Promoting and protecting the rights of persons from descent-based communities:

Access to justice

Mapping out access to justice for persons from descent-based communities in 5 pilot countries Bangladesh, India, Nepal, Pakistan, and Sri-Lanka

19-21 August 2024

**Nepal**

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**General Background**

Access to justice is a vital element in the democratic process and one of the basic principles of the rule of law. This research is prepared with the aim of bringing some clarity as to the situation regarding access to justice by persons from descent-based communities in Nepal. It reflects a variety of contexts analysed within the prism of the State’s obligations and commitments under international human rights law to protect, promote, and fulfil the human rights of everyone free of discrimination.

The international framework from which States obligations flows grounded in the principles of equality, justice and dignity as reflected in the Declaration of Human Rights (UDHR)[[2]](#footnote-2) which established the scaffolding for the elaboration and ratification of international human rights treaties such as the International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social, and Cultural Rights (ICESCR) of 1966. Referred to as the International Bill of Human Rights[[3]](#footnote-3) and ratified by Nepal in 1991[[4]](#footnote-4), these foundational documents provide specifically for the right to equality before the law; equal protection against any discrimination; the right to an effective remedy by the competent national tribunals for acts violating the fundamental rights granted under the constitution or by law.[[5]](#footnote-5)

“The right of equal access to justice for all, including members of vulnerable groups, and reaffirmed the commitment of Member States to taking all necessary steps to provide fair, transparent, effective, non-discriminatory and accountable services that promote access to justice for all”[[6]](#footnote-6) Access to justice/due process requires action in holding perpetrators accountable for violating the human rights of individuals, but also in obtaining redress and preventing aggravated grievances to escalate into conflict. The conditions necessary to guarantee access to justice involve formal and informal normative legal protection mechanisms, legal awareness, legal aid[[7]](#footnote-7) and counsel, adjudication, enforcement, and oversight by national human rights institutions and civil society organisations.[[8]](#footnote-8)

Respecting, protecting, and fulfilling the right to access to justice/due process with no-discrimination constitute obligations under international human rights law that States have undertaken.[[9]](#footnote-9) Article I of the International Convention on the Elimination of all forms of Racial Discrimination ratified by Nepal in 1979 specifies that: “ … the term ‘racial discrimination’ shall mean any distinction, exclusion, restriction or preference based on race, colour, descent, or national or ethnic origin which has the purpose or effect of nullifying or impairing the recognition, enjoyment or exercise, on an equal footing, of human rights and fundamental freedoms in the political, economic, social, cultural or any other field of public life.”

Related jurisprudence has made it clear that human rights treaty norms also cover descent-based discrimination and that States have therefore a legal obligation under international law to address such discrimination. This has been stated particularly forcefully by the Committee on the Elimination of Racial Discrimination (CERD) in the 2002 General Recommendation No. 29 on descent-based discrimination, in which the Committee concluded that discrimination based on descent covers caste-based discrimination and is thereby covered by the UN Convention on the Elimination of All Forms of Racial Discrimination.[[10]](#footnote-10) This interpretation has been reflected consistently in subsequent country reviews by CERD, and by other human rights treaty bodies, and by the Human Rights Council’s Universal Periodic Review and Special Procedures mechanisms.[[11]](#footnote-11)

The right to non-discrimination of persons from descent-based communities is also guaranteed under the minority rights legal framework At the international level, the mechanisms to protect and promote minority rights have been crucial in addressing the rights of persons from descent-based communities.[[12]](#footnote-12) In her 2016 report to the Human Rights Council, the former UN Special Rapporteur on Minority Issues, Rita Izsak, noted that while many caste-affected groups might belong to the same larger ethnic, religious or linguistic community, they often shared minority-like characteristics.[[13]](#footnote-13) The former Special Rapporteur on Minority Issues, Fernand de Varennes has stated in his 2020 report to the General Assembly that “ethnic minorities, through ancestry, descent, origin or lineage, can include individuals recognized because of shared physical characteristics, such as Afro descendants, as well as social castes and similar groups, including Dalits in India (and elsewhere) and the Burakumin of Japan.”[[14]](#footnote-14)

The guidance offered by international law standards and findings of monitoring mechanisms have not remained isolated from national level action. Instead, they have positively influenced standard setting and other work at the national level, interlinking with advocacy that civil society actors and others are pursuing in several countries in South Asia on caste-based discrimination. The CERD recommendation no 29 has undoubtedly contributed to the impact of the tireless efforts carried out at the national level by human rights advocates including the organisers of this mapping out exercise. These efforts do sometimes result in adoption of progressive specific legislation, which when implemented can usher-in remedies for victims, by improving their access to justice; strengthening protection by law enforcement officials and other authorities and by serving as a catalyst for a range of awareness and educational efforts on descent-based discrimination. Unfortunately, adoption of legislation is necessary but not enough. Any legislation is as good as its implementation and guaranteed to fail if not accompanied by complementary measures such as adequate resources and infrastructure.

**The initiative**

OHCHR, in collaboration with the International Dalit Solidarity Network and the Asia Dalit Rights Forum, will seek to map out what currently exist in terms of access to justice in five pilot countries (Bangladesh, India, Nepal, Pakistan, and Sri-Lanka), where descent-based discrimination is most prevalent in South Asia. The initiative will begin with collecting and compiling information on the paths to justice available to persons from descent-based communities in the five named countries and will research and examine (i) what exists in terms of judicial and non-judicial mechanisms and their accessibility and efficacity with respect to persons from descent-based communities (good practices); and (ii) what can be done to strengthen the existing judicial and non-judicial structures and mechanisms at the national level to facilitate access to justice pursuant to these countries’ obligations under international human rights law.

Please note that the language “persons from descent-based communities” and “Dalits” are used interchangeably.

The Dalit community in Nepal make up 13.8% of the population.[[15]](#footnote-15) There are 26 sub-castes under the overall Dalit community, including seven Hill Dalit castes and 19 Madhesi Dalit castes.[[16]](#footnote-16)

1. Political context

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|  **INDICATORS** |  **SPECIFICS** |
| Briefly describe the political system of the country and the relevant branches of power/ institutions in relation to the rights of persons from descent-based communities.  | Nepal is a federal democratic republic with a multi-party system. The Constitution of Nepal, adopted in 2015, embodies principles aimed at fostering democracy, inclusivity, secularism, and federalism, reflecting the aspirations of the diverse Nepali population. The executive branch of Nepal's Government is headed by the ceremonial President, who serves as the head of State, while the Prime Minister acts as the head of Government. Typically, the Prime Minister, who is usually the leader of the majority party or coalition in the Parliament, is appointed by the President. Nepal's legislative branch comprises the bicameral Parliament, consisting of two houses: the House of Representatives (Pratinidhi Sabha) and the National Assembly (Rastriya Sabha). The country is structured into seven provinces, each with its own unicameral provincial assembly and government. At the local level, Nepal has 753 municipalities, each governed by an executive body led by a mayor or chairperson. The judicial system of Nepal is anchored by the Supreme Court, serving as the highest court of appeal. It ensures the constitutionality of laws and Government actions. Below the Supreme Court are the High Courts and District Courts, with the latter serving as the first court of instance. In addition to the three branches of Government, Nepal has established key constitutional bodies mandated to promote and protect human rights. These bodies include the National Human Rights Commission and the National Dalit Commission, as well as vital administration of justice institutions such as the Nepal Police and the Office of the Attorney General; all instrumental in upholding constitutional values and ensuring the rights of persons from descent-based communities. |
| Describe the political positioning of the current Government  | The current Government is primarily a coalition comprising of leftand centrist political parties. The Prime Minister Mr. Khadga Prasad Sharma Oli (Known as “KP Oli”) represents the left-wing Nepal Communist Party (United Marxist-Leninist known as UML). The political positioning of the Government is challenging to determine due to the diverse nature of coalition of political parties of different ideologies as this main coalition partner of this Government is Nepali Congress which is the oldest democratic party in Nepal and is currently the largest party in the Parliament. As per the freedom house index of 2024, Nepal’s ranking is 62/100 and ranked as “partly free.” [[17]](#footnote-17) Similarly, the CIVICUS Monitor has ranked Nepal to stand at 41/100 and identified as “obstructed” in its civic space status. [[18]](#footnote-18)  |
| Describe the electoral position – is there an upcoming election or key political events that may influence or alter the stance of key political stakeholders committed to promote the rights of persons from descent-based communities  | In 2022, Nepal concluded its general election, with the next election to be held in 2027 but the country’s Government remains unstable due to coalition-building among its prominent parties, as no single political party holds a clear majority. At the core of Nepal's politics, there are three major parties: the Nepali Congress, the Nepal Communist Party (United Marxist Leninist), and the Nepal Communist Party (Maoist Centre). While issues concerning persons from descent-based communities have never been at the forefront of the leading political parties, the grievances of the former remain a matter of concern across every party line. Most major political parties have established sister organizations dedicated to advocating for Dalit rights within their party structures and to serve as Dalit vote banks.[[19]](#footnote-19) However, leaders of these sister organizations often lack significant influence within their parent parties. Efforts by the Dalit community to establish their own political parties have encountered obstacles, including issues of unity, the dispersed nature of the Dalit population in the country, in addition to legal barriers. The constitutional drafting process giving birth to the 2015 Constitution involved a compromise resulting in a mixed electoral system, intended to address demands for inclusion and proportional representation across society. Under this system, 40% of the parliamentary seats are allocated through proportional representation. Dalit representation in the Parliament mostly take place through the proportional representation system. Currently, there are 16 Members of Parliament from the Dalit community; In the House of Representatives, they account for only 5.82% out of a total of 275 seats. |
| Describe any key evidence of counterforces that are likely to oppose or discourage adoption or implementation of measures supporting access to justice by persons from descent-based communities | Hindu religious organizations, pundits and right-wing political parties serve as prominent opponents to initiatives aimed at protecting and promoting the rights of Dalits. These organizations often view such efforts as threats to traditional societal structures and values, staunchly resisting any change that might challenge the status quo.[[20]](#footnote-20)Despite these hostile barriers, minority communities such as Dalits, Medheshis, Muslims, Buddhists and Christians across Nepal continue to fight for their rights. Recognizing strength in unity, these communities are increasingly joining forces to counter the opposition they face. The struggle for human rights in Nepal is characterized by complex dynamics involving nationalist rhetoric, religious fundamentalism, and the resilience of minority communities. |

