

Annex III. All issues raised and recommendations made by UN human rights institutions on Dalit women in Nepal

Summary

- Special Rapporteurs that have addressed the plight of Dalit women in Nepal include; the Special Rapporteur on Violence against Women (2012) and the Special Rapporteur on Racism (2011)
- Treaty Bodies that have addressed the plight of Dalit women in Nepal include; CEDAW (2011), CESCR (2008, 2014), CRC (2012 and OP 2012) and CERD 2004

Issues/Recommendations from Special Rapporteurs on Dalit women in Nepal

Special Rapporteur on Violence against Women, its causes and consequences, Ms. Rashida Manjoo

Thematic report on gender-related killings:

In Nepal, particularly in the southern Terai region, elderly women, widows, destitute women and women of low caste are often targeted and deprived of their property rights or victimized to settle a personal vendetta. A/HRC/20/16, 2012

Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, Githu Muigai

Women and girls face multiple discrimination, including through sexual exploitation or forced prostitution (A/HRC/7/19 and Corr. 1, para. 71). Women are socio-economically positioned at the bottom of the caste, gender and class hierarchy, and face violence in their family and communities, and from actors in other castes. Women in Dalit Communities in Asia are subjected to physical abuse, sexual harassment, trafficking and sexual violence (E/CN.4/Sub.2/2001/16, para. 45). Violations of land and property rights also affect these women (A/HRC/10/7/Add.1, para. 52), who suffer disproportionately in terms of health care, education, and subsistence wages. Dalit women in India and Nepal make up the majority of landless labourers and scavengers. In Nepal, badis are viewed as a prostitution caste. Many Dalit women and girls, including badis, are trafficked into sex work. A/HRC/17/40, 2011

Issues/Recommendations from CEDAW and other treaty body reviews on Dalit women in Nepal

Violence against women

- The persistence of sexual exploitation, in particular among the Dalit community. CEDAW Concluding Observations Nepal 2011
- Dalit women are victims of multiple discrimination as they are more vulnerable to sexual exploitation, trafficking and various forms of violence, including domestic violence. The State is to take specific and targeted measures to protect the rights of Dalit women. CESCR Concluding Observations Nepal 2014
- The Committee is concerned about the prevalence of gender-based violence, including domestic and sexual violence, in particular among the Dalit and other disadvantaged groups CESCR Concluding Observations Nepal 2014

Education

- Strengthen its efforts to achieve universal provision of quality education for girls at each level of the education system in urban, rural and remote areas, provide access to education to girls with disabilities through improvement of infrastructures and provision of support systems, with special attention to girls from Dalit, Indigenous and other disadvantaged. CEDAW Concluding Observations Nepal 2011

Political life

- the very low representation of women, in particular Dalit and indigenous women, in high-level decision-making positions, the public service, the judiciary and the diplomatic service, in the National Human Rights Commission and at the local level. CEDAW Concluding Observations Nepal 2011
- Establish concrete goals and timetables so as to accelerate the increase in the representation of women, including Dalit and indigenous women, in elected and appointed bodies in all areas of public life from local level, including at the Village Development Committee level, to national and diplomatic levels. CEDAW Concluding Observations Nepal 2011
- The Committee urges the State party to ensure that in the Constitutional process currently underway, all sectors of society, including disadvantaged and marginalized groups, in particular the Dalit, the Madhesi and indigenous communities, and especially women within these groups, are represented in decision-making bodies at all levels. It recommends that concrete and active efforts be made to promote the participation of these groups in the Constituent Assembly, which, following the election of its members in 2007, will embark on the drafting of a new Constitution. CESCR Concluding Observations Nepal 2008
- The Committee recommends that the State party increase the representation of women, including Dalit and indigenous women, in decision-making positions in public and political affairs. The Committee further recommends that the State party address obstacles to the career advancement of women through temporary special measures and education of men and women about equal career opportunities. CESCR Concluding Observations Nepal 2014

Harmful practices

- the Committee expressed concern over harmful practices such as *deuki* (offering girls to deities to fulfil religious obligations); *jhumas* (offering young girls to Buddhist monasteries for performing religious functions); *kamlari*, (offering girls for domestic work to the families of landlords), and *badi* (widespread practice of prostitution among the Badi caste) which still persists in the State party and constitute serious breaches in the State party's obligations under article 2 (a) of the OP" (para 27 in the Concluding Observations). CRC OP Concluding Observations Nepal 2012
- It is particularly concerned that women and girls, in particular of Dalit origin, continue to suffer from harmful traditional practices such as forced and early marriages, accusations of *boxi* (witchcraft), *deuki* tradition (offering girls to deities to fulfil religious obligations), *jhumas* (offering young girls to Buddhist monasteries for performing religious functions, *kamlari* (offering girls for domestic work to families of landlords) *chapaudi* (isolating menstruating girls), and *badi* (widespread practice of prostitution). (art. 3, 10) (a) effectively implement measures to eradicate harmful traditional practices; (b) reinforce its awareness-raising campaigns among the population and in particular in districts and social groups where such practices are prevalent, reiterating that these practices are violating human rights and that they have long lasting negative effects. (c) enforce its Domestic Violence Act of 2009, investigate cases of harmful traditional practices and punish those responsible; (d)

provide protection and rehabilitation to victims; (e) expedite the adoption of the Bill prepared by the National Women's Commission to criminalize all kinds of harmful practices, as well as of the National Strategy to End Child Marriages. CESCR Concluding Observations Nepal 2014

