

## **Annexure II**

# **The State of Minorities in Nepal**

## **Introduction**

Nepali society is characterised by religious as well as caste and ethnic diversity, which manifests itself in differing sociocultural practices and socioeconomic disparity. There are 125 caste/ethnic groups in Nepal that speak 123 languages and follow 10 different religions (CBS 2012). Geographically there is great variation in terrain with mountains in the north, hills in the centre, and Tarai plains in the south. The country's population is equally divided between the hill and mountain regions and the southern Tarai plains. While the Tarai has always been home to indigenous peoples (namely Tharu and a few other small minorities), others also live there, such as Madhesis, including both Hindu caste groups and Muslims, and people from the hill and mountain areas.

In terms of population, no caste/ethnic group is in the majority in Nepal. The hill-origin people – specifically the Khas Aryas, who have roots in and practice Hinduism – are the dominant minority (28.8%), followed by the Madhesis, and Janajatis (CBS 2012) (see Table 1 for disaggregation and explanation). Adivasi Janajatis fall outside the Hindu classificatory system and claim to be indigenous to the land.

The diversity of people in terms of religion, geography, caste and ethnicity has given rise to huge variations between and within these groups. In a country of 26,494,504 people, Hinduism is followed by majority of the population (81.3%), from all ethnicities and regions (CBS 2012). Even within Hinduism, there is a great divide based on a social hierarchy defined by caste rules and practices that have trickled down to socioeconomic standing. Buddhism is the dominant minority religion (9%), followed by Islam (4.4%), Kirant (3.1%), and Christianity (1.4%). Prakrit is practised by slightly more than 100,000 people, Bon by 13,000, Jainism by 3000, Bahai by 1000, and Sikhism by 600 (CBS 2012). Among the minority religions, Muslims and Christians are often discriminated against in the mainly Hindu milieu.

While peoples of Nepal speak more than 123 languages, Nepali is the official language of Nepal, as well as the lingua franca. Other languages have been discouraged in the past, when the state was trying to establish the idea of a unified and uniform Nepal, a defining feature of

**Table 1. Groups Identified as Minorities**

Groups	Population
Adivasi Janajatis (Mountain, Hill, and Tarai)	35.8% (26.1% Hill-Mountain Janajatis and 9.7% Tarai Janajatis)
Madhesi	14.8% (including the Tarai Dalits in this category would take this number to 19.3% of the total population of Nepal; if Tarai Janajatis are also included, it would be 29.0%)
Dalits (Madhesi Dalits and Hill Dalits)	12.6% (8.1% Hill Dalits and 4.5% Tarai Dalits)
Muslims <sup>1</sup>	4.4%
Christians	1.4%

*Source: Adapted from Sharma (2014) and CBS (2012)*

which was a common language.

Recognising the multi-religious, multi-lingual, multi-ethnic, multi-cultural character of Nepal, Article 18 of the 2015 Constitution guarantees the right to equality for all citizens. The state cannot discriminate against citizens on the grounds of religion, race, sex, caste, tribe or ideological conviction. No person can be discriminated against as untouchable on the basis of their caste, be denied access to any public places, or be deprived of the use of public utilities. However, historical and cultural practices of discrimination remain and constitutional principles and provisions have not been implemented fully in practice. This failure has wider repercussions, both for affected communities and for society as a whole.

The main brunt of discrimination is borne by women. Their access to education and health-care services and their presence in socioeconomic and political arenas is minimal compared to men's (NWC and Shantimalika 2013), but this also varies based on caste, ethnicity, geography, and religion (DfID and World Bank 2006). Many women from the 'lower castes' fare worse than their 'upper-caste' counterparts. While women's representation in elected governments at the federal, state and parliamentary levels has increased considerably since elections were held in 2017 under the 2015 Constitution, there are great internal variations amongst different castes/ethnicities and religions.