1. State’s Legal framework

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| **Indicator** | **Details** |
| Has the State adopted legislative or policy measures benefiting persons from descent-based communities as regards access to justice? If yes, please specify the legislation and provide information on its implementation and if no, please mention if the Government has made a general commitment to improve legislative protection for persons from descent-based communities in terms of justice mechanisms. | The Caste-Based Discrimination and Untouchability (Offence and Punishment) Act of 2011, is the main legislative measure aimed at addressing and combatting caste-based discrimination and untouchability.[[21]](#footnote-21) Notable features of the Act include:Definition of Offenses The Act defines various forms of caste-based discrimination and untouchability as offenses. This includes actions such as denying access to public places, social services, and employment opportunities based on caste, as well as verbal or physical abuse targeting individuals because of their caste.CriminalisationThe Act criminalizes caste-based discrimination and untouchability, making such actions as crime against the State and punishable by law. Penalties, Punishments and Compensation The Act stipulates penalties and punishments for those found guilty of committing caste-based discrimination and untouchability offenses. In addition to imposing penalties on offenders, the Act provides for compensation to be awarded to victims and possible imprisonment for up to three years and the imposition of a fine of up to NPR. 200000 (Approx. 1600 USD) or both.Special Provisions for Public Officials The Act includes provisions for additional penalties for public officials found guilty of committing the offense of caste-based discrimination and untouchability. The Criminal (Code) Act 2074 (2017),[[22]](#footnote-22) provides for penalties and compensation for the offense of caste-based discrimination and untouchability including imprisonment for a term not exceeding three years or a fine not exceeding thirty thousand rupees or both.Challenges in implementation The main hindrance to accessing justice for persons from descent-based community in Nepal is the ineffective implementation of the 2011 Act. Almost every major human rights report and recommendations on Nepal place emphasis on the importance of effectively implementing this Act. While there are a few emblematic precedents of good practices, a significant number of human rights violations against Dalits, both reported and unreported, persist throughout the nation. Despite development agencies running programmes on access to justice, there is zero evidence that access to justice programmes by/for Dalits has evolved and as such the gathering of data and information on access to justice remains challenging. The report from the Attorney General’s Office for the period of 2022-2023 presents a summary of case outcomes, including the number of convictions, acquittals, and pending cases. For instance, at the District Court level, out of 52 caste-based crime cases, 15 led to convictions while 12 resulted in acquittals. Similarly, at the High Court level, among 44 cases, 10 ended in convictions and 19 in acquittals.[[23]](#footnote-23) However, the report lacks crucial details and does not provide insight into the reasons justifying decisions of convictions or acquittals, nor does it disclose information regarding sentencing in cases of conviction.Several fundamental factors hinder access to justice by Dalits, including denial of First Information Report registration, lack of cooperation from the police, inadequate investigation of caste-based discrimination cases, insufficient legal aid, and delays in the justice process.[[24]](#footnote-24) Access to justice and the First Information Report (FIR)In cases of alleged caste-based discrimination and untouchability, it is a mandatory legal requirement to submit evidence to register a first information report (FIR). At the time of registering a FIR, the Dalit victim/survivor is required to produce evidence of caste-based discrimination and untouchability. Dalit lawyers interviewed for this research noted that providing evidence has been the most difficult hinderance in Dalits having access to justice.[[25]](#footnote-25) In addition to structural discrimination impeding access to justice even individual manifestations of discrimination against Dalits often related to verbal abuse and beatings are not admitted and considered as evidence even when recorded. For example, a recorded phone conversation of a landlord refusing to rent his/her premises to a Dalit is not allowed as evidence of discrimination for the filing of an FIR yet it is an offence punishable under the Privacy Act (2018). It is therefore difficult for victims of descent-based discrimination to produce relevant evidence to prove harm. *The Case of Shambhu Sada: A case of denial of First Information Report registration* *On 10 June 2020, Shambhu Sada, a 23-year-old Dalit man, was discovered dead in the toilet of the Sabaila Area Police Office. Sada worked as a driver, operating a tractor for a local landlord. Prior to his death, he had surrendered to the police following an incident on 25 May 2020, in which the tractor he was driving caused the death of 42-year-old Sumindra Devi Sah and injured another individual. Upon learning of her son's suicide, Sada's mother arrived at the police station and fainted upon seeing his body. She later claimed that she was forced to sign certain documents, including the report and receipt of the body, while she was quasi-unconscious. In response to this injustice, the Dalit community mobilized in protest. These protests culminated in large demonstrations at the police station in the district headquarters. Despite initial resistance from the police to register a* *First Information Report, the protestors and victim's family appealed to the District Attorney's Office. Subsequently, the First Information Report was registered at the Attorney's Office. Dalit rights activists believe that Sada had not driven the tractor that day but was killed in the police station to prevent the truth from coming out.* *It serves as a poignant example that in a case of a suspicious death, a Dalit victim's family had to endure such a struggle merely to register an FIR, vividly highlighting their vulnerability to injustice.* **Other precedents as illustration** *The case of Ajit Mijar: A troubling example of justice delayed, inadequate investigation, and evidence manipulation.**On July 14, 2016, Ajit Dhakal Mijar was found dead under suspicious circumstances, hanging from a tree. The 18-year-old Dalit youth was engaged in an inter-caste relationship with a young woman from a 'dominant Brahmin caste,' which was not accepted by her family. Despite concerns regarding the nature of Ajit's death, the police hastily classified the case as suicide, leading to the rushed burial of his unidentified body. Upon discovering discrepancies in the post-mortem report, Ajit's father suspected foul play and demanded the exhumation of his son's remains. The body revealed evidence contradicting an act of suicide. Following legal proceedings, both the Dhading District Court and the Patan High Court acquitted the three defendants. Currently, Ajit's case awaits review at the Supreme Court of Nepal, challenging previous verdicts reached in the case; police negligence; and prosecutorial errors. Ajit’s body has been preserved for eight years at the teaching hospital in Kathmandu, and his family is still waiting for justice to be served.**Rukum Killings of Dalits: A sensational case of serious human rights violation against Dalits**In the case of the murder of six youths (four were Dalit youths), the Rukum District Court of Nepal on 5 December 2023 returned a guilty verdict. [[26]](#footnote-26) Twenty four out of the 34 accused were found guilty of participating in the murder of the six killed youths. All convicted individuals were sentenced to life imprisonment. Some of the convicted were imposed an additional sentence of two years' imprisonment and fined NPR 50,000 (Approx. 375 USD) for caste-based discrimination. The verdict also ordered a payment in compensation of NPR 40,000 (Approx. 300 USD), to be distributed among the families of the deceased. This long-awaited verdict which captured national attention stands as one of the major precedents in terms of access to justice by Dalits. The court played its role as an impartial arbiter of justice in the face of this particular gross human rights violations against Dalits in Nepal based on the national and international media attention it captured. Coincidentally, this incident occurred just two days before the murder of George Floyd in the United States which triggered protests and outrage across the world. However, in Nepal, the Dalit community's protests over this case were not widely supported; instead, they were even met with opposition from the non-Dalit majority claiming that inter-caste marriage is not a practised social norm. While the George Floyd case reached its verdict within a year with substantial compensation being awarded to his family. Contrary to this case, the Dalit murder case dragged on for over three and a half years despite numerous protests, pressure, and recommendations from various stakeholder and the compensation awarded is minimal.* *Maiya Nepali Case: discrimination committed by a Ward Chairperson (an elected Government Official).**In the case of “Government of Nepal on behalf of Maiya Nepali v. Bharat Bahadur Adhikari”, Ms. Nepali an elected Ward Representative of Pokhara Metropolitan City Ward No. 24, filed a case of caste-based discrimination and untouchability against the Ward President, Bharat Bahadur Adhikari, on January 5, 2023, at the Kaski District Police Station. The facts revolve around a conversation concerning budget allocation of the respective Wards. Ms, Nepali submitted that Chairperson Bharat Bahadur Adhikari discriminated against her and mistreated her based on her origin and caste. He verbally abused her with caste-based racial slurs during the open discussion. The District Court of Kaski, on 23 November 2023, issued a finding of caste-based discrimination and untouchability under Section 7 of the 2011 Act. This guilty verdict against Bharat Bahadur Adhikari was accompanied with imprisonment for a term of four and a half months, and a fine of NPR 75,000 (Approx. 562USD). The convicted Ward Chairperson as a public figure received 50% more punishment. Additionally, the court ordered Adhikari to provide Nepali with NPR 10,000 (Approx. 75 USD) in compensation.*[[27]](#footnote-27)*The verdict, albeit a rare instance of conviction for a non-Dalit perpetrator, underscores a systemic problem. It is worth noting that numerous news reports have highlighted discrimination against elected local leaders from the Dalit community nationwide, solely based on their descent-based backgrounds. Maiya Nepali endured a protracted and arduous legal battle, facing numerous challenges at the local level, including pressure to withdraw the case, attempts of physical attack, and efforts for mediation to settle the case without legal action. In contrast to her tireless fight for justice, the compensation of just approximately 75 USD is grossly inadequate.*  |
| Quote the principal provisions in the national Constitution on discrimination based on descent and access to justice based on equality.  | The Constitution of Nepal 2072 (2015)[[28]](#footnote-28) includes several provisions intended to benefit Dalits and abolish caste-based discrimination and untouchability from the country. While Article 24 and Article 40 are significant provisions as they address fundamental rights, there are numerous other Articles that also address the rights and protections of persons from descent-based communities. The preamble of the Constitution states that:PROTECTING and promoting unity in diversity, ………; and resolving to build an egalitarian society based on the proportional inclusive and participatory principles in order to … by eliminating discrimination based on class, caste, region, language, religion and gender and all forms of caste-based untouchability; Article 24, Right against Untouchability and Discrimination provides that: (1) No person shall be subjected to any form of untouchability or discrimination in any private and public places on grounds of his or her origin, caste, tribe, community, profession, occupation or physical condition. ….”*Please refer to Annex 5 for all provisions related to Dalits in the Constitution.*  |
| List and, to the extent possible, describe any known gaps or other problems in the existing policy or legislation affecting effective implementation which could result in securing access to justice.  | Despite the existence of constitutional provisions and specific legislation, persons from descent-based communities cannot access justice including based on lack of cooperation from the police.Non-collaboration by the PoliceIt is widely acknowledged by human rights organizations and mechanisms that the police usually do not cooperate with Dalit victims seeking justice. The Chairperson of the National Dalit Commission has openly expressed that most of the cases the National Dalit Commission receives are due to the refusal by the Police to register the First Information Report. He has submitted that he has personally witnessed the police insulting and intimidating Dalit victims seeking to file a complaint.[[29]](#footnote-29) The police are required to file an FIR, regardless of whether all the required information is included or not. Furthermore, under the *suo motu* principle, the police are further obligated to file a report on their own initiative if they have reasonable grounds for suspecting a crime has been committed. However, instead of following these provisions, the police intimidate and impose false accusations on Dalit victims.[[30]](#footnote-30). Registering an FIR at the police station has been the main challenge for Dalit victims even in cases of grave human rights violation, it has been commonly observed that Police or the District Attorney Office accepting FIR only in sensational cases of Dalits human rights violations of such magnitude that protests are triggered on the streets.Dalit civil society organisations have been demanding that a provision be added to the 2011 Act allowing a victim of discrimination to show facts from which a tribunal could infer that discrimination has taken place. Once such facts have been established the burden ‘shifts’ to the defendant to prove that the treatment in question was not in any way related to the protected characteristic/descent of the victim. ***The Case of Pravat Bosel: A doomed love relationship*** *Pravat Bosel, was in a relationship with a woman from a non-Dalit caste in Myagdi District. Despite both being adults, the woman’s family refused to accept their relationship. In February 2023, they eloped to India with the intention of getting married. Upon their return in May 2023, the woman's family coerced her into filing a case of kidnapping, abduction, and rape against Pravat in both Myagdi and Kaski District Courts. Pravat has been in custody since May 2023 while the case is pending.[[31]](#footnote-31)* Short statute of limitation for bringing a case of Dalit human rights violationsAs per the 2011 Act, “A case has to be filed on any offence under this Act, within three months from the date of its commission”[[32]](#footnote-32). In its report “Opening the door to equality: Access to Justice for Dalits in Nepal”[[33]](#footnote-33) in 2011, OHCHR had raised that this timeframe of three months is too short and has been continuously raised by various human rights organizations. Considering that the three months limitation is inadequate, the Committee on the Elimination of Racial Discrimination (CERD) has also recommended in its concluding observation on Nepal in 2018 to extend the statute of limitation.[[34]](#footnote-34) In Nepal, the Human Trafficking and Transportation (Control) Act (2007) contains such a provision.Settlement of cases of caste-based discrimination and untouchability through mediationConsidering that caste-based discrimination and untouchability are normalised in Nepal since practiced for centuries, Dalit victims often end up settling the case through mediation at local level- a procedure which often negate the gravity of the caste-based crime committed. Even when the evidence of violation of Dalit rights is clearly established the case is usually settled at the police station as they would not collaborate and allow for a FIR to be filed – instead, when the violation from the upper class is based on strong evidence informal mediation is the norm instead of criminal proceedings. An apology accompanied by nominal financial compensation from the perpetrator is the norm.[[35]](#footnote-35) *The Case of Angria Pasi: mediation despite the gravity of the descent-based hate crime**On 23 May 2020, a 13-year-old Dalit girl, Angira Pasi was found dead hanging from a tree in Rupandehi District in Nepal. Birenda Bhar, a 25-year-old non-Dalit dominant caste man was accused of raping Angira Pasi. The residents caught Birenda Bhar and brought him before the Ward Chairperson Amar Bahadur Chaudhary instead of lodging a police complaint and registering an FIR. The Ward Chairperson through mediation decided that Angira Pasi should marry Birenda Bhar because she would otherwise be considered unsuitable for marriage in the society and will have to carry the taboo for her whole life. The mother and aunt of Birenda Bhar reportedly abused Angira Pasi. Two days later, Angira Pasi was found hanging from a tree. The National Human Rights Commission investigated and publicized the incident as a serious offence. The police initially refused to register a complaint from the victim's family. However, the Area Police Office, Butwal, received the complaint after applied pressure from civil society that the police arrested Birenda Bhar, his mother and his aunt as suspects in Angira Pasi's death as well. [[36]](#footnote-36) On 12 September 2021, the Rupandehi District Court convicted Bhar of abetment to suicide and rape, and sentenced him to 18 years' imprisonment.* *The case is challenged in the high court and is currently under judicial consideration. The sensationalism attached to this case is high in light of the young age of the victim and the fact that no complaint was filed against the local leader who mediated her marriage to the perpetrator. Moreover, the acquittal of the perpetrators' mother and aunt, who had instigated her to suicide or even killed her add another layer to the injustice.* Justice requires punishment and compensation for the victimsDalit led civil society organizations have continuously been advocating for an increase in penalties for hate crimes against Dalits, including stringent punishment and compensation to the victims by amending the law to offer better protection to Dalits.Access to justice requires access to effective Legal AidThe lack of access to legal aid and its ineffectiveness when available result in Dalits not having access to justice considering that they are usually not able to afford legal fees, court fees, and other associated costs related to the administration of justice. Poverty continues to be a primary obstacle preventing persons from descent-based communities from accessing justice. Moreover, most Dalits are employed by non-Dalits and the consequences for bringing a case against a non-Dalit can carry important negative consequences to their daily survival. While some NGOs offer legal aid to victims of violence against women and victims of foreign labour migration, there is a noticeable absence of dedicated organization providing legal aid to Dalits. It is worth noting that lawyers typically offer pro-bono services only in cases involving grave human rights violations against Dalits. Fear of reprisalsDue to the structural caste-based system, persons from descent based-communities have very little access to justice in Nepal. For example, a report of the United Nations Resident Coordinator Office in Nepal entitled “Harmful Practices in Nepal: Report on Community Perceptions”, published in January 2020, shows that 70% of persons from descent-based communities do not file caste-based discrimination and untouchability cases based on fear of reprisals. The same report also demonstrates that 32% of Dalit victims believe that the accusers are powerful and rich, while 23% do not know how to proceed legally and 13% of them believe that no action would be taken even after seeking legal action.[[37]](#footnote-37)Lack of representation in justice mechanismsNear absence of persons from descent-based communities in justice mechanisms such as the police, the judiciary, and attorney at law offices constitute a significant barrier to accessing justice. Non-Dalit officials often perceive cases of descent-based discrimination and untouchability as normal social incidents and discourage or sometimes intimidate victims from seeking further redress through mediation[[38]](#footnote-38). The report by the National Human Rights Commission on the "Situation of Human Rights of Dalit Community in Nepal" published in October 2020, highlights that only 9% of Nepal Police personnel are from the Dalit community, primarily serving lower-grade positions, with no Dalit individuals in senior Police roles.[[39]](#footnote-39) Similarly, the same report shows that only 1% of judges in Nepal have been represented from the Dalit community, comprising just 5 out of 459 total judges, with no representation yet in the Supreme Court.Administration of justice infrastructure Effective oversight mechanisms in protecting, promoting, and fulfilling the human rights of persons from the Dalit community is often lacking in Nepal which contribute to the non-implementation of court verdicts. It is crucial to establish separate tribunals with specific jurisdictions within the court system to address cases of severe human rights violations against Dalits. Due to the longstanding, intersecting, and multifaceted forms of discrimination, Dalit women and girls suffer from their ability to combat verbal, physical, and sexual violence. Most Dalit women experiencing discrimination do not report these crimes out of fear of retaliation, a lack of trust in the legal system, and insufficient support mechanisms. This reluctance to report crimes poses a significant barrier to addressing discrimination and human rights abuses against Dalit women in Nepal.[[40]](#footnote-40)  |

