



# Upholding the Rights of Ethnic and Religious Minorities in Nepal through the United Nations Universal Periodic Review (UPR)



THE  
LUTHERAN  
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37<sup>th</sup> Session of the UPR Working Group 18-29  
January 2021

Fact Sheet of the Joint Civil Society Submission

## Methodology:

This UPR report is prepared based on primary data collected from 3,841 target groups (62% women) and 120 representatives from local governments, government officials, school teachers, and health institutions.

## Target Groups

- Ex-bonded laborers
- So-called Lower Caste (Dalits)
- Santhals
- **Accelerating comprehensive rehabilitation process for Haliyas Ex-bonded Laborers and other minority groups**
- **Combating caste-based discrimination and untouchability against Dalits**
- **Addressing statelessness/land rights for Santhals**

Issue at Stake	Recommendations
<h3>Right to Education (for all target groups)</h3>	
<ul style="list-style-type: none"> <li>• An assessment data shows that literacy rate of Santhal is only 35% while it is 57% in freed Haliya, 44% in freed Kamaiyas, 65% in freed Kamlaris and 20% in People with Disabilities compared to the national average of 67.9%<sup>1</sup></li> <li>• Children from Santhal and freed bonded laborers remain unable to cover school uniforms, books, stationaries, exam fees due to limited income in their households.</li> <li>• Provisions in the Education Act has not been fully implemented as committed</li> <li>• Nepal has less priority for inclusive academic curriculum and school infrastructure for children with disabilities.</li> </ul>	<ul style="list-style-type: none"> <li>• Ensure Provincial and Local Governments implement existing laws on compulsory and equitable access to free and quality education for all</li> <li>• Enact a law that ensures private and public school shall be registered as not for profit organizations to minimize privatization and commercialization of education.</li> <li>• Build more schools to enhance access to education for children of ethnic minorities, promote child friendly and inclusive education methods and provide free meals to students and livelihood support programs to parents.</li> <li>• Ascertain that schools have basic infrastructure, which are accessible to all children, including those with disability, girls have separate toilets and are not discriminated against during their menstrual periods.</li> </ul>
<h3>Right to equality and non-discrimination (for Dalits)</h3>	
<ul style="list-style-type: none"> <li>• Freed Haliyas face discrimination across all spheres of the society</li> <li>• A survey conducted by LWF partners with Dalits shows that 14.6% of people from freed Haliya community face discriminatory behavior at health centers</li> <li>• The survey indicates that 89% of Haliyas and 72% of Santhals face discrimination at public water points</li> <li>• Women from marginalized groups, such as freed Haliyas and Santhals often bear a heavy brunt of multiple discrimination in comparison to other social categories in these groups.</li> <li>• The right to equality and non-discrimination of marginalized groups has been further aggravated by the global outbreak of the COVID-19 pandemic.</li> </ul>	<ul style="list-style-type: none"> <li>• Empower and equip law enforcement agencies to take immediate action in investigating caste-based discrimination cases and prosecute those implicated in caste-based discrimination.</li> <li>• Take concrete measures to discourage law enforcement agencies from facilitating informal settlement of caste-based discrimination cases outside the state legal procedures and criminal justice system.</li> <li>• Engage in civic education and awareness raising campaigns to educate the citizenry on prevailing laws against discrimination by disseminating information through capacity trainings, and mainstream and social media outlets.</li> <li>• Eradicate any forms of discrimination or violence against inter-caste marriages.</li> <li>• Ensure that PwDs have easy access and participation in political processes in Nepal</li> <li>• Provide adequate resources to the National Human Rights Commission and the National Dalit Commission and ensure that they are mandated to enhance their independence, credibility and effectiveness.</li> </ul>

