

SEVENTEENTH, EIGHTEENTH, NINETH, TWENTIETH AND
TWENTY- FIRST and TWENTY- SECOND REPORTS

OF

THE GOVERNMENT OF NEPAL

ON

MEASURES TAKEN TO GIVE EFFECT TO THE INTERNATIONAL
CONVENTION ON THE ELIMINATION OF ALL FORMS OF RACIAL
DISCRIMINATION

GOVERNMENT OF NEPAL

MINISTRY OF FEDERAL AFFAIRS AND LOCAL DEVELOPMENT

SEPTEMBER 2013

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List of Acronymes

CA	<i>Constituent Assembly</i>
CERD	<i>Committee on the Elimination of All Forms of Racial Discrimination</i>
CPN (UML)	<i>Communist Party of Nepal (United Marxist and Leninist)</i>
CTEVT	<i>Council for Technical Education and Vocational Training</i>
DDC	<i>District Development Committee</i>
EFA	<i>Education For All</i>
FPTP	<i>First-Past-the Post</i>
GON	<i>Government of Nepal</i>
HRPC	<i>Human Rights Promotion Centre</i>
ICERD	<i>International Convention on the Elimination of All Forms of Racial Discriminations</i>
ILO	<i>International Labor Organization</i>
INGO	<i>International Non-Governmental Organization</i>
LRT	<i>Land Registration Tax</i>
LSGA	<i>Local Self-Governance Act</i>
MOE	<i>Ministry of Education</i>
MoFLD	<i>Ministry of Federal Affairs and Local Development</i>
NBA	<i>Nepal Bar Association</i>
NDC	<i>National Dalit Commission</i>
NFDIN	<i>National Foundation for Development of Indigenous Nationalities</i>
NGO	<i>Non-Governmental Organization</i>
NHRAP	<i>National Human Rights Action Plan</i>
NHRC	<i>National Human Rights Commission</i>
NPC	<i>National Planning Commission</i>
NSR	<i>National School of Research</i>
NWC	<i>National Women Commission</i>

<i>OBC</i>	<i>Other Backward Communities</i>
<i>OCHR</i>	<i>Office of the Commissioner of Human Rights</i>
<i>SPA</i>	<i>Seven Party Alliance</i>
<i>UCPN (M)</i>	<i>United Communist Party of Nepal (Maoists)</i>
<i>UDHR</i>	<i>Universal Declaration of Human Rights</i>
<i>UNDP</i>	<i>United Nations Development Program</i>
<i>VDC</i>	<i>Village Development Committee</i>
<i>IPs</i>	<i>Indigeneous peoples</i>
<i>PWDs</i>	<i>Persons with Disabilities</i>
<i>CBOs</i>	<i>Community Based Organizations</i>

INTRODUCTION

I. Background

1. *Nepal acceded to the International Convention on the Elimination of All Forms of Racial Discrimination (CERD) in 1971 with reservation on Article 4 and 22. Till date, as per the requirements of Article 9 of the Convention, it had submitted 16 periodic reports covering the period till 2002. The present report combines the seventh, eighteenth, nineteenth, twentieth, twenty-first and twenty-second reports of Nepal covering the period from 2002 to 2012.*
2. *On 21 November 2006, ten-year long armed conflict was officially ended with the Comprehensive Peace Accord (CPA). On 15 January 2007, the Interim Constitution of Nepal (the Constitution), which repealed the Constitution of the Kingdom of Nepal, 1990 (the 1990 Constitution), was promulgated to provide for transitional government and reflect the goals of the second People's Movement in April 2006. The mandate of the movement was for peace, change, stability, establishment of the competitive multiparty democratic system of governance, rule of law, promotion and protection of human rights and independence of judiciary through formulation of a new constitution by constituent assembly. Human rights remain at the center of the peace process which in turn stands anchored in the principle of democracy, access, inclusion and participation.*
3. *Election to the Constituent Assembly (CA) was held on 10 April 2008. The 601-member CA, also served as the Legislature-Parliament, consisted almost one third of its members were women, and a record number of Dalits and people from different nationalities along with marginalized communities. It ended the 239 year old monarchy and declared Nepal as a Federal Democratic Republic on 28 May 2008. The CA, which was supposed to frame democratic constitution, failed to frame the constitution during its tenure and a fresh election for CA is proposed in 19 November, 2013.*

II. Methodology and Consultation Process

4. *A committee with cross-sectored participation was constituted by the Ministry of Federal Affairs and Local Development to prepare the present Report upon holding consultation with a range of stakeholders. In this course, the committee held extensive*

discussions and dialogues with governmental institutions, national human rights institutions including National Dalit Commission (NDC) and National Human Rights Commission (NHRC) and with various civil society actors including the media and non-governmental organizations (NGOs). A series of interactions were also held for deliberations on the contents of the Report. The harmonized guidelines on reporting (HRI/GEN/2/Rev.6) and Guidelines for the Treaty Specific document (CERD/C/2007/1) to be submitted under Article 9 of the CERD are followed broadly. The Committee also reviewed the general comments of the CERD Committee and Concluding Observations/Comments on the 16th Report.

5. The report is divided mainly in two parts: Part I, introduction, consists three sections which give country background, common core information about normative and institutional framework for the protection and promotion of human rights and measures taken to implement the concluding observations and recommendations, respectively. Part II also consists two sections which give detail information on the measures taken for implementation of specific articles of the Convention and status of implementation of Durban Conference and Plan of Action, respectively.

Section I

BACKGROUND

6. As per the 2011 census report shows the country's population 2,64,94,504. consisting 48.5% (12849041) male and 51.5% (13645463) female, which grew at the rate of 1.35 percent per annum between 2001 and 2011. The census also revealed a male female ratio of 94.41 and shows that average household size has decreased from 5.44 in 2001 to 4.88 in 2011. According to the census report of 2011, 17.07 % of total population lives in urban area and rest of all live in rural area. The population living below the poverty line is 23.8 percent. The average per capita income is 721 US dollars. The unemployment rate of male and female aged 15 and above in 2008 is 2.2 and 2.0 percent respectively. The work participation (labor force rate) is 77.8 percent. The literacy rate of 5 years and above population has increased from 54.1 percent in 2001 to 65.9 percent in 2011. Male literacy rate is 75.1% compared to female literacy rate of 57.4%. Average life expectancy is 69.1 years. Female headed household has increased from 14.87% in 2001 to 25.73% in 2011.

7. *Nepal is a multi-ethnic, multi-lingual, multi-religious, multi-cultural, independent, indivisible, sovereign, secular, inclusive and fully democratic State. It is a tolerant society, where people of different faiths and persuasions are enjoying the universally recognized human rights and fundamental freedoms without any discrimination on the ground of caste, creed, race, religion, age, sex, ideology and any physical disability.*
8. *There are more than 125 caste/ethnic groups speaking 123 mother languages and dialects. The Nepali language is the official language. The religious diversity is an equally important feature of Nepal. As per the 2011 census, the majority of the population is Hindu, followed by Buddhists, Muslims, Kirats, Christians, Sikhs and Jains. The Nepal Foundation for Development of Indigenous Nationalities Act, 2002 has enlisted 59 groups of indigenous nationalities.*
9. *According to 2011 census, Chhetri is the largest caste/ethnic groups having 16.6% of the total population followed by Brahman-Hill 12.2%, Magar 7.1%, Tharu 6.6%, Tamang 5.8%, Newar 5.0%, Kami 4.8%, Musalman 4.4%, Yadav 4.0% and Rai 2.5%.*
10. *The census 2011 shows that Nepali is spoken as mother tongue by 44.6% of the total population followed by Maithili 11.7%, Bhojpuri 6.0%, Tharu 5.8%, Tamang 5.1%, Newar 3.2%, Bajjika 3.0%, Magar 3.0%, Doteli 3.0%, Urdu 2.6%.*
11. ***Dalit shares 13% of the total population.*** *National Dalit Commission has enlisted updating recently 26 groups of Dalit Community namely Gandarva , Pariyar , Badi , Biswokarma , Mijar , Pode , Chyame (as Pahadi Dalits) and Kalar , Kakaihiya , Kori , Khatik , Khatwe , Chamar , Chidimar , Dom , Tatma , Dusad , Dhobi , Paasi , Bantar , Musahar , Mestar , Sarvanga , Natuwa , Dhandi , Dharikar (as Madhesi Dalit). Some groups are still under the process of identification.*
12. *Indigenous peoples or nationalities¹, covering 37% of total population, refer to different ethnic groups namely Kisan, Kumal, Kushbadiya, Kusunda, Ganagai, Gurung, Chepang, Chhantyal, Cheirotan, Jirel, Jhangad, Dolpo, Tangwe, Tajpuriya, Tamang, Tin Gaunle Thakali, Topkegola, Thakali, Thami, Tharu, Thudam, Danuwar, Darai, Dura, Dhanuk (Rajbanshi), Dhimal, Newar, Pahari, Free, Bankariya, Baramo, Baraha Gaunle, Bote, Bhujel, Bhote, Bhujel, Bhote, Magar, Majhi, Marphali Thakali, Mugali, Mechhe (Boddo), Yakkha, Rai, Raute, Rajbanshi (Koch), Rajhi, Larke, Limbu, Lechpa, Lhopo, Lhomi, Walung, Byas, Sherpa, Siyar, Sunuwar, Surel, Hayu and Hyolmo.*

¹ The terminologies "indigenous peoples" and "indigenous nationalities", and "peoples" and "nationalities" are used interchangeably in this Report.

NORMATIVE AND INSTITUTIONAL FRAMEWORK

13. *The normative and institutional frameworks for the protection and promotion of human rights in Nepal are set out in the Constitution, relevant laws, policies and judicial decisions.*

A. Normative Framework

I. The Constitution

14. *The Constitution is recognized as the fundamental law of the land, and any law inconsistent with it is void. More so than the 1990 Constitution, which laid primary emphasis on democracy, the Constitution's cardinal focus is on social and ethnic inclusion, constructive recognition of diversity and fundamental goal of social justice through inclusive, democratic and progressive restructuring of the State.*
15. *Presently, the Constitution with a comprehensive catalogue of fundamental rights, and provisions for their effective protection, is the basic source of human rights. It heavily incorporates almost all the rights set forth in the Universal Declaration of Human Rights (UDHR), the International Covenant on Civil and Political Rights (ICCPR), the International Covenant on Economic, Social and Cultural Rights (ICESCR) and CERD. Concretely, it provides for 21 different rights as fundamental rights.²*
16. *The Constitution has also obliged the State to provide a political system that fully upholds, inter alia, the universally recognized basic human rights and establishes rights of all citizens to education, health, housing, employment and food security. It also inscribes some economic, social and cultural rights in the Directive Principles and State Policies, which include provisions for positive discrimination, reservations and other forms of special support for vulnerable and marginalized groups or communities³ in connection with education, health, housing, food sovereignty and employment, for their*

² The interim Constitution of Nepal, 2007, Part 3, Arts 12 through 32. The fundamental rights are: right to freedom and liberty; right to equality; right against untouchability and racial discrimination; rights regarding publication, broadcasting and press; right regarding environment and health; education and culture; Right to employment and social security; right to property; rights of women; right to social justice; rights of children; right to religion; rights regarding justice; right against preventive detention; right against torture; right to information; right to privacy; right against exploitation; right regarding labour; right against exile and right to constitutional remedy.

³ The phrase "vulnerable or marginalized groups or communities" is used in this Report to include women, children, IPs, Dalits, PWDs, Ex-Kamaiyas, Ex-Haliyas, Harwa, Charwa, Madhesi, senior citizens, sexual and gender minorities, farmers, workers, and those classes that are economically, socially or culturally backward, as the case may be.

empowerment, protection and development. The Constitution in Part IV contains explicit commitment of the State to the promotion of human rights and accordingly obliges the state machineries to take cognizance of human rights in their respective functions. Article 34 of the Constitution has made the protection and promotion of liberty and equality, and the establishment of a just system in all aspects of life, including economic and social advancement, as the fundamental objective of the State. Article 35 provides for state policies about raising the standards of living of the general public through development of education, health, transportation, housing, and employment of the people of all regions by ensuring equitable distribution of economic resources for balanced development of the country.