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| **Indicator** | **Assessment Details** |
| Has the State accepted Universal Periodic Review recommendations on descent-based communities as regards access to justice. Please provide details of UPR recommendations from each cycle as regards equality and access to justice, position of the State, if possible, elaborate the actions taken by the State to implement those recommendations as connected to equality and access to justice.  | The 3rd cycle of the Universal Periodic Review (UPR) of Nepal was held on 21 January 2021. During this session, the Member States put forward 233 recommendations to the Government of Nepal. Among these recommendations, more than 30 are linked to the rights of persons from descent-based communities, while a total of 15 are directly related to the rights of persons descent-based communities. The latter indicate that most Member States have serious concerns related to access to justice with special focus on effective implementation of the laws against descent-based discrimination and untouchability, as well as the need to raise broader awareness against such form of discrimination. Acknowledging the efforts of the Government of Nepal, Member States encouraged the continuation of initiatives aimed at eliminating descent-based discrimination. In response to the recommendations, the Government has issued support for 14 out of the 15 recommendations. Compared to the previous UPR cycle, the number of recommendations regarding persons from descent-based communities have increased. In the 2nd cycle, there were only 9 Dalit-related recommendations out of 195, all of which were supported by the Government. Several suggestions from previous cycles have been reiterated, e.g., Germany's recommendation regarding the Caste-based Discrimination and Untouchability (Offense and Punishment) Act, mentioned in both 2015 and 2021. However, despite these recommendations, progress has been extremely slow.[[41]](#footnote-41)*Please refer to Annex 1 to see the list of recommendations in regard to the rights of persons from descent-based communities.*  |
| Has the State demonstrated interest in implementing the recommendations on equality and access to justice in response to recommendations by UN Treaty Bodies Please provide details of recommendations from concluding observation of relevant Treaty Committees as regards equality and access to justice and if possible, elaborate the actions taken by the State to implement those recommendations  | The various United Nations treaty bodies, especially the CERD, have extensively raised concerns and made recommendations regarding descent-based discrimination in Nepal. The major issues highlighted in recommendations include for instance:* Insufficient implementation of the Caste-based Discrimination and Untouchability Act 2011, leading to recommendations for strengthening measures to effectively implement the Act.
* Various UN Treaty Bodies have recommended that the Government takes measures in providing legal aid and other support to Dalits such as targeted financial support, victim protection, among others.
* Lack of adequate resources allocated to the National Dalit Commission, prompting recommendations to provide sufficient resources for the Commission to fulfil its mandate effectively.
* Poor implementation of the guaranteed rights for Dalits have been widely raised, with recommendations to take necessary measures and actions to ensure the realization of their constitutional rights.
* Need for public awareness campaigns to amplify understanding of caste-based discrimination and the provisions of the Caste-based Discrimination and Untouchability Act 2011.

*Please refer to Annex 2 for brief details on the issues raised by the treaty bodies along with their recommendations.*  |
| Has the State indicated its intention to protect, promote and fulfil the rights of access to justice by persons from descent-based communities in its reports to one or more UN human rights reporting procedures. Has the State made any commitments at any UN forum (for example – in its voluntary national review of SDGs), reports including during the visits of special procedures mechanisms |  In the reports related to UN human rights reporting procedures and forums, the Government has expressed commitments to protect, promote, and fulfil the rights of access to justice for persons from descent-based communities. For instance, in the National Report of Nepal for its 3rd cycle of UPR, the Government has pledged to continue efforts against descent-based discrimination and untouchability. However, these commitments have not been translated into proper implementation, and Dalits continue to face challenges in accessing justice.The country visit reports of the UN Special Rapporteur on extreme poverty and human rights, as well as the Special Rapporteur on violence against women, its causes, and consequences, have also highlighted issues regarding access to justice for persons from descent-based communities in Nepal and call for intensified efforts to combat descent-based discrimination and untouchability.[[42]](#footnote-42)*Please refer to the Annex 3 for brief details regarding the issues raised by the Special Procedures along with their recommendations.*  |

1. Review of efforts by the State to protect, promote and fulfil the rights of persons from descent-based communities as regards access to justice

|  |  |
| --- | --- |
| **Indicator** | **Assessment Details** |
|  Has the State made a specific commitment to protect, promote and fulfil the rights of persons from descent-based communities as regards access to justice. | The Government of Nepal has expressed its commitment to promote, protect, and fulfil the rights of persons from descent-based communities on numerous occasions. Notable commitments include supporting 14 Dalit specific recommendations in its 3rd cycle of UPR. During an event marking the International Day for the Elimination of Racial Discrimination, the Prime Minister announced on 21 March 2024, a plan to establish a Dalit Development Authority. Additionally, the Foreign Minister of Nepal, during a side event to the High Level Political on 20 September 2023 organized by the Global Forum on Communities Discriminated on Work and Descent, pledged to act for a UN resolution on descent-based communities. However, these pledges are not accompanied by tangible action nor allocated resources to promote, protect, and fulfil the rights of descent-based communities.[[43]](#footnote-43) |
| Has the State made sufficient resources available to protect, promote and fulfil the rights of persons from descent-based communities and their access to justice. Please describe policies adopted by the Government, budget allocations, and programmes to benefit persons from descent-based communities and their access to justice. | The Government has mostly adopted normative frameworks such as constitutional provisions, acts, and rules but no accompanied means are placed to turn these words into reality. An analysis of the fiscal year 2022/2023 prepared by the Nepal Voters Rights Forum[[44]](#footnote-44) shows that out of 165 policies adopted, only 5 policies address Dalits and marginalized communities, with no clear budget allocations. This discrepancy indicates that Dalit issues are not a priority to the Government and result in the budget allocations being dependent on the discretion of respective ministries and departments that implement the programmes. A few initiatives taken by the Government include:* The Ministry of Home Affairs has established 86 Dalit Desks at its police offices at local and regional levels to support Dalit victims.
* A high-level mechanism named “Caste-Based Discrimination and Untouchability Elimination and Dalit Rights Promotion Mechanism” has been established under the chairmanship of the Prime Minister. However, its first and last meeting was held on 2 January 2017.

*Please refer to Annex 4 for the brief list of policies/laws adopted by the Government.* |
| Has the State made a general commitment to improve human rights protection and access to justice | The reports submitted by the Government to the international human rights mechanisms show that it has made several commitments to improve human rights protection, for persons from descent-based communities. Out of 9 major human rights treaties, Nepal has ratified 7 treaties. Nepal has developed a “National Human Rights Action Plan” and has been implementing it with consultation with the human rights community. The Ministry of Law, Justice and Parliamentary Affairs is implementing an “Access to Justice Programme” with the support of United Nations Development Programme (UNDP) to strengthen rule of law in Nepal.[[45]](#footnote-45) However, it is worth noting that there has not been any specific initiative taken by the Government to strengthen access to justice for descent-based communities.  |
| Has the State made a general and/or specific commitment to tackle inequality | As a least developed country, Nepal faces the challenges of poverty and various forms of inequality. The Government has demonstrated commitments to addressing these issues and promoting sustainable development. For instance, it established the "Ministry of Land Management, Cooperatives and Poverty Alleviation," which focuses prominently on poverty reduction efforts. However, despite these initiatives, Dalits continue to bear a disproportionate burden of poverty as approximately 42 percent of Dalits live below the poverty line, with 43.6 percent of Hill Dalits and 38.2 percent of Terai Dalits affected, significantly surpassing the national poverty rate of 25.2 percent.[[46]](#footnote-46)  |

1. Engagement of civil society organizations and NHRIs as regards access to justice by persons from descent-based communities

|  |  |
| --- | --- |
| **Indicator** | **Assessment Details**  |
| How descent-based community led civil society organizations are working? Have civil society organisations established a coalition advocating for rights of descent-based communities.  | The Dalit led civil society organizations have played a crucial role in raising awareness about the systemic discrimination, untouchability practices, and socio-economic marginalization experienced by persons from descent-based communities. Their continued advocacy has helped to keep these issues on the international human rights agenda and exert pressure on the Government to take concrete actions to address descent-based discrimination and promote the rights of persons belonging to these communities.Some leading organizations include Dalit NGO Federation (DNF), Feminist Dalit Organization (FEDO), Association of Dalit Women Advancement in Nepal (ADWAN), Center of Dalit Women Nepal (CDWN), Dalit Welfare Organization (DWO), Nepal National Dalit Social Welfare Organization (NNDSWO), Dalit Alliance for Natural Resources (DANAR), Dignity Initiative, Samata Foundation, Jagaran Media Center, among others.  |
| How have/are National Human Rights Institutions contributed/contributing to protecting, promoting and fulfilling the rights of persons from descent-based communities to access justice? | The National Human Rights Commission (NHRC) of Nepal is an independent constitutional body established in 2000 through the National Human Rights Commission Act. Its mandate includes promoting and protecting human rights, as well as ensuring effective implementation of international human rights instruments ratified by Nepal. The NHRC has played a crucial role in monitoring the human rights situation, investigating violations, and making recommendations to the Government. Currently, it maintains "A" status with the Global Alliance of National Human Rights Institutions (GANHRI). There have been repeated recommendations from the UPR and treaty bodies to Nepal to provide more resources to the NHRC in accordance with the Paris Principles.Since its establishment in 2000 until now, no Member from the descent-based communities has been appointed to this Commission.[[47]](#footnote-47) The appointment of the new NHRC Members has been at dispute and is under review at the Supreme Court of Nepal.  |
| Is there a specific equality body established for promoting and protecting the rights of persons from descent-based communities including by securing their access to justice? If yes, please describe them and explain how they are functioning? Has the Government provided sufficient resources?  | The National Dalit Commission (NDC) is the main statutory equality body established under the mandate of the Constitution of Nepal, 2072 (2015). The NDC has the authority to receive complaints of descent-based discrimination, as well as monitor and investigate cases of human rights violations against the Dalit community. The NDC has been continuously pushing the Government with recommendations on policies and measures related to addressing descent-based discrimination.However, the resources allocated to the National Dalit Commission are nominal and inadequate for fulfilling its mandate effectively. The NDC's annual report for the fiscal year 2021/22 shows that it received approximately NPR 33,000,000 (Approx. 247,453 USD) from the Government as annual budget, which is insufficient to handle the commission's substantive work beyond administrative costs. It is therefore unable to deliver its mandate as per the Constitution. The NDC can establish provincial offices, yet it has only one office located in Kathmandu and unable to exercise its nationwide jurisdiction due to limited and inadequate resources.  |

**Key findings:**

 Judicial and non-judicial mechanisms in accessing justice by persons from descent-based communities:

* Despite having adopted constitutional provisions, legislations and international commitments, access to justice for persons from descent-based communities remains lacking due to discrimination and insufficient resource allocation in addition to an absence of programmatic approaches by the State to protect, promote, and fulfil the rights of persons from descent-based communities. Afterall, sustainable socio-economic development, and the maintenance of the rule of law depend on the health of justice institutions.
* The uncooperative behavior of the police generally in addition to their reluctance to accept the First Information Report (FIR) have been major factors hindering access to justice for the persons from descent-based communities.
* Legal impediments, such as the weight of the burden of proof placed on the victim to produce evidence of descent-based discrimination and untouchability which evidence when offered is often rejected by the police , added to a statutory limitation of only three months for filing a case of descent-based discrimination and untouchability, and weak sentencing and penalties for descent-based crimes (ranging from three months to a maximum of three years of imprisonment) when proven, are all major barriers to accessing justice by persons from descent-based communities.
* Descent-based discrimination and untouchability are deeply entrenched into the society as a result of centuries long discrimination, deprivation and oppression. Hence, perceived as unequal, crimes committed against Dalits have been normalized by non-Dalits and are settled through mediation, intimidation, unlawful enforcements and even murder.
* Inadequate access to effective legal aid by Dalit victims constitutes also one of the major obstacles hindering their ability to seek justice through the administration of justice channels.
* The absence of robust oversight mechanisms, compounded by the lack of diversity within the justice system, especially the low representation of Dalits, has been a critical impediment to ensuring access to justice for persons from descent-based communities.

