

Review of Policies, Plans and Programs of

National Human Rights Commission (NHRC),

National Women Commission (NWC),

National Dalit Commission (NDC), and

Mechanism to End Caste Based Discrimination and Untouchability and Promotion of Dalit Rights for the Elimination of Caste Based Discrimination &Untouchability (Mechanism)

SAMATA foundation

Policy Review - 17

Review of Policies, Plans and Programs of NHRC, NWC, NDC & Mechanism

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ABBREVIATION

CBS	Central Bureau of Statistics
CBD&U	Caste based Discrimination and Untouchability
CDO	Chief District Officer
CEDAW	Convention on the Elimination of All Forms of Discrimination against Women
CSO	Civil Society Organizations
DAO	District Administration Office
DCC	District Coordination Committee
DDC	District Development Committee
DNF	Dalit NGO Federation
DSP	Deputy Superintendent of Police
DWO	Dalit Welfare Organization
FEDO	Feminist Dalit Organization
FIR	First Information Report
GCM	Group Consultation Meeting
GESI	Gender Equality and Social Inclusion
GoN	Government of Nepal
HDI	Human Development Index
ICERD	International Convention on the Elimination of all Forms of Racial Discrimination
IDSN	International Dalit Solidarity Network
INGOs	International Non-Governmental Organizations
JMC	Joint Monitoring Committee/Jagaran Media Centre
KII	Key informant interviews
LDO	local development office
MOHA	Ministry of Home Affair
MoFALD	Ministry of Federal Affairs and Local Development
MoWCSW	Ministry of Women Children and Social Welfare
MP	Member of parliament
NDC	National Dalit Commission
NHRC	National Human Right Commission
NHRIs	National Human Rights Institutions
NWC	National Women Commission

OPM	Office of Prime Minister
OPMCM	Office of Prime Ministers and Council of Ministers
PSA	Public service awareness
WaSH	Water Sanitation and Hygiene
UDHR	Universal Declaration of Human Rights
UN	United Nations
UNDP	United Nations Development Program
UNHR	United Nations Human Rights
UPR	Universal Periodic Review

FOREWORD

Collective Voice for Human Rights and Dignity AAWAZ has aimed to address core problem of caste-based discrimination and untouchability (CBD&U) and resultant exclusion which is a pressing human rights and development issue in Nepal. It is a great violation of human rights and crime against humanity as it neglects human dignity and induces inequality which is against national laws and international human rights standards and instruments. AAWAZ has been designed to be implemented through a consortium of five national level organizations SAMATA Foundation, Jagaran Media Centre (JMC), Rastriya Dalit Network (RDN), Madhesi Dalit Development Federation (MDDF) and Nepal National Dalit Social Welfare Organization (NNDSWO).

In this project, SAMATA foundation is leading the research and publication component. It basically focuses on policy reviews, Study on implementation status of CBD&U Act 2011, preparation of shadow reports on CERD and fact finding and litigation support on CBD&U and Dalit human Rights and Dalit HR violations cases.

The Government of Nepal has taken major steps after the movement of 1990. In fact, it had been quite long after ratifying the various international committees and covenants by Nepal complying with international standards like ICERD, CEDAW and many others, Nepal established NHRC in 2000, NWC in 2002, NDC in 2002, and Mechanism in 2011. The same year CBD & U Act was formed.

Despite the continued efforts of Government, the state of Dalit human rights is still disappointing. The actions of government have failed in many instances while addressing the Dalit issues. More and more cases of atrocities against Dalits are heard almost on daily basis. Many cases of Dalit human rights violation go unreported.

Through the project, AAWAZ, SAMATA has conducted month's long study on the four major institutions namely, NHRC, NWC, NDC and Mechanism, a special effort of office of Prime Minister. This study has tried to answer the queries like –'why the state of human rights of Dalits are getting more and more deteriorated day by day?', 'what are the roles of these institutions in protecting and promoting the basic human rights of Dalits?', 'what are the policy gaps found in the institutions?', and 'What are the difficulties in implementing the policies of these institutions?' etc.

The study was led by a consultant with an expertise in Dalit human rights. The consultant along with other members from SAMATA has worked for desk reviews, field visits and national level consultation. This study report consists of some pertinent findings and recommendations. The recommendations are expected to be valuable for the lawmakers in the country.

At the end, I would like to thank our esteemed consortium partners for their generous support to study in the field and national level. I would also like to thank all the staff of SAMATA foundation for transforming its mission into reality. SAMATA is indebted towards the support of many individuals, groups and institutions. Last but not the least, I would like to thank and congratulate AAWAZ consortium team, research team, consultant, and all the contributors.

Pradip Pariyar

Executive Chairperson
SAMATA foundation

EXECUTIVE SUMMARY

Legally, the practice of caste based discrimination & untouchability (CBD&U) is restricted and punishable in Nepal. Nepal has now signed more than 24 international treaties including the International Convention on the Elimination of all Forms of Racial Discrimination (ICERD, 1965). A Caste Based Discrimination and Untouchability (offence and punishment) Act, 2011 has been established to control caste based discrimination & practice of untouchability in the country. Unfortunately, the practice of caste-based discrimination and untouchability seem to be still rampant in Nepal.

To ensure the human rights in Nepal some of the major institutions of government namely, NHRC, NWC, NDC and Mechanism to End Caste Based Discrimination and Untouchability and Promotion of Dalit rights (Mechanism) are established. These institutions have their own mandates and are operating in various parts of Nepal. These institutions are the most relevant for ensuring the rights of Dalit community in Nepal. Despite the continued efforts of the government, the incidents of caste based discriminations and untouchability have been observed quite frequently. The actions of government have failed in many instances addressing the Dalit issues. This calls for a need to review the relevant policy documents, strategies and programs of the above institutions concerning the Dalit issues. In order to analyze the probable lacunas and shortcomings in the actions of these institutions concerning Dalit rights, a study has been carried out at five districts (Kailali, Dailekh, Bara, Saptari and Sunsari) at local levels and center in Kathmandu.

Desk Reviews, Group Consultations and Key Informant Interviews are the method employed in the study. A five member team led by a Consultant has carried out the study for about three months.

The study team has made several observations. Most of the programs and activities of the aforementioned institutions are limited to awareness programs as regard to Dalit issues. No specific plans and programs are designed to tackle caste based discrimination and untouchability issues. These institutions also are quite feeble in formulating strategic plans for the elimination of caste based discrimination and untouchability. Most of these institutions do not have institutional set up in many parts of the country and lack in adequate resources. Many awareness programs and activities are conducted by these institutions without proper coordination with Dalit-led

civil societies. This has led to absence of required synergy. Even a significant institution like 'Mechanism' formed with the specific purpose of elimination of the caste based discrimination has not fully evolved. It lacks in strategic direction and resources. Many of the government agencies at local levels are yet to own the responsibilities concerning the Mechanism.

The study report has come up with some specific recommendations for each of the institutions. Allocation of budget and resources for Dalit issues, strategic plans and programs to accommodate Dalit issues and joint consultation with Dalit-led CSOs etc are covered in the recommendation part in this study report.

CHAPER – ONE

INTRODUCTION

1.0 General Introduction

Legally, the practice of caste based discrimination & untouchability (CBD&U) is restricted and punishable in Nepal. The 1963's national code has restricted it. Nepal has now signed more than 24 international treaties including the International Convention on the Elimination of all forms of Racial Discrimination (ICERD). Further, Nepal's various constitutions promulgated in 1990, 2007 and 2015 have ensured right against caste-based discrimination and untouchability. A Caste Based Discrimination and Untouchability (offence and punishment) Act, 2011 has been established to control such violation of Dalit rights. Unfortunately, caste-based discrimination and untouchability seem to be still rampant in Nepal. Due to the continued deprivation of Dalit from opportunities of participation and enjoyment of all kind of state affairs, the status of Dalit in Nepal has reached at the bottom most level of social hierarchy. Exclusion, restriction, expulsion, humiliation, threat and segregation are the major forms of caste-based discrimination in Nepal.

CBD & U has become a global phenomenon and has become an international concern. Article 1 of the Universal Declaration of Human Rights (1948) clearly proclaims that all human beings are born free and equal in dignity and rights. 'Everyone is entitled to all the rights and freedoms set forth in this declaration, without distinction of any kind, such as race, color, sex, language, religion, political or other opinion, national or social origin, property, birth or other status' (Article, 2, UDHR, 1948). Hence, the practice of caste-based discrimination and untouchability is restricted by the national and international laws.

Even though, such laws restrict the practice of caste-based discrimination and untouchability, it is still found that various forms of discrimination such as, refusal to consume food and drinking water with Dalit, non-acceptance of inter caste marriage, prohibiting Dalits to enter into temple, prohibiting Dalits to enter the house or apartment belonging to non-Dalits, barring Dalits from participating in social gatherings; such as wedding ceremony, social party and religious affairs among others are still rampant in Nepal.

According to Central Bureau of Statistic (2011), Dalits cover about 13.2 percent of total Nepalese population. Dalits in Nepal have been lagging behind in all aspects of political, economical, social and cultural dimensions. In order to uplift the Dalit community, the state has to have appropriate plans, policies, programs and budget and effective implementation of the same.

Following the principles of the Welfare State, the Government of Nepal (GoN) has established some commissions and mechanisms for the effective implementation of existing legal provisions for the protection and promotion of human rights in the country. Among them, National Human Rights Commission, National Women Commission, National Dalit Commission and Mechanism to End Caste Based Discrimination and Untouchability are the major government institutions working for the protection and promotion of human rights.

However, there is an immediate need to assess the efforts made by the GoN in order to dig out the lacunas in existing government's actions and recommend the GoN for its better actions.

1.1 Objectives of Study

The specific objectives of the study are as follows:

- To analyze policies, plans and programs formulated by National Human Rights Commission (NHRC), National Women Commission (NWC), National Dalit Commission (NDC) and Mechanism to end Caste Based Discrimination and Untouchability and Upliftment of Dalit Rights(Mechanism).
- To find out implementation status of policies, plans and programs adopted by NHRC, NWC, NDC, and Mechanism for ending caste based discrimination and untouchability at local level.
- To identify challenges and gaps in the institutional structures and discuss to end caste based discrimination and untouchability.
- To provide recommendations based on findings of the research in order to strengthen the capacity of the institution to reform policies, plans and programs for ending caste-based discrimination and untouchability in the country.