17. The Constitution has recognized 'the right against untouchability and racial discrimination' as a fundamental right. Any discriminatory treatment on the ground of caste, ethnicity, sex, colour, race, political opinion, etc. is outlawed and also entails compensation to the victim. A person has the right against deprivation of use of public facilities or access to religious sites on ground of caste or race. Any act depriving any person of a particular caste or tribe of services or facilities or reflecting any superiority or inferiority of persons belonging to any caste or race or justifying social discrimination on ground of caste or race is punishable.
18. The institutional safeguards for the rights enshrined in the Constitution include an independent judiciary and the separation of legislative, judicial and executive functions. Legislation in Nepal is subject to review by courts as regards its constitutionality and the exercise of executive power is subject to different forms of judicial review. In the event of infringement of an individual's fundamental rights, the highest court in the land, the Supreme Court can be moved into action to provide immediate relief. To that effect, the Court, may issue necessary orders/writs including habeas corpus, prohibition, mandamus, certiorari and quo warrant.

2. Laws

19. From the standpoint of the protection and promotion of human rights, legal structure of Nepal can be classified into general and specific laws. The Civil Liberties Act, 1954 (the CLA) and the Muluki Ain, 1963 (General Code) are important general laws. The CLA guarantees various civil and political rights. The Muluki Ain is a general law for both civil and criminal matters. It has repealed the traditional caste system and also

attempted to end caste-based discrimination by eliminating untouchability and caste hierarchy. Its 11th and 12th Amendments have made reforms in the existing provisions particularly on property, marriage, divorce and abortion in compliance with major international instruments on women's rights.

20. Specific laws have been enacted to protect and promote other specific rights, for example, the rights of the child, women's right, right against torture, rights of persons with disabilities (PWDs), right to form trade unions and right against child labour and bonded labour.⁴
21. Most recently a comprehensive legislation, the Caste-Based Discrimination and Untouchability (Offence and Punishment) Act, 2011, has been enacted by the Constituent Assembly in the capacity of the Legislature-Parliament with the objective of creating an environment where no untouchability and discrimination prevails on the ground of caste, ethnicity, descent, community or occupation in the name of custom, tradition, religion, culture, ritual or any other name; making punishable the acts of untouchability, exclusion, restriction, expulsion, contempt or any other discriminatory act that is against humanity and providing restitution (compensation) to the victim of such acts (the text of this Act is at Annex I)
22. The legal framework, as culminated in the Acts and Regulations made to be in tune with treaties joined by Nepal during the period covered by the present Report (the list of such legislations is at Annex-II), basically provides for: substantive provisions, and mechanisms to promote and protect human rights; and procedures for remedies in cases of violations of human rights.

3. Policies

23. Nepal has pursued separate policies and programmes on human rights, with social inclusion of the marginalized or vulnerable groups or communities. The Three-Year Interim Plans, 2007/8-2009/10 (TYIP), 2010/11-2012/13 and 2013/14-2015/16 have set Nepal's long-term vision on human rights as to build an inclusive, just and prosperous nation based on human rights culture. The human rights policies aim to ensure human rights for all, by creating a favorable environment for all to live with human dignity, developing human rights culture, alleviating poverty and ending all forms of discrimination, violence and exploitation. Importantly, it is the right-based approach that underlies the human rights policies.

⁴ These laws include: Libel and Slander Act, 1959....

24. *Major strategies pursued by Nepal include incorporating the issues of human rights in all sectoral development policies and plans, implementing special programmes for targeted groups to promote human rights, enhancing the capacity of human rights institutions, and making social service delivery easily accessible and effective in a non-discriminatory manner through comprehensive programmes on human rights education and good governance.*
25. *The 13th Three Year Plan (2013/14-2015/16) has emphasized three core rights ensuring approaches: access, inclusion and equity to all segments of society in the process and outcome of all developmental activities of the State. A separate paragraph is dedicated to ensure inclusion of women, dalits, indigenous people and nationalities, madhesies, muslims, backward and deprived communities, disabled, sexual/gender minorities, rural hills and mountain regions in state affairs.*
26. *Also in pursuance of 1993 Vienna Declaration and Programme of Action, Nepal has been implementing a periodic National Human Rights Action Plan (NHRAP) (2010-2013), formulated in collaboration with the civil society. The NHRAP covers 12 cross-cutting areas: education; health and population; legal reforms and judicial administration and management; indigenous peoples and Dalits; labour and employment; promotion of peace; cultural rights; environment and sustainable development; protection of human rights in Nepal Army; rights of the child, women and minorities, social justice; peace and security, law enforcement and human rights protection; and institution building. Importantly, it has developed collective ownership for the promotion of human rights through integration of human rights programmes into development plans.*

4. *National Jurisprudence*

(a) *Acceptance of International Human Rights Norms*

27. *Nepal's commitment to the acceptability of international human rights norms and principles is evident from the Preamble and Part 3 of the Constitution. The Preamble has made the competitive multi-party democratic system, civil liberty, fundamental rights, human rights, universal adult franchise, and periodic election, full freedom of press, independent judiciary, and concept of rule of law as the basic features of the Constitution. Article 156 of the Constitution is a specific provision to regulate the process of becoming a party to treaties. The Nepal Treaties Act, 1990 provides that any provision of law that is inconsistent with a treaty ratified by Parliament, is for the*

purpose of that treaty, invalid to the extent of inconsistency, and the treaty applies as if it were the law of Nepal.

(b) Principles Laid Down by Judiciary

28. *The Constitution recognizes the judiciary as one of the three pillars of the state, specifies its powers, lays down a framework for its independence, and determines its basic features. The judiciary has played a predominant role in promoting and protecting human rights through its landmark judgments. The principles and rulings laid down in such judgments, made in relation to a wide array of human rights including economic, social and cultural rights, including the rights of the child and women, portray the human rights jurisprudence developed by the Supreme Court (SC). By exercising the judicial power, the SC declared ultra vires many legal provisions relating to facilities in prisons, equality and non-discrimination. In a range of areas where there were legal vacuum, such as women's rights over parental property, rights against sexual harassment and marital rape, it issued directive orders to the GON for making necessary enabling laws or streamlining laws to tune them with the guaranteed rights. These orders have brought ample change also on the elimination of various discriminatory traditions or practice. Moreover, it also contributed to the enforcement of rights including personal and civil liberty by quashing, in several cases, decisions of public authorities affecting personal liberty by putting persons in preventive detention, infringing the right to privacy and denying access to information held by public authorities.*
29. *The SC has also developed advanced public interest litigation (PIL) regime for the protection and promotion of public interest to seek redress in situations of violations of human rights. A wealth of jurisprudence has evolved on issues such as prisoner's rights, bonded labour, right to clean environment and custodial violence, among others. This regime has also become a mechanism to forge public participation in the dispensation of justice.*

B. National Institutional Framework

1. National Human Rights Institutions

29. *Various national human rights institutions have been established by statutes or executive instruments to give effect to the CERD and other relevant international human rights instruments. The NHRC was established in 2000 as an independent*

statutory body. Its enabling legislation is the Human Rights Commission Act, 1997. The Constitution has upgraded it into a constitutional body consisting of one chairperson and four other members appointed for a six-year term, and the formation and mandate of which is in full conformity with the Paris Principles. In the appointments of the members of the NHRC, diversity and inclusion of women have been maintained. The duty of the NHRC is to ensure respect for, protection and promotion of, and effective implementation of, human rights. To this end, it can exercise a wide array of investigatory, supervisory, directive and recommendatory powers. Importantly, it can record any official or body defying its recommendation or direction as a violator of human rights, and issue an order for the provision of compensation to the victims. A new Act to implement constitutional provisions on NHRC has been enacted in January 2012.

30. The National Foundation for Development of Indigenous Nationalities (NFDIN) was established as an autonomous statutory body, by the National Foundation for Development of Indigenous Nationalities Act, 2002, with main objective to ensure the overall welfare of indigenous nationalities. It has played a paramount role in empowering the indigenous nationalities for protection and promotion of their religious, linguistic, cultural and political rights.
31. The National Women Commission (NWC) was established as an autonomous statutory body, by the National Women Commission Act, 2007, for the protection and promotion of the rights and interests of women, including their effective inclusion in the development mainstream. It has recommendatory and investigatory powers. It consists of one chairperson and four members appointed by the GON, with inclusion from the Dalit and Madhesi communities.
32. The National Dalit Commission (NDC) was formed by an executive order of 2002, with primary objective to protect and promote the rights of the Dalit community and assist the GON in Dalit upliftment programmes. It has carried out various important activities, including, preparation of required legal measures, working plans, publication and dissemination of various literatures on Dalits, including the CERD. It has been implementing a Five-year Strategy focusing on overall empowerment and political participation of Dalits, cultural vigilance and legal reforms. The Dalit Community Upliftment District Coordination Committees have served as an

institutional framework in the field of protection of the rights of Dalit at the local level.

33. *In 2012 the GoN has constituted a National Muslim Commission to promote and protect the rights of Muslim communities in a coordinated manner.....(to be added from MOFLD).*

2 *Office of the Attorney General (OAG)*

33. *The Attorney General as well as officials subordinate to him or her represents the GON in any courts or bodies and has important power to ensure humanitarian treatment of persons deprived of their liberty.*

3. *Human Rights Committee in Legislature-Parliament*

34. *The International Relations and Human Rights Committee of the Legislative-Parliament gives necessary direction and suggestion to the GON. It evaluates and monitors governmental activities on human rights. It considers and deliberates on annual reports of the NHRC and the Attorney General, and reports to the House of Legislature-Parliament. Such reports indicate whether desirable progress has been made, whether violators of human rights have been brought to justice, whether status of implementation of human rights treaties joined by Nepal is satisfactory and what sorts of policies need to be implemented in this field.⁵*

4 *National Information Commission (NIC)*

35. *The NIC is a statutory body established under the Right to Information Act, 2007. It hears appeals against decisions by public bodies in relation to citizens' demand to have access to information in such bodies. It is empowered to provide effective remedies on the enforcement of the right to information, by ordering for making reasonable compensation to the aggrieved party and taking departmental action against the defaulter.*

5. *Government Institutions*

36. *A number of government institutions are also in place to give effect to human rights treaties at the domestic level. The Office of the Prime Minister and Council of Minister (OPMCM) is the lead government agency responsible for the promotion of*

⁵ *The Constituent Assembly (Conduct of Business of Legislature-Parliament) Rules, 2008.*

- human rights related activities, including governance reform and effective implementation of relevant human rights treaties. It coordinates and harmonizes human rights related affairs of various line agencies. It also oversees the status of compliance with the reporting obligation of Nepal under various human rights treaties to which Nepal is a party.*
37. *The Ministry of Peace and Reconstruction (MOPR), established in 2007, has supported initiatives for constructive conflict management, promotion of participation of all spheres of society in the peace process, forging international support to sustain the peace process and ensuring transitional justice to conflict victims. In February 2011, the GON adopted a National Action Plan on Implementation of the UN Security Council Resolutions 1325 and 1820 (2011/12-2015/16). Its basic objective is to ensure proportional and meaningful participation of women at all levels of conflict transformation and peace building process and protection of women and girls' rights.*
38. *The Ministry of Women, Children and Social Welfare (MOWCSW) is responsible for the formulation, implementation, monitoring and evaluation of policies, plans and programmes on women, children and social welfare, and also for the protection and security of orphans, helpless children, women, senior citizens and persons with disabilities (PWDs). It coordinates with national and international NGOs in their activities within its purview. The national CEDAW committee has adopted necessary measures to effectively implement the CEDAW. The MOWCSW prepared a strategic document on gender and social inclusion in 2006, which has been instrumental in mainstreaming gender and promoting equality in the national level organizations. The MOWCSW has formulated and being implemented the National Child Policy, 2012 which fully ensures all rights enshrined from Convention on the Rights of the Child (CRC) and its two optional protocols.*
39. *Ministry of Federal Affairs and Local Developmnt (MoFLD) is responsible for the formulation, implementation, monitoring and evaluation of policies, plans and programmes relating to Dalits and Indigenous Nationalities/Peoples in conformity with the Constitution and international instruments including CERD and International Labour Organization (ILO) Convention 169. It is the institution which operates functional offices in each Village Development Committee.*
39. *Similarly, the Ministry of Foreign Affairs (MOFA), Ministry of Law, Justice, Constituent Assembly and Parliamentary Affairs (MOLJCAPA) and Ministry of*

Home Affairs (MOHA) are other important institutions to deal with human rights related activities within their respective spheres.

6 Anti Corruption Bodies

40. In view of the fact that corruption is a great threat to good governance and ultimately to the enjoyment of human rights by all people without discrimination, several anti-corruption bodies have been established, with complementing mandate. The Commission for the Investigation of the Abuse of Authority is a constitutional body mandated to investigate and prosecute the cases of corruption and improper conduct. Similarly, the National Vigilance Center, the Special Court, OAG, Judicial Council, Revenue Investigation Department, Central Arrears Collection Office, Public Procurement Monitoring Office, Parliamentary Committees and the Office of Auditor General have performed the various functions of ombudsman against corruption.

