

Implementing Situation of Economic, Social and Cultural Rights in Nepal



Yearbook 2021

A case of Santhal, Musahar/Dalit (Hills and Terai) and Freed Haliya Minorities in Nepal





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**Campaign for Human Rights and Social Transformation
(CAHURAST), Nepal**

December 2021

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Abbreviations and Acronyms

CAHURAST	Campaign for Human Rights and Social Transformation
CPA	Comprehensive Peace Agreement
ESC	Economic, Social and Cultural
ESCR	Economic, Social and Cultural Rights
GESI	Gender Equality and Social Inclusion
GBV	Gender Based Violence
GoN	Government of Nepal
ICESCR	International Covenant on Economic, Social and Cultural Rights
ID	Identity Card
LCWS	Lutheran Community Welfare Society
LWF	Lutheran World Federation
MMR	Maternal Mortality Ratio
NDHS	Nepal Demographic and Health Survey
NGO	Non Governmental Organization
NHRC	National Human Rights Commission
NLSS	Nepal Living Standards Survey
ODF	Open Defecation-Free
OHCHR	Office of the High Commissioner for Human Rights
OPMCM	Office of the Prime Minister and Council of Ministers
PAF	Poverty Alleviation Fund
PIL	Public Interest Litigation
RMHSF-N	Rastriya Mukta Haliya Samaj Federation Nepal
SDG	Sustainable Development Goal
SPSS	Statistical Package for Social Sciences
UPR	Universal Periodic Report
UNDP	United Nations Development Programme

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We have been grateful to Lutheran World Federation (LWF) Nepal for their continued support in producing the ESCR Yearbook since 2017. This is the fourth edition of the ESCR Yearbook 2021.

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Foreword

Campaign for Human Rights and Social Transformation (CAHURAST) Nepal was founded to protect Human rights of Nepalese, with a particular focus on Economic, Social, and Cultural (ESC) rights. It has completed a voyage of more than a decade-long journey in the sector of Human Rights.

Since the signing of the Constitution, which recognizes certain ESC Rights as fundamental rights of Nepalese citizens, Nepal's governmental system has been renewed. Despite this wonderful development, there are concerns that such rights will not be completely implemented. To guarantee that these ESC rights are implemented in practice, there is an urgent need to monitor citizen protection of those rights, particularly community monitoring that follows the 3E approach: Educating, Empowering, and Engaging people. Monitoring ESC rights has been less common in Nepal's history and connecting Human Rights and Technology has not been done. From 2017, CAHURAST Nepal, in collaboration with LWF Nepal, has been monitoring ESC rights through the use of ESCR mobile app technology which was launched in 2017 and developed for monitoring ESC rights.

We began publishing the ESCR Yearbook to display the facts and figures based on evidence and data from field monitoring results. So far, we've released three versions, ESCR Yearbook 2017, ESCR Yearbook 2018 and ESCR Yearbook 2019, focusing on community people's SDG 3 (right to health) and SDG 4 (right to education). This year's ESCR Yearbook 2021 is the fourth edition which includes some of the interesting facts and figures collected from May to December 2021 based on the issues of the target community. Hence, its fully focused on the right to health, right to education, and issues specific to target groups, such as SDG 8 (target 8.7) and SDG 11 (target 11.1) rehabilitation package issues for the Haliya community, SDG 1 (target 1.4) land rights issues for the Santhal community, and SDG 10 (target 10.3) discrimination and untouchability issues for the Musahar/Dalit community.

Experts and Human Rights Defenders are expected to provide constructive feedback and suggestions for future improvement.

Bishnu Pukar Shrestha
Chairman

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Executive Summary

Economic, Social and Cultural rights are elements of social justice. The GoN is obligated to respect, protect, and fulfill the rights guaranteed by the International Covenant on Economic, Social, and Cultural Rights (ICESCR), as it has not only ratified the covenant but also incorporated some of these rights as fundamental rights in the Constitution of Nepal 2015. The Constitution recognizes a range of economic, social, and cultural rights as legally enforceable human rights, recognizing that long-standing practices of exclusion, discrimination, and denial of these rights were among the core causes of Nepal's decade-long armed war.

Despite different laws and policies under ESC Rights, there is still lack of attention on ESC rights monitoring, in particular, concerning the documentation of the violations of ESC rights in Nepal that mirror inadequate attention by Human Rights System broadly. Many of the issues were reflected in UPR recommendations but they were generally framed in general terms because of a very superficial reporting on ESC rights at the National and International level. This clearly shows a need for documentation with evidence to effectively work on the ESCR issues.

To this context, CAHURAST-Nepal as an ESCR focused organization, felt an urgency to develop a Yearbook for proper documentation of violation of ESC rights. CAHURAST-Nepal in collaboration with LWF Nepal has been working together since 2017 to monitor and find out the evidences on the situation of ESC Rights of the target community which will also help to contribute and advocate in ESCR sector. The findings documented in the yearbook work as the basis for advocacy to hold duty bearers accountable and to implement the allocated laws and policies under the rights of the target communities.


The concept of the Yearbook was developed in 2017 by including the yearly facts and figures on Right to Health and Right to Education of community people of Dhading district as a pilot initiative. It is continue in 2018 and 2019 with an aim to bring the policy level change through ESCR monitoring starting with one of the marginalized communities, Haliya Communities of Doti district in 2018. With the same concept, to analyze the ESC Rights focused on rehabilitation package issues of Haliya community in Doti and Dadeldhura districts, landless issues of Santhal community in Morang district, untouchability and caste based discrimination issues of Dalit community in Sarlahi districts, ESCR Yearbook was developed in 2019. This year too, including the untouchability and caste based discrimination issues of Dalit community of Sudurpaschim (Doti and Kailali district) and Musahar community of Morang district, the Yearbook 2021 have been developed which will be a strong advocacy tool to lobby with the government at the local level. Furthermore, the situation of the right to education and right to health has also been analyzed to figure out gaps, advocate with the Nepal government and the international human rights bodies to safeguard the right of the target community.



Moreover, the Yearbook 2021 is a continuous action for proper documentation of ESC rights situation and advocate for implementation of ESC rights in Nepal. ESCR book constitutes the facts and figures which will be an evidence for advocating at the local to global level. In other words, ESCR Yearbook 2021 will be an effective advocacy tool for improving the human rights situation of Haliyas, Santhals and Musahar/Dalits to raise their voice and to claim their rights. The fourth edition (ESCR Yearbook 2021) is based on the data and evidences collected from May to December, 2021 through ESCR Mobile App. The key finding are based on the Right to Education, Right to Health and Issues of the Target community (timely and just rehabilitation of Freed Haliya, untouchability and discrimination of Dalits and Musahar and landlessness/land rights of Santhals). Altogether 4504 data were collected from the field. Out of which 1357 data were collected from Freed Haliyas, 1000 data from Santhals, 1146 data from Dalit community of Sudurpaschim and 1001 data from Musahar community of Terai belts.

On Education: The free and compulsory education of children is a fundamental right under the Constitution of Nepal. The law ensures that all children get free and compulsory education up to class eight and free education from class nine to twelve in government schools. Despite these laws, many citizens are unaware about these laws and are not in reach to free education services. The finding shows that still 47% Santhals and 45% Musahar community are not in reach to free education services. Similarly, 25% Dalit community from Sudurpaschim and 14% Haliyas have also reported that they are not in reach to free education service. Due to which, the children especially from the Haliya community and Dalits community from Sudurpaschim have dropped out from the school. The main reason for their dropout is due to poor economic conditions and lack of knowledge regarding the importance of education. Another reason are lack of citizenship, birth registration certificate and child marriage as responded by the target community of Santhal and Musahar. The dropout rate has been decreases from 17% (2019) to 2% this year in Santhal community. So, it can be said that in the education sector the dropout rate is reducing slowly. Further, the government should prioritize this issue and should provide the scholarship to the needy students so that the dropout rate will be reduced steadily.

On Health: Health is one of the important factors for human life. As indicated in the Constitution, “Each person shall have equal access to health care” but the survey showed that in rural areas, the health care facilities are not as accessible as they should be because the Health centers are too far away which made it inaccessible for the community. Similarly, 2% Haliya and 2% Dalits community from Sudurpaschim express that they have faced discrimination in health post/center, and 28% Musahar community and 10% Haliya community who are dependent of Public water source shared that they are facing discrimination as they need to wait for long in a queue to fetch water and allowed only after other community fetch it. Hence, this data shows that the untouchability and caste based discrimination are still in practices in rural areas though there is a strong law to criminalize it. Regarding the accessibility of toilet facilities, it has decreased from 31% (2019) to 19% (2021) in Santhal community which can be taken as a positive aspect. But, 41% Musahar Dalits don’t have access to toilets as they don’t have their own land and have




to stay at public government property. Similarly, 14% Haliya and 13% Dalits from Sudurpaschim express the same as they also don't have toilet facilities at home. So, the government should prioritize these issues as health and sanitation is one of the prime concerns of people. Further, health related awareness programs and health camps should run from time to time in Haliya, Santhal and Musahar/Dalits cluster.

Haliya: The GoN has already abolished Haliya system in 2008 and decided to issue the Freed Haliya ID card in order to recognize the Haliya people and provide rehabilitative packages. Despite of this, the survey found that 86% Haliya families have yet to obtain their Freed Haliya ID cards and some of the Haliya families (around 4%) are still working as Haliya to repay their debt. Furthermore, even though having Haliya ID card, 8% Haliya families have yet to receive their Freed Haliya rehabilitation packages. Around 56% families those who have received rehabilitation packages expressed that the money and land are insufficient for them and their installment are also late. More than 75% of Haliya families said they were unable to get a Haliya ID card owing to a lack of information. The number of people not receiving a Haliya ID card has increased from 77% (2019) to 86% this year. Hence, the government should collect the data of those Haliya who have gone missing in the previous survey. Further, they should provide rehabilitation packages as soon as possible to those who have Haliya ID cards and the local government should be made responsible to distribute rehabilitation packages so that no one from Freed Haliya community left out in receiving rehabilitation packages.

Santhal: Santhal is a marginalized community that used to dwell on government land at the bank of the river which is vulnerable to disaster. Around 51% Santhals stated that flooding during the rainy season is one of the most serious disaster problems they have been dealing with for the past decade, as their homes and land have been flooded, forcing them to relocate to a safer location. Further, 47% Santhal have settlement on their own land and 33% on government land. However, 44% of households stated that they do not have the legal authority to claim their land because of not having a land registration certificate. The majority of them don't have citizenship and one of the reason for unable to received land registration certificate is also due to lack of citizenship. However this number has decreased as in 2019 it was 69%. On the other hand, 15% Santhals expressed that their children have been delayed in acquiring birth certificates due to not having their citizenship and proper documents. As a result, the majority of children are unable to attend school because a birth certificate during admissions and those who are enrolled have to drop out after completing certain classes. Therefore, the GoN should take immediate action to provide citizenship and birth certificates to those Santhals who are lagging behind it.

Musahar/Dalits: The GoN declared Nepal an untouchability free nation in 2006 but in practice caste-based discrimination and untouchability practices are rampant in country. They have been discriminated against in every step of their life. According to our research, Dalits particularly from Sudurpaschim, endure more caste-based discrimination and untouchability than the Musahar/Dalits of the Terai belts. Around 14% Dalits from Sudurpaschim expressed that they and their family members had been discriminated



because of their caste. Further, 48% Dalits indicated they have conflicting relation with Non-Dalit communities in Sudurpaschim and are unable to market their products without being discriminated against. On the other hand, 11% said their family members were subjected to physical violence by members of the other community because they were Dalits. Any attempts to enter temples, home of non-dalits, restricted to touch food/water, eating together and inter-caste marriage led to the number of atrocities towards Dalits from the Non-Dalits groups. Whereas, only 0.4% Musahar/Dalits of Terai belts said they faced discrimination. The Dalits are facing multiple discriminations and are unable to speak out. It's because, more than 94% Dalit community from Sudurpaschim and Terai belts are unaware of the laws and policies in place to protect them. As a result, they are unable to assert their rights and are hesitant to file complaints against others who discriminate them.

On the other hand, Musahar/Dalits are facing citizenship problems. Around 11% Musahar stated that they don't have citizenship, which prevents them from receiving their children's birth certificates, which has an impact on their education. The marginalized communities in the Terai belts suffered citizenship problems, as did the Santhal community. Citizenship is an crucial document and identity that identify a person as a Nepalese citizen. But due to a lack of citizenship, Nepalese citizens are facing numerous problems and are denied access to government services and subsidies. Because of not having birth certificates as a result of citizenship, the country's future generations have been deprived of receiving education and access to school. Hence, the government should prioritize citizenship matters first and distribute citizenship as soon as possible so that Nepalese citizens do not feel stateless.

The Government should strictly execute all the laws and policies of the target community. Local authorities should be in-charge of enforcing the laws and developing plans and strategies for their improvement and upliftment. Their issues should be addressed in their fiscal plan and a budget should be set aside for them. The government should educate and aware its citizens about their laws, regulations and human rights violations, as well as take concrete actions to guarantee that ESC rights are adequately implemented. The data gathered on the ground provides compelling evidence for campaigning and lobbying with governments at all levels, from local to global. This ESCR Yearbook is an advocacy tool that will assist target communities in raising their voices and holding duty bearers responsible for enforcing laws and regulations. As a result, our findings lead to the following conclusions:

- a. Although the GoN abolished the Haliya system, bonded labor still exists. The majority of the freed Haliyas have yet to receive **Haliya ID cards**, and Haliya **rehabilitation packages**. Those who have got the rehabilitation package are dissatisfied with it.
- b. Despite the laws and constitution proclaiming that acts of discrimination shall be criminalized, Dalits continue to experience **caste-based discrimination and untouchability**, particularly in rural areas.
- c. Even though the GoN has formed commissions, the Santhal people are **landless and stateless**. They don't have documents proving their citizenship or ownership of land.
- d. There are still several gaps in providing education and health care to marginalized communities like **Haliya, Santhal and Musahar/Dalits**. The GoN and local authorities should be accountable for implementing and protecting the ESC Rights of their citizens.

1. INTRODUCTION

1.1 ESCR in National Context

In 1948, the United Nations General Assembly adopted the Universal Declaration of Human Rights (UDHR), outlining the basic civil, cultural, economic, political and social rights that all human beings should enjoy. In 1966, ESCR were expressed as legal rights in the International Covenant on Economic, Social and Cultural Rights (ICESCR) (which together with the UDHR and the International Covenant on Civil and Political Rights form the so-called International Bill of Rights), as well as through other key human rights treaties and regional mechanisms. To date, more than 160 states have ratified the ICESCR. In addition, many states have articulated their commitment to ESCR through national constitutions and domestic law.

Nepal ratified the ICESCR 1966 on 14th of May 1991 and submitted its initial report in 1998, six years later and presented the second periodic report in 2006. The Preamble of the ICESCR recognizes, that economic, social and cultural rights derive from the "inherent dignity of the human person" and that "the ideal of free human beings enjoying freedom of fear and want can only be achieved if conditions are created whereby everyone may enjoy his economic, social and cultural rights, as well as civil and political rights."

After 10 years of armed conflict, Nepal has been free by signing the Comprehensive Peace Agreement (CPA) in 2006 and conflict to peace transition has led to a creation of a federal state. These movements were to make a radical change in the life of people ensuring and strengthening the human rights of the citizens. Nevertheless, it offered an opportunity to seriously take care of citizen's right to education, their right to food, adequate housing and other ESCRs ensuring equality. It also promotes social cohesion, eradicates poverty, reduces inequality and eventually contributes to timely meet the SDGs. The Constitution 2015 assured ESC rights as fundamental rights under Part – 3 Fundamental Rights and Duties. It generated hope among the discriminated and excluded communities of Nepal including women, Dalits, ethnic (janajati), madhesis as well as freed Haliyas and Kamaiyas. But, despite this legislative progress, the citizens at local level are still facing discrimination, deprivation, exclusion and lack of basic needs like, shelter, foods, education, health and many other fundamental elements of ESC rights in Nepal. Therefore, empowering them through raising awareness on their rights and making them able to claim their rights is the necessity in the current situation of Nepal.

1.2 ESCR and UPR

Nepal's human rights record was reviewed for the first time under the UPR 2011. On that occasion, peer countries raised concerns about ongoing human rights challenges and formulated recommendations to improve Nepal's human rights framework. The GoN has developed an action plan to monitor these rights in collaboration with NHRC and OHCHR on the implementation of the recommendations made by UPR 2011. The government

considers the UPR process as a constructive mechanism for the protection and promotion of human.

In the first cycle of UPR 2011, Nepal received a total of 135 recommendations, out of which 120 recommendations were accepted and 15 recommendations were noted by the GoN. Similarly, in the second cycle of UPR 2015, Nepal received a total of 195 recommendations, out of which 143 recommendations were accepted and 52 were noted by the GoN. During the second cycle, altogether 18 recommendations were made on ESC rights and GoN supported all 18 recommendations. Out of 18 recommendations, only one recommendation has been fully implemented, 14 recommendations have been partially implemented and 3 recommendations have not been implemented.


Nepal underwent its third cycle of UPR in January 2021. Nepal received a total of 233 recommendations, out of which 196 recommendations were accepted and 37 recommendations were noted by the GoN. Out of 196 recommendations accepted for implementation, 40 recommendations come under the ESC rights. Similarly, 32 recommendations on equality and non-discrimination (12 recommendation lies under on caste based discrimination and 20 under gender based discrimination) and 4 recommendations on minorities/indigenous community rights.

Note: The details of the UPR recommendation under ESC Rights are in Annex II.

1.3. Rational of ESCR Yearbook

The GoN and NHRC produced a User's Guide with indicators for monitoring ESC rights in September 2011 in coordination with the United Nations Office of High Commissioner for Human Rights (UN OHCHR). This guide focused mainly on five key ESC rights viz. right to adequate food, right to housing, right to health, right to education and right to work which are guaranteed by the Interim Constitution, 2007 of GoN. So far, NHRC Nepal has made great advances over the years in effective monitoring of ESC rights. However, inadequate research and documentation on violations of ESC rights has failed to adequately monitor implementation of the ESC rights in the ground. Many of the issues were reflected in UPR recommendations but they were not critically researched and reports were developed accordingly at the National and International level. This clearly shows a need for evidence documentation of the violation and effective implementation of commitments made by the government.

CAHURAST Nepal as an ESC rights focused organization has realized the urgency of documenting ESCR issues properly and has initiated the publication of the ESCR yearbook in 2017. Since then, the ESCR Yearbook has been continuously published annually. The Yearbooks assess the ESC rights situation of the chosen target communities focusing on the communities key ESCR issues that are hindering the enjoyment of an individual. With enriched data and information on ESC rights of the target communities, ESCR Yearbook has also been utilized as a strong tool to advocate at Local to National and Global level.



The ESCR year book has been evolving annually since 2017. The **1st edition of ESCR Yearbook** was first piloted in 2017 with major focus on Right to Health and Right to Education of the remote areas of Dhading district. The **2nd edition of ESCR Yearbook** was published in 2018 with reference to ESC rights of freed Haliyas - one of the marginalized communities of Nepal. Freed Haliyas are the ex-bonded laborers freed in 2008 who are still struggling for their identity, socially and economically claiming their ESC rights. The second edition had also included the case of Dhading along with ESC right of freed Haliyas to bring policy level change through ESCR monitoring and documenting their ESC rights issues. Therefore, the ESCR yearbook 2018 included the facts and figures on rights to health and right to education of freed Haliya communities.