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**ANNEX 1**

List of UPR (Universal Periodic Review) Recommendations:

|  |  |
| --- | --- |
| **Recommendation** | **Recommendation made by**  |
| (159.32) Conduct public awareness campaigns to eliminate discrimination based on racial or caste-based hierarchies and ensure that educational curricula do not propagate these hierarchiesPosition: Supported  | **(Bahamas);** |
| (159.33) Investigate effectively and prosecute caste based discrimination and violence Position: Supported  | **(Croatia);** |
| (159.34) Effectively apply national legislation towards the elimination of all practices based on a caste system, including in the light of the relevant human rights instruments Position: Supported  | **El Salvador);** |
| (159.35) Develop effective mechanisms to implement the Caste-based Discrimination and Untouchability (Crime and Punishment) Act Position: Supported  | **(Germany);** |
| (159.39) Continue the efforts to combat caste-based discrimination and segregation Position: Supported  | **(Italy);** |
| (159.40) Increase education and awareness programs to combat crimes of hate and racial discrimination Position: Supported  | **(Jordan);** |
| (159.41) Continue efforts to combat discrimination based on caste and gender Position: Supported  | **(Lebanon);** |
| (159.42) Take the necessary measures to advance in the fight against discrimination in all its forms, in particular racial and caste discrimination Position: Supported  | **(Argentina);** |
| (159.43) Consider including the issue of caste discrimination in school and university curriculums Position: Supported  | **(Malta);** |
| (159.44) Continue to strengthen its efforts to prevent and eliminate discrimination based on caste, including through the full and effective implementation of the Caste-based Discrimination and Untouchability Act Position: Supported  | **(Republic of Korea);** |
| (159.47) Conduct public awareness campaigns to eliminate caste-based hierarchies Position: Supported  | **(State of Palestine);** |
| (159.48) Intensify public awareness campaigns to eliminate the notion of racial or caste-based hierarchies Position: Supported  | **(Sudan);** |
| (159.150) Take all necessary measures to ensure full inclusion and improve learning results for all children belonging to Dalits, underrepresented castes and indigenous peoples, including children with disabilities, at all levels of education, and to ensure the representation of these groups, especially women, in teaching positions Position: Supported  | **(Finland);** |
| (159.197) Step up efforts to end gender-based violence and caste-based discrimination; and ensure access to justice for survivors, including by bringing rape laws in line with international standards Position: Supported  | **(Australia);** |
| (159.218) Step up efforts in the fight against segregation and discrimination of indigenous peoples and ethnic and caste minorities, including Dalits and Tibetans Position: Noted  | **(Czech Republic);** |

Source of Position: UPR of Nepal (3rd cycle – 37th session),

A/HRC/47/10/Add.1 - Para.6

**List of recommendations that also relate with descent-based discrimination**

* 159.9 Adopt an open, merit-based process when selecting national candidates for UN Treaty Body elections (United Kingdom of Great Britain and Northern Ireland);
* 159.30 Further enhance integration and cooperation among all sectors of society in order to continue achieving the goals of raising structural and institutional standards in the field of human rights (Oman);
* 159.36 Adopt comprehensive anti-discrimination legislation that includes a definition of discrimination against women, encompassing direct and indirect discrimination and multiple intersecting forms of discrimination (Guyana);
* 159.38 Pursue development of all sections of society in an inclusive manner (India);
* 159.45 Continue protecting in law and practice the rights of the vulnerable groups of the population, particularly women, children, persons with disabilities, the elderly and ethnic minorities (Russian Federation);
* 159.50 Ensure that women, children, persons with disabilities and indigenous and local communities are meaningfully engaged in the development and implementation of climate change and disaster risk reduction frameworks (Fiji);
* 159.52 Apply an inclusive approach in shaping disaster prevention and mitigation policy and strategy, by incorporating views of women and vulnerable groups, including persons with disabilities and older people indiscriminately (Indonesia);
* 159.61 Continue efforts in ensuring access to justice, poverty reduction, and the protection of the rights of persons in vulnerable situations (Nigeria);
* 159.100 Take further steps to end trafficking in persons and bonded labour practices, with special emphasis on children (Norway);
* 159.105 Continue taking measures to further strengthen implementation of the Right to Employment Act and the Contributory Social Security System, and in particular implement targeted interventions for vulnerable groups (Bhutan);
* 159.133 Make progress in social economic recovery with a human rights perspective to face the effects of the Covid 19 pandemic, taking into consideration the special needs of vulnerable groups in society (Chile);
* 159.151 Defend and promote the fundamental right to education, ensuring the provision of free quality education to all without discrimination (Holy See);
* 159.152 Provide free quality education to all citizens without discrimination (Mauritius);
* 159.153 Continue its efforts to ensure an all-inclusive education system that leaves no-one behind, including children with disabilities (Norway);
* 159.154 Expand the scope of such initiatives as “the Free and Compulsory Education Act of 2018” and provide more scholarships on an equal basis (Turkey);
* 159.159 Fully enforce law and strengthen policy measures with a view to eliminating harmful traditional practices (Bahamas);
* 159.172 Adopt policies to protect and provide justice for women and girls, especially those from minority communities (Estonia);
* 159.177 Continue its efforts to eliminate forms of discrimination against women and girls, and further promote the rights of women, children and persons from other vulnerable groups (Viet Nam);
* 159.194 Promote awareness-raising campaigns and strengthen the enforcement of existing legislation and policies to eradicate harmful practices, trafficking in persons and child labour (Panama);
* 159.220 Take the necessary measures to protect ethnic and caste minorities, namely from excessive use of force by police and alleged torture in custody and punish perpetrators (Portugal);

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**ANNEX 2**

**List of recommendations and concerns raised by the treaty bodies:**

**Human Rights Committee,**

15 April 2014

**Caste-based discrimination**

9. While welcoming the adoption of the Caste-based Discrimination and Untouchability (Offence and Punishment) Act in 2011, the Committee remains concerned at the lack of its effective implementation and the persistence of de facto discrimination against the Dalit community. It also regrets the lack of sufficient resources provided to the National Dalit Commission and the failure to effectively implement its recommendations (arts. 2 and 26).

**The State party should strengthen its measures to implement the Caste-based Discrimination and Untouchability (Offence and Punishment) Act and to eliminate all forms of discrimination against the Dalit community. It should also ensure that the National Dalit Commission can carry out its mandate effectively with sufficient resources, and that its recommendations are effectively implemented.**

Source: CCPR/C/NPL/CO/2, para. 9

[Committee on the Elimination of Discrimination against Women](https://www.ohchr.org/en/treaty-bodies/cedaw)

 **Concluding Observation**

14 November 2018

**Provide targeted financial support and legal aid in commonly spoken languages for women facing intersecting and multiple forms of discrimination, such as Dalit women, indigenous women, including Madhesi and Tharu women, women belonging to religious minority groups, women with disabilities, women living in remote areas, lesbian, bisexual and transgender women, intersex persons and displaced and migrant women;**

Source: **CEDAW/C/NPL/CO/6, para. 11 (b)**

**End discrimination by health-care providers against Dalit women, indigenous women, women with disabilities, lesbian, bisexual and transgender women, intersex persons and women in prostitution, by raising awareness among providers, with the support of female community health volunteers, of the rights of those groups and encouraging reporting.**

Source: **CEDAW/C/NPL/CO/6, para. 39 (d)**

40. The Committee welcomes the fact that, under article 18 (3) of the Constitution, the adoption of special provisions by law for the empowerment of citizens, including “Dalit, indigenous people, Madhesi, Tharu, Muslim, oppressed class, Pichhada class, minorities, the marginalized, farmers, labourers, youths, children, senior citizens, gender and sexual minorities, persons with disabilities, persons in pregnancy, incapacitated or helpless, backward region and indigent Khas Arya”, is permitted. It is concerned, however, about the following:

(a) The lack of recognition of the rights of indigenous women in the Constitution and the general lack of recognition of the right of indigenous peoples to self-determination;

(b) The insufficient implementation of legislation protecting those belonging to minority groups from discrimination, such as the Caste-based Discrimination and Untouchability (Offence and Punishment) Act of 2011;

(c) That the State party’s economic development and poverty indicators illustrate persistent inequalities in terms of poor outcomes for indigenous, Dalit, Madhesi and Tharu women, women of “oppressed classes”, widows in the Hindu community and rural women and that the earthquake in 2015 exacerbated food insecurity and the lack of access to natural resources, housing, safe water and credit facilities for women belonging to those groups.

41 (c) **Adopt temporary special measures with clear timelines, in line with the constitutional provisions on “special opportunities”, to enhance access for women facing intersecting and multiple forms of discrimination, including indigenous, Dalit women, rural women, women with disabilities and widows in the Hindu community, as well as women affected by conflict and natural disasters, to health services, education, safe water and sanitation services, food, fertile land, natural resources, housing, credit and income-generating opportunities, including through the presidential programme to uplift women.**

[Committee on the Elimination of Racial Discrimination](https://www.ohchr.org/en/treaty-bodies/cerd)

**CERD/C/NPL/CO/17-23**

29 May 2018

12. **The Committee recommends that the State party:**

(a) **Amend the Caste-based Discrimination and Untouchability (Offence and Punishment) Act of 2011 to extend the statute of limitations for submitting a complaint;**

(b) **Ensure that all criminal complaints of race-based discrimination are formally recorded by law enforcement through first information reports and that law enforcement officials who fail to do so are sanctioned;**

(c) **Ensure that acts of racial discrimination are consistently investigated, prosecuted and sanctioned, and that victims are provided with appropriate remedies;**

(d) **Widely disseminate information to the public throughout the country and to law enforcement officials about anti-racial discrimination laws and related complaint mechanisms**.