There is no official census on the LGBT+ community. Nepal's Supreme Court had mandated in 2007 that the government include a third gender option in all its documents, but this has not yet been executed completely. There have been some advances, however, such as passports providing the option to identify oneself as belonging to a third gender. Activists have remained frustrated with the lack of implementation of a recommendation – made by a committee mandated by the Supreme Court in the same 2007 ruling – that the government should recognise same-sex relationships (Human Rights Watch 2017 and UNDP and USAID, 2014). The new civil code that went into effect in August 2018 has once again remained silent on the question of same-sex marriage.

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1. Muslims are the only religious group considered an ethnicity in Nepal.

**Table 2. Language Domain Index**

Caste/Ethnicity	Mother Tongue Education		Linguistic Access		Language Domain
	Mean (%)	Index	Mean (%)	Index	Index
Bahun	97.1	.9710	100.0	1.0000	0.9855
Chhetri	96.5	.9651	99.8	.9978	0.9814
Tarai Brahman/ Rajput	2.5	.0255	89.2	.8916	0.4586
Tarai Other Caste	3.2	.0323	92.8	.9280	0.4802
Hill Dalit	97.0	.9704	99.8	.9978	0.9841
Tarai Dalit	1.2	.0122	94.5	.9451	0.4787
Newar	0.0	.0000	28.5	.2848	0.1424
Mountain/Hill Janajati	10.2	.1018	32.9	.3287	0.2152
Tarai Janajati	3.3	.0334	74.6	.7456	0.3895
Muslim	52.9	.5290	71.7	.7171	0.6230
Others	5.1	.0509	4.6	.0459	0.0484
Total	45.4	0.4537	75.4	.7543	0.6040

This summary seeks to explore the state of minorities in a country where, while there is no explicit majority, the dominant minorities in terms of caste/ethnicity, religion, and region continue to have power. Two developments between the Interim Constitution of 2007 and the Constitution of 2015, which have a direct bearing on minorities, need to be highlighted. The first is the electoral system. The 2007 Interim Constitution was the first to introduce proportional representation (PR), along with the plurality voting system, in a bid to increase representation from marginalised groups. While the 2015 Constitution retained PR in the parliamentary elections, the proportion of PR seats decreased from the 56% in the 2007 constitution to 40%. The same formula was applied for the newly formed provincial assemblies as well, while specific quotas were set aside for women, Dalit women, and specified minority groups in the local bodies. Secondly, Nepal was declared a secular state through a parliamentary declaration in May 2006, and that status was reaffirmed in the 2007 Interim Constitution. While the 2015 Constitution did not change the country's secular status, it watered it down somewhat by defining secularism as 'religious, cultural freedom including protection of religion and culture handed down from time immemorial' (Constitution of Nepal 2015). The Sanskrit term *sanatan* is used to convey the meaning of 'time immemorial', but is generally understood to be related to Hinduism.

## Socio-economic Status

In 2014 a pioneering study on the status of social inclusion in Nepal was undertaken by the Central Department of Sociology/Anthropology (CDSA), Tribhuvan University, which showed widespread disparity between and within caste/ethnic groups. The following tables, taken from the Nepal Multidimensional Social Inclusion Index (CDSA 2014) and supported by data

from the 2011 Census, underscore the poor performances of minorities along various socio-economic indices.

### **Language**

The 2015 Constitution recognises that ‘all languages spoken as the mother tongues in Nepal are the languages of the nation’. Constitutional recognition of the country’s languages grants them greater importance, since language is not only a ‘key element of culture and a marker of identity’ but it also provides a ‘structured set of social conditions for living’, with education in the mother tongue bolstering access to education and employment (CDSA 2014).

The language index shows that the Hindu caste groups of Bahun/Chhetri and Hill Dalits record the highest scores, since Nepali is their mother tongue. Interestingly, although Muslims have their own mother tongue, Urdu, they score highly in this index because of their access to mother-tongue education (in madrasas) and linguistic access. Mountain/Hill Janajati and Newars, who have their own mother tongues, score the lowest in language index. Tarai Brahmans/Rajputs, despite their high socioeconomic status, score quite low in the language index, as their languages are not recognised in terms of mother-tongue education. Thus, despite the provision of mother-tongue education being a crucial element of the government’s 2003 ‘Education for All: National Plan of Action’, mother-tongue teaching is not seen in practice. Thus, mother-tongue education is not only a reflection of the ‘classroom learning situation’ but also ‘represents power relations between the social groups..., placing the dominant language group at the top’ (L. Ghimire n.d.)