7 The Media

41. The media exercises full freedom of expression. The GON firmly believes that a responsible media is the nerve of any democratic polity. A good number of daily newspapers, weeklies, fortnightlies and monthlies are being published. There is also a remarkable growth of private satellite TV channels, community radios and print media. The media is active in bringing out various issues of national importance such as human rights, development and good governance, with the fundamental aim to generate dialogue and consensus on such issues. The media has been nurturing the right to information, and been instrumental in voicing against the violations of human rights.

8 Civil Society

42. The civil society has evolved as a vibrant institution significantly contributing to the establishment of a sound democratic system. Voluntary action by citizens, in particular the PIL, has played a critical role in consistently holding the government accountable for its actions and in resisting infringements of human rights. Such action is reinforced by the NGOs and CBOs through their diverse programmes including awareness, access to justice, environment conservation and participation in development process. Nepal has a strong tradition of NGOs and community based organizations (CBOs). Some 27,000 NGOs are registered in the country. The Constitution has directed the State to pursue a special policy on the operation and

management of NGOs. The Association Registration Act, 1977 and the Social Welfare Council Act, 1992 provide legislative and institutional support for the operation of NGOs and CBOs.

C Scope of International Obligations

43. Nepal strongly upholds the rights set forth in the Universal Declaration of Human Rights (UDHR) and CERD, ICESCR, ICCPR, etc. and principles enunciated in the UN Charter. Nepal is a party to almost all core universal human rights treaties,⁶ eleven International Labour Organization (ILO) conventions,⁷ and many other human rights related treaties.⁸ During this reporting period, Nepal has ratified two more ILO Conventions: Abolition of Forced Labor Convention, 1959 (No. 105) on 3 August 2007 and Indigenous and Tribal Peoples Convention, 1989 (No. 169) on 14 September 2007. Moreover, Nepal is a party to the Four Geneva Conventions of 1949. It ratified the SAARC Convention on Regional Arrangements for the Promotion of Child Welfare in South Asia, 2002 and SAARC Convention on Preventing and Combating Trafficking in Women and Children for Prostitution, 2002. The GON reaffirms that all human rights are universal, indivisible and interdependent. It believes that full realization of CERD does not only depend on straight penal legislation but also largely dependent on the overall status of education, health, and employment of the citizens that also depends on the availability of requisite infrastructures and resources at the domestic level as well as on positive international cooperation and technical assistance.

⁶ International Convention on the Elimination of All Forms of Racial Discrimination (ICERD); International Covenant on Economic, Social and Cultural Rights (ICESCR); International Covenant on Civil and Political Rights (ICCPR); First Optional Protocol to the ICCPR; Second Optional Protocol to the ICCPR aiming at the abolition of the death penalty; Convention on the Elimination of All Forms of Discrimination against Women (CEDAW); Optional Protocol to the CEDAW; Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT); Convention on the Rights of the Child (CRC); Optional Protocol to the CRC on the involvement of children in armed conflict; Optional Protocol to the CRC on the sale of children, child prostitution and child pornography; Convention on the Rights of Persons with Disabilities (CRPD); and Optional Protocol to the CRPD.

⁷ They are: Weekly Rest (Industry) Convention, 1921 (No. 14); Forced Labor Convention, 1930 (No. 29); Right to Organize and Collective Bargaining Convention, 1949 (No. 98); Equal Remuneration Convention, 1951 (No. 100); Force Labor Abolition Convention (No. 105); Discrimination (Employment and Occupation) Convention, 1958 (No. 111); Minimum Wage Fixing Convention, 1970 (No. 131); Minimum Age Convention, 1973 (No. 138); Tripartite Consultation (International Labor Standards) Convention, 1976 (No. 144); Worst Forms of Child Labor Convention, 1999 (No. 182); and Indigenous and Tribal Peoples Convention, 1989 (No. 169).


⁸ They include: Slavery Convention; Protocol Amending the Slavery Convention; Supplementary Convention on the Abolition of Slavery, the Slave Trade and Institutions and Practices Similar to Slavery; Convention on the Prevention and Punishment of the Crime of Genocide; Convention for the Suppression of Traffic in Persons and of the Exploitation of the Prostitution of Others; Convention on the Political Rights of Women; International Convention on the Suppression and Punishment of the Crime of Apartheid; International Convention against Apartheid in Sports.

30. *The definition of 'racial discrimination' as such does not directly cover 'caste based discrimination' which is the concern of Nepal. Nepal had experienced caste based discrimination which is manifested as untouchability, outlawed in 1963 by the General Code (Muluki Ain) and criminalized in July 2004 by enlisting as state cases under the State Cases Act, 1992, being the state plaintiff on behalf of the victim. Caste based discrimination may be interpreted as analogous to discrimination based on decent. Nepal never experienced racial discrimination throughout the history.*
31. *As political commitment to the elimination of all forms of caste based discrimination, the Parliament that was reinstated as a result of the historical People's Movement in 2006 proclaimed Nepal a State Free of Caste-based Discrimination in 4 June 2006 which also presented 6 points plan of action for the empowerment of Dalits in each and every mechanism of the state. Likewise, government declared 21st Jesth (May 24) every year be celebrated as State Free of Caste Based Discrimination Day since 2010.*
32. *The Constituent Assembly in the capacity of Legislature Parliament enacted a comprehensive legislation 'Caste Based Discrimination and Untouchability (Offensive and Punishment) Act, 2011' which came into force on 1st June 2011. The Act provides that if anyone commits or causes to commit any act as referred to in Section 4 of the Act on the ground of custom, tradition, religion, culture, rituals, caste, ethnicity, descent, community or occupation, he/she shall be deemed to have committed caste-based discrimination and untouchability.*
33. *A range of special positive measures including reservations in public sector employment; scholarship for education from primary to higher level education; participation in public matters including elections and take part in the Government as well as to conduct public affairs; integration or assimilation between/among different caste in social affairs; and other different socio-economic schemes have been adopted for the purpose of securing adequate advancement of Dalits and other socially disadvantaged groups in order to ensure such groups' or individuals' equal enjoyment or exercise of human rights and fundamental freedoms which are discussed in Article 1 and 4 of Part II of this Report.*
34. *Nepal has ratified Indigenous and Tribal People's Convention, 1989 (ILO Convention No. 169) on 22 August 2007. The Ministry of Federal Affairs and Local Development is preparing a National Plan of Action for the effective implementation of the ILO Convention 169.*

35. *Although the first amendment of the Interim Constitution of Nepal, 2007 declares Nepal as a Federal Democratic Republican State on 8 June 2008 abolishing the Monarchical system, administratively the country is still in previous structure (divided into 5 development regions, 14 zones and 75 districts). Village Development Committees (VDC) and Municipalities are the lower administrative units in each district. Each VDC comprises 9 wards whereas a Municipality contains 9 to 35 wards. Currently, there are 3915 VDCs and 58 Municipalities in the country. The Constituent Assembly which was supposed to prepare and adopt a new constitution for Nepal incorporating the aspirations of the people, but it failed to prepare and adopt new a constitution and finally another election for Constituent Assembly is going to be held in November 2013.*
36. *The then Constituent Assembly was regarded as the most inclusive and representative of different social and ethnic groups in the history of Nepal: Bramin-Kshetri 39.4 %, indigenous nationalities 36.27%, Madhesi 16.13% and Dalits 8.15%. Women from all groups shared 32.77% of the CA members which was in keeping with the constitutional provision.*

Section II

Responses to concluding observations of the Committee on the Elimination of Racial Discrimination

37. *The Committee on the Elimination of Racial Discrimination (the Committee) after considering the 15th and 16th combined periodic report of Nepal, appreciated the efforts made in response to its observations and welcomed the fact that the Nepal's delegations included members from Dalit (NDC) and indigenous nationalities, and expressed its appreciation for the constructive responses. The Committee adopted its concluding observation on 24 April 2004 (CERD/64/Co/5).*
38. *Nepal is fully committed to the  XXIX General Recommendation of the CERD Committee. The general recommendation on different fields such as special measures, civil and political rights, socio-economic rights, right to education, abolition of discrimination and segregation, administration of justice are very pertinent to Nepal.*
39. *In order to institutionalize the achievements of People's Movement, the then CA has eleven thematic committees and have submitted their preliminary reports. These reports have included many provisions that aim to address the existing socio-economic*

and cultural discriminations and provide effective measures of mitigation. The Committee on the Fundamental Rights has proposed Rights of Dalit Community, Rights of Women, and Rights of Indigenous Nationalities and right of other backwarded societies and Badi community. Similarly, the Committee on the Marginalized Groups and Minorities also has mentioned special rights to those communities to be included in the new Constitution.

SPECIAL MEASURES AGAINST DISCRIMINATION

- 40. The Constitution has explicitly outlawed the caste-based discrimination and made it punishable along with compensatory provision to the victims. The anti-discriminatory provisions have been in place as the basic fundamental rights under Article 14 of the Constitution. The fundamental rights are guaranteed as the basic structures. The Government has publicly expressed its commitment to eliminate all kinds of segregation, exploitations and social exclusion. Similarly, the cases regarding untouchability have been recognized as the state cases under the State Cases Act, 1992. Issuing the directive order to the Government in the case of Shaileswari and Chamar Andolan, the Supreme Court has asked the Government for enacting specific law against untouchability, segregation and discrimination based on caste, work and descent.*
- 41. The Supreme Court has currently revisited its earlier decision. It has again issued a directive order to the GON to enact a specific law against caste-based discrimination. While this judicial decision is very crucial; equally remarkable is the time limitation on the enactment of law as set by the Court. It has asked the Government for enacting a special law within fiscal year 2006/07 (Pravin Kumar Mahato vs. GON Writ No.3061, 2061). It has become a state obligation to enact a law on special measures for ensuring the affirmative provisions to Dalits, indigenous nationalities and women.*
- 42. Protecting and promoting the rights of the poor, marginalized, vulnerable, Dalits, indigenous nationalities and those living in the backward and remote regions, the National Human Rights Action Plan (NHRAP) has specified the programs and actions for the elimination of caste-based discrimination. Its objective are: to enact and reinforce laws, to protect and safeguard equal rights in line with the international human rights norms and standards. The NHRAP contains various programs in term of reviewing existing laws and formulating of new laws to end disparities and ambiguities for fulfilling Nepal's obligations as a signatory to various UN conventions and declarations.*

43. *In order to increase land entitlement of Dalits and women, the Government has applied policy of 20% and 50 % concession of total amount on Land Registration Tax (LRT) in land purchased by Dalits and women, respectively.*
44. *In order to make civil service inclusive, 2nd Amendment Act of the Civil Service Act, 2007 introduced reservation system. Out of total seats to be fulfilled, 45% seats are set a side for reservation. These 45% seats are allocated for women (33%), Indigenous People and Nationalities 27%, Madhesies (22%), Dalits (9%), Disabled (5%) and Backward Area (4%).*

STRENGTHENING HUMAN RIGHTS MONITORING MECHANISMS

45. *The NDC is responsible for carrying out studies and making recommendations to amend existing discriminatory laws and for presenting recommendations for new specific legislation. In pursuance of its responsibility, the NDC has currently carried out a study relating to the laws which are discriminatory against social inclusion. Likewise, the NDC has started to make a draft bills for the overall development of Dalits, abolition of untouchability, segregation and all forms of discriminations based on caste.*
46. *In pursuance of the recommendation of the CERD Committee, a bill designed to provide statutory status to the NDC had been tabled before the Legislature-Parliament but before its adoption Legislature-Parliament was dissolved. New Legislature-Parliament is awaited for reintroduction of the bill.*

STATE ACTION AGAINST THE CASTE-BASED ATROCITIES

47. *The Annual Report of the NHRC, 2004-2005 has mentioned that altogether 8 complaints were lodged related to the caste-based discrimination in that fiscal year (Annual Report of NHRC, 2004). The Commission is serious in the investigation of these complaints. In the complaint concerning Marani Devi Damai (a Dalits women), the Commission has been successful to provide compensation by the concerned government agencies. She was beaten by the local people accusing of being a witch (boxi). With the objectives of raising awareness about racial discriminations among the rural people, socio-political leaders and government officers, the NDC has been launching the Mobile Justice Program in remote areas of Nepal. Similarly, NHRC*

has conducted various promotional activities and provided a platform to the governmental and non-governmental organizations for deliberations.