Unlike 2nd edition, the **3rd edition as ESCR yearbook 2019** has been developed with the concept to analyze the ESC Rights of Haliya communities of Doti and Dadeldhura districts, Santhal community of Morang district and Dalit community of Sarlahi district for rehabilitation package issues, landless issues and untouchability/caste based discrimination respectively. Furthermore, the situation of the right to education and right to health has been analyzed to identify gaps, to advocate with the GoN and the international human rights bodies safeguarding their rights.

Similarly, due to the impact of COVID-19, the ESCR yearbook 2020 could not be published because of not having enough data for analysis. Therefore, with the continuation of publication of ESCR Yearbook, as the **4th edition, ESCR yearbook 2021** has been developed with the same objective and same target groups of 3rd edition. In this year book, the comparative analysis can be found between the issues and problem faced by the Dalits community of Sudurpaschim and Musahar (Dalit) community of Terai belts. This Yearbook will be a strong tool to advocate the issues of Freed Haliyas, Dalits and Santhals from local to global sector and will also help to incorporate in the UPR process and CEDAW reports.

In 2019, altogether 3650 (1560 data of Haliya community, 1318 data from Dalit community and 772 data from Santhal community) data were collect and these data from ESCR Yearbook 2019 were used to show the comparison and changes occurred in the target community. This comparative study has depicted the current status of Haliya, Dalit and Santhal community, and backed up as a research book based on the evidence for polices enhancement at Government level and provided recommendation or possible resolution to be made for upliftment and claim their rights.

2. METHODOLOGY

2.1 Profile of Monitoring Area

Monitoring Location

Doti, Kailali and Morang districts have been chosen for the ESC rights monitoring of the target community - Haliyas, Dalits/Musahars and Santhals respectively as it contains a higher number of right holder's. Santhals are mostly found in the previously dense forest areas of Morang and Jhapa districts. Terai Dalits are scattered all over the southern plain areas and hilly Dalits are found all over Nepal except very few high mountains districts. Majority of them live in mid-hill districts and terai districts. Majority of Haliya community live in 12 districts – Kailali, Kanchanpur, Dadeldhura, Doti, Achham, Bajura, Bajhang, Baitadi, Darchula, Mugu, Humla and Surkhet.

Doti District (Sudurpaschim Province): Doti district lies in Sudurpaschim Province of Nepal with Silgadhi as it's headquarter covers an area of 2,025 sq. km with a population of 211,746 (Census, 2011). The district consists of seven rural municipalities and two urban municipalities and it is highly dense with Haliya community.

Kailali District (Sudurpaschim Province): Kailali District is also a part of Sudurpashchim Province in Terai plain with Dhangadhi as its district headquarters. It covers an area of 3,235 square kilometers and has a population of 775,709 (Census, 2011). The district consists of 13 Local Levels, of which one is a sub-metropolitan city, six are urban municipalities and six are rural municipalities. Out of 12 districts, Kailali is also one of the districts where majority of Haliya community live.

Morang District (Province 1): Morang district located in Province 1 is in eastern part of Nepal. It is an Outer Terai district with Biratnagar as its headquarters. It covers an area of 1855 sq.km with a population of 965,370 (Census 2011). Morang has one metropolitan city (Biratnagar), eight municipalities and eight rural municipalities. Morang is the core industrial sector for the eastern region of Nepal. The marginalized communities - Santhal and Musahar Dalit community resides in this district.

For the survey, the following municipalities were selected:

District	Target beneficiaries	Target Location (Municipality/Rural Municipality)
Doti District	Freed Haliya	Joroyal Rural Municipality Shikhar Municipality DipayalSilgadhi Municipality Purbichauki Rural Municipality Sayal Rural Municipality
	Dalit from Sudurpaschim	Joroyal Rural Municipality Shikhar Municipality Purbichauki Rural Municipality Sayal Rural Municipality
Kailali District	Freed Haliya	Gauriganga Municipality Mohanyal Rural Municipality Chure Rural Municipality Godawari Municipality Ghodaghodi Municipality
	Dalit from Sudurpaschim	Gauriganga Municipality Godawari Municipality
Morang District	Santhal Community	Rangeli Municipality Kanepokhari Rural Municipality Dhanpalthan Rural Municipality Jahada Rural Municipality Sunawarshi Municipality Kerabari Rural Municipality Ratuwamai Municipality Katahari Rural Municipality Pathari-Sanischare Municipality
	Musahar Community	Katahari Rural Municipality Rangeli Municipality Sunawarshi Municipality Dhanpalthan Rural Municipality Jahada Rural Municipality Kanepokhari Rural Municipality Sundar Haraicha Municipality

2.2 Description of target communities

Haliya community, Santhal community and Dalit community from Sudurpaschim and Musahar community were from Doti, Kailali and Morang districts respectively were selected as target communities for the survey. Within these communities women and people with disabilities (PwDs) were strategically chosen in order to understand multiple discrimination. Around 97% Haliya belongs to Dalit community due to which there is discrimination within Haliya as well. These marginalized communities have been facing multiple discrimination in their life.

2.2.1 Haliya Community:

Haliya is a system where people are made to work in landlords' land for years in the course of repaying their debts. It is a system of bonded labor in the agriculture sector prevailing in western hill districts of Nepal. Around 97% of Haliyas are from the hill Dalit group while the rest are from marginalized ethnic groups who have been targets of all forms of discrimination and untouchables. The GoN abolished the Haliya system in 2008 by freeing all the Haliya families from debt and the system. However, the Haliya people's life has not been easy with only such declarations. Though good changes have happened in a few Haliyas' lives, the majority of them are still in miserable condition. After the abolished of Haliya system, the government has also declared rehabilitation packages for freed Haliya but due to the lack of coordination between the local and central government and effective implementation, the packages have not been properly distributed to all the Freed Haliya as Freed Haliya leaders claim that there are around 25,000 freed Haliya are still unregistered and thus are non-existent in the official records. There is no doubt that they have been freed as a lifelong servant but due to lack of employment opportunities and money to sustain their daily life, their condition is even more miserable even after the 12 years of the declaration of freed Haliya.

2.2.2 Santhal Community:

Santhal also called Satar is one of the ethnic groups of Nepal, particularly residing in Terai region. They are mostly found settled in Jhapa, Morang and Sunsari. The total population of Santhal in Nepal is 51,735 (Census, 2011). Despite the small population (0.19 % of the total population of the country), they have rich cultural and hunting practices. Their ancestors were hunters and gatherers. Santhals are primarily agricultural laborers who work for the landlord's land and share half of the production with the landlord. Majority of them do not have their own house and land. If they have, it is primarily in disaster prone and risky areas near the riverbanks. They are deprived of basic education and health facilities. Their literacy rate is 48.30% which is lower by 17.60% compared to the National average (NPCS, 2014). They didn't receive citizenship certificates until 2007 because of their self-isolation from

Nepali society¹. Majority of them are unaware of their rights. Hence, only few efforts have been made by the government to address the problems and issues related to Santhals.

2.2.3 Dalit Community:

Dalits are considered as lower caste as per the caste system that still exists in Nepal. They are considered as untouchables and are forbidden to touch food/water, denied access to religious sites, face resistance to inter-caste marriages, refusal by non-Dalits to enter their houses and many other forms of discrimination. According to the Nepal Living Standards Survey (NLSS), 2004, more than 45% of Dalits fall below the poverty line. This poverty is due to the fact that 35% of Dalits are landless and they do not have access to natural resources, which is why almost half the Dalit households are in food insufficiency (two meals per day throughout the year).² Even though, the Government declared Nepal ‘an untouchability free nation’ in 2006,³ the caste based discrimination is still prevalent in the society. Hence, Dalits are not being able to live their life with dignity. Some progress has been made in recent years as Dalit movement has secured some provisions for non-discrimination, equality and protection in Nepal’s interim constitution.

2.2.4 Musahar Community:

Musahar community falls under the Terai Dalit category. According to the Census of 2068, the population of Musahar is 2, 34,490. Musahar means “rat eaters,” a reference to this group’s traditional occupation of rat catchers.⁴ Although this population has indeed caught and eaten rats in the past, some individuals are beginning to go into nearby villages to work as agricultural laborers and day laborers. In the stratification of the Human Development Index, the Musahar community is considered as one of the lower castes of the Dalit community. This community is socially and politically excluded, falls under the minority groups and has not got a chance to be able to access the basic rights provided by the state. They are landless, born into bonded labor that work in other fields and sustain their life with the minimum wages. They live in hard-to-reach, remote areas which, along with their caste status and linguistic segregation, leave them isolated and systematically excluded from social, political, economic, and legal structures such as education, employment, and voting. Only after the revolution of 2046 B.S, this community started to raise their voice against their exclusion by the state.

¹ Bhattarai, T. 2012. Unique Indigenous Group in Nepal Remains Isolated, Landless. Global Press Journal. Retrieved from <https://globalpressjournal.com/asia/nepal/unique-indigenous-group-in-nepal-remains-isolated-landless/>

² CAHURAST-Nepal. (2019). *ESCR Year Book 2019: Implementing Situation of Economic, Social and Cultural Rights in Nepal* (3rd ed). Mediascape Pvt. Ltd.

³ INSEC. (2019). *Nepal Human Rights Yearbook* (1st ed). Kathmandu, Dream Graphice Press

⁴ Musahar. Retrieved from <https://en.wikipedia.org/wiki/Musahar>

2.3 ESCR Monitoring Tools

2.3.1 Monitoring Questionnaire

The right holders' and their organization were consulted extensively while developing questionnaires for ESC right focusing on right to education, right to health and issues of the right holders; rehabilitation packages issues of Freed Haliyas, caste-based discrimination and untouchability for Dalits/Musahar Community and land rights issues of Santhals. Uneven political representation, effective leadership, and discrimination in accessing resources and services from the government are also the challenges raised by right holders. Further, citizenship, birth registration and unequal representation in the public and private sectors are among the prevalent issues highlighted by these rights holders. So, based on these issues structured questionnaires were developed and adjusted in the ESCR Mobile App for the monitoring in the ground level whereas, semi-structured questionnaires were produced for KII to collect key information from the duty bearer.


2.3.2 Mobilization of Community Monitors

Four community monitors with diverse caste/ethnic background were selected for monitoring ESC rights at community level and they were trained to utilize the ESCR Mobile App. These monitors were stationed in each district to keep an eye on the situation of target groups' ESC rights (just and timely rehabilitation issues of Freed Haliya in Doti and Kailali district, caste-based discrimination and untouchability issues of Dalits in Sudurpaschim (Doti and Kailali district) and Musahar Dalit in Morang district, and land rights issues for Santhals in Morang district).

2.3.3 Using ESCR Mobile App for Monitoring

For the first time in Nepal, ESCR Mobile App has been developed for monitoring and reporting the situation of ESC rights. On 20th December 2017, the ESCR Mobile App was launched. This Mobile App is a learning tool and data collection/monitoring tool, used by the community monitors to keep track of ESC rights situation. In this App, anyone can learn about ESCR through constitutional provisions centered on right to health, right to education, right to decent work and right to housing and as well how SDGs aim to accomplish ESCR. At the same time, the trained monitors can collect data from the target group on the ground level using this ESCR Mobile App. The App is





preloaded with a Nepali and English survey form and the monitors can also choose their preferred language for the survey. This is a tool that can be used both online and offline.

The ESCR Monitoring App has various features and information. The home screen is the main screen of this Mobile App. At the bottom of the screen, four sections can be seen, namely: Learn, Monitor, About, Profile. The Learn part of this app is all about ESC Rights. Learning ESCR is categorized as learning how SDG (Sustainable Development Goals) aims to achieve ESCR and learn ESCR through Constitutional Provisions on Health and Education. Sustainable development is well described in this app in the section: Good Health and Well-being, Quality Education, Decent Work and Economic growth and Sustainable cities and Communities. Also the Constitutional Provisions relating to the Constitution of Nepal 2015 have been listed as Fundamental Rights and Duties and Directives Principles, Policies and Responsibilities.

The Monitor Section is used by the monitors. Only the selected monitors can use this Monitor Section because to use this Monitor Section username and password is needed. Only the authorized person can use this section. The username and password will be provided by the admin. If the monitor is already registered, he/she can simply log in with the login credential by using his/her username and password.

The about section is all about the ESCR app where there is a short description of the app and about the CAHURAST. The profile section displays the current logged in user information. The information includes profile picture, username and user email address.

2.4 Data Collection

Primary Data

Primary data was gathered using structured and semi-structured questionnaires focusing on the right to health, right to education, and issues pertaining to the rights of the target population in the Doti, Kailali and Morang districts. The four sets of structured questionnaire were developed for ESCR Mobile App whereas semi-structured questionnaires were prepared for KII. Altogether, 4404 data has been collected using ESCR Mobile App. Out of which 1357, 1146, 1000 and 1001 data were collected from Haliya Community, Dalit Community from Sudurpaschim, Santhal Community and Musahar Dalit Community respectively.

Secondary Data

Secondary data was gathered from a national report, national census 2011, government records, websites, newspaper articles, books and published sources.

Sampling

Simple random sampling was done with four sets of questionnaires based on the issues of target groups. The samples were taken from the areas of the district where the majority of the target group resides. These surveys were distributed to individuals/households,

institute and Municipal which were divided into three categories depending on issues of Freed Haliyas, Dalits, and Santhals. Focusing on the main issues of the rights holders; 1357 data were collected on the rehabilitation package issues of Freed Haliyas from Doti and Kailali district. Similarly, 1146 data from Dalits community of Sudurpaschim and 1001 data from Musahar Community of Morang district on the caste-based discrimination and untouchability issues whereas 1000 data on the land rights issues of Santhal Community of Morang district were collected.

2.5 Tools and Techniques

ESCR Monitoring

Four sets of structured questionnaires related to right to health, right to education and issues of the right holders are preloaded in the ESCR Mobile App. The selected communities' monitors were mobilized in the field to survey and collect the data by using ESCR Mobile App. In total, 4404 right holders were surveyed.

Key Informant Interview (KII)

KII were conducted to collect the information from the respective duty bearers. The principal/ head teacher/teacher of the school, and the health workers were the key personnel to provide the information of the education sector and health sector respectively. In addition, the representatives from the municipalities were interviewed on the issues related to right to education, right to health and problems faced by the right holders. Altogether, 24 institutes (8 Health institutes, 10 Education institutes/Schools and 6 Municipals) were involved in KII.

Focus Group Discussion (FGD)

Four FGDs were conducted in Doti, Kailali, and Morang district on issues of right holders (Freed Haliya, Santhal and Dalit/Musahar). Joraya Rural Municipality, Godawari Municipality, and Dhanpalthal Rural Municipality and Kanepokhari Rural Municipality were the places in the districts respectively. The issues of Haliya, Dalit, Musahar and Santhal communities were the discussion topics in respective places. In each FGD, around 12-15 participants were involved including community leaders, right holders specially women, and PwDs. In this FGD, citizenship, birth certificate, lack of employment opportunities was the main issues shared by the target community. One day Consultation program "Federal Level Workshop" was organized at Dhangadhi with 33 freed Haliya leaders participation. In this program, all the participants provided the recommendation to the government on the issues of freed Haliyas that the government should implement and look after. Those recommendations are included in the Recommendation section of this Yearbook.

2.6 Data Analysis

The data analysis is entirely based on information acquired by community monitors through ESC Rights monitoring in the chosen areas. The information was gathered based on the target group's most pressing concerns:

- timely and just rehabilitation for freed-Haliyas,
- caste based discrimination and untouchability for Dalits/Musahars and
- land rights for Santhals

In order to address these concerns, the following questionnaire was developed:

1. What is the situation of the ESC rights of Haliyas, Dalits and Santhals - focused on the right to health, right to education, right to timely and just rehabilitation, right against caste based discrimination and untouchability and right to land?
2. What forms of discrimination are faced by the Dalits?

During the monitoring period, a large amount of primary and secondary data were collected. SPSS (Statistical Package for the Social Sciences) software and Excel were used to alter and process the raw data collected in the KOBO tool. The results of the analysis have been given in accordance with the questionnaire's design. For the data analysis, selective questionnaires were employed that reflected the primary issues of the target groups. The information gathered in the field was assembled first, then edited, cleaned, grouped, coded, and analyzed. Frequency and percentage have been used to represent quantitative data. As a consequence, the gathered data was depicted using pie charts and bar graphs. For qualitative data, on the other hand, the acquired results were initially extracted from Kobo tool to Excel sheet. After that, the data was cleaned up by deleting unnecessary and blank data. Following that, the data was checked and edited as necessary. The identical responses and answers were then categorized under several headings, with those who supplied comparable responses being coded as 1, 2, and 3 appropriately. Following coding, frequency and percentages were determined using SPSS software and on need basis represented through graphs. To support quantitative data, qualitative data and information acquired through surveys are frequently used. Case stories were also gathered and reported.

2.7 Ethical Consideration

The "Do No Harm" principle was closely observed during this research monitoring effort. It was guaranteed that the respondents won't have any difficulty while providing the information. We had taken into account the respondents' right to privacy. We have engaged in the following actions in accordance with the "Do No Harm" principle:

- Verbal consent was obtained prior to the commencement of each interview, and photo/video was captured throughout the session.
- Questionnaires were administered in local languages and in a secure, supportive environment that protected respondents' privacy.
- The sensitive questions which they did not want to provide answers were skipped for their feasibility.
- Paying attention to the gender differences.

3. KEY FINDINGS/ANALYSIS

The key finding of the survey 2021 are based on the Right to Education, Right to Health and Issues of the Target community (Timely and just rehabilitation of Freed Haliya, untouchability and discrimination of Dalits/Musahars and landlessness/land rights of Santhals). Altogether, 4504 data were collected out of which 1357 data were collected from Freed Haliyas, 1000 data from Santhals, 1146 data from Dalit community of Sudurpaschim and 1001 data from Musahar Community of Terai belts. The key findings and analysis are as follows:

3.1 Right to Education

Education is one of the important aspects of our life. It improves our knowledge, skills and develops our personality and attitude. It is one of the important factors to build up our career. According to the 2011 census, 65.9% of the total population is literate in Nepal and it has increased to 67.91% in 2018. But still, many citizens especially the marginalized communities are unaware about the importance of education in Nepal and are mostly illiterate. The survey 2021 somehow tried to find the actual condition of the Freed Haliya, Dalits/Musahars and Santhal community in their respective localities under the right to education sector. Following are the facts and findings that have been generated from the field.