### **Religion**

Despite more than 10 religions being practised in Nepal, the 2015 Constitution did not fully commit to secularisation in the real sense, as demonstrated by its definition of secularism. In a country like Nepal with diverse religious groups, it is important for the state to provide equal treatment to each religion. The religion index ‘measures the extent to which religions are treated equally, and the recognition of religions by the state’ (CDSA 2014). As the table below shows, there is religious discrimination of varying degrees against all groups except for Bahuns. However, it also shows that there is a great variety of religious followings and practices, even among those groups falling within the caste hierarchy. Discrimination in these cases is intersectional; for example, Chhetri and Hill Dalits also face religious discrimination. Surprisingly, despite the fact that they are Hindus, Tarai Brahmans/Rajputs also score very low in the index, which probably reflects the fact that their religious festivals are provided less state recognition than the Hindu practices of the hills. That Dalits and the Muslims are discriminated against is a reflection of their ‘low’ caste status for the former and prejudice against the latter. Though there is no data on Christians, as a community that believes in and often practises proselytisation, they fall foul of the 2015 Constitution, which criminalises any act to ‘convert another person from one religion to another or any act or conduct that may jeopardise other’s religion’ (Constitution of Nepal 2015). Since the promulgation of the 2015 Constitution, there have been reports of Christians being harassed, arrested, and jailed, and rising anti-Christian sentiments (USCIRF 2017).

**Table 3. Recognition of Religion Index by Broader Social Group**

Social Categories	Religion recognized		Absence of religious discrimination		Recognition of religion
	Mean (%)	Index	Mean (%)	Index	Index
Bahun	98.7	.9868	100.0	1.0000	.9934
Chhetri	97.1	.9713	98.2	.9818	.9766
Tarai Brahman/Rajput	77.1	.7712	96.3	.9633	.8673
Tarai Other Caste	77.1	.7712	96.3	.9633	.8673
Hill Dalit	97.9	.9792	92.4	.9236	.9514
Tarai Dalit	96.1	.9610	90.4	.9038	.9324
Newar	92.1	.9211	94.7	.9474	.9342
Mountain/Hill Janajati	93.3	.9331	93.5	.9350	.9340
Tarai Janajati	91.9	.9195	97.4	.9744	.9469
Muslim	90.8	.9079	92.1	.9211	.9145
Others	96.5	.9647	98.9	.9889	.9768
Total	94.4	.9443	96.0	.9600	.9521

### **Education**

Educational attainment is an outcome of and predictor for higher socioeconomic status. Higher educational attainment results in increased economic access, such as gainful employment and opportunities other than subsistence agriculture, which is the main occupation of marginalised caste/ethnic groups. Educational attainment seems to be a factor of sociocultural status. Tarai Dalits and Muslims, who are at the bottom of the social hierarchy, score the lowest education domain while caste/ethnic groups such as Bahuns and Chhetris score the highest. Janajati and Tarai caste/ethnic groups also score low on this index, indicating that a mother tongue other than Nepali is connected to a low score on this index.

### **Poverty**

The CDSA study (2014) uses three indicators of food consumption, food sufficiency, and elementary occupations to calculate the non-poverty index, with higher values implying a more favourable situation. While there is great variation among the caste/ethnic groups, the table below clearly shows that Bahuns have the highest index score and Tarai Dalits have the lowest. Poverty results in other long-term, adverse life outcomes, as will be shown later.