48. The NHRAP aims to discourage and abolish the traditions of treating Dalits as untouchable and contains programs for awareness raising and appropriate legal sanction to end the practice of untouchability. The programs to this end include, among others, media campaign to end the practice of untouchability and superstitious belief and establish units to provide legal aid to Dalits cases.
49. The Supreme Court issued an order in the name of Government to enact a specific law ensuring the constitutional scheme against untouchability and discrimination. The Court has clearly stated that untouchability is constitutionally punishable and asked the government to formulate law for compensation at the earliest. The existing punitive provision under the Country Code, 1963 is not up to the spirit of constitutional provisions regarding untouchability. Considering these orders of the Supreme Court, a comprehensive legislation, Caste-Based Discrimination and Untouchability (Offence and Punishment) Act, 2011 has been enacted.

EFFECTIVE IMPLEMENTATION OF BONDED LABOR (PROHIBITION) ACT, 2002

50. The Child Labor (Prohibition and Regulation) Act, 2000 has been enacted with objective to outlaw bonded labor. Section 3 of this Act prohibits deploying anyone at work who is below 14 years. It provides that no children shall be compelled to work at risky areas like companies, hotel restaurant and areas for tourist purposes. Section 4 of the Act prohibits engagement of children in work contrary to their will. Equal pay for equal work is also provided for all caste, creed, sex and others. Provision of security, education and health has also been incorporated. To effectively carry out this Act, a regulation has been drafted by the Ministry of Women, Children and Social Welfare.
51. Bonded Labour (Kamias) system, worst form of exploitation, has been abolished by the Government. Enacting special law for prohibition of bonded labour system, the Government has committed itself to implement the constitutional provision of the right against exploitation. Article 33 of the Constitution directs the Government to adopt special policies of social security for landless people, Kamaiyas, Halia, Harawa/Cahrawa (unpaid/low paid labors) who are socially and economically deprived and marginalized.

52. *The Bonded Labour (Prohibition) Act has some provisions for freeing bonded labors and rehabilitating them in the society. The District level Welfare Committee is to launch rehabilitation programs for such freed labors.*
53. *The Supreme Court has issued orders to the Government in various writ petitions that are filed as public interest litigation. In *Uttar Tamata et.al. Vs. GON, 2004*, the court orders to the Government to effectively implement the Bonded Labour (Prohibition) Act, 2002.*
54. *The Government has made some guidelines and strategies to distribute land to freed bonded labor. The Government has carried out various programs targeted to freed bonded labors in terms of their employment, skills-development, group formulation, mobile fund distribution, group saving mobilization, food for work, and direct opportunities ensuring for their employment. Through mobile fund program, these people have been provided a sum of Rs 3,000 to 30,000 per capita. The Government has also prepared regulations regarding the mobile fund distribution programs.*

Special Measures to Ensure Training/ Education to the Teachers, Social Workers and Officials

55. *The Judicial Academy has been established to empower judicial institutions through trainings and workshops. For discharging this duty, the Judicial Academy has begun to impart trainings on gender, Dalits-related and other issue to the judicial personnel. The Academy has been organizing training and seminars to sensitize them on the issues of human rights.*
56. *NDC has been implementing awareness and training programs against discrimination to both Dalits and non-Dalits.*

Special Measures to ensure vote, stand for election and due representation of Dalits and other disadvantaged in the state-owned media

57. *NDC has also started to broadcast a Radio Program namely *Maryadit Aawaaj (The Voice of Dignity)* and Jingle by different local FMs with an objective of promoting wider awareness and education against the untouchability and discriminations.*

IMPLEMENTATION OF DURBAN DECLARATION AND PROGRAM OF ACTION

58. *The Government has launched various programs as cross-cutting issues through different Ministries for the implementation of Durban Declaration and Program of Action. The detailed measures taken for the implementation of the Durban Declaration and Programme of Action is given in Section II of Chapter II of this Report.*

DISSEMINATION OF CONCLUDING OBSERVATIONS AND RECOMMENDATIONS

59. *The Government has widely disseminated the provisions of CERD and Nepal's previous reports and concluding observations and recommendations of the CERD Committee. Recently, the Government and NDC have published and disseminated the International Convention on the Elimination of All Forms of Racial Discrimination and Concluding observations and recommendation on Nepal's report, 2004 both in English and Nepali languages.*

60. *The NDC has been organizing workshops and seminars on CERD and the general recommendations of the CERD Committee. Workshops and seminars are being organized in the districts. The NDC is extensively disseminating information to the people about the responsibilities for fulfilling the obligations under this Convention. Similarly, the NHRC has also been playing a vital role in the dissemination of information regarding this Convention through publications, trainings and workshops.*

Part II

State Obligations to Abolish Race/Caste-based Discriminations

Section I

Article I

61. *The definition of racial discrimination in the Interim Constitution and the Caste-based Discrimination and Untouchability (Offence and Punishment) Act, 2011 are fully in compliance with the CERD. Before dwelling upon the contents of the definition, it is important to note that Nepal had never experienced race and colour based discrimination. However, we had experience of caste-based discrimination which manifested as untouchability. This caste-based discrimination is interpreted as analogous to descent based discrimination. Therefore, emphasis is given to the caste based discrimination and untouchability in the Constitution and other legislative framework as analogous form of racial discrimination. Nepalese laws do not permit whether direct or indirect form of discrimination.*
62. *Article 14 of the Constitution ensures Right Against Untouchability and Racial Discrimination and provides that no person shall, on the ground of caste, descent, community or occupation, be subject to racial discrimination and untouchability in any form. Such a discriminatory act shall be liable to punishment and the victim shall be entitled to compensation as provided by the law; no person shall, on the ground of caste or tribe, be deprived of the use of services, conveniences or utilities available to the public, or be denied access to any public place, or public religious places, or be prevented from performing any religious act. It also provides that no person belonging to any particular caste or tribe shall, in relation to the production or making available of any goods, services or conveniences, be prevented from purchasing or acquiring such goods, services or conveniences; and no such goods, services or conveniences shall be sold or distributed only to members of a particular caste or tribe. Similarly, it is prohibited to purport to demonstrate superiority or inferiority of any person or a group of persons belonging to any caste, tribe or origin; or to justify social discrimination on the basis of caste and tribe; or to disseminate ideas based on caste superiority or hatred; or to encourage caste discrimination in any form. The Constitution also provides that any act contrary to the said provisions shall be punishable in accordance with law.*

63. *The law as referred by the Constitution is the Caste-Based Discrimination and Untouchability (Offence and Punishment) Act. 2068 (2011). Section 3 prohibits to practice caste-based discrimination and untouchability and states that no one shall commit or cause to commit caste-based discrimination and untouchability and no one shall aid, abet or provoke anyone to commit caste-based discrimination or untouchability, or shall attempt to commit such acts. Section 4 describes the acts and which are deemed to have committed an offence under the Act:*

(i) if anyone commits or causes to commit any act as referred to in this section on the ground of custom, tradition, religion, culture, rituals, caste, ethnicity, descent community or occupation, he/she shall be deemed to have committed caste-based discrimination and untouchability (ii) no one shall, on the ground of tradition, custom, religion, culture, cultural practices, caste, ethnicity, descent, community or occupation, commit or cause to commit any of the following acts in any public or private place against a person subjecting him or her to caste-based discrimination or untouchability:

(a) To prevent, control, restrict or prohibit anyone in any way from entering, attending or participating, or

(b) To expel anyone individually or collectively from public place or public occasion or to commit social exclusion or discrimination of any kind or to impose restriction on such act or to demonstrate any other kind of intolerant behaviour.

(iii) No one shall, on the ground of caste, ethnicity, descent, community or occupation, deprive a person of using or enjoying public service. (iv) No one shall, on the ground of caste, ethnicity, descent, community or occupation, deprive a person of organizing a public event or carrying out any activity organized publicly. (v) No one shall instigate or provoke a person to commit an act that causes caste-based discrimination or untouchability or abet a person to commit such acts, or knowingly participate in such acts. (vi) No one shall on the ground of caste, ethnicity, descent, community or occupation, prohibit or prevent a person from taking up any profession or business or compel a person to take on any occupation or business. (vii) No person shall, on the ground of caste or tribe, be deprived of the use of services, conveniences or utilities available to the public, or be denied access

to any public place, or public religious places, or be prevented from performing any religious act.

- (viii) No one shall, on the ground of caste, ethnicity, descent, community or occupation, prevent or cause to prevent a person from producing, selling or distributing any goods, services or facilities.*
- (ix) No one shall, while producing, selling or distributing any goods, services or facility, produce sell or distribute any goods, services or facility only for a particular caste or ethnicity.*
- (x) No one shall on the ground of caste or ethnicity, exclude any member of family or prevent him/her from entering the house or evict him/her from the house or village, or compel him/her to leave the house or village.*
- (xi) No one shall, on the ground of caste, ethnicity, descent or community, prevent a person of marriageable age pursuant to prevailing law from an inter-caste marriage to which they consent or prevent the naming ceremony of a child born from such marriage, or compel or cause to compel the divorce of persons in an inter-caste marriage.*
- (xii) No one shall, by dissemination, publication or exhibition of audio visual materials, articles, pictures, figures, cartoons, posters, books or literature or by any other means, denote hierarchical supremacy of a person belonging to a particular caste or ethnicity or commit an act that justifies social discrimination on the ground of caste or ethnicity or transmit the views based on caste supremacy or hatred or use derogatory words or indicate thereof, by his/her conduct gesture or behavior, or instigate or abet or cause to do so in any way that promotes caste-based discrimination.*
- (xiii) No one shall on the ground of caste, ethnicity, descent or community, deny a person work or dismiss a person from employment or discriminate in remuneration or cause to do so.*

64. Nepalese laws defined 'public places' to mean the place used for public purpose such as governmental or non-governmental office, education or industrial institution, ancient monument, memorial, resting place, tap, well, pond, dais, road or passage way, vehicle of public transportation, graveyard, garden, religious site of any kind, an or this term includes any other place where products or services are sold or distributed publicly. Similarly, 'public service' is defined to mean governmental or non-governmental office, public institution, transport, industrial or educational institute, company, firm, shop, hotel, resort, lodge, restaurant, cafe, film hall or

theatre, and this term also includes any service or facility to be provided by any government or non-government agency for public use or benefit. Nepal had not made reservations and declarations or derogations, restrictions or limitations regarding the scope of the definition of racial discrimination. No differential treatment based on citizenship or immigration is made. Nepal has taken a range of special measures for the purpose of securing adequate advancement of dalit (who were subjected to caste based discrimination or untouchability), ethnic groups, madhesi and backward community which is discussed under Article 2 of this Report.

Article: 2

65. *The protection and promotion of basic human rights is a fundamental tenet of the Constitution. Its preamble promises to ensure basic human rights to every citizen promoting spirit of fraternity and the bond of unity among the people on the basis of liberty and equality.*
66. *The Constitution focuses on social justice and equal distribution of economic resources and provides equal opportunities. It directs to maintain cultural diversity, pursuing a policy to strengthen national unity and promote healthy and cordial social relations among various castes, religions, tribes, communities and linguistic groups.*
67. *The Constitution has not limited the rights against discrimination on the basis of caste, origin, or occupation only, but also has ensured the rights to all classes allowing them to participate in state mechanism based on the principle of proportional inclusiveness. In addition to Article 14, some other important provisions of the Constitution which ensure the right against discrimination are as follows:*
 - a) *Article 13 of the Constitution provides right to equality. It ensures that equality before law and equal protection of law are both important. The provision of clause (3) of the Article allows for making special provisions to women, Dalits, indigenous nationalities, Madhesi, farmers, workers, backward classes or children, aged and disabled or those are physically or mentally incapacitated with respect to their protection, empowerment or advancement economically, socially or culturally.*
 - b) *Article 21 of the Constitution provides the Right to Social Justice. It ensures that economically, socially or educationally backward women, Dalits, indigenous nationalities, Madhesi communities, oppressed classes, poor farmers and*

workers have the right to take part in the structure of the State on the basis of the principle of proportional inclusion.

- c) *Article 29 of the Constitution guarantees right against exploitation; every person has the right against exploitation and no one shall be exploited in the name of any custom, tradition and usage or in any manner whatsoever. Moreover, no one shall be trafficked nor shall one be held in slavery or in servitude nor shall be required to perform forced labour.*
- d) *Article 33 of the Constitution mentions about State Obligations. The state is obliged to end the existing centralized and unitary structure of the State so as to address the problems of women, Dalits, indigenous nationalities, Madhesi, oppressed, excluded and minority communities and backward regions, and make the state an inclusive, democratic and progressive through its restructuring, while at the same time doing way with discriminations based on class, ethnicity, language, gender, culture, religion and region. It is the state obligation to get participation of all Madhesi, Dalits, indigenous tribes, women, laborers, farmers, disabled, backward groups and regions in all organs of the state structure of the country on the basis of proportional inclusiveness. Similarly, it is also the state obligation to abolish all discriminatory laws.*
- e) *Article 34 of the Constitution contains Directive Principles of the state. It envisages transforming the national economy into an independent, self-reliant and progressive one by preventing the economic resources and means available in the country from being concentrated within a limited section of the society by making arrangements for the equitable distribution of economic gains on the basis of social justice, by making such provisions as to prevent economic exploitation of any race, sex, class, origin or individual, and by giving priority and encouragement to national both public and private enterprises while at the same time eliminating economic inequalities. Similarly, it also pledges to eliminate all types of economic and social inequalities and establish harmony amongst the diverse castes, tribes, religions, languages, races, groups and communities.*
- f) *Article 35 of the Constitution has provisions on State Policies. Accordingly, the State is to pursue a policy of strengthening the national unity by maintaining the cultural diversity of the country by developing healthy and cordial social relations amongst the various religions, cultures, tribes, communities,*

denominations, origins and linguistic groups, based on equality and co-existence, and through the equal development of their languages, literatures, scripts, arts and cultures. In the similar vein, clause (14) directs the State to pursue a policy of making a special provision, based on positive discrimination, for the minorities, landless people, landless squatters, bonded labours, the disabled, backward regions and communities and conflict victims, the women, Dalits, indigenous nationalities, Madhesi and Muslims, as well.

- g) Article 63 (4) of the Constitution provides explicitly that in selecting candidates for the election to the Constituent Assembly, political parties must take into account the principle of inclusion and ensure proportional representation of the women, Dalits, oppressed tribes/indigenous nationalities, backward regions, Madhesi and other classes.
- h) Article 138 of the Constitution provides for the inclusive, democratic and progressive restructuring of the state with federal governance system to put an end to discrimination based on class, caste, language, sex, culture, religion and region by eliminating the centralized and unitary form of state.
- i) Clause (4) of Article 142 of the Constitution explicitly provides that the Election Commission shall not register any political party or organization if it discriminates against any citizen of Nepal in becoming its member on the basis merely of religion, caste, tribe, language or sex, or the name, objective, insignia or flag of which is of such a nature as to jeopardize the religious and communal unity of the country or to fragment the country, or the constitution or rules of such party or organization have the objective of protecting and promoting party-less or single party system.
- j) Article 154 of the Constitution empowers the Government to constitute such commissions as may be required for the protection and promotion of the women, Dalits, indigenous nationalities, Madhesi, disabled, workers or farmers among others.

68. The House of Representatives proclaimed Nepal as a nation free from untouchability on 4 June 2006. The House has made commitments through the proclamation to eliminate all discriminatory policies and untouchability practices, build society based on equality by bringing the oppressed and Dalits communities into the

national mainstream and launch special economic programs to make proper arrangements for their education, health and employment.

- 69. Section 9 of the Nepal Treaty Act, 1990 provides that if any provision contained in a treaty to which Nepal is a party (following its ratification, acceptance, approval or accession by the Parliament) contradicts with the provisions of domestic law, such provisions become invalid to the extent that they conflict with the treaty provision.*
- 70. The crime of racial discrimination has been inserted in Schedule One of the State Cases Act, 1992. The Government investigates and prosecutes any offenders of such crime.*
- 71. The Civil Liberties Act, 1954 has guaranteed the right to equality and prohibited any form of discrimination on the basis of caste. The Act guarantees the right to equality and equal protection of law and strongly prohibits any restriction against any citizen on the basis of religion, race, sex, caste or any other ground.*
- 72. Prohibiting all forms of exploitations, the Children Act, 1992 guarantees children's right against exploitation. The Act prohibits engagement of a child below 14 years in any work as a laborer. It provides that any child, who has not attained the age of 14 years, shall not be employed in any work as a laborer. A child can only be engaged as a laborer for six hours a day and no more than 36 hours a week. Section 18 of the Act provides that no child shall be engaged in a work that is likely to be harmful to the child's health or to be hazardous to the life of the child. Similarly, discriminating children on grounds of the caste of their parents is also outlawed. Section 53, provides for punishment in relation to violations of these provisions. Any person who commits such crimes is punished with a fine up to three thousand rupees or with imprisonment for a term of three months or with both*
- 73. The Child Labor (Prohibition and Regulation) Act, 2000 prohibits the child labor system. Section 3 of the Act prohibits engagement of anyone who is under 14 years in a work. Section 3(2) states that no children shall be compelled to work in risky sectors like hotels, restaurants and tourism industries. Section 4 prohibits compelling children to work against their will. The Government has been implementing the time bound programs for the elimination of worst forms of child labor. Section 10 provides for equal pay for equal work and prohibits discrimination on the grounds of caste, creed, sex and others. Equal pay for equal work is an implied principle being pursued by the Government.*

74. *With the objective of ensuring indigent people's access to justice, the Legal Aid Act, 1998 has made some provisions for providing necessary legal aid to those who are incapable of protecting their rights due to the economic constraint. This Act fulfils the constitutional obligation to provide legal aid to the indigent persons for making their representation in legal actions, keeping in view the principle of rule of law. The GON, with the cooperation of bar associations and non-governmental organizations (NGOs), has been trying to provide legal aid without discrimination of any kind to the persons who really deserve such aid.*
75. *The Local Self-governance Act (LSGA), 1999 has allocated certain seats to the people of backward and downtrodden communities for some positions of the Village Development Committees (VDCs), Municipalities and District Development Committees (DDCs). Sections 12(1)(c), 80(2)(d) and 176(2)(d) of LSGA provide for special arrangements for the nomination of two members, including one woman, from the backward groups, ethnic communities, down-trodden and indigenous people to the VDC, Municipality and DDC Councils. This provision undoubtedly contributed to Dalits participation in the local governance.*
76. *Local bodies are required to introduce special welfare plans and programs for women, backward communities, disabled and other marginalized people. They are required to give priority to the projects providing direct benefits to women and backward groups. At least 35% of budget should allocate for targeted program for gender equity and social inclusion.*
77. *The Libel and Slander Act, 1959 aims to eliminate defamatory actions against anyone and, has laid down various provisions to maintain human dignity and ensure human rights. The Act defines contemptuous activities (such as defamation) and sets punishment there for. Section 3 of the Act defines contemptuous activities which include deliberate defamation by a written document, indication or verbal presentation. The activities by indication and by deliberate defamation are considered as insult. Section 8 of the Act prohibits humiliating or degrading activities to women. Humiliating activities include words, written document and indication that undermine the reputation of women. According to the Act, anyone who commits an offence of untouchability is subject to punishment of imprisonment for a term of six months and a fine ranging from one hundred to five hundred rupees. In this context, this Act could be taken as a positive attempt against discrimination.*

MEASURES TAKEN

78. *13th Three Year Plans including 2013/14/-2015/16 set the strategy of pursuing the development process with social inclusiveness. It envisaged that policies and programs would be implemented, focusing on indigenous nationalities, Dalits, Madhesi, women in remote geographical areas, helpless, disabled, poor people and communities who are backward or compelled to be in backward positions owing to disparity existing in the society. It sought to address institutional weaknesses in pursuing inclusive development process and solidarity on geographical, economic, social and gender bases also through special efforts for the abolition for all forms of discrimination.*
79. *Judicial measures have also been adopted to abolish discriminatory practices prevailing in different forms. The Supreme Court has issued a order in the case of Lancau (a NGO) vs. GON in 2004 to abolish discriminatory practices establishing separate water taps in the western part of the country.*
80. *The Supreme Court has also positively issued a show cause order to the government authorities in regards to the abolition of discriminatory provision of Tin Dhara Pathshala, a historic Sanskri school in Kathmandu.*
81. *A directive order was also issued by the same Court to the GON on 21 April 2005 to enact appropriate law as per necessity for the accomplishment of the objectives of the Convention in general and Article 11 (4) of the Convention in particular. The Court has specified that the constitutional expectation against untouchability is progressive. So, the GON should enact a special and strong law to eliminate discrimination based on caste and descent.*
82. *The Supreme Court (in the case of Pravin Kuamr Mahato vs. GON, Writ No.3061, 2004) issued a mandamus order in the name of GON to enact a special law ensuring reservation to the Dalits and other groups.*
83. *Discrimination on any ground is also outlawed in relation to foreign employment. The Foreign Employment Act, 2007 prohibits any gender discrimination on foreign employment. However, the GON may provide special facilities to women, Dalits, indigenous nationalities, oppressed, victims of natural calamities and people*

belonging to remote area in respect of foreign employment. It has to be noted that any agency involved in selecting workers for foreign employment has to reserve certain seats for women, Dalits, indigenous nationalities, oppressed, victims of natural calamities and people belonging to remote area. In order to boost up the participation of economically deprived communities and Dalits in foreign employment, GON has made arrangement for loans according priority to Dalits. The GON had also issued the Directives on Foreign Employment Loan Program to provide soft loans to the disadvantaged and marginalized groups, including women in the rural areas of the country.

- 84. The Ministry of Women, Children and Social Welfare and the National Women Commission have initiated special preparatory classes for women and Dalits candidates with a view to increasing their participation in the civil service.*
- 85. Similarly, the Ministry of Federal Affairs and Local Development (MoFLD) has focused on poverty alleviation of Dalits through various programme and projects. Moreover, Madhesi, Muslim and Backward Communities Upliftment Program and Program for Other Backward Communities (OBC) have also been launched. The government has instituted the policy of spending up to 35 percent of the budget of the local bodies for gender equity and social inclusion.*
- 86. The GON has established a Focal Section in the MoFLD to look after the upliftment and development of Dalit and indigenous nationalities. Similarly focal desks are established in all the 75 DDCs of the country. These mechanisms are supposed to implement plans, strategies, policies and programs related to Dalits.*
- 87. The NDC was set up in March 2002 to uplift and develop the Dalit communities and enhance their active participation in the development by an executive order of the government. The responsibilities of the NDC include, among others, carrying out activities required for the creation of conducive environment for the enjoyment of the rights and interests of the Dalit communities. The NDC has been launching a Mobile Justice Program with the objective of eliminating the caste and gender-based discrimination through social awareness since 2006. The GON has formed Dalit Barga Utthan District Coordination Committees in 75 districts to be chaired by DDC chairpersons, and vice-chairpersons are to be nominated by the Dalits community. In order to empower the NDC and make it an autonomous statutory body, a bill on the National Dalits Commission has been tabled in the legislative-Parliament.*

88. *In order to make the civil service inclusive, as mentioned in paragraph 44 above, Section 7(7) of the Civil Service Act, 2049 (Second Amendment) has made some important provisions on reservation. Forty-five percent of the posts to be filled through open competition are to be set aside and this figure has to be converted into 100. The vacancies are to be filled up through separate competition exclusively among the candidates from women, indigenous nationalities, Madhesi, Dalits, disabled and backward areas, which share 33, 27, 22, 9, 5 and 4 percent, respectively. With this provision, Nepali civil service which seemed to have been dominated by certain class of the society is gradually becoming representative and inclusive. Similarly, such provisions are incorporated in the entire legislations regulating public services including the Nepal Police, Armed Police Force and Nepal Army.*
89. *Moreover, in recognition of the aspirations of the people of indigenous nationalities to exercise control over their institutions, ways of life and economic development, and maintain and develop their identities, languages and religions, Nepal has ratified the ILO Convention No. 169 (Indigenous and Tribal People's Convention, 1989) on 22 August 2007 and an action plan is being prepared for the implementation of the Convention.*

CHALLENGES AHEAD

90. *In addition to the constitutional and legal provisions, various policies and institutional arrangements have several declarations and commitments in the field of elimination of all forms of caste discrimination. In fact, the Government has mobilized the NDC and other governmental institutions that have commenced intensive awareness programs. Despite all these, caste-based discrimination still prevails in Nepal.*
91. *Poverty is a great challenge for Nepal. Rural Dalits as well as rapidly growing urban ones have seriously suffered from poverty and illiteracy. Dalit women are extremely victimized even though government, civil society, international partners and NGOs are supporting through various programs in this field.*
92. *Participation of these people in the state affairs is yet to increase as desired due to various reasons which include, inter alia, political instability, traditional mind set, illiteracy and long transition. To cope this challenge, more sensitization and orientation to the officials of the Dalit Barga Uthan District Coordination Committee*

(Dalits Community Upliftment Districts Coordination Committee) and other stakeholders at the grassroots level is required.