1.2 Scope and Limitation of the Study

NHRC, NWC,NDC and Mechanism are government agencies working for Dalit rights. The common goal of these institutions is to promote and protect the human rights in Nepal. All these institutions are formed with the purpose of addressing specific issue and theme of particular group and community. These institutions have their own sets of objectives, duties and authorities and

have legal mandate granted by various legislation. Due to the diverse nature and mandate of institution, each institution has designed its policies and programs in accordance to its mission.

Through this research, the efforts of aforementioned government agencies have been thoroughly studied. The information on various plans, policies, programs, budget and the implementation status of the programs of the agencies are gathered, tested and reviewed.

The areas of this study are as follows;

- The policies and programs of NHRC, NWC, NDC and Mechanism are reviewed on the basis of legal mandate of their concerned Acts, Interim Constitution 2063 BS, Constitution of Nepal, 2072 BS, their Strategic Plans, and Annual Reports. In case of NDC, a Formation Order and Work Management Directive, 2070 BS has been reviewed.

Likewise, in case of Mechanism, a basic document consisting of working modality on Dalit, policies guideline and its structural framework have been studied additionally.

For reviewing the status of implementation and actions of the four institutions, five districts, Kailali, Dailekh, Bara, Saptari and Sunsari have been studied through Consultation Meetings and Key Informant Interviews at field levels.

1.3 Methodology of Study

The study has adopted various approaches to collect the data. This study is basically based on the qualitative research method. Initially, official documents i.e. Constitutions of Nepal, related Acts, strategic plans, annual programs and progress reports of the institutions were collected and studied. Questionnaires were developed to gather data from concerned stakeholders at various districts to evaluate the state of implementation of government's policies, plans and programs during group consultation meetings aimed for the elimination of CBD&U. Five districts namely, Kailali, Dailekh, Bara, Saptari and Sunsari were selected as sample districts. Interaction programs were organized in all five districts in the presence of concerned government officials, representatives from civil society organizations and representatives from Dalit communities. During the interactions, various questions were raised to the stakeholders to inquire progress made regarding the implementation of the government policies and programs.

Primary data obtained from four institutions at center and their line agencies at regional and district levels were analyzed.

Field visits in all five districts were carried out from the month of June 2016. Group Consultation Meetings (GCMs) were conducted in Kailali between 14th to 16th of June 2016, in Dailekh between 17th to 19th of June 2016, in Bara between 20th to 22nd of June 2016, in Sapatari between 23nd to

25th of June 2016 and in Sunsari between 25th to 27th of June 2016 one after another. For GCMs, various stakeholders about 20 to 30 members such as, government officers, police officers, local level political leaders from Dalit community, Human Rights Activists, representatives from civil society organizations and human right alliances, key members from the locality and media persons participated in the discussion sessions in each district. GCMs are expected to gather valid data and information from both the supply and beneficiaries side.

In addition, Key Informant Interviews (KIIs) were conducted in each district. KIIs were conducted with representatives from two regional offices of NHRC, five women development officers from NWC, two members from NDC from centre office and five CDOs from District Coordination Committee on behalf Mechanism. Unlike GCMs, KIIs are expected to gather valid data from the supplier side.

After the studies at district level, a National Consultation Meeting was held at Kathmandu involving Dalit leaders, scholars, lawyers and representatives from four institutions. Suggestions and comments from participants were gathered and incorporated in the final report.

Table: 1

Key Methods	Number of Participants/ Interviewees
Desk review	
Institutional visit at central level(four institution)	16
Visit of NHRC regional offices (Dhangadi and Nepalgunj)	4
District level Group Consultation Meetings at five districts.	146
Key Informant Interviews (with C.D.O, District Woman Development Officer)	16
Central level consultation	95

1.4 Limitation of the Study

- The study period was short as it was conducted only for three months. Within this time period, the study team had to complete the desk reviews, field studies, consultation meeting, analysis and report writing.
- Information was not readily available in most of the institutions due to the lack of proper documentation. Interviewees had limited time to interact with the study team. Besides, no prior study had been made on the similar topic.
- Due to the budgetary constraints, the size of sample taken (5 districts) is quite small.

CHAPTER – TWO

STUDY OF NATIONAL HUMAN RIGHTS COMMISSION

2.0 A Brief Introduction of NHRC

NHRC is an independent and autonomous constitutional body. It was established in the year 2057 B.S. as a statutory body under the Human Rights Commission Act, 2053. The Interim Constitution of Nepal, 2063 B.S. declared NHRC as a constitutional body. It has a separate sphere of responsibilities in the constitutional and legal system of the country. These responsibilities complement the responsibilities of the normal machinery of the administration of Justice, the Supreme Court, and the Office of the Attorney General, the Commission for the Investigation of Abuse of Authority, and other existing executive, quasi-judicial or judicial bodies of Nepal.

2.1 Core Purpose of NHRC

- To fulfill its mandates for the protection, promotion and full respect of the human rights enshrined in the constitution, national legislations and international human rights instruments that Nepal has been party of.
- To provide legal treatment and justice to victim survivor.

2.2 Institutional Profile of NHRC

NHRC carries out its activities through the central office, regional offices and sub-regional offices established in different locations across the country. It has general policies of decentralization aiming to increase access to human rights services and expanding outreach programs to various parts of the country. Currently, Central Office of NHRC is located in Pulchowk, Lalitpur district. Five Regional Offices, (Biratnagar, Janakpur, Pokhara, Nepalgunj and Dhangadhi) and six sub-Regional Offices (Illam, Khotang, Kathmandu, Butwal, Dang and Jumla) are also working under NHRC headquarter.

2.3 Functions and Duties of NHRC

The constitution of Nepal 2072 B.S. and NHRC Act of 2068 B.S. had conferred to wide range of authority and responsibilities to NHRC. It's authority and responsibilities are as follows:

- Receiving complaints and conducting investigation upon them.
- Recommending for compensation to victims or their legal representative(s).
- Recommending for prosecution and disciplinary action.
- Making public the name of officials who do not enforce NHRC recommendations.
- Conducting rescue, search and seizure operations at suspicious places, if so required.
- Recommending for filing court cases against perpetrators.
- Monitoring of international human rights treaties and human rights situation.
- Reviewing law/ policies relating to human rights, and recommending for the reforms.
- Working with NGO, CSO, media, academia etc for the promotion of human rights.

2.4 Authority of NHRC:

- Exercise similar authority as the court while requiring any person to appear before the Commission for recording their statement and information or examining them, receiving and examining evidence, and ordering the production of any physical proof.
- In case the Commission has received the information from any source that a serious incident of violation of human rights has occurred or is likely to occur, it may enter a person's residence or office, conduct a search and seize any documents and evidence relating to human rights violations therein.
- Enter any government premises or other places, without prior notice, in case the Commission has received information that violation of human rights of a person is occurring thereon and immediate action is required, to provide rescue,
- Order for compensation for the victims of human rights violations in accordance to law.
- The NHRC may delegate any of its functions, duties and authorities to the Chairperson, any member or any employee of the Government of Nepal to be exercised and followed in compliance with the conditions specified.
- Other functions, duties and authorities and procedurals of the NHRC shall be as specified by Federal law.

2.5 Policies, Plans and Programs of NHRC in relation to End Caste Based Discrimination and Untouchability.

2.5.1 Policies and Plans

NHRC is an autonomous constitutional body of GoN. It follows the government laws and policies along with various national and international principles of Human Rights. NHRC functions under the principles of the treaties ratified by GoN. At times it may also be guided by other principles of human rights which are not yet ratified by GoN. Among big nine treaties, ICERD 1965 seem to be most relevant addressing the Dalit issues.

NHRC has not formulated any specific policies to address the caste based discriminations and untouchability issues but it has established the ICERD focal point under the institution particularly to handle Dalit issues. This focal point ensures the human rights of Dalits as envisioned by ICERD.

Various strategic plans of NHRC, namely, the first Three years Strategic Plans (2001-2003), the second Strategic Plans (2004 -2008), the third Strategic Plans (2008-2010) , the fourth Strategic Plans (2011-2014) and recently, the fifth Strategic Plans (2015-2020) have set objectives pertaining to Dalit rights. (See. SO3 of second, fourth and fifth and SO 9.4 of third Strategic Plans)

Basically the objectives in all Strategic Plans revolve around the advocacy and awareness activities of all deprived groups and communities to eliminate the exploitation and discrimination under the collective rights approach. For detail, see Annex- 1

2.5.2 Programs and Activities Conducted by NHRC

NHRC has been conducting various programs since the year 2001. Most of the programs concerning Dalits have been carried out in terms of advocacy and keeping the stakeholders aware about Dalit rights, need for elimination of caste based discriminations and preventing exploitation of marginalized groups and communities.

Various awareness programs, advocacy with government agencies, and seminars have been conducted in many districts of Nepal since the year 2001. Additionally, it is evident that from last ten years, NHRC has also been involved in campaigning, monitoring and investigation activities in order to protect and promote Dalit rights.

NHRC has extended the solidarity with Dalit CSOs in some major cases of human rights violations of Dalits, which include the extreme atrocities, extortions and murders.

In 2014, an effective team, Joint Monitoring Committee (JMC) consisting of government and non-government agencies was formed. The representatives from National Dalit Commission (NDC), National Women Commission (NWC), NHRC and Office of the Prime Minister and Human

Right Cell from Nepal Police and members from Dalit NGO Federation and *Aadhibaasi Janajati Uttathan Rastriya Pratisthan* are the members of JMC. Through JMC, NHRC has been involved in several cases of Dalit human right violations.

The programs and activities of NHRC with regard to Dalit issues are listed from various annual reports of NHRC. For details, see Annex – 2.

2.6 Field Study and the Findings

A field visit was carried out at five districts by a team consisting of a Consultant, Program Coordinator and a support staff from the center (Kathmandu). The purpose of the field visit was to collect data about the implementation status of policies and programs of NHRC in local and district level.