### **Standard of Living**

The CDSA (2014) study calculates the standard of living index based on housing conditions, living conditions, use of cooking fuel, and access to electricity. The standard of living index shows that the Bahun have the highest living standards and the Dalits have the lowest living standards. It is interesting to note that the standard of living of Chhetris, a Hindu caste group,

**Table 4. Recognition of Religion Index by Broader Social Group**

Caste/Ethnicity	Adult Literacy Rate		Net Enrolment Rate		Basic Schooling Completion Rate		Educational Domain	
	Mean	Index	Mean	Index	Mean	Index	Mean	Index
Bahun	78.5	0.7846	84.1	0.8406	42.3	0.4227	0.6826	
Chhetri	66.4	0.6635	76.9	0.7687	24.9	0.2488	0.5603	
Tarai Brahman/Rajput	80.0	0.8005	79.1	0.7913	45.0	0.4499	0.6805	
Tarai Other Caste	45.0	0.4502	64.1	0.6408	20.7	0.2068	0.4326	
Hill Dalit	51.8	0.5180	67.8	0.6783	9.2	0.0920	0.4294	
Tarai Dalit	23.1	0.2312	49.4	0.4939	9.5	0.0948	0.2733	
Newar	76.5	0.7649	80.6	0.8065	36.4	0.3637	0.6450	
Mountain/Hill Janajati	61.5	0.6152	72.3	0.7232	18.2	0.1817	0.5067	
Tarai Janajati	54.1	0.5406	70.8	0.7084	16.6	0.1659	0.4716	
Muslim	35.4	0.3543	47.1	0.4711	10.9	0.1087	0.3113	
Others	78.0	0.7796	72.1	0.7213	35.3	0.3525	0.6178	
Total	59.6	0.5957	71.1	0.7107	21.9	0.2194	0.5086	

**Table 5. The Non-Poverty Index**

Caste/ Ethnicity	Food expenditure		Food sufficiency		Elementary occupations		Non- poverty
	Mean	Index	Mean	Index	Mean	Index	Index
Bahun	35.5	0.9204	89.5	0.8947	4.9	0.9553	0.9235
Chhetri	36.4	0.8987	68.1	0.6815	5.9	0.9389	0.8397
Tarai Brahman/Rajput	46.4	0.6607	89.3	0.8934	10.5	0.8675	0.8072
Tarai Other Caste	54.4	0.4689	81.7	0.8168	14.5	0.8052	0.6970
Hill Dalit	53.3	0.4956	56.0	0.5598	11.9	0.8457	0.6337
Tarai Dalit	64.2	0.2357	53.7	0.5369	42.5	0.3683	0.3803
Newar	44.7	0.7000	90.8	0.9079	6.3	0.9335	0.8471
Mountain/Hill Janajati	45.3	0.6857	79.4	0.7938	4.1	0.9682	0.8159
Tarai Janajati	51.9	0.5296	84.4	0.8441	16.1	0.7797	0.7178
Muslim	53.7	0.4863	72.4	0.7237	18.4	0.7450	0.6517
Others	42.7	0.7475	96.7	0.9668	12.0	0.8444	0.8529
Total	44.5	0.7059	77.1	0.7706	10.5	0.8674	0.7813

Source: CDSA 2014

is comparable to that of Tarai Janajati and Muslims, perhaps due to the Chhetris' lack of access to commercial cooking fuel and electricity. This shows that there is great disparity even among the Hindu 'upper caste' groups.

### **Economic Access**

The economic access index calculates the average of the sum of average landholdings and non-agricultural employment. Thus, this index measures access to land, non-agricultural employment, productive resources and non-economic activity. The table below shows that caste/ethnic groups from the Tarai have a higher economic access index, which is mainly due to their landholdings but is also indicative of their access to non-agricultural economic activities. Hill and Tarai Dalits have the lowest economic access index, suggesting a lack of land ownership and a lack of access to other economic activities, resources and means.

Women bear the largest burden of work in Nepal. Their contribution to the agricultural sector is 44.8% and their total labour participation is 54.3% (CBS 2012). Additionally, women provide about 64% of unpaid family labour (CBS 2014). Women's access to economic means in terms of land ownership is limited, with only 19.71% of women owning land (CBS 2012), even though 76.61% of women are involved in agriculture-related occupations (CBS 2014a), with a rising trend of the 'feminisation of agriculture' (CBS 2014b). This also varies by location, however, in that women in the mountains have the lowest ownership of land and those in the Tarai have the highest (CBS 2012). This underscores significant cultural and social barriers to women's land ownership (Dhawal et al, 2016). In addition, 'women's economic activity is still low in non-agriculture sectors, possibly due to a lack of education and a tradition of working in agriculture' (CBS 2014b).