ARTICLE: 3

PREVENTION, PROHIBITION AND ERADICATION OF CASTE-BASED SEGREGATION

93. *Legally (De jure), the caste-based discrimination and untouchability was abolished by the Country Code (Muluki Ain), 1963. In line with the spirit of the Constitution, No.10(A) of the Chapter on Decency of the Country Code (as amended) has provision that if any person does discriminatory treatment based on untouchability to any person or prevents that person from appearing in public places or deprives that person of public utilities on the ground of caste, religion, race or occupation, such person may be punished with imprisonment for a term of three months to three years or with a fine of Rs. 1000 to 25,000 rupees or with both.*
94. *The Constitution has made sufficient provisions against caste-based discrimination. Ensuring the right against untouchability and racial discrimination as a fundamental right, Article 14 of the Constitution prohibits racial segregation and discrimination. Any activity contravening this provision is to be punishable and the victim would be entitled to compensation by law.*
95. *Section 7 of the Caste-Based Discrimination and Untouchability (Offence and Punishment) Act, 2068 (2011) provides range of penalties which shall be imposed on the person who commits such crimes from 3 months to 3 years imprisonment and one thousand rupees to ten thousand rupees or the both. Moreover, if a person holding public post commits an offence pursuant to sub-section (1) shall be liable to the punishment of an additional fifty percent to the punishment.*
96. *Nepal has signed the Universal Declaration of Human Rights, 1948 and ratified 21 international human rights instruments, thereby expressing its commitment to the protection and promotion of human rights. The Government has been submitting initial and periodic reports to the relevant treaty bodies.*

MEASURES TAKEN

97. *The offense of caste-based discrimination is included in Schedule One of the State Case Act, 1992. Prior to this legal arrangement, victims themselves had to seek legal action in respect to the offense of racial discrimination. Now, the Government is responsible for the investigation and prosecution of the offenses.*
98. *The governmental agencies are obliged to conduct awareness raising programs to abolish social traditions and practices related to untouchability and establish appropriate legal sanctions and provide legal aid to the victims. In pursuance of these obligations, the agencies have been undertaking public awareness programs to put an end to the practices of untouchability. The relevant agencies have established legal aid units for assisting in their lawsuits.*
99. *NDC has been attempting to prevent violations of human rights to abolish discrimination and social exclusion through various policies, programs and projects. It has already submitted a Bill on Untouchability and Caste-based Discrimination (Offence and Punishment) to the Parliament. Similarly, the Deprived, Suffered and Depressed Class Upliftment Committee is another institution under the chairmanship of minister of MoFALD entrusted with the responsibility for the upliftment of Dalits. This Committee has initiated income generating programs and provided scholarships for the Dalits students for their higher education. It is also responsible for implementing awareness raising income generating and other social activities. NDC is responsible for policy making on the issues pertaining to Dalits.*
100. *The MoFLD has made provisions for the compulsory participation of the Dalits, indigenous nationalities and women in users committees.*
101. *Having realized some shortcomings in the enforcement and implementation of laws and programs pertaining to Dalits, the Government is committed to undertake strong political, social, legal and administrative measures to root out the existing practices of untouchability and other forms of caste-based discrimination. So, to enhance public awareness in this area, the Department of Postal Services has recently introduced a postal stamp, exhorting a historical figure against untouchability.*

CHALLENGES AHEAD

102. *The caste-based discrimination still prevails in Nepal. The purity concept and discriminatory behaviors are expressed in different ways and places and in events such as public water taps, participation in rituals, festivals and cultural activities. The*

Government is serious to eliminate the caste-based discrimination through changing attitude and behavior of the people at the community level.

103. *Dalits are deprived socio-economically, politically, educationally and culturally. There is less occupational mobility in this community. They do not have easy access to the civil service and governmental jobs. The poor socio-economic condition is one of the major impediments to occupational mobility. In this regard, the Government needs support from all the concerned.*
104. *Low level of awareness is a major challenge for Dalits which has minimized their access to the right to health, education, among others. The NDC has conducted various programs for wider dissemination of information on existing laws, policies and plans against untouchability and discrimination. Moreover, the NHRC has also been launching programs with the objective of spreading human rights education. It has also allocated certain quotas for the appointment from Dalit community.*

ARTICLE: 4

ERADICATION OF ALL INCITEMENT TO, OR ACTS OF CASTE/RACIAL DISCRIMINATION

105. *The Government has adopted and enforced various constitutional, legal and policy measures to condemn and eradicate all practices of discrimination. The Right to Non-discrimination has been enshrined as a fundamental right under the Constitution. As mentioned above, Article 14 of the Constitution provides for the Rights against Untouchability and Racial Discrimination as a fundamental right.*
106. *Article 12 of the Constitution provides for the Right to Freedom as a fundamental right, which includes the right to dignified life, and freedom of opinion and expression, freedom to assemble peaceably and without arms, to form political parties, to form unions and associations, and to practice any profession, carry on any occupation, industry or trade. These freedoms are, however, subject to some reasonable restrictions as enshrined in clause (3) of this Article. Accordingly, laws can be made imposing reasonable restrictions on any act which may undermine the sovereignty and integrity of Nepal, or which may jeopardize the harmonious relations subsisting among the peoples of various castes, tribes, religions or communities, or on any act of defamation, contempt of court or incitement to an offence; or on any act which may be contrary to public decency or morality. This shows that the Constitution has focused on the protection of*

harmonious relations subsisting among the peoples of various castes, tribes or communities. Similarly, the Article 15 of the Constitution focuses that the Rights relating to Publication, Broadcasting and Press cannot be enjoyed by doing acts such as undermining the sovereignty and integrity of Nepal or jeopardizing the harmonious relations subsisting among the peoples of various castes, tribes or communities.

107. *Article 142(4) of the Constitution provides that the Election Commission shall not register any political party if its statute has a provision such that any citizen of Nepal is discriminated against becoming a member of that political party on the basis of religion, caste, tribe, language or sex.*
108. *Further, the Country Code explicitly prohibits any sort of discrimination or denial of access to public places and public utilities on the basis of caste. The introduction of this provision can therefore be taken as a bold attempt in the traditional society where the untouchability is being practiced as an inherent culture for centuries.*
109. *The Press and Publication Act, 1991 prohibits publication of any materials that spread discrimination among various castes and religions. Similarly, any publication that harms cordial relationship subsisting among different castes and communities is also outlawed. The Constitution has also specifically mentioned about restricting any publication that jeopardizes social relationship.*
110. *The Motion Picture (Production, Exhibition and Distribution) Act, 1991 prohibits the production and distribution of any motion picture that harms the relationship among different groups and values. No motion picture which undermines the relationship and bond of social cohesion is allowed for exhibition.*

MEASURES TAKEN

111. *The Political Parties Act, 2001 makes some provisions to encourage the healthy social relationship by maintaining the cordial relationship among different castes and communities. The Act prohibits any political party from carrying out any activity detrimental to the cordial relationship among different communities. This Act again prohibits the registration of any party which encourages tensions and disturbances in the relationship of the people. Any party which is involved in the enhancement of the interest of a particular caste or culture is not eligible for registration. Similarly, parties are not allowed to do any activities designed to disturb the bond existing between different cultures and castes.*

112. For the protection of the right of the disabled, Dalits, children and women through mainstreaming them in the national development, NDC has been monitoring and coordinating various programs in pursuance of the NHRAP. NHRAP stresses to protect and promote rights and freedoms of the indigenous nationalities and Dalits to eliminate all forms of discrimination and inequalities based on caste, language, religion, culture and language; and launch various programs such as reviewing existing laws and formulating new laws. In order to fulfill the obligations under relevant conventions, Dalits, women and children who were displaced during the conflicts have to be rehabilitated.

CHALLENGES AHEAD

113. Despite the strong legal provisions and governmental programmatic endeavors, the problems of the so-called "lower" or "untouchable" classes still persists. Untouchability is deeply rooted in the society particularly where people are uneducated. Without spreading the education and changing attitude of people, it would be difficult to wipe out such practices in a short time. The Supreme Court is greatly contributing to curbing these problems by issuing appropriate orders in favor of Dalits.

Article: 5

EQUALITY IN THE ENJOYMENT OF RIGHTS

114. The historical People's Movement of 2006 has brought about a political breakthrough and has paved a way for socio-cultural transformation in Nepal. The major leading political parties have forged series of agreements on the socio-economic, political and cultural transformation. Section 3 of the Comprehensive Peace Accord concluded between the Government of Nepal and immediate CPN (Maoists) on 21 November, 2006 reflects political commitment for the socio-economic and cultural transformations.

115. The Constitution reflects the basic principles of human rights. Non-discrimination, equal treatment and the right to social justice can be considered as major highlights of

the Constitution. Article 13 of the Constitution guarantees the right to equality before law, equal protection of law and fair trial for everyone in accordance with internationally accepted norms and practices. Furthermore, Article 14 ensures the right against non-discrimination based on caste and other traditional occupations. Discrimination such as untouchability is punishable, and the victim of such discrimination is also entitled to compensation from perpetrators.

116. *The Constitution has properly realized that there cannot be right, free and fair justice in the absence of legal remedy through a competent mechanism of justice. With a view to guaranteeing the right to justice, Article 24 of the Constitution provides the Right to Remedy as a fundamental right. At present, clearly established Right to Remedy is itself a fundamental right, having equal footing with the other fundamental rights.*

117. *The widest participation of people in the governance and the protection of human rights through liberty, equality and dignity are the basic tenants of the Constitution. Article 12 of the Constitution ensures the Right to Freedom to every citizen which include freedom of opinion and expression, freedom to assemble, freedom to form unions, freedom of mobility throughout the country and reside in any part, and freedom to practice any profession or to carry out any occupation, industry or trade.*

MEASURES TAKEN

118. *Constitutionally, the right to equal participation has been accepted as the basis of social justice. Article 21 of the Constitution provides for the right to proportional participation of Dalits, women, nationalities and Madhesi people as well as other marginalized community in each and every state mechanism. Having realized the past exclusionary structure of the State, Article 33 has pledged to restructure the state according to the principle of equal opportunity to all. The government is committed to address all kinds of problems of Dalits, women, nationalities, Madhesi and other marginalized sectors of the society irrespective of race, caste, ethnicity, sex, religion, creed or color.*

119. *The Government has committed to ensure that no person will be deprived the right to citizenship. In pursuance of Parliamentary Proclamation of 2006, the Nepali Citizenship Act (As Amended), 2007 provides that any person who meets certain criteria, such as being domicile of Nepal, is eligible for citizenship by birth, irrespective of race, sex, caste, ethnicity, creed or color.*

120. Similarly, the Supreme Court has issued an order in the name of the Government in the case of citizenship certificate to be issued to the applicant by his or her surname (Cabinet Decision on 20 July 1995). Following this development, the Ministry of Home Affairs has made a system for providing citizenship certificate by the surname without mentioning caste. Prior to this policy, not a single person from the Dalit community was supposed to acquire citizenship certificate with his or her family name. They had to mention their caste or traditionally given title which reflected their social status based on discrimination. Dalits who had been deprived of citizenship certificate by surname are gradually feeling easier. This new provision has encouraged the Dalits people to live with dignity.
121. The Article 20 of the Constitution ensures the certain rights specific to women such as right to non-discrimination, right to reproductive health, right against any kind of torture and right to inhere property. Article 63(5) ensures a minimum of one-third female candidates in the CA election.
122. Section 8 of the Local Self-Governance Act, 1999 has a provision for the reservation of members from the backward community and women in VDC, municipality, and DDC Councils. This provision calls for the nomination of a woman from socially and economically back-ward tribes, ethnic communities and downtrodden and indigenous nationalities. Similarly, Section 172 makes special provisions to ensure representation of women. The Local Bodies Election Procedures Act, 1991 makes a provision for the nomination of people from communities like Dalits, indigenous groups, etc. if there is no representative from such communities through such election.
123. The rights to work and profession are also guaranteed by the Constitution, ensuring the free choice of work and equal remuneration, among others. Clause (3) of Article 12 of the Constitution ensures freedom to practice any profession or to carry out any occupation. Likewise, Article 18 guarantees the Right to Employment with special provision of social security for women workers, disabled, elderly and helpless people. Moreover, Article 13 also ensures equal remuneration between men and women for the same work.
124. Similarly, the Article 29 of the Constitution guarantees the Right against Exploitation which explicitly prohibits exploitation by anyone in the name of custom, tradition and usage
125. In pursuance of this constitutional spirit, the Government eliminated the bonded labor system known as Kamaiya Pratha in the western part of Nepal in 2000. The Bonded

Labour (Prohibition) Act, 2002 was enacted with a view to rooting out the bonded labor system. Moreover, paragraph (i) of Article 33 of the Constitution has provisions to adopt special policies of socio-economic security for the marginalized community who are landless, such as, Kamaiyas, Haliya, Harwa and Charwa, who are mostly found in the western part of Nepal.

126. *Article 30 of the Constitution has also guaranteed the right of workers to form and join trade unions. Workers are free to join any organization working for their interests. Similarly, Section 6(3) of the Civil Liberties Act, 1955 also ensures this freedom. Article 141 of the Constitution further enhances the right to form and operate political organizations or parties according to their choice.*
127. *Cultural Rights, the Right to Employment and Social Security have been recognized as fundamental rights for increasing employment opportunity to the citizens of Nepal. The Government has been endeavoring to find more jobs within country and abroad. The Constitution ensures that each community has the right to preserve and promote its languages, script and culture. Similarly, communities are allowed to operate primary level schools education in mother tongues. In this regard, the Curriculum Development Center has prepared curriculum of primary school (grades 1 to 5) in 14 languages which is being piloted in some of the districts.*
128. *Likewise, Article 22 of the Constitution guarantees the Rights of the Child. This article states that every child has the right to his or her identity and name, right to nourishment, basic health and social security, right against physical, mental or any other kind of exploitation. Moreover, the helpless, orphan, feeble-minded, conflict-affected and displaced, vulnerable and street children are entitled to get special facilities from the State for their better future. Employing minors to work in any factory, mine or engaging them similar kind of other hazardous work or using in army, police or conflict is prohibited. With a view to materializing these constitutional provisions, the Ministry of Women, Children and Social Welfare has been implementing an action plan to address plight of the disabled and orphan. Local bodies are required to spend a certain percentage of their budgets to the welfare of such people.*
129. *In order to promote the interests of economically and socially backward groups, article 33 ((d), (e), (f), (j)) of the Constitution (under the State Liability) has special provisions with regard to their education, health and employment.*

130. One who meets the marriageable age is legally free to marry with a person of his or her own choice. There is, indeed, no provision which prohibits entering into an inter-caste marriage. For the purpose of marriage, under Number 17(2) of the Country Code, 1963, 18 years is supposed to be an eligible age for female, and 21 years for male.
131. For ensuring the right to marriage with free choice, the marriage registration system has been introduced. The interested couples irrespective of their castes can register the marriage in District Administration Offices and acquire legal recognition of the marriage by obtaining the marriage certificate.
132. Clause (10) of Article 35 of the Interim Constitution mentions that the State shall pursue a policy of uplifting the economically and socially backward indigenous nationalities, Madhesi, Dalits, marginalized communities, and workers and farmers below the poverty line with a provision of reservation for a certain period of time in education, health, housing, food sovereignty and employment.
133. The Education Act, 1951 makes special provisions for the welfare and upliftment of backward communities including Dalits. According to the Section 16, there shall be free primary education and no fee shall be charged in lieu of admissions into community schools. Free education is to be provided to the under privileged communities like Dalits, indigenous nationalities, and women up to the secondary level.
134. Sections 21 and 96 of the Local Self-Government Act (LSGA) provide that the local bodies are to make arrangements for scholarship programs to Dalits. All local bodies i.e. VDCs, DDCs and Municipalities are obliged to introduce special programs and plans for enhancing the education of marginalized communities.
135. Article 35 of the Constitution directs the State to pursue the policy of providing allowance to senior citizens, helpless women and unemployed people. Such policy is being implemented by the government.
136. Realizing the caste discrimination as a major problem, the Parliament declared Nepal a State Free of Untouchability on 4 June 2006, with some commitments to launch Dalits-specific programs to empower them and ensure their equal participation in the state mechanism.
137. Three-Year Interim Plan (2007-2010), adopted the strategy to make special attempts to abolish all forms of discrimination and promote multi-cultural identity. This plan

mentioned to establish a Dalits Cell in each police unit to control the crime against caste discrimination and Dalits Desk in each DDC to launch Dalit upliftment programs at the district level. While providing foreign employment to the people of Dalit community under the government initiatives, their traditional skills and resource need to be modernized and training need to be provided to make their service suitable for foreign jobs. Likewise, it is realized that the priority need to be accorded to the people of Dalits community in the governmental and non-governmental employment. The NDC and the Ministry of Labor and Transportation have been working together to materialize this objective.

138. The Government has established the Poverty Alleviation Fund for launching income-generating activities such as promotion of traditional skills and transforming innovation into entrepreneurship, and capacity building programs with special and direct focus on the indigent class, women, Dalits, indigenous nationalities and backward Madhesi communities. The Budget Speech of Fiscal Year 2067/68 has announced a number of targeted programs for poverty alleviation. It has also made arrangements of 20 percent rebate for the Dalits in the land registration fees and pledges to promote the role of the NDC in the monitoring of programs related to the Dalits.
139. The Supreme Court has also issued an order to the Ministry of Women, Social Welfare and Children to form a study committee to find out the problems and solutions of the Badi (Dalits) community. It is observed that the children of Badi are forbidden to acquire citizenship certificate and most of Badi women are forced to be involved in prostitution. In pursuance of the order of the Court, the Government has carried out a study on the measures to address the problem.
140. In collaboration with governmental organizations and I/NGOs, the NDC has initiated a study to reform traditional curriculum. The objective of the study is to recommend a Dalits-friendly curriculum.

CHALLENGES AHEAD

141. Despite these positive provisions, Dalits still have poor representation in socio-political and administrative set up. Their representation is not as adequate as expected in policy making and implementation bodies. Only a small number of Dalits have been able in securing their seats in the Parliament even though the Constitution

has provided for the proportional representation of each caste, ethnicity, and the backward community in every structure and level of the state.

142. The process of political mainstreaming of Dalit has adopted both general to particular and particular to general approaches. In fact, various socio-economic and cultural factors pose major challenges for the political participation. The caste -and status-oriented social structure and occupational immobility do not encourage Dalits for their active participation in politics. Dalits' mainstreaming programs are affected by both financial and human resource related factors.
143. Even though Nepal has been declared a State Free of Untouchability through the parliamentary proclamation, Dalit community is still suffering from many incidents of discrimination and physical torture simply for belonging to particular caste. There are a great number of challenges in implementing the policies of the State that deal with the problems of Dalits.
144. The practice of social boycotting still exists in different ways. Particularly, inter-caste marriage between a Dalits and a non-Dalits adult couples face exclusion by their own community and their families. They may not be allowed to participate in public ceremonies and social and religious rituals, feasts, and festivals. Due to traditional beliefs and ignorance, such practices are prevailing. Development of education and awareness is, therefore, highly essential.
145. There are some difficulties in creating better employment opportunities for Dalits. Despite significant transformation in the labour market, the agriculture and traditional occupations are still the most important sources of employment for them. Moreover, in the overall economy the employment elasticity has not been enough to accommodate the growing population.
146. Dalits are marginalized, indebted, and landless and possess roofed houses. According to a report of NHRC 2003, the highest percentage of landless people is found in the Terai region. To avoid this situation, the Government is going to establish a Land Bank enabling the landless people to have access to cultivable land.
147. The Supreme Court has issued an order to the Government in response to a case filed by a Dalit NGO in 2004 to effectively implement the Bonded Labor (Prohibition) Act, 2002 and distribute lands and seek other measures to rehabilitate freed Kamaiya, Dalits bonded labour.

ARTICLE 6

LEGISLATIVE, JUDICIAL AND ADMINISTRATIVE MEASURES FOR PROTECTION AND REMEDIES

148. Both Interim Constitution of Nepal, 2007 and its predecessor have provisions in regards to the right to remedy allowing the Supreme Court (at the center) and Appellate Courts (at different parts of the country) the jurisdictions to look after the matter. The Supreme Court is the apex court of Nepal. Except this court, there are 16 Appellate Courts and 75 Districts Courts in Nepal. Moreover, the District Administration Office, District Forest Officers, Land Revenue Officers, among others, also serve as semi-judiciary bodies for minor cases or offences as defined by the law. The Interim Constitution of Nepal, 2007 has incorporated the Rights against Untouchability. The state through the Constitution has committed itself to the independent judiciary.
149. According to Article 107 of the Constitution, any Nepali citizen may file a petition in the Supreme Court to have any law or any part thereof declared void on the ground of inconsistency with the Constitution because it imposes an unreasonable restriction on the enjoyment of the fundamental rights conferred by the Constitution or on any other ground. The Supreme Court has an extra-ordinary power to declare that law to be void either *ab initio* or from the date of its decision if it appears that the law in question is inconsistent with the Constitution. For these purposes, it may issue appropriate orders and writs including the writs of habeas corpus, mandamus, certiorari, prohibition and quo warranto. Moreover, writs of mandamus and habeas corpus may be filed in the Appellate Courts under the Judicial Administration Act.
150. As per the the Constitution, the Attorney General has important role with respect to illegal detention: If a person under detention is not treated humanely or denied access to meet the family members or lawyer, the Attorney General may investigate and give necessary directions. Clause (3) of Article 135 of the Constitution provides that if a complaint is lodged and information is received alleging/indicating that any person held in custody has not been treated humanely or such person has not

been allowed to meet his or her relatives or through his/her legal practitioner, the Attorney General is to inquire into the case and give necessary directives to the concerned authority.

151. Article 131 of the Constitution establishes the NHRC as a constitutional body the primary duty of which is to respect, protect and promote human rights and ensure their effective implementation. NHRC receives human rights violation complaints, investigates such complaints, recommends for departmental actions, recommends to file cases, and coordinates with the civil society for the promotion of human rights. It recommends for the amendment to the human rights related laws.
152. NDC that was established by an executive order of the government in 2002 is responsible to recommend changes in existing legal provisions, to make arrangements to protect the rights of Dalit communities, investigate and monitor the cases of social disputes based on caste discrimination and recommend strategies for the effective implementation of CERD at the national level.
153. Some other institutions that work for the protection of human rights include the NFDIN and NWC.
154. Human Rights Cells have been established in each of the Security Forces, namely Nepal Police, Armed Police Force and Nepal Army. Similarly, the governmental offices such as Office of the Prime Minister and Council of Ministers, Ministry of Law and Justice, Ministry of Home Affairs, Ministry of Foreign Affairs, and Ministry of Women, Children and Social Welfare also have human rights divisions or sections.
155. In order to promote speedy delivery of justice, government has given emphasis to the alternative dispute settlement mechanism, particularly mediation, for the resolution of petty cases and disputes of commercial nature. The LSGA has specifically provided for the use of mediation to resolve disputes at the community level. Such, informal justice programs undoubtedly ensure the rights of Dalits who are socially discriminated and economically back-ward.
156. The Act Relating to Compensation against Torture, 1996 provides compensation to the victims of torture. The District Court is authorized to hear cases of alleged torture and award compensation of up to Rs. 100,000 to the victims. Even though the provision of compensation is not adequate, this legal arrangement has contributed positively towards justice.