Distance to the School from the target group locality

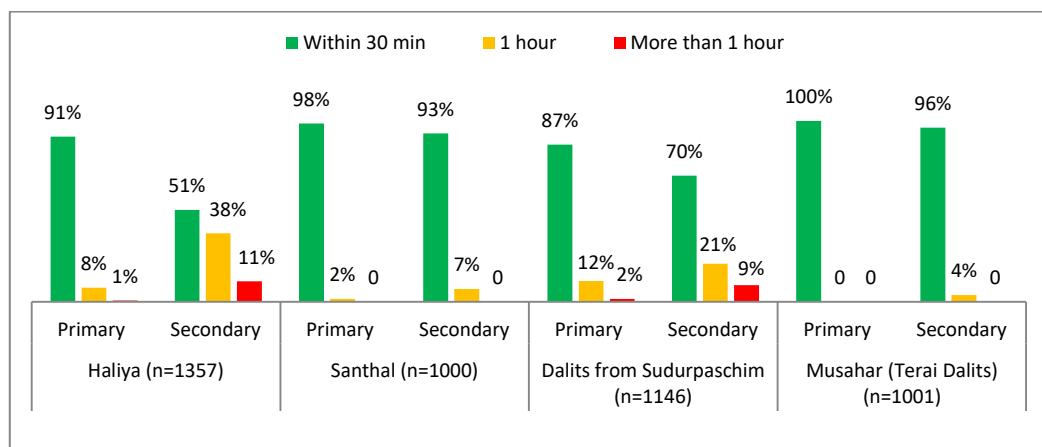


Figure 3: Distance to the School from the target group locality

The above figure 3 depicts the accessibility to the education sector. According to UNESCO, the school needs to be located within 3 kilometers from the children's homes⁵. It means that it takes around 30 minutes to reach the school. The above data indicates that overall

⁵ UNESCO. *School Location*. Retrieved from <https://policytoolbox.iiep.unesco.org/policy-option/school-location>

more than 85% respondents said that the distance of the primary school was within 30 minutes walk. On the contrary, few secondary schools takes more than 1 hour such as 11% respondents said in Haliya community and 9% in Dalits from Sudurpaschin. These figures show that the distance to the schools from the localities such as Haliya, Santhal, Dalits and Musahar has knowingly or unknowingly been able to maintain the UNESCO standard that the school distance needs to be from the communities.

Free and Compulsory Education

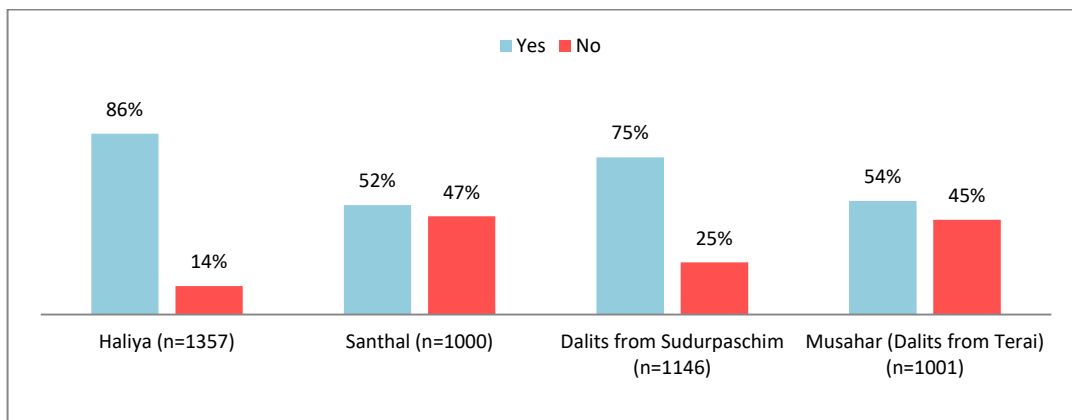


Figure 4: Free and Compulsory Education

The free and compulsory education of children is a fundamental right under the Constitution of Nepal. In order to impose a mandatory obligation on the state to provide free and compulsory school education, the competent parliament of Nepal enacted 'Right to Compulsory and Free Education Act, 2075 that entered into force recently. Despite these laws, many citizens are unaware about these laws and are not in reach of free education services. As shown in the above figure 4, 14% Haliya, 47% Santhals, 25% Dalits and 45% Musahar community are not in reach to free education services. However, according to Godawari Municipality, in their locality from class 1 to 8 the children get free and compulsory education, and Class 9 and 10 get free education. But the community people of Godawari Municipality, have a different view, as their children receive free education up to class 5 only and have to pay certain money in upper classes due to which the children drop out from the school. The laws of Nepal ensure that all children get free and compulsory education up to class eight and free education from class nine to twelve in government schools but at community level, these laws are not implemented absolutely.

Number of Drop out children

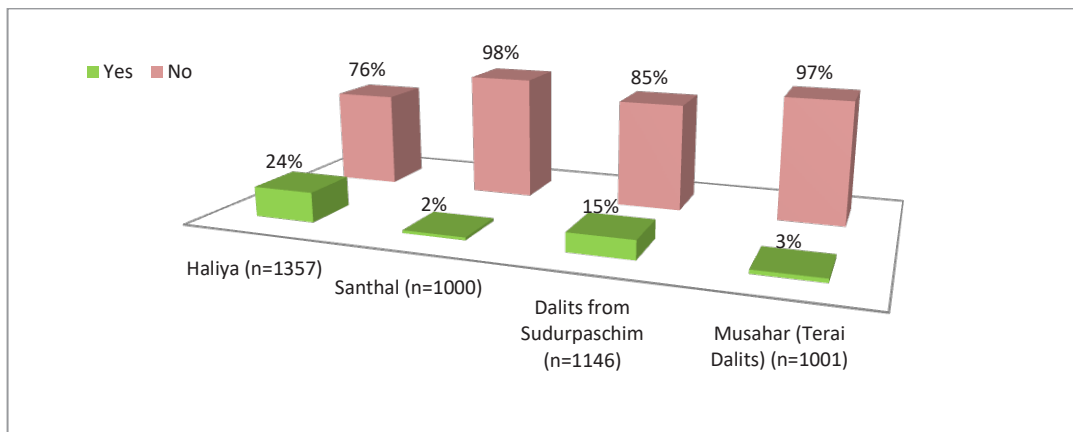


Figure 5: Number of Drop out children

The GoN provides free and compulsory education up to class eight and free education from class nine to twelve in government schools. Despite this, still 4.8 % of students are leaving schools every year and the repetition rate is also high which has been one of the major problems in the field of education in Nepal.⁶ As shown in the figure 5 too, despite most of the school being located within 30 minutes, the number of students dropping out from the school is high. In comparison to the previous year 2019, the dropout rate of the students has been slightly decreased in 2021. In 2019, 25% Haliya and 17% Santhal responded that their children have dropped out from the school whereas in 2021, 24% of Haliya and only 2% Santhal responded that their children have dropped out from the school. This shows that the dropout rate of the students has decreased substantially in the Santhal community in comparison to 2019. Similarly, 15% Dalit children from Sudurpaschim, and 3% Musahar children have been drop out from the school. Boys in comparison to girls drop out from the school as per the survey of 2021. The reasons are due to poor economic conditions and lack of awareness about the importance of education. Not only that, some families also shared that due to lack of their citizenship and their birth certificate, many students have dropped out from the school because they couldn't continue their schooling without the citizenship. This citizenship issue was seen in the Santhal and Musahar Communities of Terai belts (FGD, 2021). *"Similarly, a 19 year old girls who studied in class 10 shares that due to poor economic conditions and lack of citizenship, she dropped out from the school. Likewise, a 24 year old boy who has studied up to class 12 could not continue his further study because of poverty, poor economic condition and not having citizenship. He could not get admission for bachelor degree at college. So, he is staying at home being jobless and working as a laborer, because he could not afford to join college. He said that if the government provided scholarships for higher study then it would be helpful for him to get higher education"*.

⁶ Primary Education and Dropout in Nepal. Retrieved from <https://files.eric.ed.gov/fulltext/EJ1083736.pdf>

Specific incentives/scholarship provided by the government for being target group background

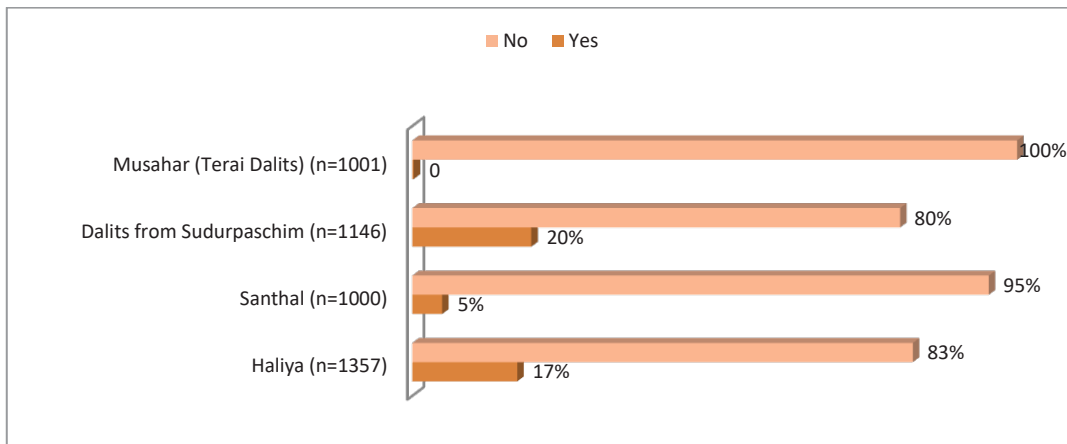


Figure 6: Specific incentives/scholarship

There is a provision in every government school to provide scholarships to children who are in need. Even though the government provides scholarship to the Dalit community children, the above data shows that, Dalit for Sudurpaschim (80%) and Musahar (one of the Dalit community of Terai belts) community (100%) who are involved in the survey responses that they haven't received any scholarship from the school. Similarly, 95% Santhals and 83% Haliyas expressed the same as their children haven't received any incentives/scholarship. But, the municipality officers said that they have provided cash as a scholarship to the needy people.

3.2 Right to Health: //

The Constitution of Nepal 2015 addresses health as a fundamental right. It is stated that “Every citizen shall have the right to seek basic health care services from the state and no citizen shall be deprived of emergency health care” and “Each person shall have equal access to health care”. So, to find out the situation of the health facilities of the target groups, following data has been collected from the field.

Accessibilities of health care facilities

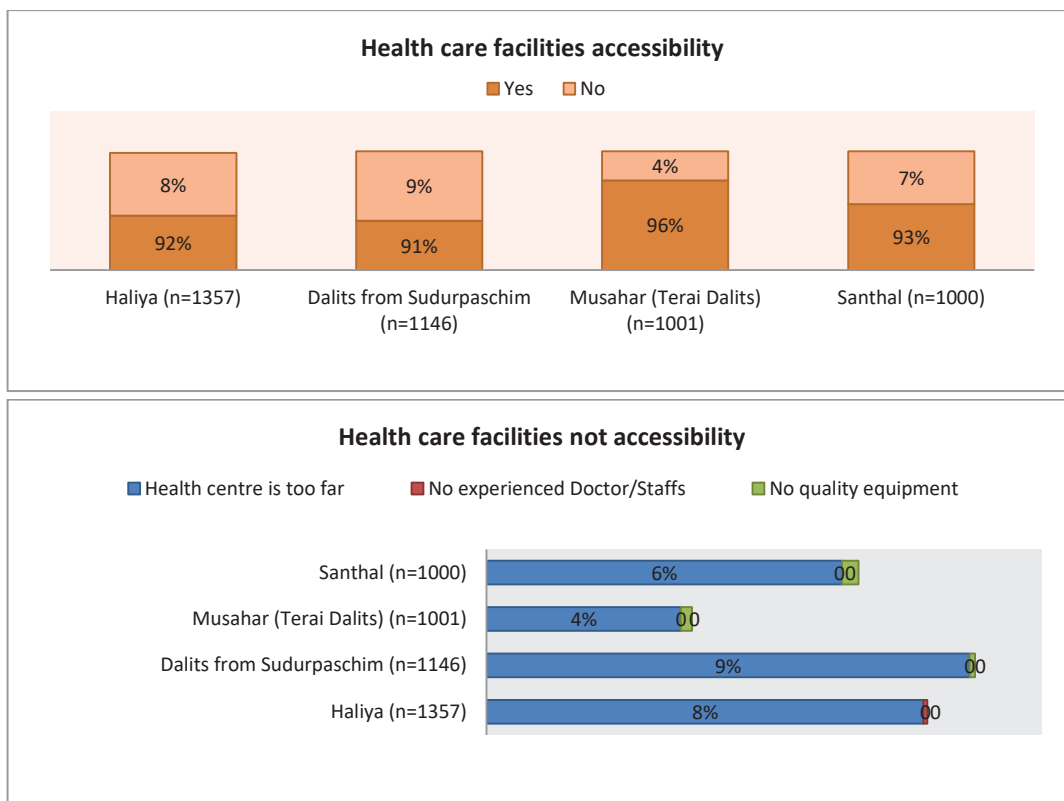
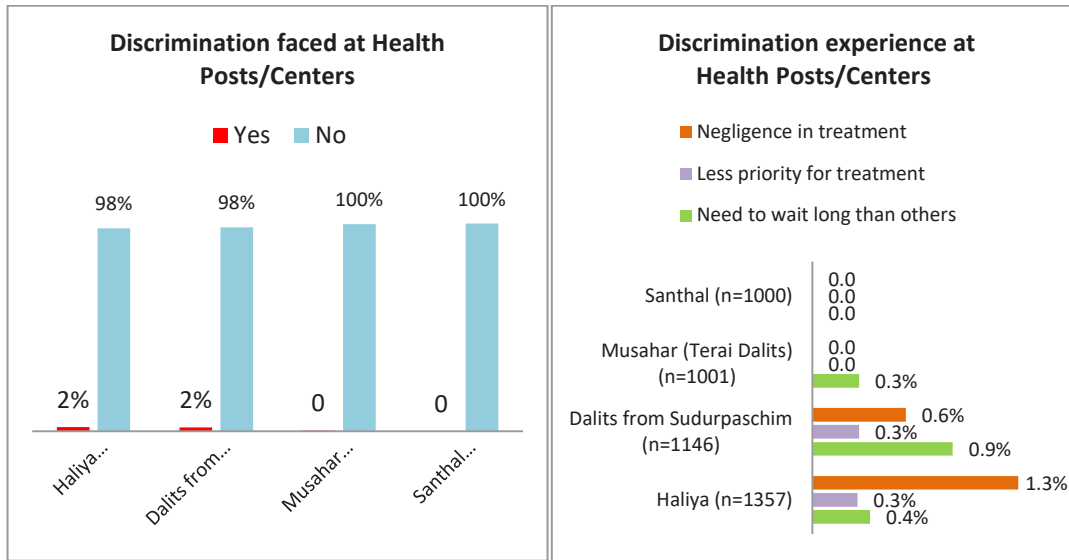


Figure 7: Accessibilities of health care facilities

According to Constitution 2015, every citizen should be accessible to health care facilities. But, the above figure 7 shows that the health facilities are not fully accessible to the local citizens in rural areas. Among the target group, 9% Dalits from Sudurpaschim, 8% Haliyas, 7% Santhals and 4% Musahar community response that for them the health care facilities is not as much accessible as it should be because the Health center is too far away and not accessible for them.

Discrimination faced at Health Posts/Centers in last 1 year



3 Figure 8: Discrimination faced at Health Posts/Centers in last 1 year

Health is one of the important factors of Human beings. We shouldn't neglect it. But, the above figure depicts that people from Dalit community are facing discrimination in health post/center. As figure 8 shows that around 2% Haliya and 2% Dalits from Sudurpaschim responses that they faced discrimination in health post/center. Among them, 1.3% Haliya and 0.6% Dalits from Sudurpaschim faced negligence in treatment. Likewise, 0.9% Dalits from Sudurpaschim said that they need to wait longer than others for treatment. On the other hand, the Santhal and Musahar Community from terai belts said that they did not faced any discrimination as they are equally treated like other community in the Health Posts/Centers. However, as per the health centre, the marginalize Dalits community have not faced any kind of discrimination at the health post.

Women receives maternity /Child delivery services

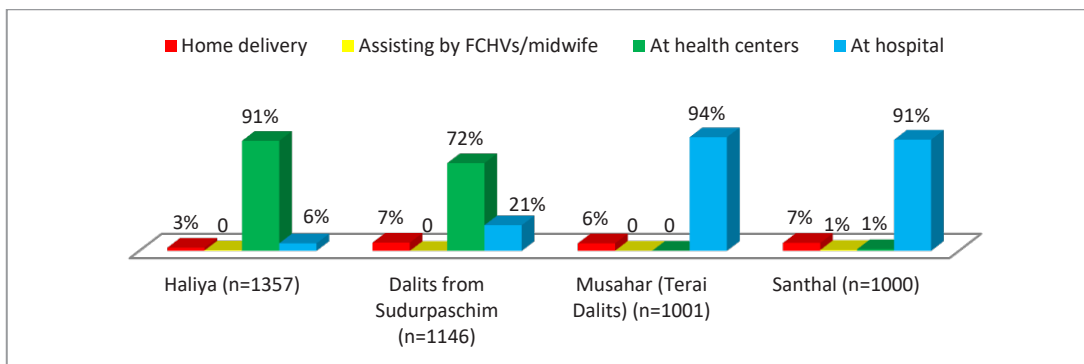


Figure 9: Women receives maternity / child delivery services

Maternity/child delivery services are one of the prime concerns as it is related to the mother and child health. Figure 9 show that some women receive home delivery services which may be harmful for mother and child health. Around 1% Santhal responds that child delivery services have been assisted by FCHVs/midwives whereas 7% Santhal and Dalits from Sudurpaschim, 6% Musahar and 3% Haliya community respond that the women from their community have received home delivery service for child birth. Most of the people responded that they went to the health post and hospital for child delivery. Some of them share that they got free health services too.

Incident of maternity death and neonatal

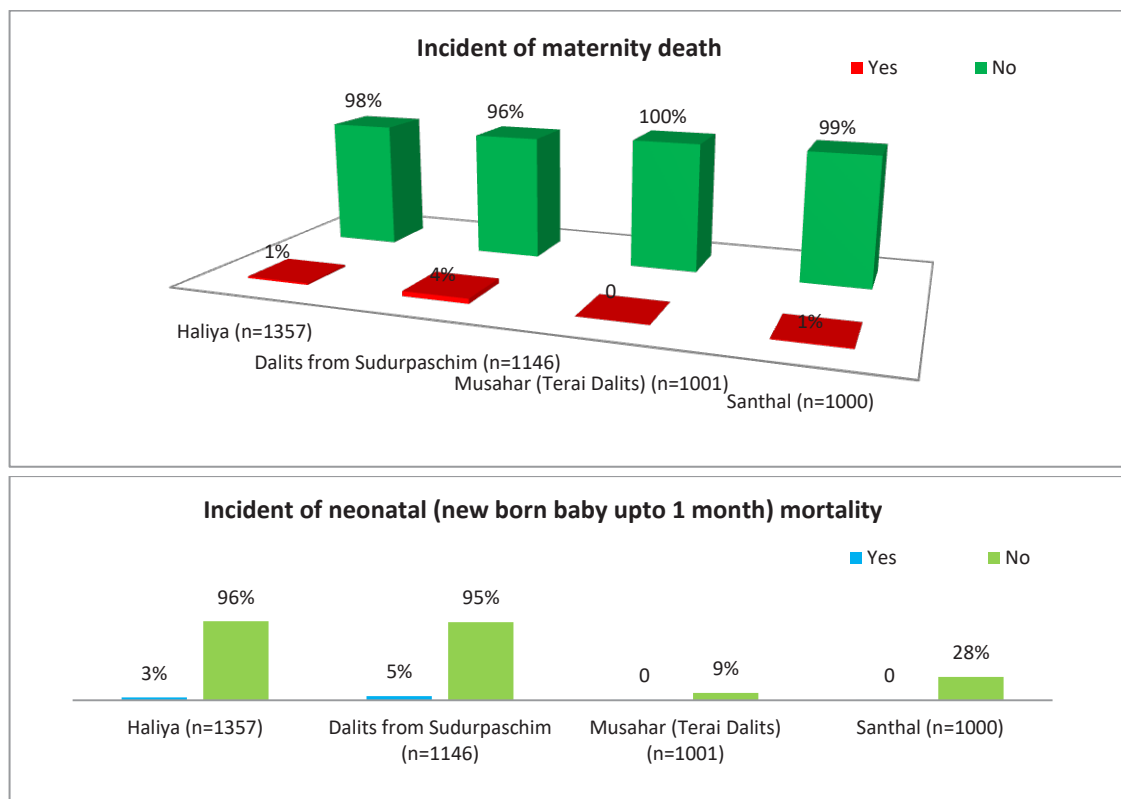


Figure 10: Incident of maternity death and neonatal

The maternal mortality ratio (MMR) is a significant public health indicator that reflects the quality of health care services. The Nepal Demographic and Health Survey (NDHS) 2016, have found a decrease in the MMR from 539 to 239 maternal death per 100,000 live births in between 1996 and 2016. About 12% of deaths among women of reproductive age were attributed to maternal deaths.⁷ Our findings also shows that around 4% Dalits from Sudurpaschim expressed that they have faced the incident of maternity mortality in their family which is high in compared to other community whereas 1% Santhal and Haliya

⁷BMC Pregnancy and Childbirth. (2021). Retrieved from <https://bmcpregnancychildbirth.biomedcentral.com/articles/10.1186/s12884-021-03920-4>

community response that they have faced the incident of maternity mortality. The incident occurred due to diseases such as pneumonia, jaundice, difficulty in delivery and around 7 people said that due to some kind of malpractice like witchcraft (bokshi).