Findings from GCM:

- Participants expressed that they were not aware of any such programs aimed for the elimination of CBD &U conducted by NHRC in their districts. Dalit community at these districts hardly gets support(s) from NHRC till date.
- The participants from Kailali expressed that they find NHRC to be insensitive and not proactive on Dalit issues despite the fact that the establishment of regional office of NHRC is done only in their district among five districts,

Findings from KII

- NHRC regional offices claimed that they have been intervening the cases of human rights violations of Dalits.
- NHRC regional offices said that they have been holding series of awareness programs regarding CBD & U.
- Both NHRC regional offices at Kailali and Banke assured about their commitment towards elimination of CBD&U.

CHAPTER – THREE

STUDY OF NATIONAL WOMEN COMMISSION

3.0 A Brief Introduction of National Women Commission:

NWC was established in March 2002. It is governed by National Women Commission Act, 2007 and National Women Commission Regulation-2009. As defined in the preamble of the NWC Act, it has been established for the protection and promotion of the rights and interests of the women, there by effectively include them in the mainstream of development of the women and establishing gender justice.

The NWC presently has five-member's Board including one Dalit woman. The Commission has a legal mandate to monitor and investigate cases of violence against women, providing legal aid, monitor the state obligations to UN reporting under CEDAW Committee, coordinate with government and other agencies for mainstreaming gender policies in national development and conduction of research for gender welfare.

3.1 Core Purpose of NWC

- Protection and promotion of the rights and interests of the women.
- Effectively include Nepalese woman in the mainstream development in order to establish gender justice.

3.2 Institutional Profile of NWC

National Women Commission is a central based institution. It has no external offices of its own for more outreach to regional and local level. Currently it works with the coordination of Office of the District Women Development. The Women Development Officer or Inspector is in-charge of the

development functions, which involves community-based activities. Community based activities of NWC such as, training and awareness programs are conducted under the supervision of Women Development Officer.

3.3 Functions and Duties of NWC

Existing Constitution of Nepal has endorsed the following Functions, duties and authorities of the National Women Commission as follows:

- To formulate policies and programs regarding women welfare for the Government of Nepal and forward them to the Government for implementation.
- To review whether statutes related to women's welfare are executed or not, and whether the international covenant signed by Nepal, as a signatory, has been executed or not, and to forward a recommendation to the Government of Nepal in case they are found not being executed.
- To monitor, review and evaluate policies and programs implemented by the State to bring women into the mainstream of national development such as proportionate representation in all of the state agencies, and to forward a recommendation to the Government of Nepal for an effective implementation of those provisions.
- To carry out research and studies regarding gender equality, women empowerment, other legal provisions concerning women, and to forward a recommendation to the concerned bodies regarding the areas to be amended in those laws, and to monitor the same.
- To monitor the government regarding report to be submitted by the Government of Nepal in matters related to international covenant and treaties to which Nepal is a party.
- To forward a recommendation to concerned authority to lodge a petition in the court, in accordance with the law, in matters related to Constitution of Nepal 2015, with gender violence, and women deprived of women rights due to social malpractices.

The preamble of the National Commission Women Act, 2006 has stated that the National Women Commission was established for the protection and promotion of the rights and interests of the women and thereby effectively includes them in the mainstream development and for overall development of the women establishing gender justice. Section eleven of the Act has given various functional mandates to the commission. It has a legal mandate to monitor and investigate cases of violence against women, providing legal aid, monitor the state obligations to UN reporting under CEDAW, coordinate with government and other agencies for mainstreaming gender policies in national development and recommending and monitoring for the reforms through research.

3.4 Authority of NWC

NWC is a constitutional body. National Women Commission Act, 2007 has provided following authority to NWC.¹

- A. To formulate national policies and program concerning with the right and interest of women and present it before the government of Nepal for execution.
- B. To suggest the government of Nepal for compliance or execution by monitoring whether or not the existing law relating to right and interest of women is complied with or whether or not the obligation under the international convention to which Nepal has been a party is executed in case of non-compliance or non-execution.
- C. To review, monitor and evaluate the policies and programs enforced to merge women in the main stream of national development and recommend the government of Nepal for its effective implementation.
- D. To increase or cause to increase awareness of the people against the discrimination and bad customs against the women.
- E. To analyze or cause to analyze the policies and programs concerning with the different ministries whether or not it is effective from the perspective of gender justice.
- F. To make recommendation and monitor thereof for the reforms by making research and study of gender equality, women empowerment and existing laws relating to women.
- G. To visit, inspect and view the offices, bodies under the government of Nepal or the governmental or nongovernmental or private organization established under the existing law and make recommendation to the government of Nepal or the related bodies on the matters such as functions and physical facilities of such offices or bodies relating to the protection of rights of women.
- H. To monitor whether or not the government of Nepal has sent the reports to be sent by Nepal pursuant to the provisions of international conventions and treaties to which Nepal has been a party.
- I. To make essential arrangements to render essential legal aid to the woman who is helpless, victimized or deprived from women's rights.
- J. To launch public hearing as per necessity over the matters relating to the rights, interest and concerns of women.

¹ Section 11, National Women Commission Act, 2007

3.5 Policies, Plans and Programs of NWC in relation to Caste Based Discrimination and Untouchability.

3.5.1 Policies and Plans

NWC is an autonomous constitutional body of GoN. It follows the government laws and policies along with various national and international principles of Human Rights. NWC functions under the principles of the UN treaties rectified by GoN. Among big nine treaties, CEDAW 1979 seems to be the most relevant in addressing the women issues.

NWC envisions a gender equal society where all women, irrespective of their diversity, can exercise their fundamental human rights; are ensured with security, justice, self-identity and freedom; and can live a life with respect and dignity.

First Strategic Plans (2009- 2014) of NWC has been ended and currently, the Second Five Years Strategic Plans (2014-2019) is progressing. This plan has been developed based on the principle of Gender Equality, Social Inclusion, Diversity, Independence and Autonomy, Non-discrimination, Accountability, Commitment and Zero Tolerance. This Strategic Plans has committed to the adaptation of gender diversity.

Basically the objectives in all Strategic Plans revolve around the gender justice, advocacy and awareness activities of women. Rights of Dalit woman and the issues of caste based discrimination and untouchability are not prioritized in the Strategic Plans. The plans are developed as per the basket approach concept. For the detail of current objectives and Strategic Plan, see annex 3.

3.5.2 Programs and Activities Conducted by NWC

NWC has been conducting various programs since its establishment. Most of the programs of NWC are based on gender justice, advocacy and awareness against gender inequality, domestic violence, discrimination and atrocities against women. Monitoring and investigation of gender based incidents, support to filing of case, training, awareness/advocacy, public hearing, workshop, seminar, research, interaction program, publishing poster/pamphlets and 16-day campaign against gender based violence are the key activities of NWC. NWC is also associated to JMC. NWC has not been involved in most of the cases of Dalit women rights violations apart from the case of Maya Sarki's at Belbari, Morang.

The overall programs and activities of NWC are listed in Annex -4.

3.6 Field Study and Findings

A field visit was carried out at five districts by a team consisting of a Consultant, Program Coordinator and a support staff from the center (Kathmandu). In each districts respective Field Coordinator has joined the team. Group Consultations and Key Informant Interviews (KIIs) were conducted.

Findings from GCM

- The participants feel that the status of Dalit women is vulnerable in their respective districts
- NWC has not conducted any activities/programs specifically related to Dalit woman till date in the districts.
- No cases of caste based discrimination and untouchability concerning Dalit women has been registered in districts till date.
- Participants expressed that Terai Dalit women are at the most vulnerable situation among all Nepalese women.
- Among all women, a large number of Dalit women are illiterate.
- A large number of Dalit women have been victim of the caste based atrocities and social malpractices and accused as witches.
- Dalit women have no access to state mechanism.
- No case of Dalit women has been handled by NWC so far in the districts till date.

Findings from KII

- Awareness programs have been conducted all over the districts against gender violence including Dalit issues.
- Dalit women show inadequate interests to participate for awareness programs held by office of the district women development.
- Dalit women hesitate to participate for the programs conducted by NWC at local levels.

CHAPTER – FOUR

STUDY OF NATIONAL DALIT COMMISSION

4.0 A Brief Introduction of NDC

Due to the mountainous struggle and effort of Dalit community, nation's commitment towards the international treaties and new political development in the country, GoN took a major step to establish NDC. Established on 19 March 2002, the Commission is responsible for promoting and protecting the rights of Dalit community and ending prevailing caste-based discrimination in the country. Then cabinet decided to establish a 10-membered NDC for the first time in the history of Nepal.

NDC at present is a constitutional body of the GoN. Recently, the Act regarding NDC has been enacted by the parliament. However, the power and authority of NDC have no match with the aspiration of Dalit community.

4.1 Core Purpose of NDC

- To increase the active participation of socially, economically, politically, educationally most backward Dalit Community in the mainstream of national development by preserving and augmenting their fundamental rights provisioned in the prevalent law and constitution.
- To create the environment favorable to Dalit community to enjoy the equal rights, self-esteem, services and privileges as equal as other social groups in the Nepal's human development index.¹

4.2 Institutional Profile of NDC

The NDC is a Kathmandu-based government institution. It has no external officers in regional and local level. As of today, NDC is centrally operated with its only office in Kathmandu. Voices are

¹ <http://ndc.gov.np/site/cms/12/> / acceded on 14 November 2016.

raised for the establishment of branch office in local level. Article 275 of existing Constitution of Nepal states that the NDC may establish its offices as and when required.

4.3 Functions and Duties NDC

As per the Article 256 of the constitution of Nepal 2015, Functions, duties and authorities of National Dalit Commission shall be as follows:

- To carry out research/studies about Dalit community and make recommendation to GoN for legal and institutional reforms.
- To formulate national policies and programs for ending caste-based discrimination, untouchability, development of Dalit community and make recommendation to GoN for effective implementation of those provisions.
- To monitor Dalit concerning laws, policies and programs and focus on effective implementation of those.
- To monitor the Government of Nepal, so as to ensure that the Government of Nepal submits the report as a signatory to the international treaties and agreement, as provisioned by those treaties.
- To monitor, review and evaluate the policies and programs implemented by the State to bring Dalit community into the mainstream of national development such as proportionate representation in all of the state agencies, and to forward a recommendation to the Government of Nepal for an effective implementation of those provisions.
- To recommend to respective agencies on filing petitions in court according to the law, against any person or organization if it is deemed necessary on matters of discriminations on caste and untouchability or victim of social malpractices or disallowing or depriving of exercising the right of Dalits.
- Other functions, duties and authorities of the National Dalit Commission, shall be as specified by Federal law.