14. **The Committee recommends that the State party:**

(a) **Monitor, investigate, prosecute and sanction incidents of violence linked to intercaste marriage and caste-based segregation, and offer protection and remedies to victims;**

(b) **Conduct country-wide public awareness and education campaigns designed to eliminate the notion of racial or caste-based hierarchies, end social segregation practices and prevent intercaste violence;**

(c) **Ensure that educational curricula and textbooks condemn caste-based discrimination and untouchability, contain positive representations of the culture and contributions of all castes, and omit derogatory or otherwise discriminatory language against any caste.**

16. **Recalling its general recommendations No. 7 (1985) relating to the implementation of article 4 of the Convention and No. 35 (2013) on combating racist hate speech, the Committee recommends that the State party:**

(a) **Ensure that racial and caste-based hatred constitute an aggravating circumstance when they serve as the motivation for an offence, both in law and in practice;**

(b) **Ensure that law enforcement officers properly identify, register, investigate, prosecute and sanction racist hate crimes, organizations and hate speech;**

(c) **Conduct awareness-raising programmes and dialogues throughout the country to eliminate caste-based and racial hatred and bias at the community level.**

17. **The Committee requests that the State party collect and provide in its next periodic report statistics, disaggregated by caste or ethnicity of the victims, on investigations, prosecutions, convictions, sanctions and remedies for race or caste- based hate crimes, including acts of hate speech and incitement to hatred.**

26. **Taking into account its general recommendations No. 32 (2009) on the meaning and scope of special measures in the Convention, and No. 25 (2000) on gender-related dimensions of racial discrimination, the Committee recommends that, in order to ensure equal and inclusive access to education for all children, the State party:**

(a) **Strengthen special measures to achieve full inclusion of all children belonging to indigenous peoples, Dalits and underrepresented castes, especially women, at all levels of education and in teaching positions, including by providing the necessary human, technical and financial resources;**

(b) **Implement targeted programmes in schools, accompanied by increased funding, to improve literacy rates and combat caste-based discrimination by students and teachers, especially in areas inhabited by indigenous peoples, Dalits and other marginalized castes or ethnic groups;**

(c) **Ensure proportional representation of marginalized castes and ethnic groups in all national educational agencies, councils and committees.**

28. **The Committee recommends that the State party:**(a) **Intensify its efforts to prevent trafficking in persons, slavery, sexual**

**exploitation and forced labour;**

(b) **Implement standard operating procedures for proactively identifying and assisting victims of trafficking and slavery;**

(c) **Strengthen its efforts to eliminate exploitative and deceptive recruitment practices towards migrant workers, and bring those responsible for human trafficking and contemporary forms of slavery to justice;**

(d) **Provide information and advice on safe channels of migration in migration-prone communities;**

(e) **Strengthen its efforts to fund voluntary and sustainable resettlement and rehabilitation of former bonded labourers, including through the provision of affordable and adequate housing and alternative livelihoods;**

(f) **Provide in its next periodic report data, disaggregated by ethnicity or caste, on the number of acts of trafficking and enslavement investigated, prosecuted and sanctioned, and on remedies provided to victims.**

**Landlessness**

29. The Committee is concerned by reports that landlessness is disproportionately prevalent among Dalits and Adivasi/Janajati, rendering them particularly vulnerable to economic exploitation by landowners. While noting the delegation’s statements on land ownership, the Committee is concerned by reports that the landholding ceiling and land redistribution provisions contained in domestic laws have not been implemented, and that a small number of large landlords own most agricultural land to the detriment of local landless individuals, including millions of members of disadvantaged castes (arts. 2 and 5).

30. **The Committee recommends that the State party take all necessary measures, including through the implementation of relevant laws, to eliminate patterns of land distribution that represent de facto discrimination against Dalits and other marginalized castes or ethnic groups.**

**Caste-based occupational specialization**

31. The Committee is deeply concerned by the way in which caste-based occupational specialization obstructs socioeconomic mobility and assigns members of certain castes to degrading and/or exploitative occupations (arts. 2 and 5).

32. **The Committee recommends that the State party implement measures to ensure and promote occupational mobility for marginalized castes, including through hiring incentives, vocational training and community-based awareness and empowerment programmes.**

**Citizenship**

33. The Committee is concerned by reports that some government officials are seeking to discourage Dalits from applying for citizenship. The Committee is also concerned by reports that many adult Madheshi of the Terai region whose parents received citizenship by birth before the promulgation of the Constitution of 2015 have been denied citizenship by descent, in violation of article 11 (3) of the Constitution (arts. 2 and 5).

34. **The Committee recommends that the State party ensure: that its laws, regulations and practices contain clear procedures for issuing citizenship certificates without distinction as to caste; that applications for citizenship are registered in a timely manner; that written, reasoned decisions for rejection of such applications are provided within a reasonable time frame; and the availability and accessibility of a complaint mechanism to contest the rejection of applications for citizenship.**

**Dalit women**

35. The Committee is seriously concerned by reports that sexual and other forms of violence against Dalit women are common and often go unpunished. The Committee is also concerned by reports that, because 40 per cent of Dalits live in poverty, the majority of Dalit girls marry before 15 years of age, putting them at heightened risk of being subjected to sexual and domestic violence and impeding their access to education. The Committee is further concerned by reports of caste disparities in reproductive health and maternal mortality, as Dalit women are far less likely to have access to a skilled birth attendant. The Committee is also concerned by the low level of political representation of Dalit women (arts. 2 and 5–6).

36. **The Committee recommends that the State party:**

(a) **Intensify its efforts to eradicate violence against women, including by conducting awareness-raising campaigns, encouraging reporting, investigating all reported cases, prosecuting and sanctioning the perpetrators, and providing protection and remedies to victims;**

(b) **Effectively operationalize its strategy to end child marriage by 2030, including by establishing related activities, targets, timelines, budgets and data collection methods;**

(c) **Enforce compulsory, free and good quality primary education throughout the country;**

(d) **Raise awareness in affected communities about the legal prohibition of child marriage, and about the value of girls, their education, and their ability to pursue economic independence;**

(e) **Reduce poverty among Dalits, including by providing income-generating skills and training to Dalit youths;**

(f) **Increase access of Dalit women to skilled birth attendants and proper antenatal care and nutrition;**

(g) **Increase the level of political participation of Dalit women.**

**Committee on Economic, Social and Cultural Rights**

**Source: E/C.12/NPL/CO/3**

12 December 2014

Caste-based discrimination

11. The Committee is concerned that article 13 of the interim constitution, which guarantees the right to equality and non-discrimination, does not include provisions against discrimination on the grounds of property and birth. While noting the adoption of the Caste- Based Discrimination and Untouchability (Offence and Punishment) Act, in 2011, the Committee is concerned that Dalits continue to face widespread discrimination in the enjoyment of economic, social and cultural rights, in particular access to education, health care, food, housing, employment and income-generating activities and that Dalit women are victims of multiple discrimination, as they are more vulnerable to sexual exploitation, trafficking and various forms of violence, including domestic violence. . The Committee is further concerned that the National Dalit Commission does not have adequate resources to carry out its mandate (art. 2).

The Committee urges the State party to:

(a) Include provisions in the constitution making it unlawful for property and birth to be used as grounds for discrimination;

(b) Take all measures for the effective implementation of the Caste-Based Discrimination and Untouchability (Offence and Punishment) Act, in particular by sensitizing law enforcement officials, investigating and prosecuting those responsible for discrimination against Dalits and conducting awareness-raising campaigns on the rights of Dalits;

(c) Establish a national strategy and plan of action with time-bound objectives to eliminate discrimination and guarantee the rights of Dalits, as well as indicators to monitor compliance;

(d) Reinforce the National Dalit Commission and provide it with the necessary resources to fulfil its mandate;

(e) Take specific and targeted measures to protect the rights of Dalit women;

(f) Facilitate complaints from Dalits and ensure access to justice for discriminatory acts;

(g) Adopt strict sanctions for those found guilty of acts of discrimination against Dalit men and women.

Harmful traditional practices

14. The Committee is concerned that deep-rooted stereotypes and patriarchal attitudes that discriminate against women and girls continue to be prevalent in society, despite measures taken to curb them. It is particularly concerned that women and girls, in particular of Dalit origin, continue to suffer from harmful traditional practices such as forced and early marriages, accusations of boxi (witchcraft), deuki tradition (offering girls to deities to fulfil religious obligations), jhumas (offering young girls to Buddhist monasteries to perform religious functions, kamlari (offering girls for domestic work to the families of landlords) chapaudi (isolating menstruating girls) and badi (widespread practice of prostitution) (arts. 3 and 10).

The Committee urges the State party to:

(a) Effectively implement measures to eradicate harmful traditional practices;

(b) Reinforce its awareness-raising campaigns among the population and in particular in districts and social groups where such practices are prevalent, reiterating that those practices are violating human rights and that they have long- lasting negative effects;

**Committee on the Rights of the Child**

**CRC/C/NPL/CO/3-5**

21 (c) **Strengthen its efforts to combat discrimination against, and stigmatization and social exclusion of, Dalit children and, in so doing, establish targeted programmes, including awareness-raising programmes, to facilitate their integration into other communities and ensure the enforcement of non-discriminatory access to education and to public places.**

65. The Committee recommends that the State party:

(a) **Remove barriers in accessing water supply, paying particular attention to traditionally excluded groups, such as the Madhesi, Dalit and Janajati;**

 **Committee on the Rights of Persons with Disabilities**

**CRPD/C/NPL/CO/1**

10. The Committee recommends that the State party implement existing anti- discrimination legislation, policies and programmes in order to prevent multiple and intersectional discrimination against disadvantaged groups, including autistic persons and ethnic, Dalit, Madhesi and Muslim communities. The Committee also recommends that the State party establish accessible and effective mechanisms for victims of discrimination to seek redress and appropriate compensation.

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**ANNEX 3**

**List of concerns raised, and recommendations made by the Special Procedures in regard to the descent-based discrimination:**

**Visit to Nepal: Report of the Special Rapporteur on extreme poverty and human rights, Olivier De Schutter**

**Source: A/HRC/50/38/Add.2** 13 May 2022

3. Poverty numbers in Nepal have decreased dramatically in recent years, but this reduction in absolute poverty hides an increase in wealth inequality, a stalling in gender equality progress and an undue weight of remittances and donor funding in alleviating poverty. The lack of comprehensive, disaggregated poverty data hampers progress and monitoring efforts, both by the international community and the Government itself, and hides the compounded forms of poverty that historically marginalized communities experience in the country, including millions of stateless people who are excluded from figures and from accessing social protection and public services. The Government must develop a serious anti- poverty action plan to address these and other challenges.

19. Nepal has one of the most progressive constitutions in the world. In addition to listing many economic and social rights and the rights of specific groups, it includes the right to social justice, stating that several marginalized groups have the right to “participate in the State bodies on the basis of inclusive principle”. These groups are identified as “the socially backward women, Dalit, indigenous people, indigenous nationalities, Madhesi, Tharu, minorities, persons with disabilities, marginalized communities, Muslims, backward classes, gender and sexual minorities, youths, farmers, labourers, oppressed or citizens of backward regions and indigent Khas Arya”.35

**Effectively ending discrimination through an intersectional reservations policy**

22. Challenges remain to implementing the “inclusive principle,” according to which all groups of society should be adequately represented in State bodies. Full implementation of this principle is essential for improving trust in the State among communities. Indeed, sporadic yet tragic outbursts of violence resulting from inter-caste marriages suggest that while a mainstream narrative highlights social cohesion and harmony, resistance by dominant groups is strong when historical hierarchies are questioned. Although untouchability was declared illegal more than a decade ago, with the adoption of the 2011 Caste-based Discrimination and Untouchability (Offence and Punishment) Act, caste-based discrimination persists across the country, with lingering prejudices continuing to cause significant violence within society.

23. Dalit, who constitute at least 13.6 per cent of the total population, are particularly affected by such violence and discrimination. A report on the perception of harmful practices found that 97 per cent of respondents considered that discrimination based on caste occurred in their community, with nearly half of respondents stating that Dalit would not be allowed into the house of non-Dalit in their communities.36 Over half of Dalit respondents reported having experienced caste-based discrimination within the past year, including being denied entry into the home of “higher-caste” families or being denied access to communal water sources or village temples.37

24. Discrimination is the single most important factor in explaining why Dalit people are disproportionately affected by poverty: around 42 per cent of Dalit live below the poverty line (43.6 per cent of Hill Dalit and 38.2 per cent of Terai Dalit),38 far above the national poverty rate of 25.2 per cent.39 While the immediate causes of this gap are limited employment opportunities owing to occupation specialization preventing Dalit from accessing well-paid jobs, as well as lack of access to (quality) education and land that perpetuates poverty from one generation of Dalit to the next, the persistence of social discrimination is the overarching factor explaining this situation.40

25. A reservations policy has been in place since 2007 to implement the “inclusive principle”, providing that 45 per cent of positions in the federal civil service go to specific disadvantaged groups. This policy has been effective to some extent: for instance, women’s representation in the civil service increased from 11 per cent in 2007 to more than 20 per cent a decade later, a remarkable achievement in such a short period of time.41 However, progress was slower for other groups. Dalit representation in the civil service was below 1 per cent prior to the introduction of the reservations policy and hovered around 2 per cent by 2018, which remains significantly below the aims set by the policy.42

26. The directive order adopted on 1 August 2021 by a Supreme Court joint bench now presents the Government with a new challenge. The justices ruled that the reservation system should be focused on needs and not on ethnicity: the judgment states that socioeconomic status rather than an individual’s caste or ethnic identity should be considered when allocating reservations. The Court also ruled that an individual could only benefit once in a lifetime from the reservations system.

27. The proper answer to that judgment, in the view of the Special Rapporteur, is not to abandon the reservations policy and replace it by a system that focuses on socioeconomic status only, but to improve it in three ways:

(a) First, intersectionality should be properly considered. To avoid, for instance, that all the positions set aside for Madhesi are captured by men, or that all positions set aside for women be captured by non-Dalit women, the reservations policy could consider the intersection of caste, ethnicity, sex, and disability – defining, for instance, the appropriate representation of Madhesi Dalit women with disabilities among the reserved positions;

(b) Secondly, an additional set-aside, separate from the current 45 per cent of reserved allocations, could be provided for candidates from a low socioeconomic background. Such a provision would be consistent with the reference in the Constitution to the prohibition of discrimination on grounds of economic condition as well as to the “indigent Khas Arya” as part of the disadvantaged groups. It would also alleviate fears that the current policy will disproportionately favour those who, within certain groups, are best positioned to seize the opportunities arising from the policy;

(c) Thirdly, however much the reservations policy can improve the representation of certain disadvantaged groups in the civil service and ensure that the composition of the administration reflects the diversity within the population, such a policy should not be seen as a substitute for investing in improving the ability of members of such groups to compete on an open basis with others. Dalit but also women, indigenous nationalities and Madhesi should benefit from improved opportunities in education and private employment and they should be effectively protected from discrimination. Inspiration could be found in the Dalit Empowerment Act adopted in Province 2, which goes beyond the 2011 Caste-based Discrimination and Untouchability (Offence and Punishment) Act precisely with that objective in mind.

 31. The promises in the Constitution related to land redistribution remain unfulfilled. Fifteen years after the Comprehensive Peace Accord, redistribution remains very modest45 and inequalities in access to land remain important: 75 per cent of Hill Dalit and 80 per cent of Terai Dalit are functionally landless, meaning that they either own no land or own only plots of land of a negligible size, i.e., less than 0.5 ha.46 Overall, according to data provided to the Special Rapporteur by the Ministry of Land Management, Cooperatives and Poverty Alleviation, about 1.4 million families are currently landless.

37. Low levels of land ownership explain the persistence of bonded labour in Nepal, despite it being illegal under the 2002 Kamaiya Labor (Prohibition) Act. The various forms of bonded labour (*kamaiya, haliya, charuwa* and *haruwa*) differ with regard to the nature of the tasks carried out or the labourer’s identity. However, they are all characterized by a landlord who lends money to a tenant, who in turn pays it off with their labour. Indebtedness is often deepened by exorbitant interest rates and an inability to cope with exceptional expenses, such as those linked to health treatments. When the amount of labour performed does not suffice to repay the debt, the labourer’s debt is passed on to the following generations until it is repaid.

48. In addition to the inequalities in access to land and employment, and those resulting from intersecting factors, such as those affecting Dalit women and girls, Nepali women are disadvantaged compared to men in many spheres of life, suffering the consequences of a historically patriarchal society. In many families, the idea that a woman’s place is in the home persists and, as a result, women are often expected to focus on child-rearing and taking care of the elderly.

59. Gender insensitivity in school and classroom practices may deter girls from continuing their education: sexual abuse and harassment by teachers and male students, bullying by male students and other negative attitudes towards female students are all factors that may lead girls to leave school early.78 In a meeting with young Dalit women, the Special Rapporteur was told that despite their desire to continue their education, societal pressure led them to be married before the legal age of 20, in some cases causing them to drop out of school or preventing them from pursuing tertiary education. These testimonies are consistent with government data showing that the main reason for girls aged between 15 and 19 dropping out of school is marriage.79

60. When children drop out of school early or do not attend altogether, instead caring for younger siblings, helping with household chores or working to complement the household’s revenue, they miss out on acquiring crucial skills for future employment. In communities visited by the Special Rapporteur, men and women overwhelmingly formulated requests for programmes allowing them to learn skills and improve their employment prospects. Short of such skills, many worked as daily wage labourers in agriculture or other physically demanding or hazardous jobs. Many families spoke of the difficulties of not having stable employment or regular revenues. Worryingly, only approximately 13 per cent of the population aged 16 years and above have received some form of vocational training, according to a 2018 survey.80 Moreover, where vocational training does reach communities, women and marginalized groups like Dalit or Madhesi are underrepresented.

85 (c) **Intensification of efforts to combat discrimination. Access to genuinely free, high-quality education must be guaranteed, protection from discrimination in private employment should be ensured and the reservations policy should be better enforced to achieve a higher representation of disadvantaged groups. The latter policy must not be abandoned, it should instead be adapted to account for intersecting factors such as caste, gender and disability, and it should set aside seats for candidates from low socioeconomic backgrounds;**

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**Visit to Nepal -Report of the Special Rapporteur on violence against women, its causes and consequences**\*, \*\*

44. Nepal has the seventeenth highest prevalence rate of child marriage in the world and the seventeenth highest number of child brides.13 According to reports received by the Special Rapporteur, 37 per cent of girls in Nepal are married by the age of 18, with 10 per cent married before the age of 15. Many young girls are forced into marriage owing to poverty, a lack of access to education, child labour, social pressure and harmful practices.14 The practice is particularly prevalent within Dalit and Madhesi communities. The Special Rapporteur met with a number of girls from those communities during her visit and was deeply concerned to learn that the number of suicides of young girls coerced into marriage has increased considerably in recent years.

47. Despite the introduction of the Witchcraft Accusation (Crime and Punishment) Act in 2015, the Special Rapporteur is concerned by the fact that the persecution and killing of women accused of practising witchcraft is still very prevalent in some parts of the country, with Dalit women disproportionately affected.16 For the most part, witchcraft accusations are based on superstition and stem from allegations of black magic, such as casting a spell on food or drinks, making children sick and spreading disease within the community. The accused women are often subjected to inhumane and degrading treatment, ranging from physical beatings to forced consumption of human excrement. In some cases, the injuries sustained have led to death. The Special Rapporteur was informed of a number of cases involving such accusations and notes that the indifference of the police to the crime of witch-hunting and the fear of reprisal on the part of the victims often lead to impunity, with perpetrators continuing to walk free.

50. While the current Special Rapporteur welcomes the establishment of an anti- trafficking cell in the Ministry of Women, Children and Senior Citizens, the launch of various programmes in collaboration with civil society organizations and the establishment of a fund for the rehabilitation of survivors of human trafficking in each district, she is concerned that those who are most vulnerable to trafficking may not be benefiting from these mechanisms owing to the lack of coordination among relevant stakeholders. She is further concerned at the lack of a specific definition of the crime of trafficking in national law and the lack of ratification of the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children. She notes that the trafficking of women and girls continues to present a considerable challenge in the country, with regard to indigenous, Dalit and Badi women and girls in particular, as well as women and girls living in areas along the border with India. In its report covering the period 2013–2015, the National Human Rights Commission noted that trafficking had escalated after the earthquake in April 2015, while a total of 329 cases of human trafficking and transportation were filed in 2016–2017, of which 121 cases resulted in convictions of perpetrators and 91 in acquittals. An acute lack of awareness, combined with underreporting for fear of retaliation and lack of witness protection, and the complicity of family members continue to exacerbate the issue.

65. Violence against women disproportionately affects women and girls who face intersecting and multiple forms of discrimination, such as Dalit women, indigenous women, including Madhesi, Tharu and Badi women, lesbian and bisexual women and transgender and intersex persons, women from religious minorities, women with disabilities, women living in remote areas, single women (widows), women affected by leprosy and women human rights defenders.

66. In the new Constitution of 2015, the rights of all castes, races and ethnicities were enshrined under fundamental rights. Through the adoption of the Caste-based and Other Social Untouchability and Discrimination (Offence and Punishment) Act of 2011, the rights of Dalit and other women discriminated against on the basis of caste were further protected, while the Government has also established policies to combat untouchability through social inclusion. Despite the commendable legal provisions, Dalit women continue to face multiple forms of discrimination, including exclusion through customary provisions of caste institutions on the basis of the notion of purity and pollution, patriarchal attitudes and gender discrimination. As a result of such exclusion and discrimination, they endure extreme forms of poverty, humiliation and the denial of social and economic rights.19 Their vulnerable economic status, combined with the patriarchal values, exposes them to various forms of violence.

**78**(d) **Expedite the adoption of the national strategy and action plan on gender empowerment and ending gender-based violence and allocate adequate resources for its implementation (see CEDAW/C/NPL/CO/6, para. 21 (b)), ensuring that it is implemented in line with general recommendations of the Committee on the Elimination of Discrimination against Women Nos. 19 and 35, and adopt a specific national action plan on violence against Dalit and indigenous women that includes appropriate temporary special measures to accelerate their full participation in decision-making. This would be in line with the commitments made under articles 22 and 23 of the United Nations Declaration on the Rights of Indigenous Peoples;**

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**Report of the Special Rapporteur on the human rights of migrants on his mission to Nepal**

4. With an average of 1,500 Nepalese migrant workers officially leaving Nepal every day for foreign employment, international labour migration forms an important part of the lives of Nepalese citizens.1 Most Nepalese migrant workers may see themselves compelled to migrate for a variety of reasons: extremely difficult economic circumstances, loss of land or employment, debt, the loss of a spouse, family illness, discrimination and a less than favourable socioeconomic status for women, minorities and low-caste or landless people, or in order to guarantee a better future for their children.

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**ANNEX 4**

**Provisions within laws ( apart from Caste Based Biscirmination and Utocuhability Act, 2011) of Nepal:**

 **Provision in the Scholarship Act, 2021 (1964) and Scholarship Rule, 2060 (2003)**

Section 3 (a) Scholarship to be secured : Among the scholarship provided to the Government of Nepal, the scholarship as prescribed, shall be secured for poor, woman, disabled (differently abled), indigenous tribe and Dalit including for the person of remote area as prescribed.

Rule 10 (a) Reservation of Scholarships: Among the scholarship which is provided to the Government of Nepal, Forty Five percent shall be reserved for the following poor community or person who have passed School Leaving Certificate Examination from community school and such percent shall be allocated as following percent basis by considering the percentage into cent percent.
(a) Twenty Five percent for who are economically or
socially poor., (b) Thirty Three percent for women., (c) Two percent for disabled persons (differently able)., (d) Twenty seven percent for indigenous people., (e) Nine percent for Dalit.

Rule 10 a (4) states that out of the twenty percent seats reserved for the Madhesi community, three percent seats shall be reserved for persons from the Madhesi Dalit community.

**Provision in the Civil Service Act, 2049 (1993):**

Sub-section 7 of Section 7 of the Civil Service Act has a provision to make the civil service inclusive; in which 45 percent of the positions to be filled through open competition shall be set aside, and considering that percentage as 100 percent, 9 percent of reservation shall be allocated for the Dalits.

**Provision in the Public Health Service Act, 2075 (2018):**

The Public Health Act has a provision in Section 12 regarding equal treatment. Sub-section 3 of Section 12 states that no health institution shall discriminate against anyone in treatment on the basis of their origin, religion, race, caste, gender, occupation, sexual and gender identity, physical or health condition, disability, marital status, pregnancy, ideological belief or any other such basis.

**Provisions in the Labor Act, 2074 (2017):**

Section 6 of the Labor Act has a provision against discrimination. Sub-section 1 of Section 6 states that the employer shall not discriminate against any worker on the grounds of religion, race, gender, caste, origin, language, or ideological conviction or any other such basis.

**Provision in the Education Act, 2028 (1971):**

Section 11 of the Education Act has a provision that in the formation of the District Education Committee, there shall be three members including at least one Dalit and one woman nominated by the District Education Committee from among parents or educationists. Section 16 (j) of the Education Act has a provision that institutional schools must provide scholarships.

Section 16 (j) (1) states that institutional schools must provide free scholarships to at least ten percent of the total number of students enrolled in the school to students from underprivileged, disabled, women, Dalit or ethnic  groups as prescribed.

**Provision in the Local Government Operation Act, 2074 (2017):**

Under the clause (30) of section (c) regarding development works under section 12 of the duties and powers of the Ward Committee in the Local Government Operation Act, 2074, it is stated that records shall be maintained of women, children, Dalits, persons with disabilities, senior citizens, minorities, and marginalized communities who are economically and socially backward within the ward, and work shall be done related to their social and economic upliftment.

**Provision in the Safe Motherhood and Reproductive Health Rights Act, 2075 (2018):**

Section 29 states that no one shall be discriminated against based on their origin, religion, race, caste, gender, community, occupation, sexual and gender identity, physical or health condition, disability, marital status, pregnancy, ideological belief, any disease or risk of infection, reproductive health morbidity condition, personal relationship or any other such basis in obtaining the right to family planning, reproductive health, safe motherhood, safe abortion, emergency delivery and newborn care, reproductive health morbidity services including menstrual services.

**Provision in the Social Security Act, 2075 (2018):**

Section 4 of the Act regarding Old Age Allowance states: (1) The Dalit and single women senior citizens, after completing the age of sixty years, and other senior citizens, after completing the age of seventy years, shall get the senior citizen allowance as prescribed by the Government of Nepal, as the social security allowance.

**Provision in the Right to Employment Act, 2075 (2018):**

Section 6 of the Act states that no discrimination shall be allowed: Except for a special provision made by the prevailing law for any particular class or community with respect to the provision of employment to the unemployed, no person shall make discrimination on the ground of one’s origin, religion, color, caste, ethnicity, sex, language, region, ideology or similar other ground.

**Provision in the Foreign Employment Act, 2064 (2007):**

Section 9 of the Act: To provide special facility and reservation:(1) The Government of Nepal may provide special facility to the women, Dalit, indigenous nationalities, oppressed, victims of natural calamities and people of remote areas who go for foreign employment.

(2) In sending workers for foreign employment, any institution shall provide reservation to the women, Dalit, indigenous nationalities, oppressed class, backward area and class and people of remote areas in the number as prescribed by the Government of Nepal.

**Provision in the Land Related Act, 2075 (2018):**

Section 52 (a) Providing Land: (1) The Government of Nepal shall provide land to the landless Dalits once within three years as prescribed.

**Provision in the The Act Relating to Compulsory and Free Education, 2075 (2018):**

Section 8 states that economically deprived, disabled and Dalit citizens shall have the right to obtain free higher education.

**Provision in the Police Rules, 2071:**

Rule (9) of the Police Regulations, 2071 has a provision that 45 percent of the positions to be fulfilled through open competitive examination shall be set aside to make the police service inclusive; and 15 percent reservation shall be allocated to Dalits considering that 45 percent as 100 percent.

**Provision in the Army Service Rules, 2069:**

Sub-rule (2) of Rule 5 of the Army Service Rules has a provision that 45 percent of the positions to be fulfilled through open competition shall be set aside for inclusion, and 15 percent reservation shall be allocated to the Dalits considering that number as 100 percent.

**Provision in the Private Firm Registration Regulations, 2064 (2014):**

Section 4 of the Act states that women, Dalit community and underprivileged persons shall be charged a fee of one hundred rupees for registering a private firm with a capital up to one crore rupees, and for registering a private firm with a capital more than one crore up to five crores, there shall be a 50 percent discount on the fee as per these regulations.

**Provision in the Local Level Election Act, 2017:**

Section 6 (2) of the Local Level Election Act, 2017 reserves seats for Dalit women and two other seats for women from each political party to be elected at the Rural Municipality and Municipality Ward Committees.

Due to this provision 6567 Dalit women have been represented (elected) at the 753 local level governments in Nepal.

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**ANNEX 5**

**Constitutional Provisions:**

The preamble of the Constitution of Nepal 2072 (2015) mentions:

“ELIMINATING all forms of discrimination and oppression resulted from the feudalistic, autocratic, centralized, unitary system of governance of the State;

PROTECTING and promoting unity in diversity, social and cultural solidarity, tolerance and harmony, by recognizing the multi-ethnic, multi-lingual, multi-religious, multi-cultural and geographically diverse characteristics; and resolving to build an egalitarian society based on the proportional inclusive and participatory principles in order to ensure economic equality, prosperity and social justice by eliminating discrimination based on class, caste, region, language, religion and gender and all forms of caste-based untouchability;

BEING COMMITTED to socialism based on democratic norms and values including the people's competitive multiparty democratic system of governance, civil liberties, fundamental rights, human rights, adult franchise, periodic elections, full freedom of the press, and independent, impartial and competent judiciary and concept of the rule of law in order to build a prosperous nation;”

Article 18, Right to Equality:

(1) All citizens shall be equal before law. No one shall be denied the equal protection of law.

(2) No discrimination shall be made in the application of general laws on grounds of origin, religion, race, caste, tribe, sex, physical condition, disability, condition of health, marital status, pregnancy, economic condition, language or region, ideological conviction or on similar other grounds.

(3) The State shall not discriminate among citizens on grounds of origin, religion, race, caste, tribe, sex, economic condition, language, region, ideological conviction or on similar other grounds.

Provided that nothing shall be deemed to prevent the making of special provisions by law for the protection, empowerment or development of the citizens including the socially or culturally backward women, Dalit, indigenous people, indigenous nationalities (Aadibasi Janajati), Madhesi, Tharu, Muslim, oppressed class, Pichhada class, minorities, the marginalized, farmers, labours, youths, children, senior citizens, gender and sexual minorities, persons with disabilities, pregnant persons, incapacitated or helpless, backward region and indigent Khas Arya.

Explanation: For the purposes of this Part and Part 4, "indigent" means a person who earns income less than that specified by the federal law.

(4) No discrimination shall be made on the ground of gender with regard to remuneration and social security for the same work.

(5) All offspring shall have the equal right to the ancestral property without discrimination on the ground of gender.

Article 24, Right against Untouchability and Discrimination:

(1) No person shall be subjected to any form of untouchability or discrimination in any private and public places on grounds of his or her origin, caste, tribe, community, profession, occupation or physical condition.

(2) In producing or distributing any goods, services or facilities, no person belonging to any particular caste or tribe shall be prevented from purchasing or acquiring such goods, services or facilities nor shall such goods, services or facilities be sold, distributed or provided only to the persons belonging to any particular caste or tribe.

(3) No act purporting to demonstrate any person or community as superior or inferior on grounds of origin, caste, tribe or physical condition or justifying social discrimination on grounds of caste, tribe or untouchability or propagating ideology based on untouchability and caste based superiority or hatred or encouraging caste-based discrimination in any manner whatsoever shall be allowed.

(4) No discrimination in any form shall be allowed at a workplace with or without making untouchability on the ground of caste.

(5) All types of acts of untouchability and discrimination committed in contravention of this Article shall be punishable by law as a severe social offence, and the victim of such act shall have the right to obtain compensation in accordance with law.

Article 40. Rights of *Dalit*:

(1) The Dalit shall have the right to participate in all bodies of the State on the basis of the principle of proportional inclusion. Special provision shall be made by law for empowerment, representation and participation of the Dalit community in public services as well as other sectors of employment.

(2) Provision of free education with scholarship, from primary to higher education, shall be made by law for the Dalit students. Special provision shall be made by law for the Dalit in technical and vocational education.

(3) Special provision shall be made by law in order to provide health and social security to the Dalit community.

(4) The Dalit community shall have the right to use, protect and develop their traditional occupation, knowledge, skill and technology. The State shall accord priority to the Dalit community in modern business related with their traditional occupation and provide skills and resources required therefor.

(5) The State shall provide land to the landless Dalit for one time in accordance with law.

(6) The State shall, in accordance with law, make provision of settlement for the Dalit who do not have housing.

(7) The facilities conferred by this Article to the Dalit community shall be distributed in a just manner so that the Dalit women, men and Dalit in all communities may obtain such facilities proportionately.

Article 42, Right to Social Justice:

(1) The economically, socially or educationally backward women, *Dalit*, indigenous nationalities (*Aadibasi Janajati*), *Madhesi*, *Tharu*, Muslims, backward classes, minorities, marginalized communities, persons with disabilities, gender and sexual minorities, farmers, labourers, oppressed or citizens of backward regions and indigent *Khas Arya* shall have the right to participate in the bodies of the State on the basis of principle of proportional inclusion.

Article 84, Composition of House of Representatives:

(2) The federal law shall provide that in filing candidacy by political parties for the election to the House of Representatives under the proportional electoral system, representation shall be ensured on the basis of a closed list also from women, *Dalit*, indigenous nationalities (*Aadibasi Janajati*) *Khas Arya*, *Madhesi*, *Tharu*, Muslims and backward regions, on the basis of population. In so filing candidacy, regard shall also be had to geography and regional balance.

Explanation: For the purposes of this clause, "*Khas Arya*" means *Kshetri*, *Brahmin*, *Thakuri*, *Sanyasi (Dashnami)* communities.

Article 86, Composition of National Assembly and Term of Office of its Members:

(2) The National Assembly shall consist of fifty- nine members as follows: -

(a) Fifty six elected members consisting of at least three women, one Dalit and one from persons with disabilities or minorities, from each Province by an electoral college consisting of members of the Provincial Assembly, chairpersons and vice-chairpersons of the Rural Municipalities, and Mayors and Deputy- Mayors of the Municipalities, with different weightage of vote by members of the Provincial Assembly, chairpersons and vice-chairpersons of the Rural Municipalities, and Mayors and Deputy- Mayors of the Municipalities, as provided for in the federal law,

Article 176, Composition of Provincial Assembly:

(6) A federal law shall provide that in filing candidacy by political parties for the election to the Provincial Assembly under the proportional electoral system, representation shall be ensured on the basis of a closed list also from women, *Dalit*, indigenous nationalities (*Aadibasi Janajati*), *Khas Arya*, *Madhesi*, *Tharu*, Muslims and backward regions, minority communities, on the basis of population. In so filing candidacy, regard shall also be had to geographical balance of the concerned Province.

Explanation: For the purposes of this clause, "*Khas Arya*" means *Kshetri*, *Brahmin*, *Thakuri*, *Sanyasi* (*Dashnami*) community.

Article 215, Provisions relating to Chairperson and Vice-Chairperson of Rural Municipal Executive:

(4) The members of the Rural Municipal Executive shall also include four women members elected by the members of the Rural Municipal Assembly from amongst themselves and two members elected by the Rural Municipal Assembly from the *Dalit* or minority communities, having possessed the qualifications referred to in clause (5), within fifteen days after receipt of the final results of the election to the Rural Municipal Assembly referred to in Article 222.

Article 216. Provisions relating to Mayor and Deputy Mayor of Municipal Executive:

(4) The members of the Municipal Executive shall also include five women members elected by the members of the Municipal Assembly from amongst themselves and three members elected by the Municipal Assembly from the *Dalit* or minority communities, in possession of the qualifications referred to in clause (5) within fifteen days after the final results of the election to the Municipal Assembly pursuant to Article 223.

Article 220, District Assembly and District Coordination Committee:

(3) The District Assembly shall elect the District Coordination Committee consisting of a maximum of nine Members including one Chief, one Deputy Chief, at least three women and at least one *Dalit* or minority. The District Coordination Committee shall discharge all functions required to be discharged by the District Assembly.

Article 222, Composition of Rural Municipal Assembly:

(2) A Rural Municipal Assembly referred to in clause (1) shall consist of the Chairperson and Vice- Chairperson of the Rural Municipal Executive, Ward Chairpersons, and four members elected from each ward and Members of the Rural Municipal Executive elected from *Dalit* and minority communities pursuant to clause (4) of Article 215.

Article 223, Composition of Municipal Assembly:

(2) A Municipal Assembly referred to in clause (1) shall consist of the Mayor and the Deputy Mayor of the Municipal Executive, Ward Chairpersons, and four members elected from each Ward and members of the Municipal Executive elected from *Dalit* or minority communities pursuant to clause (4) of Article 216.

Article 267, Provisions relating to Nepal Army:

(3) Entry of women, *Dalit*, indigenous people, indigenous nationalities (*Aadibasi Janajati*), *Khas Arya*, *Madhesi*, *Tharu*, *Pichhada* class and backward region citizens into the Nepal Army shall, on the basis of principles of equality and inclusion, be ensured by the federal law.

Article 255, National Dalit Commission:

(1) There shall be a National Dalit Commission of Nepal, consisting of a Chairperson and four other members.

(2) The President shall, on the recommendation of the Constitutional Council, appoint the Chairperson and members of the National Dalit Commission.

(3) The term of office of the Chairperson and members of the National Dalit Commission shall be six years from the date of appointment.

(4) Notwithstanding anything contained in clause (3), the office of the Chairperson or member of the National Dalit Commission shall fall vacant in any of the following circumstances: -

(a)  In case he or she tenders resignation in writing to the President;

(b)  In case he or she attains the age of sixty- five years;

(c)  In case a motion of impeachment is adopted against him or her pursuant to Article 101;

(d)  In case he or she is removed from office by the President on recommendation of the Constitutional Council on grounds of his or her inability to hold office and discharge the functions due to physical or mental illness;

(e)  In case he or she dies.

(5) The Chairperson and members appointed pursuant to clause (2) shall not be eligible for reappointment.

Provided that a member may be appointed to the office of Chairperson, and when a member is so appointed as the Chairperson, his or her term of office shall be so computed as to include his or her term as the member.

(6) A person shall be eligible to be appointed as the Chairperson or a member of the National Dalit Commission in case he or she possesses the following qualifications:

(a)  One who has rendered outstanding contribution to the field of rights and interests of the Dalit community or human rights and law, for at least ten years;

(b)  In the case of the Chairperson, one who has acquired at least a bachelor's degree from a recognized university;

(c)  One who has attained the age of forty- five years;

(d)  One who is not a member of any political party at the time of appointment; and

(e)  One who bears high moral character.

(7) The remuneration and conditions of service of the Chairperson and members of the National Dalit Commission shall be as provided for in the federal law, and their remuneration and conditions of service shall not, so long as they hold office, be altered to their disadvantage.

Provided that this provision shall not apply in cases where a state of emergency is declared because of extreme economic disarrays.

(8) A person once appointed as the Chairperson or a member of the National Dalit Commission shall not be eligible for appointment in other government service.

Provided that nothing in this clause shall be deemed to be a bar to the appointment to any political position or to any position which has the responsibility of making investigations, inquiries or findings on any subject, or to any position which has the responsibility of submitting advice, opinion or recommendation after carrying out a study or research on any subject.

Article 256, Functions, Duties and Powers of National *Dalit* Commission:

(1) The functions, duties and powers of the National Dalit Commission shall be as follows:-

(a)  To conduct study and research as to the overall situation of the Dalit community, identify areas of necessary policy, legal and institutional reforms in that field, and make recommendations to the Government of Nepal;

(b)  To formulate national policies and programs concerning the interests of the Dalit for the upliftment and development of the Dalit, putting an end to caste-based discrimination, oppression and discrimination, and submit such policies and programs to the Government of Nepal for their implementation;

(c) To monitor as to whether laws concerning the interests of the Dalit, including the special provisions made for the upliftment and interests of the Dalit community have been effectively implemented, and in the event of absence of observance or implementation, to make suggestions to the Government of Nepal for the observance or implementation thereof;

(d)  To make suggestions to the Government of Nepal about the preparation of reports to be submitted by Nepal in accordance with the provisions contained in the international treaties or agreements concerning the rights of the Dalit community, to which Nepal is a party;

(e)  In order to have the Dalit community included in the mainstream of national development and ensure proportional participation in all organs of the State, to assess, monitor and evaluate the existing policies and programs, and make recommendation to the Government of Nepal for their effective implementation;

(f)  In case it is necessary to file a case against any person or institution on matters of being a victim of caste-based discrimination and untouchability or social ill-practices or infringement of or deprivation of enjoyment of the rights of the Dalit, to make recommendations to the concerned bodies to file such case in courts in accordance with the law.

(2) The National Dalit Commission may so delegate any of its functions, duties and powers to the Chairperson of the Commission, any of its members or any employee of the Government of Nepal as to be exercised and complied with subject to the specified conditions.

(3) Other functions, duties and powers and other relevant matters of the National Dalit Commission shall be as provided for in the federal law.

Article 257, Powers to Establish Offices in Provinces:

The National Dalit Commission may, as required, establish its offices in Provinces.

Article 283, Appointments to be made in accordance with Inclusive Principle:

Appointments to offices of Constitutional Organs and Bodies shall be made in accordance with the inclusive principle.

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1. Chet Narayan Rasaili is Consultant at OHCHR

This paper is a contribution to the workshop as posted and shared by OHCHR and does not imply its endorsement by OHCHR. [↑](#footnote-ref-1)
2. OHCHR celebrated the 75th anniversary of the UDHR in the course of 2023. It “was the moment to rekindle the hope of human rights for every person– a year of commemoration of one of the world’s most ground-breaking international commitments. ”https://www.ohchr.org/en/human-rights-75 [↑](#footnote-ref-2)
3. https://www.ohchr.org/en/what-are-human-rights/international-bill-human-rights [↑](#footnote-ref-3)
4. https://tbinternet.ohchr.org/\_layouts/15/TreatyBodyExternal/Treaty.aspx?CountryID=122&Lang=EN [↑](#footnote-ref-4)
5. UDHR articles Articles 6 to 11; ICCPR Article 14, ESCR Article 2. See https://www.un.org/ruleoflaw/thematic-areas/access-to-justice-and-rule-of-law-institutions/access-to-justice/ [↑](#footnote-ref-5)
6. https://www.un.org/ruleoflaw/thematic-areas/access-to-justice-and-rule-of-law-institutions/access-to-justice/ [↑](#footnote-ref-6)
7. See United Nations Principles and Guidelines on Access to Legal Aid in Criminal Justice Systems, https://www.unodc.org/documents/justice-and-prison-reform/UN\_principles\_and\_guidlines\_on\_access\_to\_legal\_aid.pdf [↑](#footnote-ref-7)
8. <https://www.ohchr.org/en/instruments-mechanisms/instruments/declaration-basic-principles-justice-victims-crime-and-abuse>; https://www.undp.org/sites/g/files/zskgke326/files/publications/Justice\_PN\_En.pdf [↑](#footnote-ref-8)
9. See Article 14 of the International Covenant on Civil and Political Rights

The ICJ Declaration on Access to Justice and Right to a Remedy in International Human Rights Systems at https://www.icj.org/wp-content/uploads/2013/02/Congress-Declaration-adoptedFINAL.pdf [↑](#footnote-ref-9)
10. https://tbinternet.ohchr.org/\_layouts/15/treatybodyexternal/Download.aspx?symbolno=INT%2FCERD%2FGEC%2F7501&Lang=en [↑](#footnote-ref-10)
11. See, https://idsn.org/wp-content/uploads/2022/01/UNcompilation-Jan-2022-Web.pdf [↑](#footnote-ref-11)
12. See, Guidance Tool on Descent-Based Discrimination: Key Challenges and Strategic Approaches to Combat Caste-Based and Analogous Forms of Discrimination” Available at https://www.ohchr.org/Documents/Issues/Minorities/GuidanceToolDiscrimination.pdf. The Tool adds to the draft United Nations Principles and Guidelines for the Effective Elimination of Discrimination Based on Work and Descent by bringing concrete suggestions for actions to address this type of discrimination. [↑](#footnote-ref-12)
13. A/HRC/31/56, para. 21 [↑](#footnote-ref-13)
14. (A/75/211, para. 70 (d)). [↑](#footnote-ref-14)
15. Central Bureau of Statistics-CBS, 2011 [↑](#footnote-ref-15)
16. Categorized by the National Dalit Commission. [↑](#footnote-ref-16)
17. Further details at: https://freedomhouse.org/country/nepal/freedom-world/2024 [↑](#footnote-ref-17)
18. Further details at: https://monitor.civicus.org/country/nepal/ [↑](#footnote-ref-18)
19. For instance, the Nepali Congress, the country’s largest and oldest democratic party, houses the "Nepal Dalit Association," while communist parties feature groups such as the "Nepal Dalit Liberation Front" and the "Nepal Oppressed Caste Liberation Community". [↑](#footnote-ref-19)
20. South Asia Collective, South Asia State of Minorities Report 2023, Page 139-146. Available at: https://thesouthasiacollective.org/wp-content/uploads/2024/05/south-asia-state-of-minorities-report-2023.pdf [↑](#footnote-ref-20)
21. Available at, <https://www.lawcommission.gov.np/en/wp-content/uploads/2019/09/The-Caste-Based-Discrimination-and-Untouchability-Offence-and-Punishment-Act-2068-2011.pdf> [↑](#footnote-ref-21)
22. Section 160 and 161 of the Criminal (Code) Act 2074 (2017), please see the Act for further details, available at: <https://www.moljpa.gov.np/en/wp-content/uploads/2018/12/Penal-Code-English-Revised-1.pdf> [↑](#footnote-ref-22)
23. Annual Reports of the Office of the Attorney General, available at: https://ag.gov.np/storage/postFile/Annual%20Report%2007980\_ 1706021784.pdf. [↑](#footnote-ref-23)
24. Reports of the National Human Rights Commission, Human Rights Situation of Dalit Community, Joint Submission of Dalit Civil Society Coalition for UPR, Amnesty International, No one cares: decent-based discrimination against Dalits in Nepal, among others, highlight the issues. [↑](#footnote-ref-24)
25. Based on interviews with lawyers Ms. Kunjani Pariyar, Shyam Bishwakarma and some opinions of them in public forums. [↑](#footnote-ref-25)
26. About the case: on 23 May 2020, in Chaurjahari Municipality, Ward No. 8, Soti village, Rukum West District, Nepal, Nawaraj BK, a 21-year-old Dalit youth, and a group of his friends went to a neighbouring village to bring Nawaraj's girlfriend home to marry. However, the girl's family, belonging to a higher caste, opposed the marriage. The group of 18 young men was hounded and chased by villagers to the shores of the Bheri River. Six of them were beaten to death and thrown into the river, while the others were also beaten but later rescued by the police. Police identified 34 individuals as suspects. The entire country was shocked by this inhumane act of brutality. The Dalit community expressed outrage, leading to protests across the nation. Dalit parliamentarians voiced their concerns in the parliament, prompting the formation of a Parliamentary Committee. The United Nations High Commissioner for Human Rights issued a statement (<https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=25913>) expressing deep concern over the incident. The UN Resident Coordinator in Nepal called (<https://twitter.com/valeriejulliand/status/1265629120995528706>) for a fair investigation and punishment for the perpetrators. The incident received extensive coverage across all media platforms in Nepal, including opinion-based articles, TV debates, and reports. Inspired by this event, several initiatives emerged, such as #DalitLivesMatter, the Caste System Annihilation Front (Jatbyawastha Unmulan Morcha), and a TV series titled "Jaat Ko Prasna" (Caste Question), featuring influential actor Rajesh Hamal. [↑](#footnote-ref-26)
27. Maiya Nepali, an elected Ward Representative of Pokhara Metropolitan City Ward No. 24, filed a case of caste-based discrimination and untouchability against the Ward President, Bharat Bahadur Adhikari, on January 5, 2023, at the Kaski District Police Station. During a discussion concerning the budget allocation of the respective Wards, Chairperson Bharat Bahadur Adhikari discriminated against her and mistreated her based on her origin and caste. He verbally abused her with caste-based racial slurs during the open discussion. [↑](#footnote-ref-27)
28. Available at: <https://www.moljpa.gov.np/en/wp-content/uploads/2021/04/Constitution-of-Nepal-Revised-and-re-edited-English-version-as-amended.pdf> [↑](#footnote-ref-28)
29. The Chairperson of the National Dalit Commission, in the programme organized by the OHCHR IPMS in collaboration with International Dalit Solidarity Network (IDSN) and Global Forum of Communities Discriminated on Work and Descent (GFOD in September 2023, expressed this context. [↑](#footnote-ref-29)
30. See, Joint Submission of Dalit Civil Society Coalition for UPR, page 4, Amnesty International, No one cares: decent-based discrimination against Dalits in Nepal, page 35. [↑](#footnote-ref-30)
31. On April 2, 2024, Pravat was acquitted of the rape charge by Judge Hari Prasad Koirala from the Kaski District Court, while the case of involvement in kidnapping, abduction, and rape remains ongoing. [↑](#footnote-ref-31)
32. Section 10, The Caste-Based Discrimination and Untouchability (Offence and Punishment) Act, 2068 (2011) [↑](#footnote-ref-32)
33. OHCHR, Opening the Door to Equality: Access to Justice, 2011, page 87, 88, 89, Available at : https://nepal.ohchr.org/en/resources/Documents/English/reports/HCR/2011\_12\_07\_Opening\_the\_Door\_to\_Equality\_E.pdf [↑](#footnote-ref-33)
34. Concluding observations on the combined seventeenth to twenty-third periodic reports of Nepal CERD/C/NPL/CO/17-23, para 11, 12 (a) [↑](#footnote-ref-34)
35. National Human Rights Commission, Human Rights Situation of Dalit Community, page 49; Joint Submission of Dalit Civil Society Coalition for UPR, page 4; Amnesty International, No one cares: decent-based discrimination against Dalits in Nepal, page 38. [↑](#footnote-ref-35)
36. Amnesty International, No one cares: decent-based discrimination against Dalits in Nepal, page 23 [↑](#footnote-ref-36)
37. United Nations Country Team Nepal, HARMFUL PRACTICES IN NEPAL: REPORT ON COMMUNITY PERCEPTIONS, page 7-15, available at: https://un.org.np/sites/default/files/doc\_publication/2021-02/HP\_perception\_survey\_0.pdf [↑](#footnote-ref-37)
38. Based on interview with the Chairperson of National Dalit Commission. [↑](#footnote-ref-38)
39. national Human Rights Commission, Human Rights Situation of Dalit Community in Nepal, page: 25-27, Available at: https://www.nhrcnepal.org/uploads/publication/Dalit\_HR\_status\_report\_for\_webpage\_compressed.pdf [↑](#footnote-ref-39)
40. Feminist Dalit Organization, Shadow Report on the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) for the Pre-Sessional Working Group of the CEDAW Committee, page. 3. [↑](#footnote-ref-40)
41. For example, according to the Joint UPR Submission of the Dalit NGO Coalition, only 44% of the suggestions were fully implemented in the second cycle, indicating that 56% of the suggestions from the second cycle have not been executed. [↑](#footnote-ref-41)
42. A/HRC/41/42/Add.2, para. 66, A/HRC/50/38/Add.2 para. 23. [↑](#footnote-ref-42)
43. For example, GoN has supported 14 Dalit related UPR recommendations out of 15. Similarly, has been responding to the CERD and other treaty bodies with reference to Dalit related recommendations. [↑](#footnote-ref-43)
44. Nepal Voters Rights Forum, An analysis: Dalit and Marginalized Community in the Budget of 2022/23, page 23-32, [↑](#footnote-ref-44)
45. Although there is not much information available on the website, it stands as the largest UN-supported programme on access to justice, currently operational in Nepal. See, https://www.undp.org/nepal/press-releases/nepal-Government-and-undp-join-hands-enhance-access-justice-nepal [↑](#footnote-ref-45)
46. Report of Country Visit by Special Rapporteur on extreme poverty and human rights, A/HRC/50/38/Add.2 para. 24. [↑](#footnote-ref-46)
47. The board of NHRC is comprised of 5 Members including the Chair. [↑](#footnote-ref-47)