Similarly, around 5% Dalits from Sudurpaschim and 3% Haliya people expressed that they have faced the incidents of neonatal mortality and most of the people don't know the reason behind it and 1 person said due to inadequate health facilities and no available of hospitals in their area. More than 70% respondents from Santhal and Musahar community from terai belts did not response to this question. To overcome the mortality rate, the government should focus on the awareness program related to the health facilities. The health post/centers should have qualified health personal that can play the role of consultant and can provide guidance and suggestion regarding their health issues. The government should continuous supply and available of medicines in every health post especially at rural areas.

Toilet facilities at home and reason behind not having toilet facilities

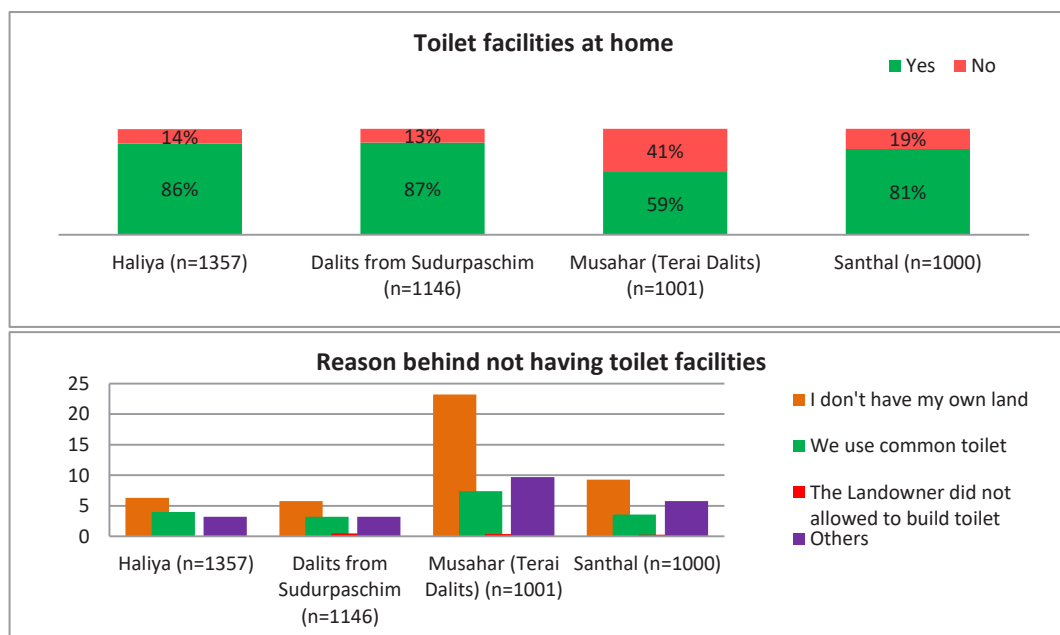


Figure 11: Toilet facilities at home

Nepal has been declared an open defecation-free (ODF) country; its 77 districts and 753 local units have been declared ODF zones. A nationwide campaign was launched in 2011 as a part of the government's long-term sanitation and hygiene master plan. The campaign aimed at eradicating open defecation practices across the country by increasing access to more hygienic sanitation practices with a special focus on toilets with the slogan screamed "one household: one toilet".⁸ In 2019 the country was declared free of open defecation.⁹

⁸ Ghimire, Pratiksha. (2020, November). World Toilet Day: Let's talk toilets in Nepal. *Onlinekhabar*. Retrieved from <https://english.onlinekhabar.com/world-toilet-day-lets-talk-toilets-in-nepal.html>

But, there are still many communities who don't have access to toilet facilities at their home. Our findings show that in figure 11, 41% of the Musahar community of Morang district doesn't have access to toilet facilities at their home which is very high in comparison to other communities. It is because 23% Musahar said that they don't have their own land to build toilets, 7% said they use common toilets and 10% said due to poor economic conditions and not enough space they could not build the toilet so they are using common toilets. Similarly, another community of the same district Santhal (19%) also responded the same as they don't have their own land. In 2019, around 31% Santhal responded that they are inaccessible to toilet facilities but it is reduced to 19% in 2021 and around 10 people said they are planning to build it as soon as possible. On the other hand, 14% Haliya and 13% Dalits from Sudurpaschim responded the same as they don't have access to toilet facilities at their home. The government should have prime concern on accessibility of toilet facilities as it plays a crucial role in maintaining a healthy surrounding and community. Not only that but it is directly related to the health of the people. There is a saying that "Health is Wealth". If health is good then they can be successful and can achieve everything in their life.

Discrimination faced at Public water point

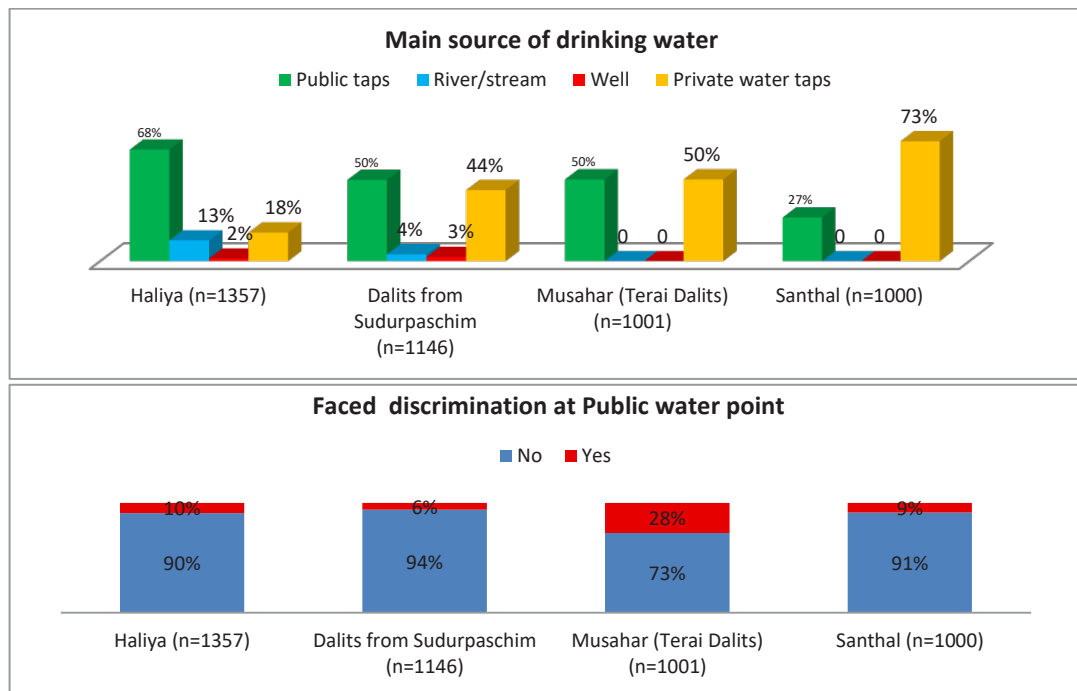


Figure 12: Discrimination faced at Public water point

Most of the communities in rural areas are dependent on Public water sources. As shown in the above figure 12, Haliyas (68%) compared to other communities fully dependent on

⁹ Bhusal, Ramesh. (2021, June). Politics can make or break the rollout of clean toilets in Nepal. Retrieved from <https://www.thethirdpole.net/en/livelihoods/>

public water sources. Likewise, 50% Dalits from Sudurpaschim and Musahar depend on public water taps whereas only 27% Santhals are dependent on public water sources and most of the houses have private water taps. Though water resources are common for everyone, Dalit communities find it difficult to access water. Around 28% Musahar expressed that they have faced discrimination at public water point in compared to other community. Belonging from Dalit community, they need to wait for long in a queue to fetch water. Similarly, 9% Santhal expressed that they need to wait for long in a queue to fetch water and 5% Haliya said they are restricted to get water in presence of other community as more than 90% Haliya belongs to Dalit community. The Dalit community said that their residents' areas are separated between Dalits and non-Dalits so as their water point due to which some of them said that they faced minimal discrimination as they fetch water in their own community.

Issues	Haliya (n=1357)	Dalits from Sudurpaschim (n=1146)	Musahar (Terai Dalits) (n=1001)	Santhal (n=1000)
Need to wait for long in a queue to fetch water	3	4	26	9
Restricted to get water in presence of other community	5	2	0	0
Conflict with other community	2	1	1	0
Others	0	0	1	0

3.3 Issues of Target group

3.3.1 HALIYA: Right to timely and just rehabilitation

The Haliya system has been already abolished by the GoN in 2008 and has committed to provide rehabilitation packages to all the verified freed Haliya but many Freed Haliyas have claimed that they are unregistered and did not receive any rehabilitation packages. Therefore, to find out the ground reality and to collect the evidence why the Freed Haliyas are unable to receive rehabilitation packages, the survey was carried out in Doti and Kailali districts.

Altogether, 1357 Freed Haliyas were involved in the survey. Out of which, 953 Freed Haliyas were from Doti district and 404 were from Kailali district. In the survey, around 31% were male respondents and 69% were female respondents. The female respondents were high because at the time of the survey male respondents were not present at their house.

Major Occupation of Haliya Community

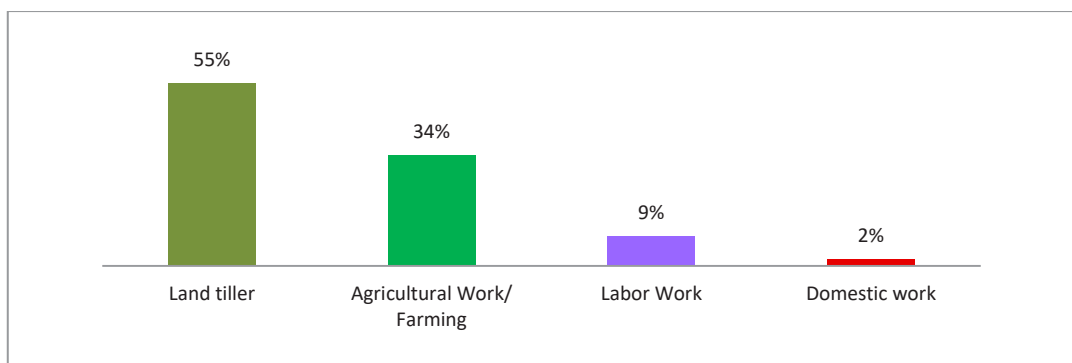


Figure 13: Major Occupation of Haliya Community

Haliya who served the landlords' land for years in the course of repaying their forefathers debts are fully dependent on agricultural work. As shown in figure 13, 55% of Haliya families mention that their major occupation is land tiller whereas 34% mention that they are dependent on agricultural work/farming. Similarly, 9% are involved in labor work and only 2% in domestic work. Freed Haliyas are fully dependent on the agriculture sector due to their low literacy rate as more than 50% Haliyas said that they haven't gone to school.

Haliya Families working as Haliya due to remaining debt

Haliya were freed from the Haliya system in 2008, but some people are working as Haliya due to their forefather debts. In 2019, only 1% Haliya responded that they are working as Haliya (bonded labor) to pay the debts which have been increased by 4% in 2021 as shown in the figure 14. This is because of their low literacy, poor economic condition and lack of knowledge on laws and policy to claim their rights. So, the government should create a strong team to survey and be aware about the abolition of the Haliya system in the dense rural area where many Haliyas are unaware about the laws and policy due to which they are still working as Haliya.

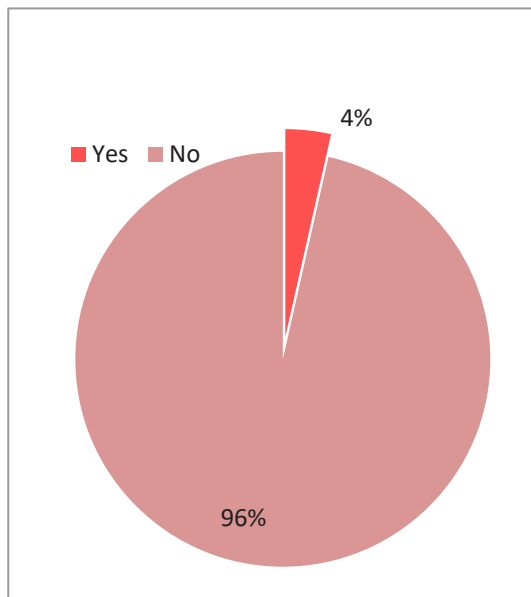


Figure 14: No of Haliya Families working as Haliya

No. of Freed Haliya family received Freed Haliya ID Card

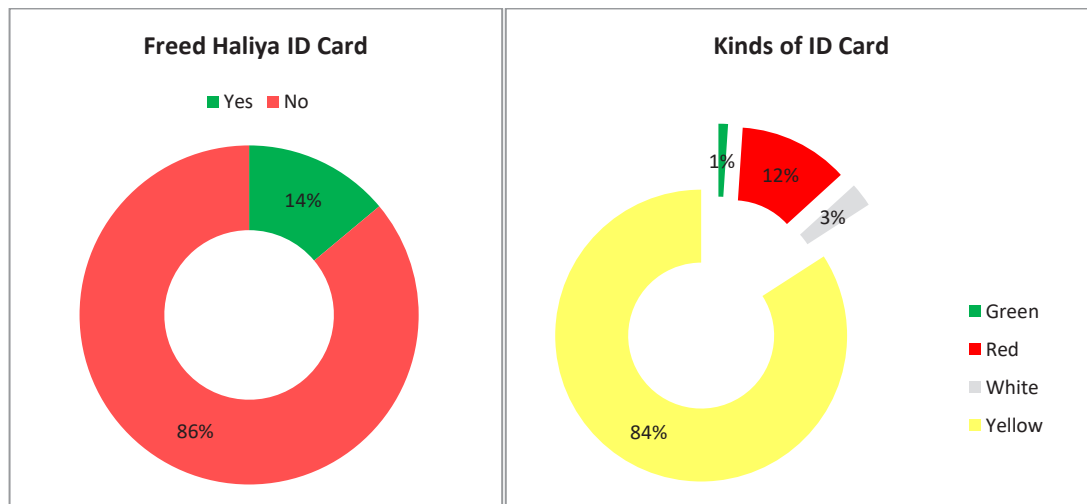






Figure 15: No. of Freed Haliya family received Freed Haliya ID Card

After the abolishment, as per the government commitment, the Freed Haliyas families were distributed Haliya ID card and rehabilitation packages. But, many freed Haliyas families claimed that they were not recognized as Freed Haliya and haven't received any Haliya ID card. In comparison to 2019, the result is not good in 2021 too. Previously around 71% Freed Haliya were deprived of receiving a Freed Haliya ID card which increased by 86% (n=1175) in as shown in figure 15. Because of not being recognized as Freed Haliya, around

4% of them are still working as Haliya as shown in figure 14, due to poor economic conditions and lack of employment opportunities. More than 75% Haliyas expressed that they are unable to receive a Haliya ID card due to the lack of information and many Haliyas were left out in government surveys due to improper collection of the data related to Freed Haliya. So, they requested the government that the data of those left out Haliyas in previous data collection needs to be collected and facilitated.

Only 14% (n=189) Freed Haliyas response that they have received a Freed Haliya ID card. Out of which, 84% (n=159) Haliya families received Yellow Freed Haliya ID cards. Likewise, 12% (n=23), 3% (n=5) and 1% (n=2) received red, white and green Haliya ID cards respectively.

Categorization of Government of Nepal rehabilitation package			
Category	Type of card		Rehabilitation package
A	Red Card No land and no house		Total NPR-525,000 • Land purchase-200,000 • House construction -325,000
B	Yellow Card Have house no land		Total NPR-200,000 • Land purchase -200,000
C	Green Card Have land no house		Total NPR-325,000 • House construction -325,000
D	White Card have both land and house		Total NPR-125,000 • House repair and maintenance-125,000

Among 14% (n=189) Freed Haliya who have received a Haliya ID card, 37 Haliyas expressed that they have visited government offices more than 7 times to receive a Freed Haliya ID card. Likewise, 101 Haliyas have visited 5-7 times and 48 Haliyas have visited 2-4 times. The GoN has committed to provide a Haliya ID card but it is not easy to receive it. They have to travel long distances many times, even though many of them could not receive it. Around 257 Haliyas expressed that they have visited government offices 5-7 times but still they are unable to receive it. Similarly, 161 Haliyas visited 2-4 times and 30 Haliyas visited more than 7 times, even though they couldn't receive the Haliya ID card as per the government commitment. Because of not having a Haliya ID card, Haliyas are not fully recognized as Freed Haliya because of it they are being backward in receiving subsidies from the government. The government is also reluctant to provide any information and communicate to the people that they will get it and visit next time. But there are not any clues of getting a Haliya ID card expressed by the Haliya community.

No. of Freed Haliya family received Government rehabilitation package

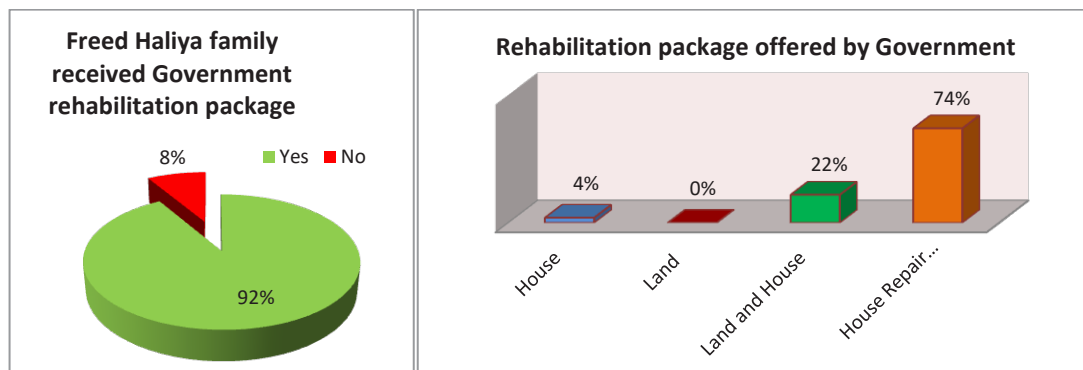


Figure 16: No. of Freed Haliya family received Government rehabilitation package

There are many Freed Haliya families who are unable to receive Haliya Rehabilitation Packages even though they have Freed Haliya ID cards. Our finding shows that in figure 16, around 8% (n=16) Haliyas families expressed that they haven't received any Haliya Rehabilitation Package even though they have a Freed Haliya ID card. These Haliya families even don't know why they are not getting rehabilitation packages. Out of 8% (n=16), only one person has registered complaints at the government office on failure to get the rehabilitation package. While complaining he was assured that he will get the rehabilitation package but there is no any initiation taken by the government to provide it. Despite the government committed to provide Rehabilitation package to those who have a Haliya ID card, the government is reluctant and lagging behind to provide it. But, at the municipality, they haven't provided any data regarding the Haliya community as they don't have the data they expressed.

