouchability (Offence and Punishment) Act in 2011 and further strengthened by the National Civil (Code) of 2017. While these laws have the provisions for penal punishment for discrimination and violence against the Dalit community; however, in reality, crimes against the Dalits are rampant and the perpetrators continue to roam around with high degree of impunity.
5. Nepal also has a National Dalit Commission, which has been accorded a constitutional status. Despite being existence for 5 years, it remains without statutory office bearers.
6. The Nepalese constitution also provides for proportional representation of the excluded groups in the state mechanism. Dalit’s representation, however continues to be tokenistic in the legislative, executive and judicial spheres of the government.

STATUS OF THE PREVIOUS RECOMMENDATIONS & THEIR IMPLEMENTATION

7. The first and the second cycle of the UPR had made a host of recommendations to eliminate caste-based discrimination and untouchability in Nepal but not implemented seriously. It however, continues to implement them in a variegated manner and has not effectively implemented many of its recommendations and concluding observations.
8. A High-level committee had been formed to ensure the implementation of UPR recommendation under the chairmanship of the Prime Minister. However, it is not functional.
9. The provisions of the proportional representation to the Dalit community in state mechanism continues to be an abysmal, 6.9 per cent in the federal parliament, and 5.82 per cent in the provincial assemblies. With only 1 minister in the Federal Cabinet, and not even a single representative in the provincial government, the voices of the Dalit community in Nepal remain unheard.
10. Provinces were required to formulate necessary laws to address caste-based discrimination at the sub-national level. With only one province enacting laws in this regard, the human rights situation of Dalits continues to be grim.
11. Police often refuse to lodge complaints, and exert pressure on victims to reconcile with the perpetrators. The recent case of massacre of Dalit youth in Karnali province is example, where the law enforcement agencies were found to destroy the evidences under political influence.
12. Despite the constitutional commitments, Dalit children are not receiving free education but a nominal cash scholarship, which is insufficient to purchase even a proper school uniform.
13. The law on right to housing has been silent to extending such rights to Dalits. It must be corrected.

HUMAN RIGHTS SITUATIONS OF DALITS

14. 27 Dalits have been killed since the implementation of CBDU Act 2011. Human rights violation of the Dalits continues to be higher with perpetrators escaping punishment and some new forms being evolved. Dalit women face triple discrimination of caste, class and gender. Madhesi Dalits are discriminated the most.
15. Dalits have been killed and intimidated when they exercised their rights to marry a person of choice. Recently a Dalit boy Naba Raj BK and his five friends were beaten to death and dumped into the nearby river for attempting to marry outside their caste. Likewise, Ajit Mijar, another Dalit boy, was murdered for marrying a woman from other caste. Even after four years of his death, his dead body continues to be kept at the morgue.
16. Government surveys and interventions to rehabilitate freed bonded laborers is far from satisfactory. Some laborers were not identified, while others were rehabilitated incompletely. Even the budgetary provisions were improperly allocated and inadequately

distributed. This year, the government made no separate budgetary provisions for Haliya, rather compartmentalized them with general poverty alleviation programs.

17. Nepal boast of women inclusion in international forums. However, the resources and opportunities have not been distributed proportionately across the women of other social groups.

IMPACT OF COVID-19 ON THE DALIT COMMUNITY

18. While COVID-19 has impacted all social groups, the Dalits continue to be adversely affected by the pandemic. This has caused multi-dimensional disadvantages to Dalits.
19. Government interventions in terms of emergency relief distributions were less than satisfactory. Malar Sada, who is the first person from Dalit community to starve to death due to extreme poverty.
20. During the pandemic, 1200 rape cases were reported by the Nepal police. Of them, 260 were from the Dalit community and 6 among them were killed after rape. They are further victimized and coerced into reconciling with perpetrators.

RECOMMENDATIONS:

21. The government must enact necessary laws and formulate policies to ensure that the Dalit's constitutionally guaranteed rights at the federal, province and local level are upheld.
22. Statutory appointments to the National Dalit Commission must be made immediately.
23. All state institutions must be made inclusive, including other constitutional bodies, and ensure the rights of Dalit in policy, programs and budgetary allocations.
24. The government must rehabilitate former bonded laborers and then mainstream them through inclusion and empowerment.
25. The government must establish a separate cell at the police administration and fast-track-courts in the judicial system for redressal of Dalit crimes. It should be the perpetrators responsibility to produce evidence proving them not guilty, and not vice versa.
26. The issue of caste discrimination must be included in school and university curriculums.
27. Dalit's acquisition of citizenship, especially in the case of Madhesi and Badi, must be ensured that no one from the Dalit community is deprived of citizenship.

Finally, the state must emphasize to restructure existing unequal power relations to ensure social justice and dignified life to Dalit community. Thank you.