4.4 Authority of Commission

NDC has been declared as a constitutional body in 2015. Currently the Act related to NDC has been enacted. Now it stands as constitutional body. However its power and authority are not yet adequate to function as an autonomous body.

4.5 Policies, Plans and Programs of NDC in relation to Caste based Discrimination and Untouchability:

4.5.1 Policies and Plans:

NDC was formed under the executive order of Ministry of Local Development and Federal Affairs of Government of Nepal. Since its formation, NDC had no legislation of its own until 2015. Lack of statutory mandate, NDC remained without authority for a long time. Subsequently, the Commission has failed to meet its goal as envisioned by the formation order.

The NDC has developed a directive called Work Management Directive of NDC-2070. The directive has defined the directive principles of NDC covering the working modality along with vision, mission and goal of the Commission.

The NDC has defined its vision, mission, working approach and mission statement through the "work management directive of NDC 2070 BS". As per the directive, the NDC has been established for protection and promotion of human rights, basic freedom, equality, social justice and dignified equitable society. The goal of NDC is to create environment for social change with assimilating, equitability and easy enjoyment of human right on the basis of research, education, advocacy and legal treatment through remedial and corrective actions. The NDC is adopting rights-based approach for ensuring rights considering "Dalit rights are human rights".

Lately, the legislation of NDC has been enacted. However, the legislation is not much effective comparing to the demand of Dalit movement and the aspiration of Dalit community.

Till date, strategic plans of NDC have not been developed. So, NDC is working as per scope and mandate given in its formation order. Currently, the JMC has been formulated under initiation taken by NDC. The JMC is formed basically to monitor the incidents of caste based discrimination and untouchability happening in the country.

4.5.2 Programs and Activities Conducted by NDC:

The NDC has conducted various programs and activities to end caste-based discrimination and untouchability. Monitoring and investigation of CBD & U cases, conduction of promotional activities and training to provide knowledge about national and international legal provision against CBD & U and research/publication are its activities/ programs. For the major programs of NDC, see Annex-5.

4.6 Field Study and Findings

A field visit was carried out at five districts by a team consisting of a Consultant, Program Coordinator and a support staff from the center (Kathmandu). In each district, respective Field

Coordinator joined the team. Group Consultation Meetings (GCMs) and Key Informant Interviews (KIIs) were conducted.

Findings from GCMs

- No effective activities/programs conducted by NDC in the districts.
- No presence of NDC is felt at district levels. The participants feel that centralized structure of NDC makes it inaccessible for many Dalits.
- Few programs were conducted but were only about awareness.
- NDC lacks proper policies and programs to address caste based discrimination and untouchability.
- Activities/programs of NDC seem to be not effective and lack follow up programs.
- NDC does not provide the support as expected as it has no legal authority like in the case of other commissions like NHRC and NWC.
- Participants feel that formation of NDC board is not transparent and fair.

Findings from KII

- NDC is continuously working for Dalit communities including the issues of CBD & U but however, due to the lack of legislation and sufficient resources, NDC itself is not satisfied with its actions.
- NDC insisted on conduction of multiple activities in some districts like Saptari and Sunsari.

CHAPTER – FIVE

STUDY OF MECHANISM TO END CASTE BASED DISCRIMINATION AND UNTOUCHABILITY AND PROMOTION OF DALIT RIGHTS.

5.0 A Brief Introduction of Mechanism

Even after declaring Nepal as a republican State, the bizarre incident like murder of Manbire Sunar in Kalikot under the pretext that Dalit impured the *Chula* of non Dalits, the whole country was shocked by the news in the year 2011. The incident drew the attention of many human rights activists, media, beaurocrates, intellectuals and even the attention of then Prime Minister. The incident prompted the GoN to take immediate action. The government formed a Mechanism to prevent such heinous crime stemming from caste based discrimination and untouchability.

The Mechanism comprises of an Advisory Committee consisting of five members from parliament (directly appointed by Prime Minister), chairperson of NDC and three representatives from Dalit led organizations, a Directive Committee consisting of 17 members from various ministries with Chief Secretary as a Coordinator, a District Coordination Committee consisting of 16 Members from various sectors with a CDO from each district as a Coordinator and Local Vigilance Committee in the local level.

The Office of the Prime Minister (OPM) plays the secretariat role for the operation of the Mechanism. The Mechanism is termed as 'Mechanism to End Caste Based Discrimination and Untouchability and Promotion of Dalit Rights.'

5.1 Core Purpose of Mechanism

- To form appropriate mechanism from center to local level to end caste-based discrimination and untouchability and promotion of rights of Dalit community.

- To prepare integrated action plans in the participation of all concerned stakeholders with the mainstreaming of Dalit issues in all areas and level for the ending of caste-based violence, discrimination and untouchability,
- To design concrete and practical programs for the alleviation of existing caste based discrimination, inequality, and deprivation by institutionalization of the achievements made so far.
- To adopt participatory approach for the formation of entire action plans of Mechanism for building in sense of the ownership and responsibility among concern agencies of Mechanism.

5.2 Institutional Profile of Mechanism

The institutional structural framework of mechanism is expanded in five levels. Advisory Committee, Central Directive Committee and Coordination Unit (Secretariat Office) are the central committee of mechanism. District Coordination Committee and Local Vigilance Committee remains stationed in the local level as implementing agency of mechanism.

Central committee

A. Advisory Committee

This committee is formed comprising of nine-members. It includes five MPs belonging to Dalit community from major five political parties, chairperson of NDC and three representatives of Dalit-led NGOs.

B. Central Directive Committee:

Chief Secretary of the government heads the 17-member Central Directive Committee and the OPM has been chosen as member-secretary. Secretaries from various ministries and Chairperson of the NDC remain as its members.

C. Coordination Unit (Secretariat) under the Office of the Prime Minister:

A Coordination Unit has been established within PMO. A committee under OPM, Social Development Committee, is handling task as its Secretary. The unit works as per the mandate and instruction given by the Advisory and Directive Committee.

Local Level Committee

A. District Coordination Committee.

Chief District Officer heads 16-member District Coordination Committee. There is a provision of appointing five members from Dalit community as the member. The District Development

Committee has been named as its office and Planning Officer of DDC works as member-secretary of the Committee.

B. Local Vigilance Committee:

The mechanism has also envisioned local committee at each local bodies-Village Development Committee or Municipality. Structure and relevant processes of the local Committee are not defined.

5.3 Functions and Duties of Mechanism

- To discuss and provide suggestions on policies for ending CBD&U.
- To monitor and evaluate the work plans of Mechanism.
- To coordinate and to frequently monitor the effective implementation of the programs conducted by Government and non government organs for the protection and promotion of Dalits rights and welfare.
- To conduct regular monitoring of the state of CBD&U.
- To work for necessary arrangements for the implementation of suggestions received from the Advisory Committee for the protection and promotion of Dalit rights and welfare.
- To resolve the problems seen in the protection and promotion of Dalit rights and welfare.
- To provide necessary instructions to the concerned sectors/agencies for the promotion and protection of Dalit rights and welfare.

5.4 Authority of Mechanism

The authority of Mechanism is not being directed by a proper legal document. So it functions with its discretionary power. The authorities of the Mechanism are not defined yet.

5.5 Policies and Programs of Mechanism in relation to End Caste Based discrimination and Untouchability.

5.5.1 Policies and plans

Mechanism has no policies and plans as such at the moment. However, there have been some critical decisions taken by office of the Prime Minister with the intention of eliminating caste based discrimination and untouchability. Mechanism strives to end caste based discrimination and practice of untouchability based on the guiding principles envisioned at the time of its formation. Subsequently, the actions of Mechanism are guided with the principles it has envisioned.

5.5.2 Programs and activities conducted by Mechanism

The activities undertaken by Mechanism are found to be carried out in unplanned manner. Many critical actions have been taken in an ad hoc basis. Major initiations taken by Mechanism are highlighted here based on the record of Secretariat Office of the Mechanism, Kathmandu.

- The Office of the CDO in district of Morang was instructed to take necessary action against those involved in Maya Sarki's case
- On 5th Chaitra 2069 the Mechanism instructed the Office of the CDO in **Salyan** to take necessary action against perpetrators involved in a caste-based discrimination. Local Dalit people were deprived of getting water in Salyan.
- A written instruction was issued to Office of CDO in Dhading district asking to take necessary action against perpetrators. This case was related to inter-caste marriage.
- A written instruction was sent to Office of CDO in **Janakpur** on 5th Chaitra 2069 asking to take necessary action against perpetrator. This case was related to murder case of a Dalit woman in a land dispute.
- An instruction was given to the Office of CDO in Shankhuwasabha in writing to take necessary action against perpetrator. The case was related to inter-caste marriage.
- On 30th Chaitra 2070, the Mechanism instructed the Office of the CDO in Rupandehi to take necessary action against perpetrators. This case was related to inter caste marriage.
- **Intervention into a Murder case in Bardiya:** A fact-finding team monitored the murder case on behalf of central secretariat, following instruction from Chief Secretary of government who heads the Mechanism. *(A dispute emerged between the people belonging to Tharu and Dalit community. Later, local Dalit was beaten to death. The case is now at the court)*

Likewise, several joint-meetings of Advisory Committee and Directive Committee have taken place. Some important decisions and directions have been made by Mechanism to eliminate CBD& U. For the details, see Annex 6.

Recently, the Mechanism has been reformed and developed as "Procedure Relating to Caste Based Discrimination and Untouchability and Promotion of Dalit Right 2073 BS". It has framed a four tier central structure namely High Level Committee, Coordination Committee and Secretariat Office at office of the Prime Minister. At local level, there is only District Coordination Committee unlike the concept of forming VDC level Vigilance Committee as envisioned earlier. Now, CDO ensures the coordination at district level. After the formation of 'Procedure', first meeting was held on 2073/09/08.

5.6 Field Study and Findings

Field visits were carried out at five districts by a team consisting of a Consultant, Program Coordinator and a support staff from the center (Kathmandu). In each district respective Field Coordinator joined the team. Group Consultations and Key Informant Interviews (KIIs) were conducted.