- The Committee notes the lack of information in the periodic report on the situation of women belonging to disadvantaged groups who are victims of multiple discrimination, and expresses concern over the situation of forced prostitution of girls and women of the **Badi** caste. The Committee recommends that the State party consider issues of political representation, personal security, employment and education, in line with general recommendations XXV (2000) on gender-related dimensions of racial discrimination and XXIX (2002) on descent-based discrimination, in taking measures to eliminate multiple discrimination against women who belong to vulnerable groups. The Committee further requests the State party to include in its next report the measures taken in this regard, including specific action taken to eradicate forced prostitution of Badi girls and women CERD Concluding Observations Nepal 2004
- Although certain harmful traditional practices have been prohibited by law, the Committee expresses its continuing concern about the persistence of such practices that violate the rights of women and girls as *deuki* (dedicating girls to a god or goddess), **badi** (widespread practice of prostitution among the Badi caste), *chaupadi* (isolating a woman during menstruation because she is considered to be impure), marrying child brides, and witchcraft. In this regard, the Committee regrets the lack of information contained in the State party's second periodic report about the full extent of such practices and the efforts being made to eradicate them (CESCR Concluding Observations Nepal 2008)
- The Committee is concerned at the continuing existence of child marriage and polygamy and other practices, including the institution of dowry, *deuki* (dedicating girls to a god and goddess), *jhuma* (in some communities, second sisters remain unmarried and spend their life in monasteries), *kumari pratha* (having a girl child as living goddess) and **badi** (ethnic practice of prostitution among young girls), that are contrary to the Convention and constitute discrimination against women. The Committee is also concerned that the enactment of the draft bill on domestic violence has been delayed indefinitely. The Committee recommends action without delay by the State party to enforce its marriage laws, particularly as they relate to the prohibition of child marriage and polygamy, in the light of general recommendation 21 on equality in marriage and family relations, and urges the State party to take steps to abolish other harmful and discriminatory traditional practices, such as dowry *deuki*, *jhuma*, *kumari pratha*, and *badi*. The Committee also recommends that the State party take comprehensive and effective measures, including the training of the judiciary and law enforcement officials and public awareness-raising campaigns aimed at eliminating these practices. The Committee requests the State party to adopt immediately measures on domestic violence and to provide in its next report information about progress in relation to the draft bill on domestic violence (CEDAW Concluding Observations Nepal 2005).
- The Committee expresses concern that traditional Convention, the Committee's general recommendations, and customs and practices detrimental to women and girls, such the Beijing Declaration and Platform for Action. as child marriage, dowry, polygamy, *deuki* (a tradition of dedicating girls to a god or goddess, who become "temple prostitutes", which persists, despite the prohibition of the practice by the Children's Act) *badi* (the ethnic practice of forcing young girls to become prostitutes)

and discriminatory practices that derive from the caste system are still prevalent (CEDAW Concluding Observations Nepal 1999)

- The Committee recalls the concern it expressed in its concluding observations adopted on the fourth report of the State party under the Convention (CRC/C/15/Add.261 para.67) concerning harmful practices such as *deuki* (offering girls to deities to fulfil religious obligations); *jhumas* (offering young girls to Buddhist monasteries for performing religious functions); *kamlari*, (offering girls for domestic work to the families of landlords), and ***Badi*** (widespread practice of prostitution among the Badi caste) which still persist in the State party and constitute serious breaches in the State party's obligations under article 2 (a) of the Optional Protocol. CRC Concluding Observations Nepal 2012
- The Committee notes with concern that certain harmful traditional practices continue to prevail in the State party, most notably the caste system and traditions such as the Deuki, Kumari, Jhuma, Badi, Kamlari and Chaupadi, causing extreme insecurity, health hazards and cruelty to girl children. The Committee regrets the absence of legal prohibition and sufficient interventions on the part of the State party to address the harmful effects of these traditional practices on the enjoyment of rights by children who are affected by these practices. While noting the efforts taken by the State party to eliminate the phenomenon of sexual exploitation of children, the Committee is gravely concerned about the large number of children in the State party who are sexually exploited. The Committee is of the view that insufficient efforts have been taken to protect the particularly vulnerable groups of children from sexual exploitation. Specifically, the Committee notes with concern that children of lower castes are disproportionately represented among sex workers, and about the persistence of the customary practice known as Badi, whereby young girls of the Bedi caste are forced into prostitution.....(CRC Concluding Observations Nepal 2005)

General

- the continued strong caste discrimination, particularly towards the Dalit as well as the prevailing legal and de facto discrimination against women and girls" (para. 21 in the Concluding Observations). CRC OP Concluding Observations Nepal 2012
- The Committee is deeply concerned about the multiple forms of discrimination against disadvantaged groups of women such as Dalit and indigenous women, widows and women with disabilities. CEDAW Concluding Observations Nepal 2011
- The Committee urges the State party to prioritize combating multiple forms of discrimination against women from various disadvantaged groups through the collection of data on the situation of these women, and the adoption of legal provisions and comprehensive programs, including public education and awareness raising campaigns involving the mass media as well as community and religious leaders, to combat multiple discriminations. CEDAW Concluding Observations Nepal 2011