

GOV OF NEPAL - REPLY 17B

Remarks made by Nepal at the 12th Session of the UN Working Group on Minorities, August 09, 2006

Mr. Chairman-Rapporteur,

I would also like to thank you on your election as chair-rapporteur of the Working Group and wish you success in guiding the deliberations of this session to a fruitful conclusion. Nepal attaches great importance to the works of this Working Group, which brings together experts, govt. representatives, NGOs representatives and the members of civil society to exchange their respective views and perspectives on the issues of minorities in an informed, open and frank manner.

I also appreciate the beautiful presentations made by ~~my~~^{the} four Nepalese fellow compatriots on the issues related to minorities in Nepal. I am taking floor not to take issue with them and with a number of problems and challenges that they have raised in their presentations on the Dalits and other marginalised groups in Nepal. I also appreciate the candidness and forthright manner with which each of them has drawn our attention to the multiple of challenges and gaps in terms of implementation of existing institutional measures put in place by the Government. They have made several important and relevant recommendations for the government to address these issues, including the existing caste-based discrimination. Indeed, we believe that such longstanding and crosscutting issues would require concerted efforts of all, in a spirit of partnership and cooperation with all the relevant stakeholders.

But this is not to say that nothing has been done in the country to create legal and other necessary institutional frameworks and to enforce these legal provisions to end caste-based abuses and atrocities. Since the restoration of Democracy in 1990, great efforts have been made in Nepal in the fights against all forms of discrimination, through empowerment, integration and inclusion of dalits and other vulnerable and marginalised people in the country. [That said, let me hasten to say a few words about existing institutional frameworks in Nepal to address the problem of the Dalits and other minorities, although these have also been partly touched upon by those speakers in their statements. The Constitution of the Kingdom of Nepal guarantees "basic human rights to every citizen of Nepal". It also directs the state "to promote the conditions of welfare on the basis of the principles of an open society by establishing a just system in all aspects of national life including social, economic and political life, while at the same time protecting the lives, property and liberty of the people".

Besides the judiciary, whose task is to safeguard the human rights of citizens, a National Human Rights Commission has been set up as an Independent Statutory Institution for the promotion and protection of human rights in Nepal. The Commission and other institutions play similar roles in protecting and enforcing human rights without discrimination of any kind.]

Mr. Chairman,

In the past, government has initiated important actions to bring the Dalits and Indigenous Nationalities into the main stream of overall national development of the country. The

Tenth Five- Year Plan (2002-2007) has made poverty alleviation the single-most objective of the Plan. It emphasizes a pro-poor plan, result-oriented economic management and mainstreaming of underprivileged, downtrodden and the Dalit communities into national development by enhancing their social upliftment and the access to productive resources. The Plan has earmarked 1.6 billion Nepali Rupees, (approximately 21 million US dollars) for the economic and social development, empowerment, traditional skill development and development of their social prestige. It has set the objectives to formulate programs to ensure the rights and development of Dalits and downtrodden community; to abolish existing social oppression and discrimination against Dalit and neglected community; to streamline the knowledge, skill and intelligence of the Dalits in the development process by identifying their contribution in the national level; and to emphasize the promotion of the social dignity of the Dalits and oppressed community.

Similarly, Tenth Plan has the objectives for the Indigenous Nationalities to bring them into the mainstream, such as to eradicate the disparities sustained by the Indigenous Nationalities in the economic and social fields; to uplift the level of the cultural development of the Indigenous Nationalities by sincere research and protection of their respective cultural heritage; to improve the capabilities of the Indigenous Nationalities through empowerment in the fields of economic, social, educational, cultural and community activities; to involve the Indigenous Nationalities in the process of national development by enhancing their knowledge and skills, improve their access to national resources by means of professional modernization.

Establishment of National Dalit Commission:

Presently, the National Dalit Commission has been established through the Government Order. Hence, the immediate mandate of the Commission is to draft a bill for the enactment of the law. Apart from that, it has been asked to make recommendations for the timely changes in the existing legal provisions and policy arrangement for their rights, to investigate and monitor the cases and social disputes based on caste discrimination, to recommend strategies for the effective implementation of the CERD at the national level. It can also make recommendations for the better national policy, monitoring and coordination of the works of NGOs on the upliftment of the Dalits, and to launch programs on social awareness aimed at ending social discrimination. Accordingly, the Commission has already finished drafting a Bill, which is yet to be promulgated as an Act. It has also made a move to prepare the draft of the Dalit Upliftment Council Bill to establish a separate entity, aimed at helping enforce the promotional activities for the social inclusion of the Dalit community. It is also engaged in drafting a separate bill to make specific laws that would help address the problems of caste discrimination in a more effective manner. Enactment of these laws is expected to be made soon by the new Parliament. It is hoped that successive implementation of programmes are expected to ensure the authority, direction and focus of the programmes related to their overall upliftment.

Establishment of National Foundation for Development of Indigenous Nationalities:

Following the enactment of National Foundation for Development of Indigenous Nationalities Act, 2002, the institution has recently been established. The Foundation has been entrusted with various responsibilities and functions for the overall development of the Indigenous Nationalities with their active participation, including through the formulation of various programs to implement the national objectives of mainstreaming them and ensuring equality in the opportunities.

Establishment of National Women Commission:

Yet another important development in the area of social transformation includes the establishment of the National Women Commission in 2002, to empower women and to protect and realize their rights. This is a positive effort because women constitute about half of the country's population and they play an instrumental role in the family, society and the economic sector of the country. Nepal has already ratified the Universal Declaration of Human Rights and United Nations Convention on the Elimination of All Forms of Discrimination against Women, which demonstrates its commitment to protect and promote the rights of women. Accordingly, the Commission is engaged in drafting laws concerning the rights of women. Since the establishment of the commission it has been pro-active in many areas including the protection of women from exploitation and discrimination has also been taken up by the Commission, besides advocacy, help for the women in difficulties and programmes against trafficking of women.

Foreign Employment Loan Program Directives:

The government has also policy to provide Foreign Employment Loan to the disadvantaged and marginalized groups including women from the rural areas. The financial arrangements have been made for this purpose and the selection process has already started for the implementation of this programme.

Kamaiya Emancipation and Rehabilitation Program:

Kamaiya (bonded labour) system is one of the major social problems, which was practiced in some parts of Nepal. Apart from emancipation of them, the Government is providing various kinds of supports to them. In this process, 9547 homeless Kamaiya families identified and among them 74.9 percent i.e., 7149 homeless Kamaiya families have already received financial assistance and materials for building their houses.

Pilot Program for Dalit Empowerment:

A scheme regarding empowerment of Dalits and neglected communities has been recently formulated to ensure the social inclusion of the aforementioned community. For

the time being, it will be implemented as a pilot project in twelve such districts where there is large concentration of Dalits. Under these Pilot Projects two major activities i.e. training on skill development and awareness program will be conducted. After the completion of the project, programs will be reviewed and if the impact is positive, it will be extended to the other parts of the country.

Commission to present a report on all existing Discriminatory Laws against Women:

A high level Commission constituted by the Government to compile and present a report on "All existing Discriminatory Laws against Women" has already accomplished its task. As per the recommendations of the Commission, government is in the process of studying the recommendations presented so as to take the necessary actions on them.

Similarly, the Government is in the process of further fine-tuning and modifying the existing policy announcement which calls for; elimination of all kinds of discrimination and exploitation; Upper house structure to include representation of ethnic groups, Indigenous Nationalities and Dalits in proportion to their population, complete revamping in the local bodies with constitutionally guaranteed Local Self Governance with additional authority to Local Bodies, Local Bodies to be allowed to choose to use second working language from among the national languages, an appropriate constitutional provision to be made for the lasting resolution of the problem of citizenship, special provisions for reservation of women, Indigenous Nationalities and Dalits for a certain periods of time in education, health and representative institution and employment sector. In order to implement the above policy, the government is also thinking to further consolidate, and fine-tune the existing "Recommendation Committee on Reservation" under the chairmanship of the Finance Minister, with the four different Sub-Committees Women Community Study; Indigenous Nationalities Community Study; Dalit Community Study; A Sub-Committee to study the social impact and international experience.

② X-9 In the meantime it has already made a decision to reserve 33% of seats in all representative institutions, including the parliament for women. Similarly, discrimination in the issuance of citizenship certificates to the children born to a Nepalese mother t from a foreign father has also been abolished recently. Efforts to criminalize torture in the domestic law of the country, and the resolution recently adopted by the Parliament requiring the Government to ratify the Rome statute on the ICC are the new landmark steps taken by Nepal.

Mr. Chairman,

④ The historic political changes that have taken place recently in Nepal has not only reinstated the Parliament but also made the Nepalese people supreme and sovereign for the first time and forever. The prospects for long-term peace have been brighter

following the cease-fire in place for quite sometime and the ongoing negotiations to hold constituent Assembly election in a free and fair manner. Aware of the fact that Nepal is a multi-culture, multi-ethnic and multi-religious country, the new government is at the same time equally committed to preserving these unique national characteristics for the promotion of lasting peace and harmony in the country. It aims at bringing about social transformation in the country that would empower and integrate people from all section of the society, particularly those from the vulnerable and marginalised section of the society through an inclusive, people-centered and participatory democracy. Declaring Nepal a secular state, and also discrimination and untouchability- free country by the Parliament recently are steps that demonstrate the seriousness with which the Government of Nepal intends to approach these issues and to eliminate all forms of caste-based discrimination. The Government would also place utmost priority to further strengthen the Dalit Commission, Women Commission and the National Foundation for the development of indigenous nationalities while at the same time creating new institutions, if and when required. * → ②

③ The new government of Nepal is equally conscious of the fact that despite constitutional guarantees underpinned by numerous legislative, administrative and other necessary institutional measures, the poor, the marginalised and the dalits continue to suffer caste based abuses and atrocities and discriminations, especially in the remote rural areas. The protracted armed conflict, effective enforcement of existing laws pertaining to the promotion and protection of minority, problem of governance, paucity of resources to mount massive assault on poverty, social exclusion and to fight discrimination posed as formidable hurdles in the past. The government is determined to deal with those issues with a renewed sense of commitment by focusing more on the effective and sustained enforcement and monitoring the progress thereof of the existing legal provisions, on ending impunity against people committing caste-based abuses and atrocities through handing swift and stringent punishment, including prosecuting those practicing discrimination by denying access to schools, temples and the use of public space and utilities by people from minority groups, especially the dalits.

Because, the prejudices existing at the societal level would require continuous, sustained and all out efforts at all levels to address them. Effective and targeted socio-economic and cultural programs need to be implemented, which would require focused targeting and sufficient resources. Poverty, underdevelopment, social exclusion, and lack of opportunity for capability enhancement of the people from these vulnerable sections of the society are what contribute to further perpetuate the practice of discrimination and hinder the full attainment of the objective of the convention. While, based on consolidated legal provisions, the Government will make renewed effort to eliminate such discrimination through various institutional arrangements and socio-economic reform programs including poverty reduction programs, the paucity of resources, both financial and human, has also been a serious obstacle to such efforts. Therefore it is important that our national efforts, in this area, would be supported by international understanding and cooperation.

Thank you all for your kind attention.