**Table 6. The Standard of Living Index**

Caste/ Ethnicity	Housing conditions		Living conditions		Access to commercial cooking fuel		Access to household electricity		Standard of living domain
	Mean	Index	Mean (bed- rooms)	Index	Mean	Index	Mean	Index	Index
Bahun	44.9	0.4486	2.86	0.5567	34.1	0.3410	74.9	0.7486	0.5237
Chhetri	26.6	0.2664	2.66	0.4904	23.0	0.2296	58.6	0.5857	0.3930
Tarai Brahman/Rajput	57.8	0.5783	2.83	0.5477	16.0	0.1603	64.1	0.6411	0.4818
Tarai Other Caste	32.7	0.3268	2.57	0.4589	14.1	0.1406	65.1	0.6513	0.3944
Hill Dalit	11.6	0.1165	1.93	0.2501	18.9	0.1887	60.3	0.6028	0.2895
Tarai Dalit	11.2	0.1123	1.82	0.2141	15.1	0.1515	64.3	0.6430	0.2802
Newar	49.3	0.4928	3.17	0.6588	47.0	0.4704	83.3	0.8330	0.6138
Mountain/Hill Janajati	21.9	0.2189	2.49	0.4335	27.4	0.2737	70.2	0.7024	0.4071
Tarai Janajati	18.9	0.1889	2.40	0.4056	23.0	0.2296	70.6	0.7065	0.3826
Muslim	31.6	0.3157	2.45	0.4198	17.1	0.1708	66.5	0.6649	0.3928
Others	67.3	0.6731	3.03	0.6132	26.4	0.2638	71.6	0.7164	0.5666
Total	28.0	0.2802	2.55	0.4541	24.6	0.2457	67.3	0.6726	0.4131



**Table 7. Economic Access Index**

Caste/Ethnicity	Average landholding		Non-agricultural employment		Economic Access
	Mean (ha.)	Index	Mean (%)	Index	Index
Bahun	0.3290	0.3173	41.7	0.4169	0.3671
Chhetri	0.3517	0.3434	28.5	0.2848	0.3141
Tarai Brahman/ Rajput	0.5799	0.6056	60.4	0.6039	0.6048
Tarai Other Caste	0.6317	0.6651	33.0	0.3304	0.4977
Hill Dalit	0.2153	0.1866	30.7	0.3073	0.2469
Tarai Dalit	0.1895	0.1569	30.5	0.3051	0.2310
Newar	0.1822	0.1486	61.2	0.6121	0.3803
Mountain/Hill Janajati	0.3554	0.3476	27.2	0.2719	0.3098
Tarai Janajati	0.5800	0.6057	30.3	0.3033	0.4545
Muslim	0.4110	0.4115	42.2	0.4223	0.4169
Others	0.2226	0.1951	74.4	0.7440	0.4695
Total	0.3750	0.3702	33.4	0.3337	0.3519

According to the 2011 Census, Chhetris, with one of the lowest landholdings, are mostly engaged in agriculture-related employment (68.59%); for Janajatis, it is 70%; for Hill Dalits, 62%; for Newars, 35.21%; and for Tarai Brahmans, 34.42% (CBS 2014b). This indicates that, while geography is a factor in determining who is engaged in agriculture, it is also a case of 'traditional' economic roles and opportunities for employment in other fields.

### **Economic Status**

The economic status of caste/ethnic groups is a composite index derived from non-poverty, standard of living, and economic access. There is great variation in economic wellbeing among caste/ethnic groups, even within the same geography. While Tarai Brahmans/Rajputs have the highest economic status, Tarai Dalit have the lowest.