Out of 189 Freed Haliya families who have received Freed Haliya ID cards, 92% (n=173) Freed Haliya families were able to receive the Freed Haliya Rehabilitation package from the government as shown in figure 16. Out of 92% (n=173), Haliya families who have received government rehabilitation package, 74% (n=128) families have received cash as rehabilitation package for house repair and maintenance, 22% (n=37) have received cash to purchase land and to construct house, only 4% (n=7) have received cash to construct house as rehabilitation package but no one has received land as a rehabilitation package.

Problems faced after receiving rehabilitation package

The GoN has provided rehabilitation packages to the Haliya families but the Freed Haliya families who have received rehabilitation packages expressed that they are facing problems. Out of 92% (n=173) Haliya families who have received rehabilitation packages, 56% (n=97) families expressed that they are facing problems as shown in above figure and said they are not satisfied with the package provided by the

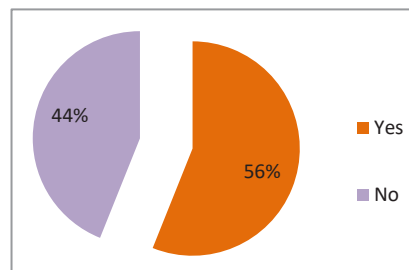


Figure 17: Problems faced after receiving rehabilitation package

government. Following are the problems faced by the Freed Haliya families after receiving rehabilitation package:

- 54% response that the installment is being late (n=52)
- 25% response that the money is insufficient (n=24)
- 19% response that the land is insufficient (n=19)
- 1% response that the allocated land is located in isolated places(n=1)
- 1% response on others (n=1)

Reasons behind majority of freed Haliyas are not able to receive rehabilitation package

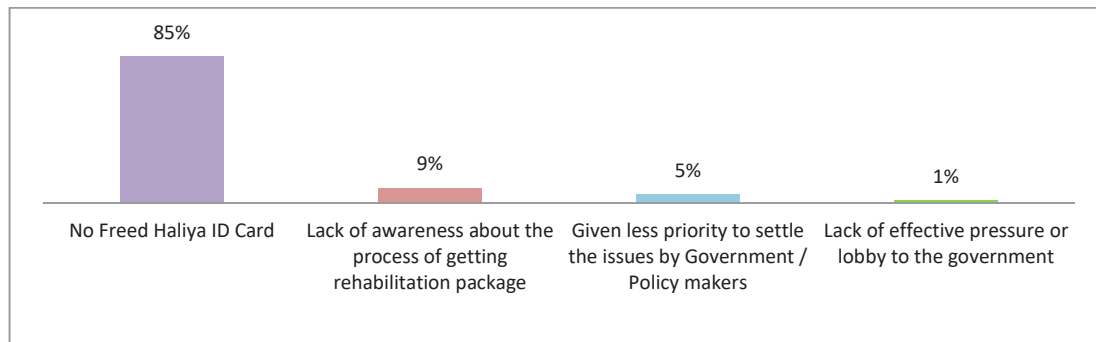


Figure 18: Reasons behind majority of freed Haliyas are not not able to receive rehabilitation package

As shown in the figure, the Haliya families stated that the following are the major reasons that freed Haliyas are unable to receive rehabilitation package from the government:

- No Freed Haliya ID card (85%, n=1153)
- Lack of awareness about the process of getting rehabilitation package (9%, n=118)
- Given less priority to settle the issues by Government / Policy makers (5%, n=66)
- Lack of effective pressure or lobby to the government (1%, n=20)

Aware about Freed Haliya Policy

After abolishing the Haliya System in 2008, the Government of Nepal has made different laws and policies for the rights of the Haliya people but many Haliyas did not know about these laws and policies. The figure depicts that 95% Haliya families are unaware about the freed Haliya laws and policies regarding their rights due to which they are lagging behind in receiving Haliya ID card and Haliya Rehabilitation Packages.

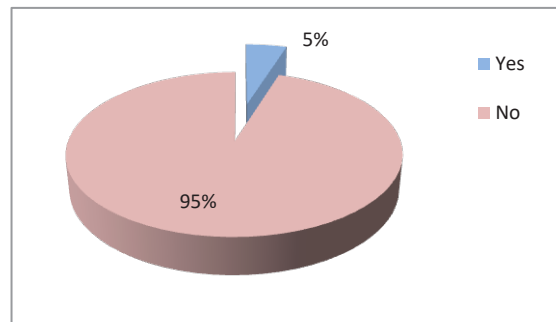


Figure 19: Aware about Freed Haliya Policy

3.3.2. SANTHAL: Right to Land

Santhals are primarily agricultural laborers dependent upon the agricultural sources for their livelihood. In the Constitution of Nepal, it is stated that 'Every citizen shall have the right to proper housing' [Article 37(1)]¹⁰ and the government declared to provide subsidies but many of them are lagging behind to receive it. Around 76% Santhal are landless¹¹ because they do not have their own land. Those who have their land are unable to claim that the land in which they are living belongs to them because they don't have their land ownership certificate due to which they are facing several problems. So, to find out the situation of the Santhal community and to collect the evidence, a field survey was conducted in the Santhal community of Morang District. Around 1000 Santhal were involved in the survey. Out of which, 62% were male respondents and 38% were female respondents.

Major occupation of the Santhal Community

Santhals are considered to be 'sons of the soil' as they are fully dependent on agricultural work to sustain their life. The occupation of the Santhal revolves around the forests in which they reside. Hunting and fishing are regarded as the traditional occupations of the Santhals¹² but modernization of the society and geo-political changes forced them to shift into other occupations mainly working as daily wage laborers in agriculture and other areas like construction sites. Today's majority of Santhals are dependent upon agricultural and domestic work for their livelihood. Our findings are the same as shown in the figure: around 71% Santhals said that they are engaged in Domestic work, which is highest in comparison to other occupations. Similarly, 17% Santhals are involved in agricultural work and 11% in Labor work. Further, some of the Santhals have gone abroad for foreign employment. But, out of 1000 respondents involved in the survey, not a single Santhal is involved in a government job. It may be because of their low literacy rate. The Literacy rate of Santhal is 48.30% which is lower by 17.6% compared to the national average (NPCS, 014). Most of the females of this community are involved in household chores and look after their children. In seasonal time only they get engaged in agricultural work to support their husband.

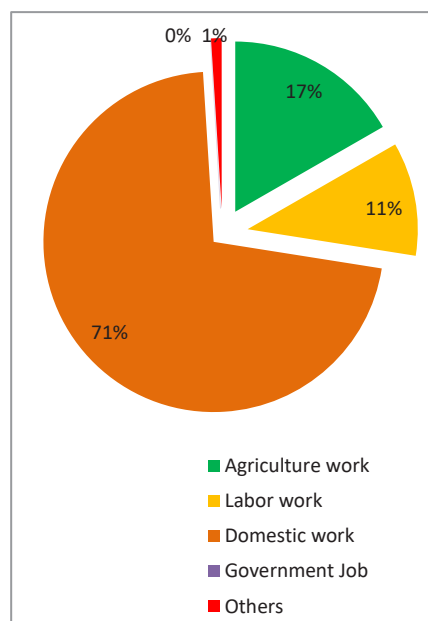


Figure 20: Major occupation of the Santhal Community

¹⁰ Ministry of Law, Justice & Parliamentary Affairs. (2015). *The Constitution of Nepal*

¹¹ LWF Nepal. (2015). *Baseline study report*

¹² Unique Indigenous Group in Nepal Remains Isolated, Landless

Retrieved from <https://globalpressjournal.com/asia/nepal/unique-indigenous-group-in-nepal-remains-isolated-landless/>

Government subsidies for Santhal

The Government has provision to provide subsidies to the Santhals but they are far behind in accessing it as shown in the figure 21, only 2% respondents said that they have received subsidies as public housing from the government which is a good initiative by the government. But, this number is decreasing by 6% as in 2019 around 8% Santhal responses have received subsidies from the government under PAF, toilets, relief fund, housing etc. However, 98% Santhal responded that they haven't received any kind of subsidies from the government.

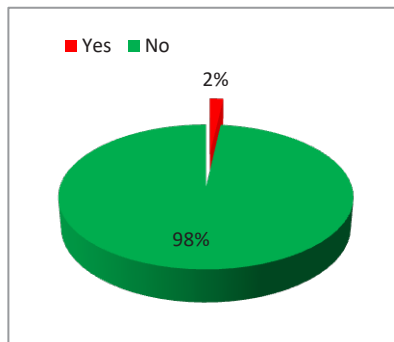


Figure 21: Government subsidies for Santhal

Settlement of Santhals and Ownership of Land Registration Certificate



Figure 22: Settlement of Santhals and Ownership of Land Registration Certificate

Santhal were considered to be 'sons of the soil', and are almost landless. Very few households have their own land and most live on public land or rented land. The public land they live on tends to be nearby rivers/streams so are more prone to disaster.¹³ But, our finding shows that around 47% responded that their settlement is on their own land. Similarly, 33% said that their settlement is in government land and 20% on owner land. Previously around 69% Santhal said that they don't have land registration certificate but this year, the number has decreased to 44% who live on their own land and don't have their land registration certificate through which they can claim that the land in which they are living belongs to them. Similarly, around 15% Santhal whose settlement is on owner land claim that they have to pay rent to the landowner for living in their land. On the other hand, those who are living on government land, some of them claim that they are vulnerable to disaster. Around 20% Santhal respondents say that their settlement is at the bank of the river and in the rainy season they are afraid about the flooding as many times they have faced this disaster problem. Similarly, 5% respond that their settlement is in isolated places from other caste groups and 1% respond that their settlement is located vulnerable to landslides.

¹³ Parsi, S. *The Santhal People of Nepal*. Retrieved from <http://srpbypst.blogspot.com/2010/08/the-santhal-people-of-nepal.html>

Land belong to Santhal Households

Santhal are regarded as landless communities who are dependent on agriculture. So, most of their land is located nearby the agricultural field. The figure shows that around 53% cultivated land belongs to the Santhal household. On the other hand, most of the Santhal used to live on government land and these lands are barren, and located at the bank of the river so there won't be any facilities of cultivation. Hence, 32% Santhal responses on Barren land belong to them. Around 15% Santhal who responded to others said that they don't have any land as the majority of them lived on government/public property or landlord land.

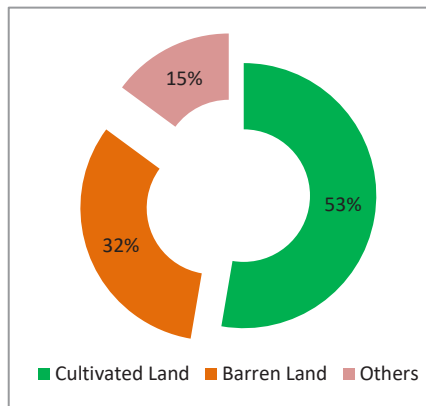


Figure 23: Land belong to Santhal Households

Disaster problem faced by Santhal Households

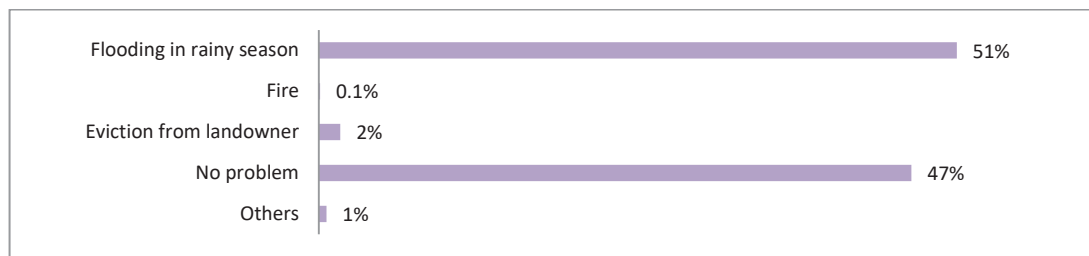


Figure 24: Disaster problem faced by Santhal Households

Santhals used to live at the bank of the rivers so they are vulnerable to natural calamities. Most of them expressed that in the rainy season, they have faced lots of problems due to heavy rain as their houses and land used to drown in the flooding. As shown in the above figure 24, 51% Santhal responded that flooding in the rainy season is one of the main disaster problems they have been facing since decades as they used to live at the bank of the river. Similarly, only 2% express that they are feared of evicted by the landowner as 20% Santhal used to live on owners land as shown in the figure 22.

Reasons behind Santhal people's landlessness

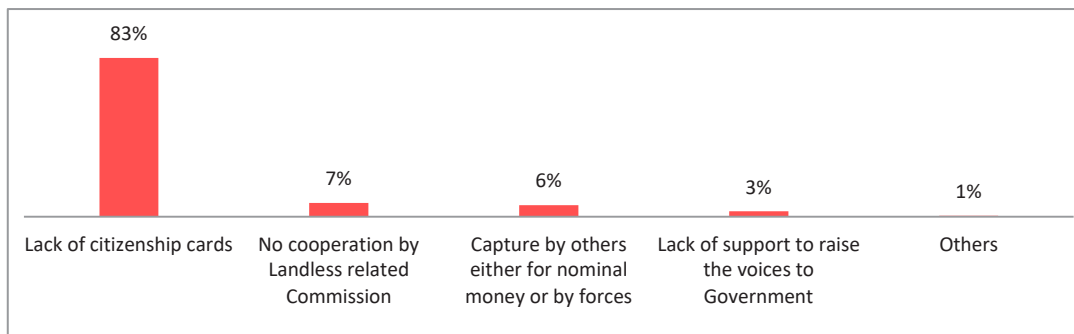


Figure 25: Reasons behind Santhal people's landlessness

The maximum number of Santhals didn't have citizenship until 2007 because of their self-isolation from Nepali society due to which they were being landless and stateless and had to face many obstacles in their life. Our findings also shows that around 83% Santhals are landless and the main reason behind it is lack of citizenship. Because of which, they are not able to claim their land and property that belongs to them. On the other hand, 7% responded that there was no cooperation by the landless related commission to claim their land and 6% expressed that their land had been captured by others either for nominal money or by forces. Most of the Santhals belong to poor economic background due to which they are forced to sell their land in nominal amounts or sometimes captured by landlords in compensation of their debt.

Santhal people are not getting land certificate

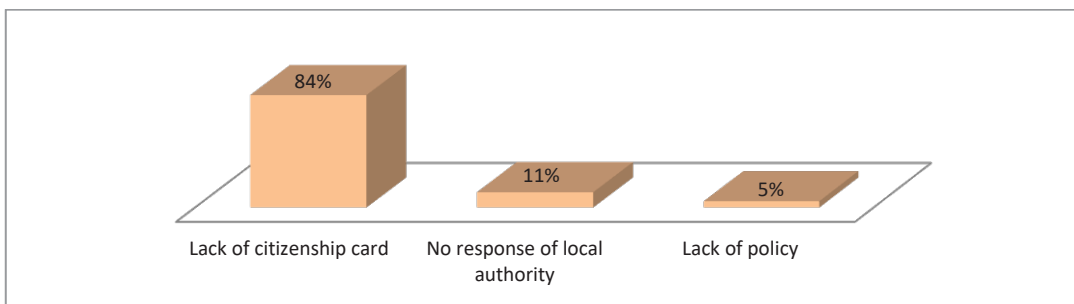


Figure 26: Santhal people are not getting land certificate

Most of the Santhals are landless and those who have land are deprived of land certificates despite having tried many times to receive the certificate of the land they own. One of the main reasons that Santhal are not getting land certificates is due to lack of citizenship (84%) as shown in the above figure 26. Whereas, 11% expressed that due to unresponsive behavior and negligence by the local authorities and 5% said due to lack of proper policy of the government because of which they are deprived of getting land certificates.

Government should do to reduced landlessness for Santhals

Government is one of the important bodies who is responsible for the upliftment of the marginalized community. Santhal is one of the marginalized communities located in Morang district. So, it is their duty to find out the issues and problems faced by the Santhal community and should implement the process to solve it. According to the Constitution 2015, 'Each citizen shall have the right to appropriate housing' and 'No citizen shall be evicted from the housing owned by him/her, or encroached on the housing, except in accordance with law. But, these laws are not implemented at the ground level. To reduce the landlessness of the Santhal community, the government should have easy access to citizenship as 85% Santhal expressed that if they have citizenship then they can claim their land and can get registered under their name. Similarly, 15% Santhal also express that the government should provide land to the landless people as per the laws of Nepal. The government should look after the Santhal community and allocate some budget of the fiscal year for the upliftment and provide subsidies so that they can generate the opportunities for their communities.

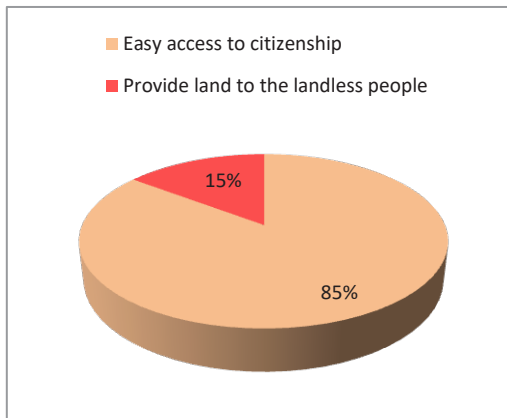


Figure 27: Government should do to reduced landlessness for Santhals

Aware about the Policy of Santhals

Regarding the knowledge of laws and policies for the Santhal community, 95% Santhals respond that they are aware about the Policy of the Santhals. Even though they are aware about their rights, they are very reluctant to claim their rights. Around 5% expressed they are unaware about the policy due to which they are being backward to claim their rights.

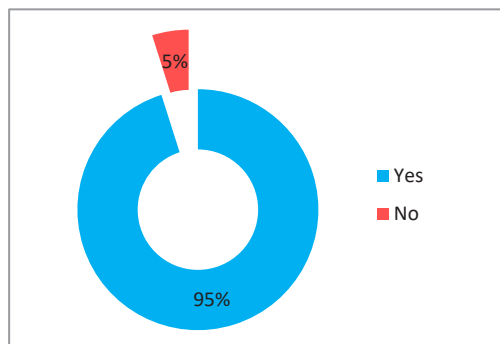


Figure 28: Aware about the Policy of Santhals

3.3.3 MUSAHAR/DALIT: Right against untouchability and discrimination

The Government declared Nepal an untouchability free nation in 2006 but in practice caste-based discrimination and untouchability practices is rampant all over the country¹⁴ especially in rural areas but, it is somehow minimized in urban areas. We have heard many cases that the Dalits are still being discriminated even though the discrimination acts are criminalized by the laws. Therefore, to find out the ground reality and to collect the evidences, the survey of the Dalits community regarding caste based discrimination took place at Sudurpaschim and Morang district. Musahar Community, one of the Terai Dalits, was surveyed in Morang district.