Findings from GCMs

- District Coordination Committee (DCC) and local Vigilance Committee are not present at the districts.
- No activities and programs have been initiated at district level.
- Confusion about the roles felt by members of District Coordination Committees from District Development Committee (DDC) and District Administration Office (DAO).

Findings from KII

- Lack of resources to make the Mechanism functional.
- At district level, information on Mechanism is not adequately supplied with the resources by the center level.
- At district level, Mechanism stands without any procedural guidelines.

CHAPTER - SIX

NATIONAL CONSULTATION MEETING

6.0 Findings of National Consultation Meeting

After the district consultations at various fields, SAMATA foundation organized one day national consultation among the concerned institutions, civil society organizations and stakeholders in Kathmandu.

The objective of consultation program was to share the findings of the study done on four institutions at five districts. And to discuss on the subject matters and to gather valuable comments and suggestions. Over ninety members from various organizations participated on the program. The key participants were the representatives from NHRC, NDC, CSOs, and Political leaders, Human Rights Activists, Lawyers and Journalists. The program was inaugurated by honorable Minister of Sports and Youth.

The Consultant shared the findings through a power point presentation for two hours. The Consultant took about half an hour for discussing on each institution. After the presentation, the floor discussion was conducted for two hours.

The following comments were gathered from the consultation.

- Some of the participants mentioned that the role of NHRC is not much sensitive towards Dalit issues.
- Some participants commented that JMC is not functioning as it has been envisioned.
- Some commented that role of NWC at field level seems not to be sensitive on Dalit women issues.
- Most of the participants stated that the Mechanism is not functioning as expected.
- Representative from NHRC expressed that, NHRC may not have done much in the districts under this study; however, they have conducted substantial number of activities related to Dalit issues in various other districts of Nepal.
- Representatives from NDC admitted the inadequacy of resources in NDC. However, NDC has done their level best with limited budget and manpower.

CHAPTER- SEVEN

OVERALL FINDINGS OF FIELD STUDY

7.0 Overall Findings on Implementation of Policies and Programs of NHRC at Five Districts.

- Participants from five districts expressed that programs and activities of NHRC are not being conducted in their areas.
- At the local level Dalit/Dalits communities hardly have access to NHRC.
- NHRC from five districts claim that they have been fully committed towards Dalit community.

7.1 Overall Findings on Implementation of Policies and the Programs of NWC at five districts.

- The status of Dalit women is vulnerable.
- No caste based discrimination and untouchability related activities/programs concerning Dalit women have been conducted till date.
- No cases of caste based discrimination and untouchability concerning Dalit women has been registered in district till date.
- Awareness programs have been conducted all over the district against gender violence including Dalit issues.
- Dalit women hesitate to participate in programs related to women rights.
- A large number of Dalit women are illiterate.
- The custom of accusing Dalit women for witchcraft is high.
- No access to state mechanism.
- No case of Dalit women has been handled by NWC so far in the districts till date.

7.2 Overall Findings on Implementation of Policies and Programs of NDC at five districts.

- No effective activities/programs conducted by NDC in the districts.
- Centralized structure makes NDC inaccessible for many Dalits.
- NDC lacks proper policies and programs to address caste based discrimination and untouchability.
- NDC does not provide the support as expected as any other commissions like NHRC and NWC.
- Large numbers of board members in NDC.
- Formation of NDC board is not carried out in transparent and fair manner.
- NDC insisted on having conducted of multiple activities in Saptari.
- Participants from consultation meeting felt poor presence of NDC in Saptari district.
- Few programs were conducted but were only about awareness in limited number of districts.

7.3 Overall Findings on Implementation of Policies and the Programs of Mechanism at five districts.

- The presence of MECHANISM is hardly felt at the district level.
- Most of the CDOs and Dalit CSO members seem to be unaware of the formation of the committees in the districts.
- CDOs, those interviewed expressed their enthusiasm to expedite the activities pertaining to elimination of caste based discrimination and untouchability in their districts.
- CDOs also emphasized the fact that such committees remain to be non-functional as long as specific budget is not allocated for the Mechanism.

CHAPTER - EIGHT

CONCLUSION

8.0 Conclusion on NHRC

From NHRC's annual reports, it is evident that numbers of awareness programs and some monitoring and investigation activities (see Annex-2) have been carried out in various districts of Nepal. Noticeably, only few activities are carried out in some of the selected districts. This indicates that though few programs at Sunsari and intervention(s) at Saptari district (Case of Shiva Shankar Das), the participants from Dalit-led CSOs, and local political leaders from Dalit community were never aware of it. During the discussion, the participants emphasized on the ineffective role of NHRC in their localities where as members from NHRC insisted about their commitments towards Dalit communities. This shows there was a visible disconnect between NHRC and the Dalit-led CSOs and the political leaders during the time of NHRC's involvements resulting in poor synergy.

The participants mentioned that the practice of caste based discrimination and untouchability in their districts are rampant where as NHRC's strategic plans is limited to awareness programs only. Out of five districts, only Kailali has regional office of NHRC. Rest of the districts lacks in structure of NHRC. This has also given rise to poor accessibility of Dalits to NHRC.

8.1 Conclusion on NWC

NWC was established with the special purpose of empowerment of women and ensuring gender justice in Nepal. Women's rights are increasingly under attack through rape, witch-hunt, dowry, and other forms of gender-based violence. Domestic violence and discrimination against women continue to be deeply entrenched within entire women of Nepal.

In Nepal, the condition of Dalit women is the most vulnerable as compared to any other women belonging to non-Dalit communities. The literacy rate of Dalit women is 34.8 % where as national average is 65.9%. About 49.1% of Dalit women face severe violence on regular basis but only 4.4% of such incidents are reported to the police (FEDO, 2013, Study on the situation of violence against Dalit women and children and advocacy for their prevention and protection) Likewise, Dalit women score at the very bottom for most social indicators in Nepal, such as literacy (12%),

longevity (42 years). (FEDO, The Situation of Dalit Rural Women). The health of Dalit women is far more ghastly. Similarly, Dalit women are more susceptible to domestic violence as compared to other women of Nepal. The reason Dalit women are lagging behind in many fronts can hold the ill practice of caste based discrimination and untouchability prevailing in the society accountable. According to FEDO, the Dalit women are more marginalized where there is more caste based discrimination and the practice of untouchability.

In the 2nd strategic plans of NWC with an objective SO1, NWC seems to be determined about eliminating all forms of violence of all women including discrimination and marginalization.

However, rest of the strategic plans and programs are not focused on Dalit women. From the field study, it was observed that most of the NWC's activities in five districts are related to awareness programs on gender violence and women rights. The locals in the districts seem to be unaware of NWC's programs concerning Dalit women in particular. No cases of violence on Dalit women have been so far registered in the districts.

The trend of accusing Dalit women for witchcraft and victimizing mostly Madhesi Dalit women is quite rampant in Bara and Saptari districts.

Although the activities of NWC in five districts are being conducted regularly, the activities specific to Dalit women are negligible. NWC is conducting various activities for strengthening gender equality in Nepal. Dozens of programs i.e. Monitoring, inspection, observation, study and investigation of incident of gender violences, awareness/advocacy campaigns against gender violence, social discrimination and registration of rights violation cases are being carried out on regular basis. Rarely, activities were held concerning caste based discrimination and untouchability. The case of Maya Sarki in Belbari was monitored by NWC. Likewise, a radio program was broadcasted through local FM station in Maithali language in order to raise awareness on caste based discrimination and untouchability.

8.2 Conclusion on NDC

NDC was established on March 19, 2002 with much high aspiration of liberating entire Dalit community of Nepal. Extremely high expectation from NDC was held by Dalits of Nepal. NDC emerging as a commission itself was a historic event for the Dalits of Nepal.

Until recently, NDC was functioning under direct executive order. However, existing Constitution of Nepal has designated it as a constitutional body. Currently the legislation of NDC has been enacted. However, the legislation is not much effective comparing to the demand of Dalit movement and the aspiration of Dalit community.

From last fourteen years, NDC has been operating with its only office in Kathmandu valley with limited resources. The organization lacks largely in necessary expertise, experience and legitimacy.

The human resource of NDC has always been controversial with the issues of nepotism and favoritism at staff level and politicization at the board. The short termed tenure of board members at NDC has led to inconsistency in maintaining long term vision of NDC.

Inadequate resources has resulted in fairly less activities of NDC to help eliminating caste based discrimination and untouchability in the country. The institution seems to operate without any strategic plans till date. Most of the activities are being carried out on ad hoc basis.

The programs conducted by NDC in the selected districts are generally about CBD& U Act and its implementation. Other programs of NDC in various parts of Nepal are also limited to mostly on creating awareness and monitoring of human rights violations of Dalits. The outreach of NDC has been extremely poor with regard to providing support to the victims of caste based discrimination and untouchability and to provide justice adequately.

Delay in publishing of annual reports, difficulty in retrieving documents and records indicate the poor administration of NDC.

8.3 Conclusion on Mechanism

The Mechanism seems to be very essential for eliminating caste based discrimination and practice of untouchability in the country. The decision made by the government was very progressive and subsequently, Mechanism was formed. The formation of this Mechanism has been seen as a very ambitious move to resolve the caste based issues in the country. The prime objective of the Mechanism is to ensure that all law enforcement agencies of the government work efficiently to eliminate caste based discrimination and untouchability.

KII at center suggests that the Secretariat office of Mechanism has already sent instructions to all 75 districts to form the committees namely, "District Coordination Committee to End Caste Based Discrimination and Untouchability" and "Local Vigilance Committee". Except for few districts, most of the districts have sent acknowledgement to the center confirming the formation of the District Coordination Committee. No assurance has been made about the formation of Local Vigilance Committee at districts.

The Mechanism has taken number of important decisions. The records of the decisions are available at Secretariat Office of Mechanism at Office of the Prime Minister. Some of the major actions and decisions of the Mechanism are listed on the Annex-6.

The presence of Mechanism is hardly felt in the district level. Most of the CDOs and Dalit CSO members seem to be unaware of the formation of the committees in the districts. CDOs, those interviewed expressed their enthusiasm to expedite the activities pertaining to elimination of caste based discrimination and untouchability in their districts. They also emphasized the fact that, such committees remain to be non-functional as long as specific budget is not allocated for the Mechanism.

CHAPTER - NINE

RECOMMENDATION

9.0 Recommendations to NHRC

- NHRC needs to consult with and involve Dalit activists and/or members from Dalit-led CSOs at the local level while conducting their activities.
- A Dalit Desk needs to be established in all regional and sub-regional offices of NHRC for better outreach of Dalits to NHRC.
- The strategic plans of NHRC should have concrete Dalit specific programs rather than limiting its programs to awareness programs.
- NHRC should consider Dalit Rights as integral part of Human Rights and proactively engage itself for the rights of Dalits.
- NHRC needs to help strengthening JMC by its continuous involvement, effort and support.
- NHRC needs to follow the principle of proportional representation while forming its board.

9.1 Recommendations to NWC:

- Activities and programs related to Dalit women need to be conducted by NWC as Dalit women are the most marginalized group among Nepalese women.
- Dalit women should be on the priority of NWC while designing the programs on discrimination, domestic violence, education, WaSH, migrant workers etc as the Dalit women are the most vulnerable group.
- Cases of Dalit Women should be taken up by NWC itself as the issue of any other women in Nepal.

9.2 Recommendations to NDC

- NDC needs to immediately take initiative to work on its bills as provisioned in the existing Constitution.

- NDC needs to identify its long term vision and formulate the policies accordingly.
- NDC needs to work on its strategic plans, programs and budgets.
- NDC needs to streamline its administrative and operational functions and improve upon its documentation and communication.
- The teams at the board level and employee level need to be formed on the basis of competencies of the candidates avoiding all kind of undue political influences. The team formation should be free from nepotism and favoritism.
- The NDC needs to be expanded as guided by federal system in order to enhance its outreach all over the country.
- NDC should collaborate with CSOs while carrying out its programs and activities.
- NDC needs to play an effective role in JMC where upon it needs to operate the role of coordinator, facilitator and a leader.

9.3 Recommendations to Mechanism

- Mechanism should evolve as a legitimized body and members associated to it must have clarity on their roles.
- It needs to work for necessary financial and other resources.
- Clear policy guidelines and long-term Integrated Action Plans should be devised for the effective administration of Mechanism.
- The relation between the center and the district levels need to be strengthened in terms of communication and coordination.
- The chain of command of Mechanism from center to the district levels needs to be clearly defined.
- The Mechanism needs to have its coordinating relationship with law enforcement bodies like Courts, office of Attorney General etc to have effective results delivered.
- Local Vigilance Committees should be revived at all rural municipality and all municipalities as envisioned by Mechanism.
- Effective programs should be introduced at community level for ending caste-based discrimination.
- Mechanism needs to play proactive role in JMC.

REFERENCES

1. Constitution of Nepal 2015 BS
2. Interim Constitution of Nepal, 2063 BS
3. Constitution of Nepal 2047 BS
4. National Woman Commission Act, 2063 BS
5. National Human Rights Commission Act, 2068 BS
6. Caste Based Discrimination and Untouchability (Offence and Punishment) Act, 2068 BS
7. International Convention on the Elimination of All Forms of Racial Discrimination, 1965
8. Convention on the Elimination of All Forms of Discrimination against Women, 1979
9. Formation Order of National Dalit Commission 2058 BS
10. Universal Declaration of Human Right, 1948
11. Formation document of Mechanism to End Caste Based Discrimination and Untouchability and promotion of Dalit Right 2068 BS
12. Work Management Directive of National Dalit Commission 2070 BS
13. First and Second five years Strategic Plans of National Woman Commission
14. First to Fifth Strategic Plans of National Human Right Commission
15. Annual Reports (last five years) of National Woman Commission
16. Annual Reports (last five years) of National Woman Commission
17. Annual Reports (last five years) of National Dalit Commission
18. Minute book of Mechanism
19. (FEDO, 2013), "Study on the situation of violence against Dalit women and children and advocate for their prevention and protection".
20. Nepal living standard Survey, 2011
21. National Census Report 2068 BS
22. Belbari Case of Maya Sarki, Morang district
23. Shiva Shankar Das case of Sarlahi district

ANNEX

Annex-1

S.N	Strategic Plans of NHRC	Objective
1.	First Strategic Plans(2001-2003)	
2.	Second Strategic Plans(2004-2008)	SO3: Advocate for the collective rights including the rights of women, children, persons with disability, senior citizen and other disadvantaged groups focusing on gender and caste equality and empower these deprived and denied groups by eliminating all forms of exploitation and discrimination existing in society.
3.	Third Strategic Plans(2008-2010)	SO9.4: To improve enjoyment of ESC and collective rights.
4.	Forth Strategic Plans(2011-2014)	SO3: Advocate for the collective rights including the rights of women, children, persons with disability, senior citizen and other disadvantaged groups focusing on gender and caste equality and empower these deprived and denied groups by eliminating all forms of exploitation and discrimination existing in society.
5.	Fifth Strategic Plans (2015-2020)	SO3: To ensure the rights of deprived, marginalized and vulnerable Communities

Annex-2

Programs/Activities of NHRC	Carried out by
<p>Fiscal Year 2000/2001</p> <ul style="list-style-type: none"> Submission of concept paper on awareness raising activities against caste based discrimination & untouchability to the Office of the High Commission for Human Rights (OHCHR). Interaction program held involving the Dalit CSO heads, Activists and journalists etc. 	Central office of NHRC
<p>Fiscal Year 2001/2002</p> <ul style="list-style-type: none"> Conducted a project "Awakening the Dalit on Human right" (Under this project, NHRC conducted various activities like seminar on the rights of Dalit community, radio programs, inter-caste dining, street dramas/cultural programs, publication of poster and pamphlet, wall paintings, exhibition of handicrafts, arts and artisans of Dalit people, entry into temple at different districts and a seminar at the center office of Kathmandu) Conducted regional workshops at the various districts like, Baglung, Siraha and Saptari for awakening the Dalits on human right. 	
<p>Fiscal Year 2006/2007</p> <ul style="list-style-type: none"> Monitored the protest rally organized by Dalit United Struggle Committee at Kathmandu. The protest rally was conducted against the act of restriction created by non-Dalits stopping Dalits entering Shaileshowari temple located in Doti district on 19th September 2006. 	Central office
<ul style="list-style-type: none"> The case of death of Khadag Darjee on 13th April 2007. 	Nepalgunj
<ul style="list-style-type: none"> Monitored the case of Gobinda BK who was under custody with a false allegation made by police office of kanchanpur district on 26 December 2006. 	Dhangadhi
<ul style="list-style-type: none"> Monitored the case of Bhagirath Pariyar, Khadak BK and Bablu Pariyar who were under custody with a false allegation made by police office of Dadheldhura district on 21st February 2007. 	Dhangadhi
<p>Fiscal Year 2011/2012</p>	
<ul style="list-style-type: none"> Monitored the state of caste based discrimination and untouchability at Nuwakot district on 7th November 2011. 	Central Office
<ul style="list-style-type: none"> Conducted an investigation on the issue of inter-caste marriage in Nuwakot district on 27th June 2012. 	
<ul style="list-style-type: none"> Monitored the state of caste based discrimination and untouchability in Kaski district on 10th December 2011. 	Pokhara

<ul style="list-style-type: none"> Interaction program held on "Caste Based Discrimination and Untouchability and way for resolving it" in Biratnagar on 6th November 2012 	Biratnagar
<ul style="list-style-type: none"> Interaction program held on Caste Based Discrimination and Untouchability in Taplejung district on 26th November 2011. 	
<ul style="list-style-type: none"> Interaction program held on Caste Based Discrimination Untouchability Act 2011 in Illam district on 11th December 2011. 	
<ul style="list-style-type: none"> Interaction program held on 47th anniversary of "Elimination of Racial Discrimination" in Biratnagar on 11th December 2011. 	
<ul style="list-style-type: none"> Workshop held on laws regarding to Dalit human rights at Sunsari district on 11th December 2011. Interaction program held on Caste Based Discrimination and Untouchability at Illam district on 11th December 2011. 	
<ul style="list-style-type: none"> Celebration of "Dayaram Memorial Day" in Janakpur on 27th April 2012. 	Janakpur
<ul style="list-style-type: none"> Discussion program held on protection of rights of marginalized community including Dalit in Banke district on 25th April 2012. 	Nepalgunj
<ul style="list-style-type: none"> Interaction program held on caste based discrimination and untouchability in Baitadi district on 30th September 2011. Workshop held on caste based discrimination and untouchability in Bajhang district on 24th April 2012 	Dhangadhi
<ul style="list-style-type: none"> Discussion program held on Caste Based Discrimination and Untouchability Act, 2011 in Khotang district on 5th December 2011. Discussion program held on the status of child rights and Dalit rights in Khotang district on 16th May 2012. Discussion program held on the status of child rights and caste based discrimination and untouchability in Khotang on 15th April 2012. 	Khotang
<ul style="list-style-type: none"> Monitored the incident of caste based discrimination and untouchability in Jhapa district on 12th April 2013. 	Biratnagar
<ul style="list-style-type: none"> Monitored the incident of caste based discrimination and untouchability in Dhading district on 23rd July 2012. 	Center office
<ul style="list-style-type: none"> Monitored the incident of Rautahat Case on 8th June 2013. 	Janakpur
<ul style="list-style-type: none"> Monitored the incident of inter caste Marriage, in Kailali district on 14th April 2013. Monitored the incident of inter caste Marriage, in Kailali district on 16th April 2013. 	Dhangadhi
<ul style="list-style-type: none"> Monitored the incident of inter caste Marriage, in Rupandehi and Kapilbastu districts on 14th April 2013. 	Butwal
<ul style="list-style-type: none"> Registered application to take legal action against Hotel owner in Nuwakot district and Police office of Baudha, Kathmandu on 24th February 2013. 	Center office

Fiscal Year 2013/2014
<ul style="list-style-type: none"> • Monitored the <i>Dharna Karyakram</i> of Belbari Maya Sarki's Case in Kathmandu.
<ul style="list-style-type: none"> • Monitored the legal action of government agencies against Belbari case in Morang on 24th July 2013. • Monitored the accusation of '<i>Boksi</i>' on Sunsari district on 26th July 2013. • Supported for rehabilitation of Maya Sarki in Belbari, Morang on 4th September 2013. • Monitored the performance of police upon the incident of caste based discrimination and untouchability in Sunsari on 6th January 2014. • Monitored the incident of deprivation to Dalit from performing religious ritual in Jhapa district on 5th January 2014.
<ul style="list-style-type: none"> • Negotiated the rape case in Khotang district on 25th to 29th March 2014.
<ul style="list-style-type: none"> • Investigated the caste based discrimination and untouchability cases in Ramechhap district on 21st March 2014.
<ul style="list-style-type: none"> • Investigated the caste based discrimination and untouchability cases in Janakpur district on 27th April 2014.
<ul style="list-style-type: none"> • Investigated the case of discrimination against Dalit student in Morang district on 28th July 2013. • Investigated the case of inter caste marriage in Jhapa district on 4th to 5th September 2013. • Investigated the case of caste based discrimination and untouchability cases in Dhankuta district on 20th 21st June 2014.
<ul style="list-style-type: none"> • Investigated the rape case in Khotang district on 31st March 2014.
<ul style="list-style-type: none"> • Investigated the case of inter caste marriage in Chitwan district on 10th December 2013. • Investigated the cases of inter caste marriage/ caste based discrimination and untouchability in Kapilbastu district on 27th June 2014.
<ul style="list-style-type: none"> • Discussion program held on Haliya issues in Chitwan district on 24th January 2014
<ul style="list-style-type: none"> • Programs conducted to evaluate the implementation status of laws regarding to caste based discrimination and untouchability in Morang district on 19th March 2014. (Police heads from 16 districts of eastern region were present in meeting)
<ul style="list-style-type: none"> • Program conducted to evaluate the implementation status of laws regarding to caste based discrimination and untouchability in Dharan and Sunsari district on 21st March 2014.
<ul style="list-style-type: none"> • Program held on caste based discrimination and untouchability in Pokhara on 5th May 2014.
<ul style="list-style-type: none"> • Interaction program held in Salyan district on the issue of restricting Dalit entering Swargadwari Temple on 12th February 2014.
<ul style="list-style-type: none"> • Interaction program held on the caste based discrimination and untouchability in Bajhang district on 11th September 2013.
<ul style="list-style-type: none"> • Press release was done on Belbari Case on 24th July 2013
<ul style="list-style-type: none"> • Interaction program held on child marriage and its problem in Dalit and Muslim community in Banke on 6th December 2014.

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| <ul style="list-style-type: none">• Interaction program held on the situation of Dalit in Nepal and implementation status of existing laws in Banke District on 20th March 2015.• Celebrated Memorial Day of Dayaram Pariyar on the occasion International Day of Human Right in Banke District on 20th March 2015. |
| <ul style="list-style-type: none">• Interaction programs held on "International Commitment to Eliminate Racial Discrimination, its Implementation Status and Role of Concern Stakeholders" in Butwal on 8th March 2014 and 16th March 2015 |
| <ul style="list-style-type: none">• Joint monitoring visit made by NHRC along with NDC and NWC to various districts to analyze the situation of caste based discrimination and untouchability on 2015. |

Annex-3

Strategic Plans of NWC	Objective
Second Strategic Plans (2014 to 2019)	<p>SO1: To promote and safeguard human rights of all women with special emphasis on elimination of all forms of violence against woman, including discrimination and marginalization.</p> <p>SO2: To ensure access to justice for all women affected by different forms of violence, including domestic, trafficking and conflict related violence.</p> <p>SO3: To mainstream gender and ensure a woman's proportionate, socially inclusive and meaningful representation in all sectors and at all levels.</p> <p>SO4: To monitor the status of implementation of national laws and policies on women's rights formulated by GoN to ensure its compliance with various international conventions; provide recommendations to GoN for necessary action, along with a report on the status of implementation to concerned national and international agencies</p> <p>SO5: To ensure NWC's status as an independent, autonomous and constitutional body.</p>

Annex-4

<p>Program /Activities of NWC</p> <p>Fiscal Year 2071/072 BS</p> <ul style="list-style-type: none">• Total 102 complaints have been registered in the commission. Out of 102 cases, no case of caste based discriminations & untouchability has registered.• Monitored the case of violation of women rights in Banke district on 2071/07 /13 to 19 BS.• Monitored the suspicious murder case of Rubi Khatun/Rimjhim Gupta in Bara district on 2071/o7/17 to 18 BS.• Monitored the suicide case of Osim Gurung in Nawalparasi on 2071 /10/02 BS.• Submitted a recommendation letter to police office of Jhapa district to follow the case of sexual harassment on 2071/12/04.• Monitoring conducted in the earthquake affected districts to check whether the post-earthquake works were gender-friendly or not on 2072/01/12 onward.• Conducted public hearing programs in Rupandehi, Achham, Parsa, Surkhet, Sindhi, Terathum, Dailekh, Rukum, Kanchanpur and Chitwan district on 2071/07/23 BS, 2072/03/04 BS, 2071/07/25 BS, 2072/02/12 BS, 2071/08/02 BS, 2071/09/29 BS, 2072/03/14 BS, 2071/09/22 BS, 2071/10/23 BS and 2072/10/22 BS respectively.• 16 days campaign has been conducted in five districts of five regions. Kailali, Hetauda (Makawanpur), Pokhara (Kaski), Surkhet and Sunsari were selected for the program. School-level Architecture Competition has been conducted in above mention district on November 26th to December 8th 2015.
<p>Fiscal year 2068/069 BS</p> <ul style="list-style-type: none">• Total 118 complaints relating to domestic violence were registered at the Commission. Among them, 20 cases were forwarded to law enforcement agencies of GoN for legal support, 9 were referred to the other institutions. Legal counseling was provided to 256 cases. Further, 75 cases related to violence against women were filed in commission during this fiscal year. Among them 42 cases were forwarded to the other institution for legal action, 4 cases were referred to legal support and legal counseling was provided to 155 cases.• Organized the public hearing in Gulmi, Dhankuta, Illam, Dolkha, Doti, Baitadi, Kathmandu, Myagdi, Syangja and Rautahat districts. Various activities i.e. press conference; rally and seminars were organized to mark annual 16-days campaign against gender-based violence.
<p>Fiscal year 067/068 BS</p> <ul style="list-style-type: none">• Total 173 of complaints were registered in NWC. Major complaints were related to torture, accusation of witchcraft, battering, living together, and sexual harassment in work place, murder, disappearance and polygamy marriage. But there was no case related to caste based discrimination and untouchability.• Monitored a case of attempt to murder in Nuwakot on 2067/09/27 BS.• Monitored a murder case of Radio Journalist Bina Pandey in Sarlahi on 2067/04/16 BS.• Monitored a murder case of Sukhani Devi Yadav. The killing was held by gang rape in Dhanusha district on 2067/04/16 BS.• Monitored the eight old-age homes in Kathmandu district on 2067/08/16 to 17 BS.

- Conducted a study on dowry system and its economic and social impacts in Nepali society, comprehensive study on economic status of Nepalese woman and their contribution for economic development, study on foreign employment and condition of Nepalese women migrant workers, study on the situation of women representation in all area and mechanism of state structure, study about reasons behind suicide of women and study on economic, social and political situation of Muslim women in Nepal.
- Organized public hearings on problems faced by women i.e. property, citizenship, health and other rights in Dadeldhura, Jajarkot, Palpa, Kapilbastu, Ramechhap, Salyan, Sankuwasabha, Khotang, Kailali, Kanchanpur and Makawanpur districts.
- Public service announcement were broadcasted for the purpose of increasing public awareness among women migrant workers. Radio Kanchenjunga, Jhapa has broadcasted the message of violence against woman in Rajbangsi language, Gadhimai FM Bara and Sorgadwari FM of Dang broadcasted PSAs against dowry practices in Bhojpuri language, Radio Mirmire, Kathmandu broadcasted the awareness message against women trafficking in Tamang language and Sapal FM, and Achham broadcasted awareness message against *Chhaupadi Prataha* in Doteli language.
- Radio Nepal has broadcasted a weekly radio program called "Women Rights" on Sunday 7.40 to 7.55 am.
- Distributed various stickers to woman led organization to create awareness against the gender based violence and sexual harassment in public places and control of HIV aids.
- Organized an annual 16-days activism against gender based violence by different creative activities.
- Organized an interaction programs to increase women access to facilities provided by the state. This programme was conducted in all five development region.
- Organized a discussion programs on Women and Health.
- Organized a seminar on Gender Sensitiveness for Journalists.

Fiscal years 066/067

- Total 136 cases have been registered in center office of NWC. Out of 136, six cases were negotiated, nine cases referred to concerned agencies for appropriate legal treatment. No case of caste based discrimination and untouchability has registered in the commission.
- Organized a public hearing on Woman Rights and Domestic Violence in eight districts- Nawalparasi, Sindhupalchok, Siraha, Rolpa, Gorkha, Tanahun, Achham and Sarlahi of the country.
- Displayed a documentary "Journey of Woman Commission" at the national theatre of Jamal, Kathmandu. Nepal Television also broadcasted documentary the same day.
- Prepared two public service awareness (PSA) based on Domestic Violence (Crime and Punishment) Act, 2068 to create awareness among the public in the context of rampant violence against woman.

- Broadcasted PSAs from local FM radios. Radio Kanchenjunga, Jhapa has broadcasted the message of violence against woman in Rajbangsi language. Radio Janakpur broadcasted the awareness message against the dowry and witchcraft practices in Maithili language. Gadhimai FM Bara broadcasted the awareness message about the woman rights in Bhojpuri language. Kathmandu-based Nepal FM broadcasted the awareness message about woman rights while Radio Bajura and Surkhet broadcasted the messages against the Kamlari system in Tharu language, Radio Mukti in Butwal broadcasted the message against dowry system in Awadhi language.
- GoN declared to mark 2010 as a Year against Women Violence. Various programs have been conducted on this occasion. i.e. rally, interaction programs were organized making an alliance with the Ministry of Women, Children and Social Welfare and other NGOs.
- Organized an interaction program on Women Right to Land on 2067/02/03 BS.
- Organized an interaction programs on "Injustice Provisions of Existing Laws from to analyze gender inequality" in law on 2066/12/16 BS.
- Organized an interaction programs on the issue of "Living Together and Woman Concern" on 2066/12/26 BS.
- Organized an interaction programs about "implementation status of reservation for women in public transportation" on 2067/01/10 BS.
- Organized an interaction programs on "Implementation Status of Domestic Violence (offence and punishment) Act, 2068 BS" on 2067/01/14 BS.
- Organized the "Orientation Training Program on UPR" on 2066/12/03 BS.

Fiscal year 2064/065

- Total 99 cases were registered in legal section of the Commission. This year, commission did not receive any case related to CBD&U.
- Conducted rally and convention about violence against woman on the occasion of international campaign against gender violence.
- Distributed informative message about violence against women.
- Organized interaction programs on "Female Migrant Workers".
- Organized interaction programs on "Role of Police in Ensuring Women Rights".
- Interaction programs on the "Role of Government Institution, Woman Led NGOs and Media" in ensuring women concerns.
- Discussed programs held on the "33 percent representation of women in state mechanisms".
- Conducted a public hearing programs on "Implementation of Women Representation in State Mechanism" in accordance with the constitutional provisions of Nepal.
- Organized regional-level seminar about ensuring women right and gender justice in regional level. (Jhapa, Mahottari, Kaski, Baidiya and Kailali).

Annex-5

Programs and Activities of NDC

Fiscal years 2070/071:

- A total of 36 complaints handled in this fiscal year. Of them, 14 complaints were about caste based discrimination and untouchability. While 13 were related to inter-caste marriage, seven about women violence and two were about rape.
- Organized an interaction programs on proper implementation of existing CBD&U (offence and punishment) Act, 2011 in Saptari
- Organized discussion program on formulation of Rule of CBD&U (offence and punishment) Act, 2011 in Sunsari, Jhapa and Morang districts.
- Interaction programs on importance and implementation challenges of CBD&U (offence and punishment) Act, 2011 in Surkhet district.
- Organized an awareness programs for district government offices to create Dalit-friendly environment in Rupandehi district.
- An interaction programs were held on effectiveness of Dalit-focused programs of government of Nepal in Syangja district.
- A Mechi Mahaklai Awareness Campaign against caste-based discrimination and untouchability in Jhapa.
- Monitored Belbari murder case in Morang.
- An interaction programs was organized in Tanahu to establish Dalit Cell in all 75 districts for effective implementation of CBD&U Act.
- Held an awareness programs at chiefs of district offices in Dhankuta to create environment against cast based discrimination and untouchability.
- A program was organized in Dolpa for Dalit woman, children and madheshi woman in Dolpa to make them aware on caste-based discrimination and untouchability.
- Monitored a caste based discrimination and untouchability case in Kavreplanschok district.
- Monitored dispute over inter-caste marriage between Khagendra Belbase and Kamala Pariyar in Kapilbastu district.
- An interaction programs were held in Dhading on the Dalit-focused district level programs in Dhading.
- An awareness programs was held in Dadeldhura district on the topic, 'access of Dalit community in rule of law.'
- A seven-member Joint Monitoring Committee has been formed under the leadership of NDC. The NHRC, NWC, Office of the Prime Minister and Council of Ministry, Police Headquarter (human right cell), Nepal Federation of Indigenous Nationalities and DNF. JMC was formed exclusively to monitor the cases related to caste based discrimination and untouchability.

Fiscal years 2069/070 BS

- Total of 12 complaints were dealt in NDC. Of them, five were about caste based discrimination and untouchability, four about inter-caste marriage while the remaining cases were related about woman violence.
- An interaction programs was held on effectiveness of implementation of CBD&U (offence and punishment) Act, 2011 in Kaski district.
- A programs was organized on proper implementation of existing CBD&U (offence and punishment) Act, 2011 at Dhading

- A discussion and study programs was held in Kailali on how to move ahead in the context of country heading towards federal set up.
- An interaction programs was held in Nawalparasi to discuss on whether the government announced facilities are Dalit-friendly or not.
- NDC monitored the effectiveness of Dalit-focused activities in Nawalparasi.
- Monitored Dalit scholarship programs and District Coordination Committee of Mechanism to End Caste Based Discrimination and Untouchability and promotion of Dalit rights in Parbat.
- Monitored cases of caste based discrimination and untouchability in Bara district.
- A discussion program was held in Morang district about the formation of Vigilance Committee in local level to assist Mechanism to End Caste Based Discrimination and Untouchability.
- Monitored the district coordination committee of Mechanism formed to End Caste-based Discrimination and Untouchability in Jhapa.
- A meeting of district coordination committee of Mechanism to end caste based discrimination and untouchability was held in Jhapa.
- A discussion program was held in Sunsari and Morang on effective implementation CBDU (offence and punishment) Act, 2011.
- An awareness programs was held for district government officers in Rupandehi district on how to make the government offices Dalit friendly and effective implementation of laws formulated to eliminate caste-based discrimination.
- An interaction was held in Syangja to discuss effectiveness of Dalit-focused programs.
- A program was organized in Jhapa district as a part conducting Mechi Mahakali Awareness Campaign against caste based discrimination and untouchability.
- Monitored the Belbari case in Morang district.
- Awareness programs was held in Dhankuta for chief district officers to create Dalit friendly environment in government offices and implement laws effectively.
- A program was held in Dolpa to empowerment of women.
- Monitored a caste-based discrimination and untouchability case in Kavreplanchowk.
- Monitored dispute over inter-caste marriage between Khagendra Belbase and Kamala Pariyar in Kapilbastu.
- An interaction programs was held in Dhading to study status of government implementing Dalit-specific programs.
- An awareness programs was held in Dadeldhura on 'access of Dalit community to law'.

Fiscal years 2065/066 BS:

- Broadcasted PSAs on caste-based discrimination and untouchability (Offence and Punishment) Act, 2011 through electronic media.
- Organized 'Television Talk Show' and press conference.
- Organized an orientation programs about earthquake-affected districts.
- Marked March 21 as International Day against Racial Discrimination.
- Distributed relief fund to Dalit community for providing health treatment in disaster (earthquake) affected district.
- Published fourth quarter bulletin and annual report of the Commission.
- Distributed Dalit Recognition Certificate by mobilizing its teams in various district in Nepal.

Annex-6

Major Decisions taken by MECHANISM

1st June 2012

- To collect suggestions from all members of mechanism within one month and submit it to Secretariat for preparing draft of Integrated Action Plans of the Mechanism and to submit draft of Action Plans of mechanism in joint meeting of Advisory and directive Committee of Mechanism for further discussion.
- To design programs in forthcoming fiscal year (2012/13) by member ministries of the Mechanism to end caste-based discrimination and promote Dalit right. It mandated the Ministry of Local Development and Federal Affairs to amend the "Local Body Resource Mobilization and Management Procedure- 2069 B.S." by endorsing the programs to end caste based discrimination and promotes Dalit right.
- To mark 3rd June as the "National Day" against caste-based discrimination and untouchability by organizing various programs in the coordination of NDC and PMO at center level.
- Instructed all 75 CDO offices to celebrate June 3rd as "National Day" against caste-based discrimination and untouchability. They were also asked to mobilize Local Vigilance Committee.
- Gave direction to LDOs in the districts for immediate mobilization of Local Vigilance Committee

1st October 2012

- To establish and to activate District Coordination Committee to end caste-based discrimination and untouchability for effective implementation of the Mechanism.
- To produce PSAs and distribute it to target group informing of policies, programs, service, social welfare scheme being provided by GoN for Dalit community.
- To form Local Vigilance Committee in resourceful Municipality and VDCs.
- Local Grant Management Directory 2055 BS should be amended by making it Dalit friendly with respect to the prescribed budget.
- Government programs should incorporate rights of Dalits while designing its programs and activities.
- To conduct programs alerting Dalits about the probable fraud in foreign employment as a large number of Dalit tend to go abroad for foreign employment.
- To allocate budget for programs which lead to economic and social development of Dalit community.
- To collect the suggestions from the members for the preparation of Action Plans of Mechanism to end caste-based discrimination and untouchability.

21st February 2013

- To develop one door system for transparent, accessible and easy monitoring of social security allowance under MoFALD and to implement it from the beginning of fiscal year 2070/2071.
- To have the structure and proceedings of proposed Local Vigilance Committee in all Municipality and VDCs designed and applied.

2nd August 2013

- Secretariat Office of the Mechanism should give instruction to local committee for submission of progress made in implementing the decision made by Advisory Committee and Directive Committee of the Mechanism within 7 days and prepare progress report.
- To collect suggestion for the necessary amendment of proposed Action Plans of mechanism.
- Concerned Ministry and agencies of Mechanism should make necessary arrangement to provide information to central Secretariat about the performance of law enforcement agency or actors and their efforts made to end violence, discrimination and exploitation against Dalit community.
- To reward the VDCs who are able to declare themselves as Untouchability free VDC.

9th January 2015

- To make necessary arrangement for submission of Bill related to rights of Dalit community in upcoming session in the House.
- To make timely increment of scholarship amount provided to Dalit students.
- To make arrangement to publish different disaggregated data explaining social and economic status of Dalit community.
- To prepare Integrated National Action Plans to end caste based discrimination and untouchability for the promotion of Dalit rights.
- To activate District Coordination Committee to end caste based discrimination and untouchability.
- To amend the derogative languages written in amendment version of Civil Code of Nepal concerning Dalits.

18th February 2015

- To train agencies relating to health, education and employment so that they could provide effective training and to promote access of Dalit community to local offices.
- MoFALD should work for proper formulation of programs and allocate budget in line with protection and promotion of Dalit rights at the local level.
- MoH and Affairs, MoFALD and NDC should make necessary arrangement to mark June 3rd as "National Day" to end caste-based discrimination and untouchability.
- MoHA and MoFALD should activate District Coordination Committee and Local Vigilance Committee to document activities and come up with innovative ideas to end caste-based discrimination.
- MoHA should make effective arrangement to mitigate the obstructive behavior of local police to register the FIR.
- MoFALD should possess effective role and role with leadership while implementing decisions related to caste-based discrimination and for the welfare of Dalit community.
- Concerned Ministries should create their own websites and keep records of causes related to caste-based discrimination untouchability.