<sup>1</sup> <http://uis.unesco.org/en/country/np?theme=education-and-literacy>







<h3>Access to just and timely rehabilitation packages (for ex-bonded labourers)</h3>	
<ul style="list-style-type: none"> <li>The government is yet to fully implement different programs and policies for rehabilitation of freed Haliyas and Kamaiyas.</li> </ul>	<ul style="list-style-type: none"> <li>Conduct a national survey to ensure all freed Haliyas in Nepal are registered and facilitate their access to land and adequate housing in areas where they have resided for the last ten years.</li> <li>Establish an investigative body to interrogate and expedite access of all freed bonded laborers to adequate rehabilitation packages in a just and timely manner</li> <li>Take immediate steps to provide vocational trainings and employment to freed Haliya and Kamaiya youths.</li> </ul>
<h3>Right to land (for Santhal)</h3>	
<ul style="list-style-type: none"> <li>Only 31% of Santhals have land registration certificate of the land they are living in</li> <li>Nearly 86% of households with land certificate have barren land, and 14% of households have land without any farming facilities such as irrigation</li> <li>The survey conducted by LWF Nepal and partners shows that around 86% of Santhals are living nearby riverbanks either in public land or private land owned by landlords</li> <li>The government has announced subsidies as a relief for the most marginalized communities through Poverty Alleviation Fund. However, only 8% of Santhal have received such subsidies.</li> </ul>	<ul style="list-style-type: none"> <li>Immediately distribute land to all the Santhals as provided for in the Constitution of Nepal.</li> <li>Device a federal land policy to safeguard legal acquisition and ownership of land to landless people as per the Constitution.</li> <li>Amend the Land Act with special provision on land reform to grant access to land to landless, tenants and marginalized groups.</li> <li>Provide alternative livelihood option that is climate smart and strengthen the resilience of landless and marginalized people adaptable to climate change.<sup>2</sup></li> </ul>
<h3>Right to birth registration and citizenship (for Santhal)</h3>	
<ul style="list-style-type: none"> <li>According to the study conducted by FWLD 2015<sup>3</sup>, approximately 23.65% of the total population aged 16 and above<sup>4</sup> lacked citizenship certificates</li> <li>Only 32% of the Santhals have citizenship certificate. Most of those with citizenship acquired the status by birth, and after the enactment of Nepal Citizenship Act, 2006.</li> <li>However, the majority of Santhals are unable to acquire citizenship mainly because they are not recognized as the citizens of Nepal even though they have lived in Nepal for decades.</li> </ul>	<ul style="list-style-type: none"> <li>Guarantee the right of citizenship to all ethnic minorities, including the right to citizenship of the overwhelming majority of stateless Santhals</li> <li>Amend the Nepal Citizenship Act to ensure that children of parents who do not have citizenship by birth but are born in Nepal are entitled to citizenship and enjoy all fundamental human rights, services, and privileges as citizens of Nepal.</li> <li>Establish a law to ensure that all children born in Nepal receive birth registration.</li> </ul>
<h3>Rights to Equality for Women</h3>	
<ul style="list-style-type: none"> <li>Women from marginalized groups, such as freed Haliyas and Santhals often bear a heavy brunt of multiple discrimination in comparison to other social categories in these groups.</li> <li>Women from these groups are downgraded to the lower level of the society for being not only a freed Haliya or Santhal, but also for being a woman. Moreover, women from freed Haliyas and Santhals suffer additional layer of aggravated discrimination when they live with disabilities of any form.</li> </ul>	<ul style="list-style-type: none"> <li>Special focus for women empowerment needs to be given for freed haliya and Santhal communities and also effective law enforcement at all levels.</li> <li>Government should take special consideration on economic social and cultural aspects of wmen belonging to freed haliyas and Sathal communities.</li> </ul>

<sup>2</sup> CIAT; World Bank; CCAFS and LI-BIRD 2017. Climate-Smart Agriculture in Nepal. CSA Country Profiles for Asia Series. International Center for Tropical Agriculture (CIAT); The World Bank; CGIAR Research Program on Climate Change, Agriculture and Food Security (CAAFS); Local Initiatives for Biodiversity Research and Development (LI-BIRD). Washington, D.C. 26 p.

<sup>3</sup> Acquisition of citizenship certificate in Nepal, Estimation and Projection, 2015, Forum for Women Legal Development

<sup>4</sup> According to law in Nepal, people aged 16 and above can acquire citizenship

## List of submitting organizations and their contacts

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