Altogether, 1146 Dalits from Sudurpaschim were involved in the survey, out of which 22% were male respondents and 78% were female respondents. 1001 Musahar (Terai Dalits) were involved in the survey, out of which 70% were male and 30% were female respondents. There were greater numbers of female participation in the survey of Sudurpaschim in comparison to Dalits from Morang district.

Major occupation of Dalits Community

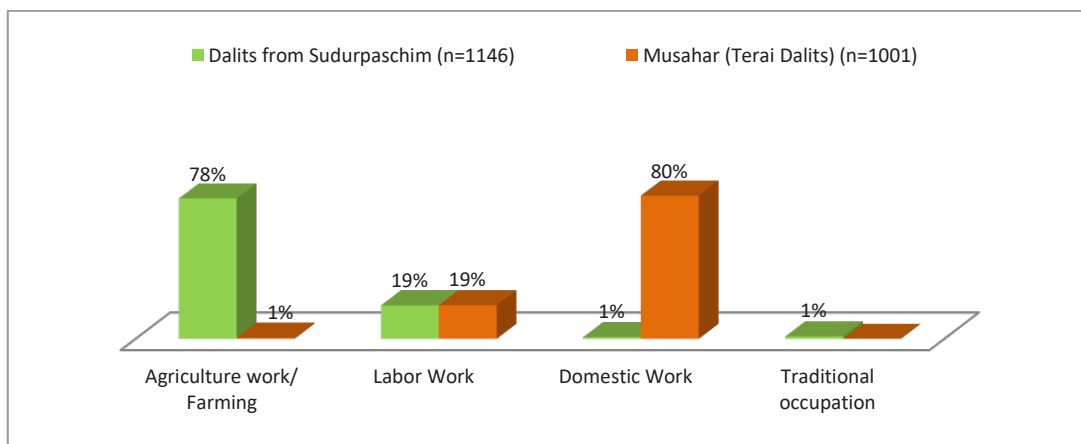


Figure 29: Major occupation of Dalits Community

Dalits have been relegated to do caste-based work as black/goldsmith, tailors, shoemakers and street cleaners, all are considered of low social status. Poverty and lack of other means of livelihood force the Dalits to continue their traditional occupations.¹⁵ But, our findings show that only 1% Dalits from Sudurpaschim said they are continuing their traditional occupation. Whereas, 78% are involved in Agriculture work/Farming occupation. On the other hand, 80% of the Musahar community expressed that they are involved in Domestic work.

¹⁴ Caste-Based Discrimination and Untouchability against Dalit in Nepal, Nepal's Civil Society Alternative Report, February 2018

¹⁵ Shrestha, A. (2002) Dalits in Nepal: Story of Discrimination. Asia-Pacific News, 30(2), 332-342. Retrieved from <https://www.hurights.or.jp/archives/focus/section2/2002/12/dalits-in-nepal-story-of-discrimination.html>

Discrimination faced by Dalit Community

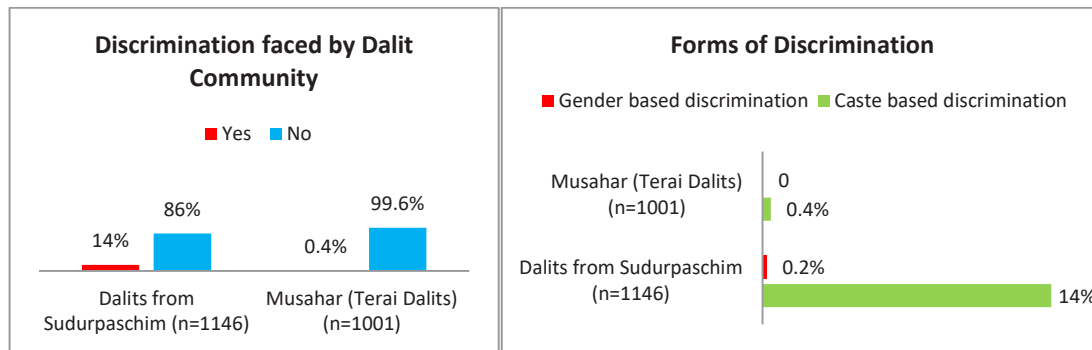


Figure 30: Discrimination faced by Dalit Community

Dalits are regarded as a so-called lower caste in Nepal. They have been facing different forms of discrimination from a long decade and it is still prevalent especially in rural area. However, as shown in the above figure 30, rather than Musahar Dalits from Terai belts, 14% Dalits from Sudurpaschim expressed that they and their family members have faced and experiences caste based discrimination in their society. Out of 14%, 11% faced restriction to touch water/ foods, 2% are not allowed to enter religious places and 1% expressed they are not allowed to enter the house of the other caste, especially upper caste. They shared that sometimes they faced domination and humiliation by the upper caste people and scolded, used bad words if they did not listen to them. There is a provision that the person who practices discrimination will be punishable by law, but these laws do not affect the upper caste people who have power in their hands. Dalits are facing severe discrimination in the society. However, the above figure depicts Musahar Dalits in Terai belts did not faced any discrimination in their society. In past days, they have faced discrimination but now it has been reduced as Dalits and other caste people in their locality living together.

Dalit individuals have gone inter-caste marriage and faced punishment

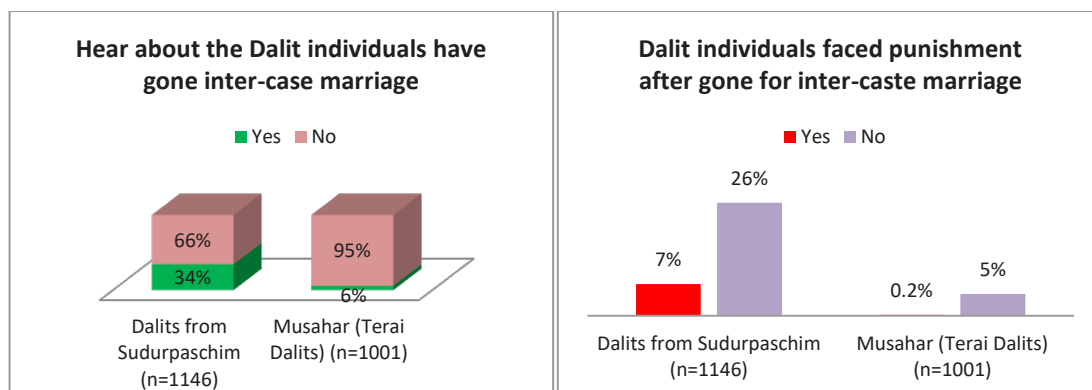


Figure 31: Hear about the Dalit individuals have gone inter-caste marriage

Inter-caste marriage between Dalits and non-Dalits is one of the big issues in Nepal. We can hear very rare cases that Dalits married to non-Dalits and accepted by their family. Even though Dalits married to non-Dalits, the couples were not accepted by their family and had to leave their house and have to stay outside their locality. Sometimes, they become the victims of physical violence, mental torture by saying harsh words and even had to remain in the police custody. But, now the society has been changing and such marriages are accepted by the society but in rare cases. As shown in the figure, 34% Dalits from Sudurpaschim and 6% Musahar Dalits have heard about the Dalit individuals that have gone inter-caste marriage in their locality. Out of 34% Dalits from Sudurpaschim, 7% shared that the Dalits individual has faced punishment after inter-caste marriage. The punishment they faced is shown in below table:

Punishment	Male	Female
Detained in Police Custody	2%	1%
Separated from the spouse	2%	3%
Physical violence against him	2%	2%
Others	1%	1%

Relation of Dalit people with Non-Dalit Communities

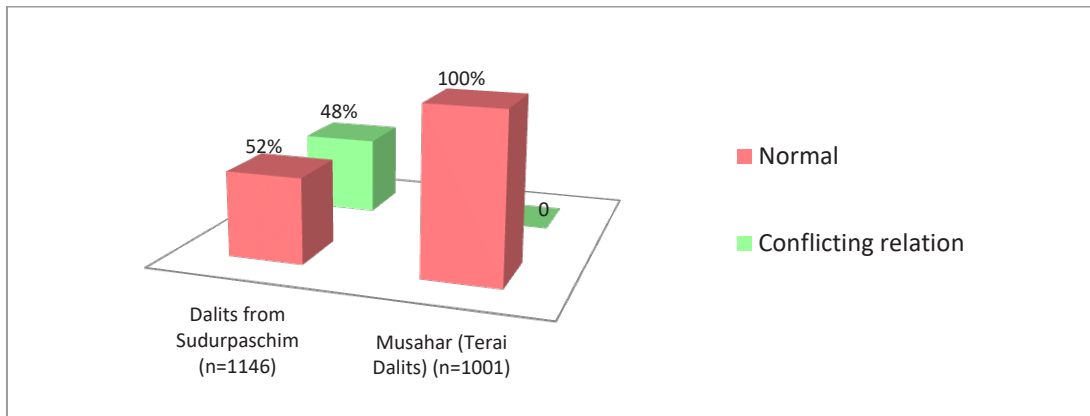


Figure 32: Relation of Dalit people with Non-Dalit Communities

As shown in the above figure 32, Musahar Community expressed that their relationship with Non-Dalit communities is normal, there is no any conflict between them. However, Dalits from Sudurpaschim have different views. As, 48% have conflicting relation with Non-Dalit communities. They were verbally discriminated against and humiliated by saying bad words and also faced physical violence like beating, hitting etc. It shows that in Sudurpaschim, Dalits communities are still facing different forms of discrimination.

Selling products without discrimination

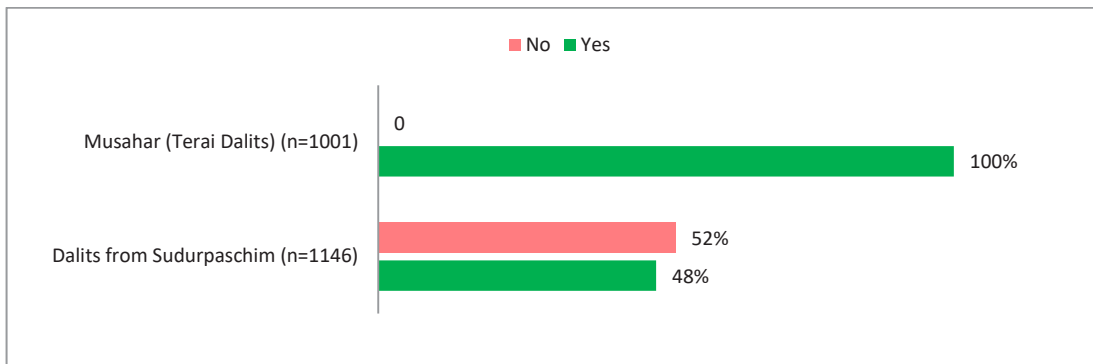


Figure 33: Selling products without discrimination

Dalits are regarded as a lower caste and they are restricted to touch water/food, enter temples and houses. In Sudurpaschim, untouchability and caste based discrimination is still in practice. The above figure shows that 48% Dalits from Sudurpaschim expressed that they faced discrimination as they could not sell their product without discrimination. As they belong to lower caste, they could not sell their product to the non-Dalits because no one visits their shop to buy anything. Only Dalit community buy their product due to which, the income is not good as per their expectation.

Caste based discrimination faced by Dalits regarding their business or occupation

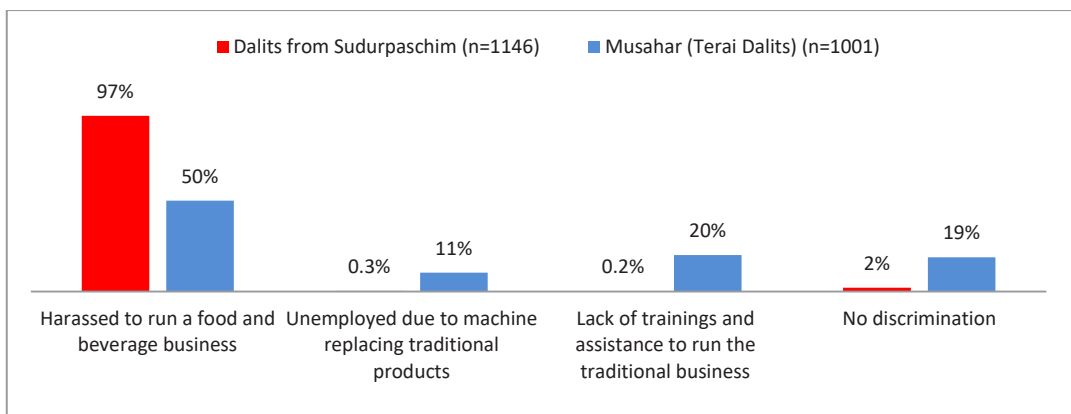


Figure 34: Caste based discrimination faced by Dalits regarding their business or occupation

The figure 34 shows that in Sudurpaschim, 97% Dalit community expressed that it is harassed for them to run a food and beverage business. Whereas in the Terai belts, 50% of the Musahar community expressed that it is harassment for them to run a food and beverage business as they are from lower caste backgrounds. Further, 20% expressed that there is lack of training and assistance to run traditional business and 11% expressed they are unemployed due to machines replacing traditional products.

Dalit family members faced physical violence from other community

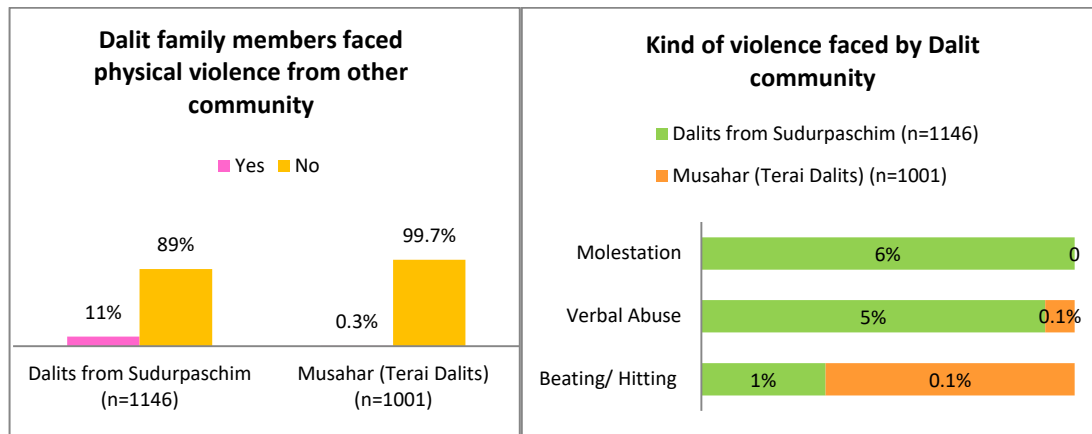


Figure 35: Dalit family members faced physical violence from other community

Dalits regarded as so-called lower caste group in Nepali society face untouchability and discrimination in their daily lives in compared to the upper caste family. Not only that, they even faced physical violence, verbally abuse by the upper caste in the name of the caste system. Here, 11% Dalits from Sudurpaschim expressed that their family members faced physical violence from the other community. Out of 11%, 6% expressed that their members faced molestation because of being lower caste, 5% faced verbal abuse and 1% expressed they have faced beating/hitting by other communities.

Complaint registered at concerned authorities regarding caste based discrimination

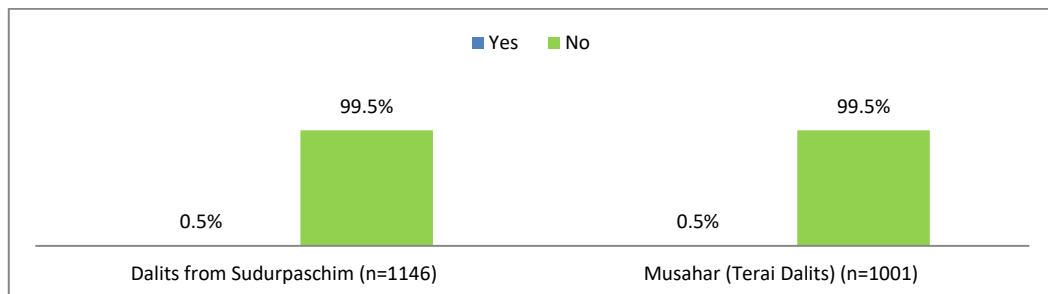


Figure 36: Complaint registered at concerned authorities regarding caste based discrimination

Dalits have been facing discriminatory behavior in every steps of their life. Not only by the upper caste people but within themselves due to the hierarchy system within their caste, they are facing discrimination especially the women who are more vulnerable in this community. To reduce the discrimination and untouchability and those who practice this system, there is a provision that they shall be punishable by law as a serious social crime and the victim of such act shall have the right to compensation as provided by law. Even having strong punishable law, the Dalits community who are facing discrimination in the name of caste system and untouchability, they did not even register any complaint at the

concerned authorities. As shown in the above figure, only 0.5% Dalits respondents from Sudurpaschim and Musahar have complained about their problem of being discriminated against. Regarding the action taken, most of the time an apology was made and reconciliation was made at the nearby police station. On the other hand, most of the people are hesitated to complain about discrimination because as shown in the figure37, they are unaware about the laws and policy that are made for Dalit community and due to lack of education (about 42% respondents who are involved in the survey said that they never study and haven't gone to school whereas only 36% respondents have studied up to basic level).

Aware about the Policy of Dalit Community

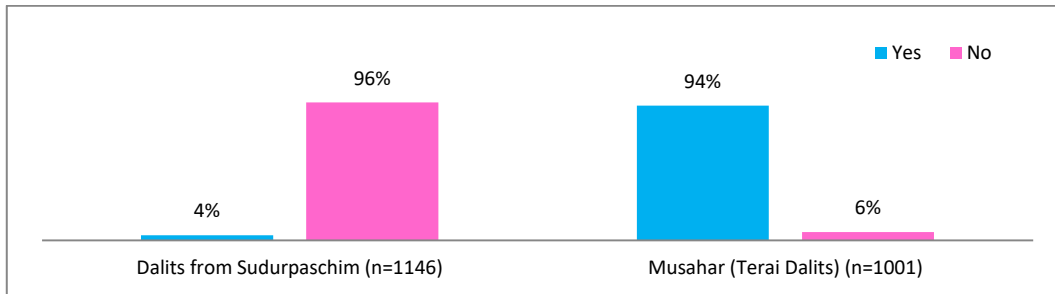


Figure 37: Aware about the Policy of Dalit Community

Nepal has abolished the caste based discrimination and untouchability system, there are many laws and policies made for the welfare of Dalit community, these laws and policies have remained only in the constitution as Dalits are frequently discriminated and humiliated by the society in the name of caste. This is because of lack of awareness about the existing laws and policies that are made for Dalits. The other reason is due to lack of knowledge about the laws that will help them to raise their voice and claim their rights. As per our findings, 96% Dalits from Sudurpaschim and 94% Musahar community are unaware about the existing laws and policies for Dalits due to which they are facing discrimination in every step of their life by the upper caste. In addition, due to lack of knowledge, they are hesitant to complain against them and are not able to claim their rights.

3.3.4 Citizenship and other issues

Citizenship is one of the important documents. It is the identity to claim that the person is the citizen of the country. It is a medium through which people interact with the state and define their social, political, and cultural identities. A citizenship certificate can have a direct impact upon a person's life especially to apply for a government or nongovernmental job, to open a bank account, to enforce rights (e.g. to purchase land), to register births and marriages, to acquire passports or to claim social security benefits such as those for the disabled, widows or the elderly. Without citizenship, the person feels like they are stateless, with no identity to claim their rights and property. The Nepali citizens who don't have a citizenship certificate are often disputed. Poor and marginalized social groups are the most affected and thus suffer from de facto statelessness. The system of granting citizenship on the basis of an individual's birthplace and descent was introduced to Nepal through the enactment of the Citizenship Act of 1952.¹⁶ Even though, many marginalized communities especially Santhal and Musahar of Terai belts are lagging behind in receiving citizenship and it is because of the laws that those who have received citizenship by birth, their children will receive the citizenship by birth only. Due to which, they are being deprived of receiving the subsidies and facilities from the government.

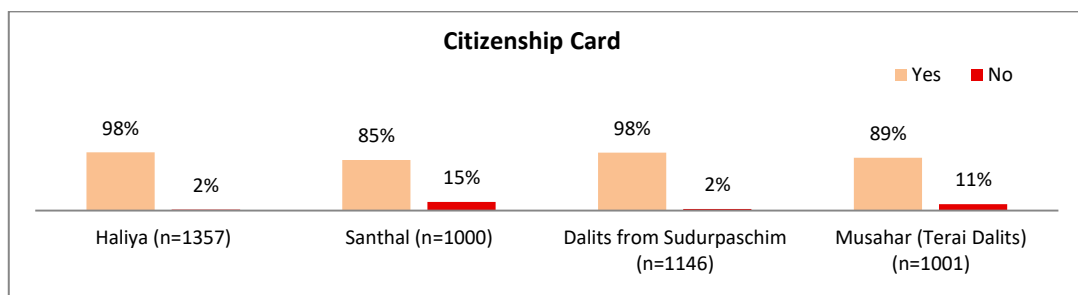


Figure 38: Citizenship card

As shown in the above figure, in comparison to other community, 15% Santhal and 11% Musahar from Terai belt expressed that they don't have citizenship whereas only 2% Haliyas and Dalit community from Sudurpaschim don't have their citizenship. The Santhal and Musahar community especially from the terai belts faced the problem while receiving citizenship. The major reason behind not having citizenship is due to lack of proper documents and lack of citizenship of their parents (father and mother) as shown in the table below. They also shared that most of the community have very little knowledge regarding the importance of citizenship and even there is a lack of information circulation about the distribution of citizenship due to which most of the people are deprived of receiving it. Further, they expressed one of the main reasons for not having their children's birth certificate is because they don't have their citizenship.

¹⁶ UN RCHCO. *FIELD BULLETIN State of stateless citizens: A case study on citizenship and landlessness issues of the Santhal community.*

Reason behind not having Citizenship	Haliya (n=1357)	Santhal (n=1000)	Dalits from Sudurpaschim (n=1146)	Musahar (Terai Dalits) (n=1001)
Lack of Birth certificate	0.2	2	0.3	1
Lack of citizenship of Parents (father and mother)	0.1	4	0.3	1
Lack of Proper documents	1	7	1	9
Less cooperative local authorities	0	0	0.1	0
Others	1	2	1	0.3

Birth Certificate and its reason behind not having it

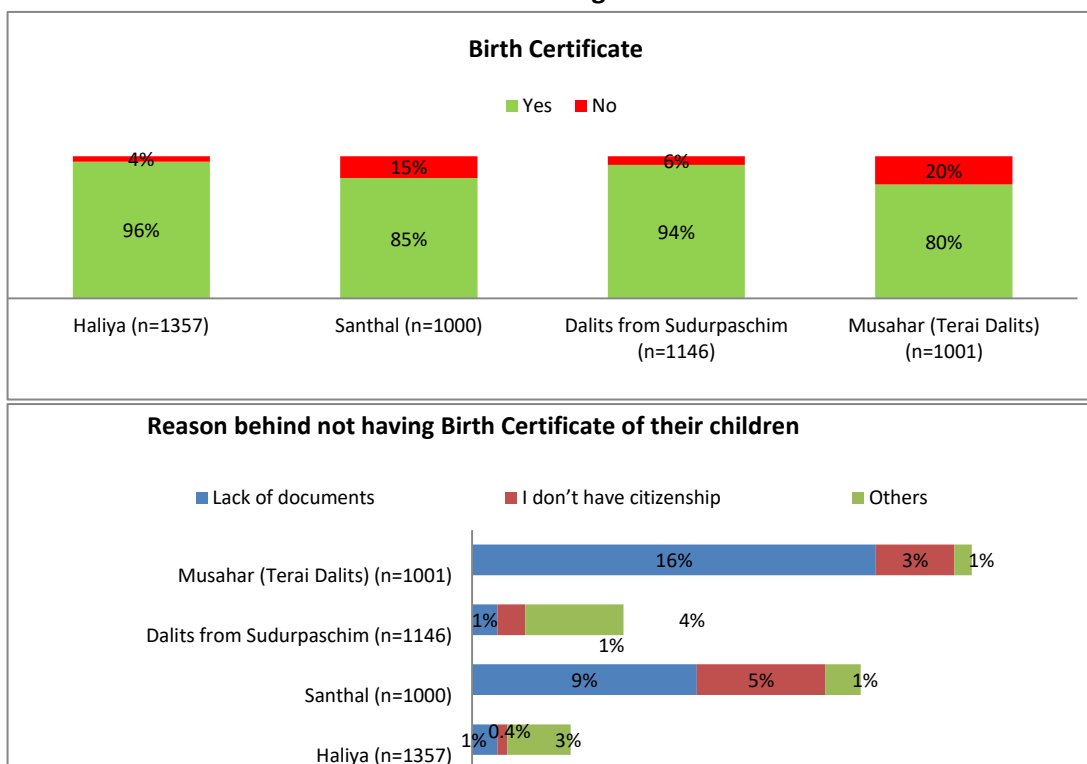


Figure 39: Birth Certificate and its reason behind not having it

The Birth Registration certificate is considered as the first official document that acknowledges the existence of an individual and a document that recognizes an individual's legal identity. Article 39 of the Constitution of Nepal ensures the registration of every birth along with the identity.¹⁷ But, most of the people who were involved in the survey

¹⁷ FWLD. (2018). *BIRTH AND MARRIAGE REGISTRATION IN NEPAL: Understanding Trends, Causes, Barriers and Impacts*

expressed that they were denied the Birth certificate of their children because of unavailability of the proper documents demanded by the concerned authority. As shown in the above figure 39, especially the people from terai belts; 20% Musahar and 15% Santhal community children don't have birth certificates. The major reason is due to lack of necessary documents and not having citizenship of their father and mother. They expressed that the local registrar demanded the citizenship of the father and mother and as well their marriage certificate while making the birth certificate of their children. The community shared that because of not having the birth certificate, their children could not go to school as, the birth certificate is demanded during admissions of the children and the students who are enrolled have to drop out from the school in absence of the certificate. As many of them don't have citizenship, they have to wait for the government to reopen the citizenship distribution program to receive citizenship by birth.

Easy access of Citizenship by the government

The government should reopen the citizenship distribution program, send a team to collect the data and provide **citizenship by birth** to those who are lagging behind it. Those who have citizenship by birth for their children, the government should make a policy to provide the **descendent citizenship** so that they don't have to wait for the citizenship by birth and can use the facilities provided by the government. As shared by the community members, citizenship by birth is not as valuable as descendent citizenship so the government should look after these issues. Citizenship by birth should be valid as descendent citizenship so that those who have citizenship by birth may receive the same facilities of the government as per descendent citizenship.

Equal wages received by the Community

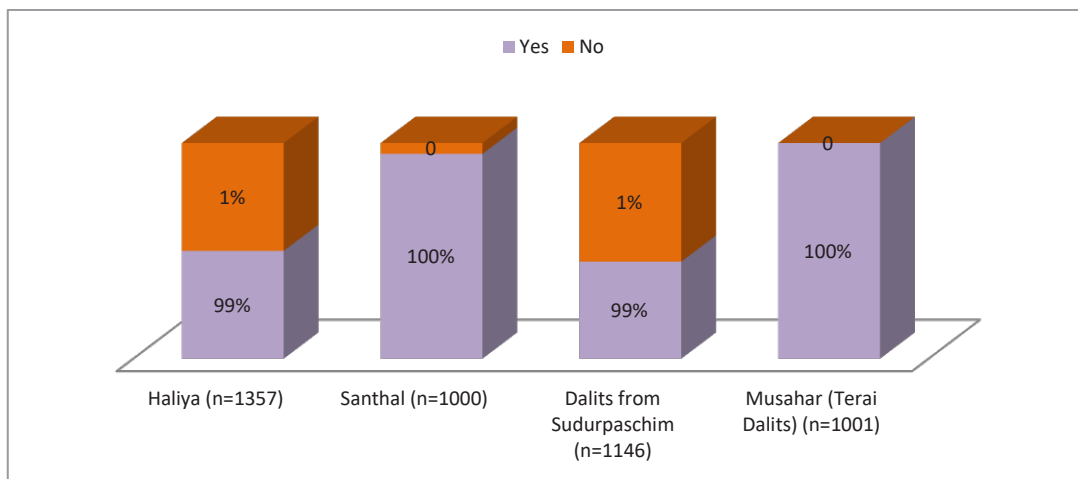


Figure 40: Equal wages received by the community

Around 97% Haliya community are from the hill Dalit group. Dalits are considered as lower caste in Nepal due to which they have been compelled to do caste-based works which are considered of low social status. Dalits who are able to get a wage-earning job suffer from unfair wage system. They have to face discrimination on their earning. Especially, Dalits

women were paid lesser than Dalit men. Those who are working in *Haliya Pratha* (bonded labor) or *Khala Pratha* (forced labor) are not even earning from their work. Our findings found that as shown in the above figure Haliya and Dalits from Sudurpaschim said that they did not receive equal wages compared to the other castes. Under 1%, most of the female expressed that they did not received equal wages in compared to male (out of 1% Haliya (n=13) and Dalits from Sudurpaschim (n=13), 11 Haliyas female and 8 female Dalits from Sudurpaschim expressed they did not received equal wages. But, Musahar, one of the Dalit community and Santhal from Terai belts said that they did not faced any wages disparities and received equal wages like other caste.

Received Vocational/Technical training from the government

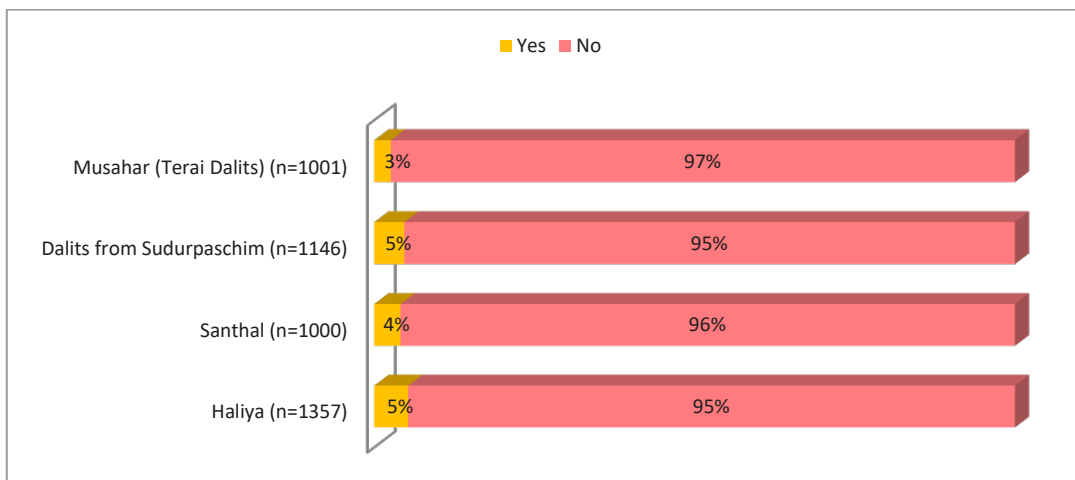


Figure 41: Received Vocational/Technical training from the government


The survey took place in the respective project area where it is found that most of the communities have not received any vocational/technical training from the government. As shown in the above figure, more than 95% respondents said that they haven't received any vocational/technical training from the government in their district. It is because of lack of interest due to different document requirements to apply and as well lack of information shared by the government regarding training and other activities. Most of the people participating in FGD shared that they are unaware about the vocational training provided by the government.

4. Conclusion

Economic, social and cultural (ESC) rights consist of the human rights to adequate food, housing, education, health, social security, take part in cultural life, water and sanitation, and work. The Constitution of Nepal 2015 assures ESC rights as fundamental rights and includes several ESC rights of the citizen. Despite of this, the citizens at grassroots level still face discrimination, deprivation, exclusion and lack of basic needs like, shelter, food, education, health and many other fundamental elements of ESC rights. Haliya, Santhal and Musahar/Dalit are among the most marginalized, so called lower caste and deprived population facing age old oppression through the imposition of a stratified hierarchical model.

Haliya, Santhal and Musahar/Dalit are deprived from enjoying their social, economic and cultural rights as they are unaware of their rights and entitlements and excluded of the decision-making processes in the country. Grassroots level institutions of these right holders are very few and their capacity and linkages are very poor. Further, Haliya, Santhal and Musahar/Dalit households and communities have limited institutional arrangements and capacities to mainstream their agenda in the development discourse. Their advocacy is also limited by the absence of adequate evidence; limited backward forward linkages. The precarious situation is rooted to the limited understanding of prevailing laws and policies that would lead to increasing respect to their human rights if implemented.

Discriminations and exclusion based on caste, gender, identity and disability are still common in the Nepalese society (source: Nepal Sustainable Development Goals, Status and Roadmap, National Planning Commission, 2019). The government of Nepal has already abolished Haliya system in 2008 and made different laws and policies for the rights of the Haliya people. But, still 4% Haliya are working as Haliya due to their forefather debts. Many Haliyas don't know about the laws and policies due to which they still work as Haliya and are not able to claim their rights. Around 95% Haliya families said that they are unaware about the freed Haliya laws and policies regarding their rights due to which they are being backward to raise their voices. After the abolished of Haliya system, the Government has decided to distribute the Freed Haliya ID card to recognize the Haliya people and distribute rehabilitation packages but 86% (n=1175) Haliya families have not received any Haliya ID card and only 14% have received Haliya ID card. Out of 14% Haliya, 8% Freed Haliya families remained to receive Freed Haliya Rehabilitation Packages. More than 75% Haliyas expressed that due to the lack of information they are unable to received Haliya ID card. In spite of the government declaring Nepal as an untouchability free nation, this practice is still prevalent in the rural communities and many people are facing discrimination based on their caste system. In compared to Musahar Dalits from Terai belts, around 14% Dalits from Sudurpaschim expressed that they and their family members have faced and experienced caste based discrimination in their society; they are restricted to touch water/food, not allowed to enter religious places and enter the house of the other caste especially upper caste people. Dalits have to faced domination, humiliation and



mental torture. Similarly, only 2% Santhal said that they have received subsidies as a public housing from the government. Further, 51% Santhal are living in the disaster prone area and 44% don't have their own land registration certificate. It is because 83% Santhal are landless due to lack of citizenship. Many Santhal are lagging behind in receiving government services and subsidies, allowances and birth certificates of the children because of not having citizenship cards. Due to which most of the Santhal and Musahar Community children are not able to get admission in the school and those who are admitted, after certain classes, are dropouts from the school. Therefore, this initiative plans to increase its support to these target groups of Doti, Kailali and Morang districts. And, aim to empower these marginalized communities by engaging and enabling them to claim their rights at different scales:

- **timely and just rehabilitation for freed-Haliyas,**
- **untouchability and discrimination for Musahar/Dalits and**
- **landless/land rights for Santhals**

The citizens/right holders themselves are being included in the process of ESCR rights monitoring, which is a big influence that this initiative has left out at the grassroots level. They are aware of the policies that allow them to assert their rights and will help them to request government support. In the long run, it will help with future lobbying efforts to raise the voice and claim the rights of the target community.

CAHURAST-Nepal in collaboration with LWF-Nepal has initiated the practice of ESCR monitoring by developing community monitors to collect evidence from the ground level by using Mobile App technology. The data gathered on the ground provides compelling evidence for campaigning and lobbying with the government at all levels, from local to global. The collected evidence from the ground level based on the issues of right holders (timely and just rehabilitation for freed-Haliyas, untouchability and discrimination for Musahar/Dalits and landless/ land rights for Santhals) which are included in the ESCR Yearbook 2021 will be one of the tools and evidences that will empower and support the right-holders to raise their voice and claim their rights more effectively.

5. RECOMMENDATION

Right to Education

- Specific quotas should be allocated for the people of the Haliya and Santhal community to encourage them to pursue Higher education.
- The Education Act should be fully implemented and there should be provision of free education, uniform and scholarship for the children of Haliya, Santhal and Musahar/Dalits community.
- Government should increase the investment in the field of education, health and empowerment focusing on Haliya, Santhal and Musahar/Dalits community
- Due to poor economic conditions most of the Santhal and Musahar students are dropouts from the school. So, the government should provide scholarships for higher education to them. Scholarships should be provided to those children who are interested in agricultural and technical education too.
- The government should take specific measures to prevent students from dropping out of the school, particularly targeting most marginalized children belonging to indigenous groups, by introducing programs such as livelihood support for the parents so that they are able to feed their children before sending to schools, take measures to implement the provision of snacks in schools for children from these families
- The education sector should allow for the admission of the children without compulsion of the birth certificate and citizenship.
- Disable friendly environment should be considered in every school so that disable children should not be backward in receiving knowledge. The government should ensure that schools have basic infrastructure which are accessible to children with disabilities.

Right to Health

- Perception based caste discrimination should be frequently monitored by the local bodies especially in health sector.
- Every health post should have all kinds of medicines which are provided free of cost. Free treatment should be provided to the people in case of any serious disease with any compulsion of documents.
- Strong laws should be developed and implemented by the local authorities for those who are discriminated against in public water points and frequent monitoring should be done.
- Health related awareness programs and health camps should be run from time to time in Haliya, Santhal and Musahar/Dalits cluster.



Haliya: Right to timely and just rehabilitation

- The government should take immediate action to conduct a national survey and register all the freed Haliyas in Nepal.
- 86% of Haliya families are still left behind to receive their ID card. Many Freed Haliyas have been missed while collecting the data of the Freed Haliya by the government of Nepal so firstly the government should collect the data of the Haliya who have been miss-out and should provide rehabilitation packages as soon as possible. The local government should be made responsible to distribute rehabilitation packages.
- The government should bring one household, one employment policy for the freed bonded laborers to ensure their livelihood needs and enact policies for a comprehensive rehabilitation package.
- The government should make a plan to provide land ownership for the freed bonded laborers to the land where they were living for decades.
- The government should provide free skill-oriented training regarding agriculture, farming, tailoring, auto mobile, driving, maintenance, wiring etc focusing on Haliya so that they can be empowered themselves.
- The GoN should provide the land on lease so that the Haliya community can involve in farming for their income generation. Agricultural cooperatives should be formed in the community of freed Haliyas and management should be done for the operation including free seed and other agricultural materials distribution.
- Interest free loans should be provided without collateral to the freed Haliyas in order to run business so that they can be involved in income generating sources.
- There should be an arrangement of distribution of modern agricultural equipment for free to the Haliya people and as well the employment opportunities for them.
- The government should make inclusive participation of the freed Haliyas in every field from the local, provincial government to the central government.
- Municipality or Ward level Awareness programs regarding the laws and provision of the Haliyas should be conducted so that a maximum number of the right holders can participate and can fully benefit from this program. Further, they can share their knowledge and learning in their community and locality.
- Local government should take legal action against caste based discrimination and should take necessary steps to enforce new law to protect and support Haliya community.