157. *The District Court is empowered to hear cases on caste-based discrimination under the Chapter on Decency of the Country Code, 1963. Recently, the Government has decided to categorize untouchability cases as state cases. Therefore, the State has taken responsibility for protection of right against discrimination.*

CHALLENGES AHEAD

158. *The NDC needs to be strengthened from both legal and institutional perspectives. It should be made a statutory body, the scope of works should be clearly defined and expanded.*

159. *Constitutionally, discrimination is illegal and punishable. However, Dalit communities in Nepal are subjected to caste-based discrimination where the majority people are illiterate. Addressing the root causes of discrimination, especially illiteracy, traditional social values, ethos, and practices need to be replaced by modern and just values, ethos and practices.*

160. *Owing to the socio-cultural factors, Dalit women are facing multiple violence including the gender-based one.*

PRESENT STATUS OF EDUCATION

161. *The Government has recognized the importance of education for combating poverty and for materializing the right of every child to free and quality education. It is committed to the goal of achieving universal primary education by the year 2015. In 2001, about 20% of school age children were not enrolled in schools and the dropout rate was even higher. Among them, girls, Dalits and children with disabilities formed a substantial number. However, in recent years the country has witnessed considerable progress in education related indicators.*

162. *In general, the access to primary education for all children indicates a continuous progress. The enrollment rates confirm the statement. The number of primary (Grade 1-5) enrollment was 4,515,059, lower secondary (Grade 6-8) was 13, 01,134, and secondary (Grade 9-10) 6,793,787 was in 2006. The total net enrollment in the primary school was 82.3 in 2002, which increased to 87.4 in 2006 and 93.7 in 2010. In 2006, the total enrollment of disadvantaged children was: primary level: 764,208, lower secondary: 123,378, and secondary: 36,025.*

163. The primary enrollment rate is 141.4, lower secondary enrollment is 88.7, and secondary enrollment rate is 65.7 in 2010. The net enrollment in the primary school is 93.7 in 2010, while it was 87.4 in 2006. The total enrollment rate of indigenous nationalities students in primary level is 38.6, lower secondary level is 41.7 and secondary level is 39.5, and Dalit student's enrolment rate at primary, lower secondary and secondary levels are 20, 12.6 and 8.6 percent, respectively.
164. There is a gap between the share of population of Dalits and indigenous nationalities in relation to their school going age population and enrollment. The highest gap in Dalits and nationalities appears to be in the hill or mountainous zones. It suggests that a significant number of children from Dalits and Janajati communities were outside the school system. Considering such a situation, the Government has introduced different measures to ensure access to education for all children.
165. At the primary level, the enrollment share of Dalits was 17.7%, that of indigenous nationalities 38.0% and of other groups 44.3%. This shows a significant progress towards Dalits children's enrollment at the primary level.
166. The enrollment share of Dalits was 9.5% in total. This shows that Dalit students' enrollment share at lower secondary level was quite low compared to their population share at the national level. Likewise, the share of indigenous nationalities enrollment was 38.6% and that of others was 51.9%. Thus, the share of indigenous nationalities enrollment remains the same as at the primary level. The share of girls in Dalits enrollment was quite low (44.1%) compared with the share of girls of indigenous nationalities and others social groups.
167. The enrollment share of Dalits in total was 5.3%, which was lower than the Dalit students' enrollment shares at the primary and lower secondary levels. This shows that the Dalits enrollment share at the secondary level was quite low as compared to their population share. Similarly, indigenous nationalities' enrollment was 29.9% and that of others 64.8%. The share of girls in Dalits enrollment was quite low (41.7%) as compared to the share of girls from indigenous nationalities and from other social groups.
168. The overall analysis of the share of enrollment at all levels of school education shows that the higher the levels of education, the lower the share of the enrollment of Dalit and Janajatis students. There is still a considerable dropout particularly of Dalits girls in the higher grades.

169. According to Statistical Year Book of Nepal, 2009 there were 1,71,592 students enrolled in higher education in engineering, medicine, agriculture and animal sciences, forestry, education, humanities and social sciences, science and technology, management, law and Sanskrit. The percentage of Dalits enrollment is low since there are few high school graduates.
170. For the technical education and vocational training, the Government has established the Council for Technical Education and Vocational Training (CTEVT). The Council has organized various foreign employment related programs targeting to Dalits through its 14 technical schools and 19 annex schools. However, the enrollment of Dalits in such programs can be said to be lower based on the fact that only a few of them have completed lower secondary or secondary school education.

HEALTH

171. Due to special priority accorded by the government to health services, Nepal has achieved remarkable progress in health related Millennium Development Goals (MDGs), particularly with respect to infant and maternal mortality rates. Nepal was specially awarded by the United Nations for its outstanding achievements in some of the MDGs.
172. Infant mortality rate (IMR), which was 64 per 1000 live births in 2000, decreased to 48 in 2005 and 36 in 2010. Under-5 mortality rate (U5MR) was found to be 50 per 1000 live births in 2010, which was 91 in 2000 and 61 in 2005. Improvements in management of diarrhea, improved immunization, vitamin A supplementation and improved management in acute respiratory infections are considered major reasons behind the decline in IMR and U5MR. Despite the improvements, wide disparity can be seen in U5MR across different social/ethnic groups. U5MR of Dalits is 60 compared to Newar, 43, and Brahmin / Chhetri, 76.
173. Maternal mortality rate (MMR) was found to be 229 per 100,000 live births in 2010, compared to 281 in 1995. The percentage of deliveries attended by health care providers was 28.8 in 2005 against 18.7 in 2005, which is considered as one of the main reasons for the decline in MMR over the years. However, there is wide variation among different social/ethnic groups. MMR of Dalit women is 273, while that indigenous nationalities and Brahmin/ Chhetri is 207 and 182, respectively.

MEASURES TAKEN

Education:

174. *In fiscal year 2010/2011, 1,015,509 Dalit students and 29,848 disabled children have been provided free scholarships in the basic level (CLASS 1-8). A total of 85,927 students (1-5 grades) from indigenous nationalities and marginalized groups, freed bonded labour, Haliya, Charuwa and 1408 students from the least marginalized groups were provided scholarships. The scholarship scheme has proved to be effective in getting the children from Dalits and indigenous nationalities and marginalized groups enrolled and continue their study.*
175. *Moreover, the provision of Girls Scholarship has been in practice according to the Education for All Program. In 2007, the scholarship was distributed to about 700,000 girl students. The total budget for it was Rs 201,804,000 and each girl student received Rs 350 per annum. The girl scholarship has remained effective.*
176. *To increase the school enrollment of school age population, the Department of Education has introduced a Welcome to School Program. The Program has been successful to bring children of socially, economically, and educationally backward communities to school. Consequently, the net enrollment at schools has increased.*
177. *There are other incentive programs, for example, Food for Education Program (a mid-day-snacks program) to school children in 21 food-shortage districts, where disadvantaged people are living.*
178. *The Curriculum Development Center under the Ministry of Education, has prepared a Bilingual Transition Education Program targeting students whose mother tongue is other than Nepali. Under this Program, schools where the children commonly speak non-Nepali languages as mother tongue will use the course books in grade 1-5. Such languages include Maithili, Awadhi, Tharu, Newar, Tamang, Limbu, Magar, Rai Wantawa, Gurung, Sherpa, and Rai Chamling.*
179. *The Alternative Schooling Program is a complementary arrangement for providing access to basic education for the children who are not in the system due to geographical, social and economic reasons. The main activities under this Program comprise: Out of School Program; School Outreach Program; and Flexible Schooling Program. These programs aim at providing opportunity for schooling for the educationally under-served children of 6 to 14 years of age. Flexible Schooling provides opportunity for the working children of 8-14 years to complete primary*

education in three years through the consolidated curriculum. On completion of schooling through alternative program, the completers are encouraged to enroll in formal school system. It has been considered a potential means of reaching the children of hard-core group in order to realize the objectives of Education for All (EFA). The coverage of these programs is low. Therefore, the quality of the program as well as the quantity of this program needs to be improved.

180. In the school textbooks, human rights teaching, i. e., the rights of the child, has been incorporated. Human rights related subject-matters have been incorporated in the curricula of civic education and social studies.

181. Any scholarship provided to the GON for higher studies is to be distributed to uplift marginalized people: 40 percent of the scholarship will be reserved for the poor, women, disabled, Dalits and indigenous nationalities. After converting this 40 into 100, women candidates receive 25 per cent, indigenous nationalities 15 percent, Dalits 15 per cent, candidates of remote areas 15 per cent, disabled 10 per cent and poor candidates 20 per cent. This measure has motivated Dalits and other deprived communities to pursue higher studies in medical and other fields.

Health:

182. The Constitution provides for the Right related to Environment and Health as one of the fundamental rights of Nepali citizens. Accordingly, every citizen is entitled to receive basic health free of cost as provided for by the law. Even though the law in this regard is yet to be in place, the government has initiated a number measures to progressively realize the right.

183. In the spirit of the Constitution, all health services to be delivered from the Health Post and Sub-health Posts are provided free of cost. Not only that selected services to be delivered from the District Hospitals are also being provided free of cost which is in a move to provide free health services even in such hospitals. Further, the cost of heart operations of children below 15, and heart operations and kidney dialysis of aged people above 75 are being borne out by the government.

Challenges Ahead

184. Although the demand of education is growing in Nepal, Dalits and other marginalized communities still have low access to it. Because of the poor economic status, the parents cannot afford learning materials, stationery, school uniform and transportation for their children in addition to the cost of meeting their essential

needs- food and shelter. The opportunity cost of education is too high to bear and many parents prefer to not to send their children to schools and send to work for supplementary supports.

185. *Some measures are still needed more vigorously since the dropout rate of Dalits students is higher than that of all other students at the primary level. The scholarship amount (at present Rs 350.00 per annum) has proved not to be sufficient to cover the opportunity cost. The amount needs to be increased, and the program needs to be executed for a long period of time.*
186. *Even though the translation of text-books in some major ethnic languages is advancing, there is a challenge to produce teachers who can efficiently handle a bilingual teaching. It is critically important to sustain the health outcomes and intensify the government's efforts in order to establish the rights to health as a fundamental right. To this end, rendering the services being delivered by the government facilities in rural areas effective is important.*
187. *Properly targeting of the government some of the health schemes to the needy and marginalized people is a great challenge. Or else, those who can afford to buy will get the service for free while those who need will be excluded. In this regard, the government's monitoring and supervision capacity needs to be strengthened.*

Section II

Measures taken to implement Durban Declaration and Programme of Action

188. *For the immediate and effective implementation of ILO Convention 169 the Ministry of Federal Affairs and Local Development has prepared a National Plan of Action on ILO Convention 169 has been submitted to council of minister. It is under process for approval.*
189. *In order to ensure the enjoyment of right to citizenship by third genders in line with the 2007 Supreme Court Verdict and the recommendations of the Universal periodic Review the Government has amended the Annex of Citizenship Rules to streamline the legislative and procedural aspects in line with the spirit of the Constitution which facilitates to issue citizenship to the third gender people with identification.*

190. *A National Muslim Commission has recently been established which facilitates to ensure the socio-cultural and religious rights of Muslim and other religious minorities. The Interim Constitution of Nepal, 2007 recognizes the socio-cultural and religious rights of all denominations under the chapter on Fundamental Rights.*
191. *A Bill for the establishment of National Dalit Commission has already been submitted to the Constituent Assembly which also acted as Legislature-Parliament and now the Constituent Assembly is dissolved without passing the Bill. However, the National Dalit Commission has been established by an executive order and the Commission is functioning.*
192. *With regard to the reservation on the articles 4 and 14 of International convention on the Elimination of All Forms of Discrimination (ICERD), regarding individual complaint procedures is concerned at the time of acceding to this Convention, Nepal made reservation under the Constitution of 1962. Under that Constitution the said reservation was justifiable. Now, under the Interim Constitution, 2007, under this Constitution the reservation does not have any meaningful implication.*
193. *There are more than 30 Special Rapporteurs, Special Representatives and Working Groups under UN Human Rights Council. About a dozen of Special Rapporteurs/Special Representatives/Working Groups have already visited Nepal. Nepal assures that it will invite the Special Rapporteurs on Work and Decent Based Discrimination as per the convinence of the Government.*
194. *The Interim Constitution, 2007 recognizes all languages spoken within the country as language of the nation under Article 5. Ministry of Education is entrusted to develop and implement formal education in mother tongue/languages.*
195. *The Interim Constitution of Nepal, 2007 provides for inclusion of marginalized groups in the decision-making under Articles 21, 33 and 35, 63 etc. through affirmative actions. In line with these provisions, Amendment was made to Civil Service Act and Regulation and other sectoral Government Services Acts and Regulations for inclusive purpose of these sections of society, and other institutions for instance Nepal Army and Police. A Bill on Inclusion has recently been submitted to the Legislature Parliament.*

196. *The GoN is properly implementing its laws, policies, and programmes to deal with the matters relating to gender based discrimination and domestic violence. A draft bill to amend some Nepal Acts with the objective of eliminating gender based discrimination has been prepared. A Bill to Prohibit Sexual Harassment in Workplace has already been submitted in the Legislature Parliament. Domestic Violence Act and Regulation are being implemented.*
197. *So far as the question of ratification of the Optional Protocol on the International Covenant on Economic, Social and Cultural Rights is concern, Nepal believes that the rights ensured under ICESCR are rights of progressive realization. National legislations, and case jurisprudences and national institutions are adequate to address the concern of the Optional Protocol to the ICESCR.*

Conclusion

198. *In recent times, there have been significant improvements against the caste-based discriminatory practices that are deeply rooted in the society.*
199. *The GoN has been seriously pursuing different measures to address the issue of caste-based discrimination through constitutional, legal and policy instruments. The Constitution, in particular, has made special provisions for the elimination of caste-based discrimination.*
200. *The Three Year Plan (2010/11-2012/13) has special measures that relate to caste-based discrimination. It has adopted policies and programs that deal directly with the issue of Dalits and indigenous nationalities.*
201. *Effective enforcement of the legislation such as the Caste-based Discrimination and Untouchability (Offence and Punishment) Act, 2011 will certainly bring changes in eliminating the caste based discrimination and untouchability.*
202. *Overall, the GoN is committed to eliminate all forms of racial (caste-based) discrimination through different measures. Effective implementation of constitutional and legal provisions, according high priority to the agenda, allocating more budgets for the upliftment of those who are historically being discriminated are some of the measures to be adopted in future.*