Women bear the largest burden of work in Nepal. Their contribution to the agricultural sector is 44.8% and their total labour participation is 54.3% (CBS 2012). Additionally, women provide about 64% of unpaid family labour (CBS 2014). Women's access to economic means in terms of land ownership is limited, with only 19.71% of women owning land (CBS 2012), even though 76.61% of women are involved in agriculture-related occupations (CBS 2014a), with a rising trend of the 'feminisation of agriculture' (CBS 2014b). This also varies by location, however, in that women in the mountains have the lowest ownership of land and those in the Tarai have the highest (CBS 2012). This underscores significant cultural and social barriers to women's land ownership (Dhakal et al, 2016). In addition, 'women's economic activity is still low in non-agriculture sectors, possibly due to a lack of education and a tradition of working in agriculture' (CBS 2014b).

### **Health and Nutrition**

Health and nutrition are taken as both indicators and outcomes of socioeconomic access and status. As seen in the table below, the ‘upper castes’ can better afford health services and safe water, and thus have higher child survival rates and can be inferred to be generally healthier. Tarai Dalits, on the other hand, score the lowest on access to drinking water and modern toilet facilities. Tarai Janajatis and Muslims also score low in this domain.

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**Table 8. The Economic Dimension Index**

Caste/Ethnicity	Economic Access Index	Non-poverty Index	Standard of Living Index	Economic Dimension Index
Bahun	0.3671	0.9235	0.5237	0.6048
Chhetri	0.3141	0.8397	0.3930	0.5156
Tarai Brahman/ Rajput	0.6048	0.8072	0.4818	0.6313
Tarai Other Caste	0.4977	0.6970	0.3944	0.5297
Hill Dalit	0.2469	0.6337	0.2895	0.3900
Tarai Dalit	0.2310	0.3803	0.2802	0.2972
Newar	0.3803	0.8471	0.6138	0.6137
Mountain/Hill Janajati	0.3098	0.8159	0.4071	0.5109
Tarai Janajati	0.4545	0.7178	0.3826	0.5183
Muslim	0.4169	0.6517	0.3928	0.4871
Others	0.4695	0.8529	0.5666	0.6297
Total	0.3519	0.7813	0.4131	0.5155

Table 9. Health Domain Index

Caste/Ethnicity	Health service affordability		Child survival		Household access to safe water		Household access to modern toilet facilities		Health domain	
	Mean	Index	Mean	Index	Mean	Index	Mean	Index	Mean	Index
Bahun	55.4	0.5540	11.8	0.8816	57.3	0.5733	70.0	0.6996	70.0	0.6771
Chhetri	55.4	0.5537	18.2	0.8180	57.5	0.5747	48.8	0.4883	48.8	0.6087
Tarai Brahman/ Rajput	53.4	0.5337	10.1	0.8989	16.1	0.1612	49.0	0.4905	49.0	0.5211
Tarai Other Caste	57.1	0.5706	18.1	0.8188	16.6	0.1664	19.4	0.1942	19.4	0.4375
Hill Dalit	52.1	0.5214	27.6	0.7237	61.4	0.6144	30.6	0.3062	30.6	0.5414
Tarai Dalit	56.4	0.5642	19.0	0.8103	14.1	0.1410	5.5	0.0555	5.5	0.3927
Newar	60.4	0.6045	13.2	0.8684	64.5	0.6448	75.1	0.7511	75.1	0.7172
Mountain/Hill Janajati	51.8	0.5179	20.6	0.7945	64.9	0.6488	40.9	0.4093	40.9	0.5926
Tarai Janajati	53.9	0.5390	19.2	0.8080	20.8	0.2076	23.2	0.2322	23.2	0.4467
Muslim	53.6	0.5357	32.2	0.6776	18.0	0.1799	20.7	0.2073	20.7	0.4001
Others	59.9	0.5990	7.9	0.9211	24.7	0.2472	67.6	0.6758	67.6	0.6108
Total	54.7	0.5473	18.9	0.8106	47.8	0.4778	41.7	0.4172	41.7	0.5632

water, and thus have higher child survival rates and can be inferred to be generally healthier. Tarai Dalits, on the other hand, score the lowest on access to drinking water and modern toilet facilities. