

**UN COMMISSION ON HUMAN RIGHTS  
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Working Group on Minorities  
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Agenda 3(a) Practice of untouchability and situation of Dalit women in Nepal

Thank you Mr. Chairman,

My name is Binda Kumari Magar and I represent Forum for Women, Law and Development (FWLD) Nepal. Nepal is well known for its Himalayas, Buddha's birthplace, country of peace and compassion. But now the same country is known for violent conflict, violence against women and trafficking in women and children.

The world welcomed the Third Millennium with a sense of triumph of humanity, but for a vast majority of Nepalese women it was just another day. A day normally coming to long hours of heavy workload on their weak bodies and illiterate minds bestowed upon them because of their womanhood tagged with the lost fete. Moreover Nepali women from indigenous/or dalit communities are languishing with '**double or triple jeopardy**' of socio economic exclusion.

The claim to equality is most fundamental rights of human beings as it is the starting point of all other liberties. Art.11 (4) of The Constitution of the Kingdom of Nepal, 1990 states that there shall be no discrimination on the basis of race, religion, sex etc. No.10 (a) of Chapter on Adal/Miscellaneous, Country Code of Nepal, 1963 made the act of untouchability punishable up to one-year imprisonment or fine up to rupees three thousand or both. However, the practice of untouchability still exists in Nepal and there is no broad definition of discrimination either in the Constitution or in any other law except prohibition for discrimination on the basis of sex, race or religion. It is the violation of Article 1 of the CEDAW Convention and also Article 2 of CERD.

In recent days, government efforts for women empowerment are taking place through structural reforms in civil services and establishment of National Women's Commission and National Dalit Commission. Similarly, civil society organizations are taking a leading role in women's movements. Despite these positive initiations no significance change in the Dalit women's life is realized.

Dalit women's quality of life is substandard compared to the national levels, though they composed about 16 percent of Nepalese women.<sup>1</sup>All of the human development indicators show substandard level of Dalit women. Dalit women's literacy rate accounts 9 % against 42% of the national average for women of other caste.<sup>2</sup> The life expectancy of the Dalit

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<sup>1</sup> Dahal Dilli Ram (et.al.) 2002, National Dalit Strategy report, prepared for national Planning Commission, Kathmandu.

<sup>2</sup> Central Bureau of Statistics, 2001, HMG/Nepal.

women is 42 years as against the national average of about 59.8 years.<sup>3</sup> Women of a small tribe amongst the Dalits called Badi are still into sex work. They are being trafficked and sexually harassed by the people from high caste due to their poverty and lack of societal status and prestige.<sup>4</sup>

Dalit women are left behind in the policy making from the grass root level to the central level. Thus their daily routine steeped in a history of agony, misconduct and ill treatment. The Dalit women are facing threats of social embargo and even of death if they marry men of higher caste. They still face heinous and inhuman violence based on socio-cultural practices even if touch the water of higher caste. They are abused of being witches and physically and mentally tortured. Just recently two women were killed brutally. A heterogeneous society of eastern Nepal expelled a blind couple from their village, because blind woman got married to a blind man belonging to a higher caste.<sup>5</sup>

These are some of the issues which the Dalit women are facing in the social cultural structure of the society so I appeal to you, Sir, to recommend the government of Nepal to take the following actions in order to safeguard the life of Dalit women and to end the discrimination based on untouchability in the society.

#### **Recommendations:**

1. Define discrimination as per CERD or CEDAW Convention in the relevant laws like Constitution of the Kingdom of Nepal and Country Code.
2. State institutions like National Dalit Commission established for the upliftment of the status of Dalits should be autonomous body.
3. Inter-caste marriage should be recognized and the couple needs to be protected from harassment.
4. Special measures for Dalit women in each and every sector of society i.e. education, health, employment, etc in accordance to Article 5 of the UN Declaration on the Persons belonging to National or Ethnic, Religious and Linguistic Minorities.
5. Skill development training should be provided to Dalit women.
6. Reservation made on Article 4 and Article 6 of CERD should be withdrawn.
7. Recommend the UN bodies working in Nepal to focus on their work on Dalits in accordance to Article 9 of the UN Declaration on Minorities.
8. Specific laws should be enacted for the upliftment of Dalits which deals with strong penalties to the perpetrators and appropriate provision for the sufficient compensation for damage suffered as a result of caste-based discrimination is a must.

Thank you Mr. Chairman.

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<sup>3</sup> Nepal Human Development Report, 2001, UNDP, Kathmandu.

<sup>4</sup> Bhattachan Krishna (2002 Social and Economic Condition of Dalit Women in Devkota), Dalit of Nepal, FEDO, Kathmandu.

<sup>5</sup> Feminist Dalit Organization (FEDO), Nepal.