Musahar/Dalit: Rights against untouchability and discrimination

- The existing laws and policy regarding caste based discrimination should be implemented effectively and should take legal action regarding discrimination.
- In those situations where police do not take or register cases regarding caste based discrimination, the local government authorities should take action instead
- Dalits are suffering from an unfair wage system as compared to non-Dalits. So, there should be strict provisions to provide equal wages to Dalits like non-Dalits are receiving.
- The government should ensure that any forms of discrimination or violence against inter-caste married couples are eliminated.
- The local bodies should provide a market to the Dalits community to sell their product. The government should help to develop links and networks so that they themselves can deal with the people to sell and market their products.

Santhal: Right to Land

- Government should take action to support the Santhal communities in their efforts to improve their living standard, access to employment and representation in policy-making.
- Due to the deprivation of citizenship, Santhals are forced to live as a second-class stateless community. The Santhal children are also deprived of getting admission in the school due to lack of a birth certificate. Therefore, the government should take immediate action to provide citizenship to those Santhals who are lagging behind it and provide birth registration of their children
- The government should provide descendent citizenship or citizenship by birth to those children whose parents have citizenship by birth. The government should open the process of getting citizenship by birth as soon as possible.
- The government should ensure that no children of Nepali citizen are deprived of citizenship and all the children born in Nepal receive birth registration certificate
- Local governments should promote a public awareness program regarding existing law and provision provided by the government for the Santhal community.
- Local governments should identify and keep data of landless people and provide them with housing and livelihood support as per the "Local Government Operation Act, 2017".
- The government should provide tenant rights (मोहियानी हक) with land certificate to those Santhals whose settlements are in public land (ऐलानी जग्गा).

ANNEXES

ANNEX I: Case Story on issues of Target Group

Forced to be landless due to a lack of citizenship

Phulmuni Kisku (35), lives in Betauna Gandhi Tole, Ward No. 3, Dhanpalathan Municipality. Her native village is Vanakaruwa in Kanepokhari Municipality Ward No. 1. She lived with her family member of 6 which include 2 women and 4 men. The family members are in good physical condition and have been working for a daily wages for their livelihood. But they are facing lots of problem due to lack of citizenship of her husband. Due to which she has not been able to acquire lands, which has prevented her from settling anywhere permanently.

Phulmuni Kisku's father-in-law had been cultivating 2 Bighas and 7 katthas of Mohiyani land and was also paying land tax. But ironically due to lack of citizenship, he could not get the land he deserved according to Mohiyani rights because of which his sons and daughters-in-law are suffering now. Although, Mohiyani rights and tax

payment certificates are still protected, the family has become landless as they have not been able to become citizen of Nepal due to lack of citizenship.

"Sometimes I feel like I'm born in vain. The pain of being stateless is not possible to express in words. If the government had solved the problem of landlessness, we would have been able to live a happy life" - says Phulmuni Kisku.

They have tried many times and went to various bodies to get citizenship but their try was lost in a vein as they could not get it. Somehow, their children were able to study up to class eight but their education has also come to a halt as citizenship is required to fill up the registration form for secondary education. Not only that, they have to face lots of problem and

challenges to live in the society because of not having citizenship. They have been threatened by the people of the society by saying, 'they should be evicted from this place as they are not the residents of this place'. After these kind of threaten, they have lodged the complaint in the ward office and now such threats have been stopped. However, the society has not stopped taking and giving negative view and discriminating them.

They also shared that 'they have not been able to get citizenship even after spending money on various bodies to get it.' They are so disappointed with the system of the government. On the contrary, their financial situation has become very poor. Currently, they have been living on public land near the river in Betauna Gandhi Tole of Dhanpalathan Municipality-3.

Lack of permanent residence forced Rishidev community to live confused life

Shyam Rishidev has been living in Ward No. 5 of the Sunbarshi Municipality. He lived with his family member of 5 including 4 men and 1 woman. He is involved in daily wages to support his family. He is 55 years old and his physical condition is deteriorating towards old age while his wife's mental condition is not good. Despite of his repeated attempts for marriage registration, Shyam Rishidev's marriage has not been registered yet.

Shyam Rishidev owned a small land and built a house which is located at the side of the road in the village. But

"If the local bodies or Municipality had provided any public land, it would have been easier to live safely in that place and the education and health of the children would have improved," says Shyam Rishidev

in 2077 BS, Sunvarshi Municipality planned to build the road and canal. Because of which his land property and house was cut off by the

municipality to construct the road. This made Shyam disappointed and unmotivated. He feels that only the poor people have been affected and suffered even if the village is developed by constructing roads and canals. He is financially weak to make their bread and butter, saved some money and owned small land. That property was also taken away by the government to build road and canal. Now, he has built a small hut on one side of the road. His problem doesn't stop here.

After the construction of the canal, in rainy season the water of the canal enters inside the house. Due to which, there is a risk that the water from the drain will seep into the house and carry away the belongings and drown the children too. He is in fear and has been facing this problem in every rainy season. The foundation should be made but he does not have enough money to raise the foundation by filling the soil of the house. He has not been able to get help from anywhere for safe living.

When the house is inundated due to rain, no one from the neighbor allow them to shelter in their house and not allow them to enter their house, may be because they belong to Dalit community (which is regarded as lower caste) due to which the community hesitated to allow them in their houses. He is facing lots of problem because of the uncooperative behavior of the society. In this age also, he has to work and rely on daily wages because of his poor financial condition. He is raising and fulfilling his family needs as well.

Shyam Rishidev has been living a very difficult and challenging life in that place so they have been sharing their issues and problem to the local bodies repeatedly talking for safe life but there has been no response from the local bodies. So far, he has not been benefited from any legal provision. In his locality there are other Rishidev families who lived and are facing the same problem. So, he feels that it will be great if the local bodies or Municipality help them with the settlement. At least, Rishidev community will be relieved.

Discrimination at public water point force to travel long distance to fetch the water.

A visionary person, Gopadi Luhar is a farmer and wants to work for the unity among Dalits and to create a society free from discrimination. She is 58 years old and was born in Shikhar Municipality, Pachanali, Talkot in Doti. She is married and lived with his family of 6 members. Her economic condition is not good so have to depend on daily wages which is not enough for living. She is from the Dalit community due to which she faces various discrimination in the society.

Despite the Government of Nepal declared 'an untouchability free nation' in 2006, the people from Dalits community still faced discrimination in various parts from the upper caste people. Same as with Gopadi Luhar, due to existence of so called caste discrimination, she and her family, even her community has to face the discrimination at public water tap or have to travel long distance to fetch the water. Not only that, Dalits have to face bad behavior and the food touch by

them won't be eaten by other castes.

After the incident of discrimination in water tap, in order to get justice, she gathered the entire community of the village and discussed about the issue. Finally, she filed a complaint at the nearest police station but the police argued in favor of the strongest one and finally after some discussion reconciled with both party.

This incident explicitly shows the social status and community behavior toward Dalits. This led the questions in her mind that "Why the Dalits have to face humiliation and insults even though she haven't done any crime? Why are we called Dalits only even there is not written Dalits in our body? Why we have been discriminated? How long we have to face discrimination and when will equality come? We have been treated like second class citizen in the society. So, all Dalits should unite together to eradicate

caste based discrimination and untouchability. The Caste Discrimination and Untouchability Offenses and Punishment Act 2068 (2011) should not be in written form only; those laws should be implemented and practiced fully. Those who violate the law should get penalties and punishment. There should not be any caste discrimination at drinking water points or public places, all the people living there should be able to consume drinking water from the tap equally. Those who discriminated should get punishment according to law.

Gopadi Luhar also wishes and plans to unite all the Dalits and spread the voice of public consciousness regarding discrimination and untouchability in the family and neighborhood so that they don't have to face such issues and problem. She also wishes that their future generation behind them should not face such kind of problem as well in future.

Inspiring leader dreams of free discrimination society

The story of Karan Singh Nepali is one of the inspiring leadership stories in forming our society free from discrimination. He was born in Shikhar Municipality, ward No. 6 Pachanali, Talkot (Doti). He is 35 years and works in Agriculture sector and social service. He is married, physically fit and live with his family members of six. He works as a leader in a Dalit group and participates in argument in favour of Dalits and advocate for the end of discrimination.

Mr. Karan Singh Nepali acts as a leader when the village landlords cut pipeline of drinking water that goes to Haliya community on Asadh 11, 2068. He called the society and discussed the issue with them. Hence, he lodged a complaint at a nearby police station about the village landlords' misbehave. Finally, the village landlords have to apologize for making such mistake and

reconciled on the same day. The landlords of the village have been harassing the Haliya family from time to time and despised saying that Haliya are a small caste, and not giving work to do. Even if Haliya gets work to do, they are paid less. There used to be Labor exploitation. But, after the absolution of Haliya System by the government, the behaviors toward Haliya have been decreased. All the Dalits united together to solve this problem under his leadership. He said, "There should be no untouchability practices in public places. Haliya Dalit should not be mistreated, and should be paid adequately or get correct amount of wages."

Those who treated Dalits badly should be punishable according to the laws formulated to the Dalit community under Caste-Based Discrimination and Untouchability (Offence and Punishment) Act, 2068

(2011). All the rights and duties under the fundamental rights and duties of the Constitution of Nepal 2072 (2015) have not been implemented properly so the strong formulation of these rights should be there so that this kind of issues did not occurred in the future. Therefore, there is a need of public awareness campaign for all Haliyas to raise their voice as well it need to have political debate about Haliya Dalits in politics.

Lastly, Karan Singh Nepali's saya that, "it is important to raise public awareness among all Haliyas, Dalits, Janajati, Madhesis and need to seek legal redressal. How long will the ethnic untouchability incident last? All Haliyas Dalit should unite and start a movement to eradicate caste based discrimination and untouchability. He thinks the law mentioned in the constitution should be used and implement properly"

ANNEX II

Following are the UPR recommendations related to ESC rights, equality and non-discrimination accepted by the Government of Nepal. As well here included 3 recommendations on birth registration and citizenship of the Santhal community and 2 recommendations on rehabilitation of bonded labor / Freed Haliyas¹⁸ are also mentioned in the table below:

A. Accepted UPR recommendations related to ESCR

Rec. No.	Recommendations
	a. The right to an adequate standard of living
159.117, 159.127	Continue measures to improve the country's standard of living people through the implementation of laws and policies that have already been put in place
159.122, 159.126	Take further steps for socio-economic development of citizens
159.131	Further strengthen effective collaboration with the international community to increase investment in food, housing, poverty reduction, employment generation, health care, education, social security and the development of people-centric infrastructures
	b. Right to food
159.114	Maintain and expand government programmes aimed at guaranteeing the right to food and addressing food insecurity, particularly among the most vulnerable populations
159.121, 159.15	Pursue the good management of policies related to the basic needs of citizens such as the rights to food
159.125, 159.129	Continue the efforts to achieve remarkable progress in indicators related to hunger, nutrition and food security
159.128	Consider adopting a more coordinated approach to address hunger and malnutrition
159.118	Collaborate with specialized United Nations agencies to develop the agricultural sector
	c. Right to health
159.15	Continue to consolidate the successful social policies for the benefits of its people in the areas of health
159.138 159.143, 159.147	Continue efforts to facilitate access to health services and to create favorable conditions for ensuring access to public health for all
159.146	Continue the Government's efforts to strengthen integrated networks of health services

¹⁸ UN Human Rights Council, *Report of the Working Group on the Universal Periodic Review: Nepal, 30 March 2021*, A/HRC/47/10.

Rec. No.	Recommendations
159.137	Implement the commitment made at the Nairobi Summit on the twenty-fifth anniversary of the International Conference on Population and Development to ensure that marginalized groups are able to exercise their reproductive rights through universal access to quality family planning services, the upscaling of adolescent-friendly health services and the full integration of comprehensive sexuality education, consistent with the evolving capacities and needs of youth
159.141, 159.142	Take steps to reduce neonatal mortality, in line with Sustainable Development Goal
159.139	Ensure leprosy training within the health-care community and implement the principles and guidelines for the elimination of discrimination against persons affected by leprosy and their family members
159.132	Maintain its commitment to implementing health plans and programmes to ensure the protection of the right to health during emergencies and pandemics
159.110	Continue to promote access to safe drinking water and sanitation, especially in rural and hard-to-reach area
159.112	Consider taking additional steps to raise the number of people having access to upgraded water facilities nationwide
159.121	Pursue the good management of policies related to the basic needs of citizens such as the rights to drinking water
159.129	Step up efforts to safe drinking water and sanitation
d. Covid-19	
159.140	Take all necessary measures to strengthen the promotion and protection of the human rights and dignity of older persons, particularly in the current situation of extreme vulnerability they face in the context of the COVID-19 pandemic
159.144	Continue to expand efforts towards universal health coverage while minimizing disruption in the access to basic health-care services during the pandemic, taking into consideration the ongoing COVID-19 pandemic
159.34	Ensure the inclusion of vulnerable children and families in policy responses to the COVID-19 pandemic in order to minimize the risk of children getting involved in child labour
159.145	Strengthen the implementation of World Health Organization's guidelines on preparedness, prevention and control of COVID-19 in prisons and other places of detention
159.133	Make progress in social economic recovery with a human rights perspective to face the effects of the COVID-19 pandemic, taking into consideration the special needs of vulnerable groups in society
159.181	Step up efforts to provide equal access to online education for girls, especially during the COVID-19 lockdown

	e. Right to education
159.15	Continue to consolidate the successful social policies for the benefits of its people in the area of education
159.121	Pursue the good management of policies related to the basic needs of citizens such as the rights to education
159.138	Make efforts in furtherance of the rights to education
159.147 159.151 159.152	Continue its efforts to create favorable conditions for ensuring access to free and quality education for all without discrimination
159.154 159.155	Expand the scope of such initiatives as the Act relating to Compulsory and Free Education of 2018 and provide more scholarships on an equal basis
159.149	Enhance measures to scale up school enrolment at the secondary level
159.148	Step up further efforts to ensure gender parity in both primary and secondary education
159.150	Take all necessary measures to ensure full inclusion and improve learning results for all children belonging to the Dalit community, under represented castes and indigenous peoples, including children with disabilities, at all levels of education, and to ensure the representation of these groups, especially women, in teaching positions
159.153	Continue its efforts to ensure an all-inclusive education system that leaves no one behind, including children with disabilities
	f. Right to employment
159.105	Continue to take measures to further strengthen implementation of the Right to Employment Act and the contributory social security system and, in particular, implement targeted interventions for vulnerable groups
159.121	Pursue the good management of policies related to the basic needs of citizens such as the rights to work
	g. Right to housing
159.121	Pursue the good management of policies related to the basic needs of citizens such as the rights to adequate housing
Poverty alleviation	
159.61, 159.108, 159.129	Continue efforts of poverty reduction
159.119	Continue efforts to combat and eliminate extreme poverty
159.113	Continue to promote sustainable economic and social development and to further promote poverty alleviation
159.109	Continue its efforts in poverty reduction by providing poor families with opportunities to access productive resources, capacity-building, income and sustainable development

159.130	Continue the measures aimed at poverty alleviation, ensuring adequate housing and providing water and sanitation to the population
159.116	Further capitalize on the gains in poverty reduction and step up efforts for an increased per capita
159.120	Continue its poverty reduction measures to achieve its target of reducing from 18 to 13 per cent by 2024 through inclusive and sustainable development
159.124	Ensure that its efforts to address poverty are inclusive, gender-responsive and human rights-based
159.123	Implement a national action plan to reduce poverty with a human rights-based approach and focused on Sustainable Development Goals 1 and 10
159.111	Intensify cooperation and efforts with the support of the international community to further enlarge programmatic interventions and investment in key areas of poverty reduction
Collective rights (environment, right to development, SDG)	
159.49	Take further measures to combat climate change and natural disasters
159.50 159.54	Ensure that women, children, persons with disabilities and indigenous and local communities are meaningfully engaged in the development and implementation of climate change and disaster risk reduction framework
159.51	Continue to strengthen its efforts in implementing the Sustainable Development Goals for the better enjoyment of human rights of its people
159.53	Strengthen cooperation with international partners to reverse the economic impact of the COVID-19 pandemic, including through capacity-building to achieve national development targets and meet the 2030 Sustainable Development Goals

B. Accepted UPR recommendations related to equality and non-discrimination (Dalits Community)

Rec. No.	Recommendations
159.34	Effectively apply national legislation towards the elimination of all practices based on a caste system, including in the light of the relevant human rights instruments
159.35	Develop effective mechanisms to implement the Caste-based Discrimination and Untouchability (Offence and Punishment) Act
159.39	Continue the efforts to combat caste-based discrimination and segregation
159.42	Take the necessary measures to advance in the fight against discrimination in all its forms, in particular racial and caste discrimination.
159.33	Investigate effectively and prosecute caste-based discrimination and violence

C. Accepted UPR recommendations related to Minority /Indigenous community
(Santhal Community: Land Rights)

Rec. No.	Recommendations
159.218	Step up efforts in the fight against segregation and discrimination of indigenous peoples and ethnic and caste minorities, including Dalits and Tibetans
159.172	Adopt policies to protect and provide justice for women and girls, especially those from minority communities
159.219	Ensure that the rights of indigenous communities regarding the use of their land are upheld through the revision of the legislation on this matter
159.220	Take the necessary measures to protect ethnic and caste minorities, namely from excessive use of force by the police and alleged torture in custody, and punish perpetrators
159.	Take all necessary measures, in particular at the legislative level, in order to protect the rights of persons from religious minorities and in order to guarantee freedom of religion or belief in law and in practice, in accordance with international human rights law

D. Accepted UPR recommendations related to Birth Registration and Citizenship
(Santhal Community)

Rec. No.	Recommendations
159.166	Ensure full equality between men and women with respect to conferring citizenship on their children and spouse, including by amending provisions in the Constitution and Citizenship Act amendment bill 2020
159.176	Amend the Citizenship Act to enable citizenship documentation at birth and to repeal gender discriminatory provisions (Noted by Nepal)
159.193	Amend the provisions of its normative framework that contravene the Convention on the Elimination of All Forms of Discrimination against Women in order to guarantee a non-discriminatory approach to the granting of citizenship

E. Accepted UPR recommendations related to on Rehabilitation of Bonded Labor/ Freed Haliyas (bonded labor/Freed Haliyas Community)

Rec. No.	Recommendations
159.100	Take further steps to end trafficking in persons and bonded labor practices, with special emphasis on children
159.131	Further strengthen effective collaboration with the international community to increase investment in food, housing, poverty reduction, employment generation, health care, education, social security and the development of people-centric infrastructures



आर्थिक, सासमाजिक तथा साँस्कृतिक
आधिकारप्रति हाम्रो प्रतिबद्धता ।

सम्पूर्ण मानवअधिकारको संरक्षणमा
अभियानको क्रियाशिलता ।

मानवअधिकार उल्लंघन तथा
हनन सम्बन्धी घटनाहरूको
जानकारी गराई मानवअधिकार
संरक्षणमा सहयोग पुऱ्याऔं ।



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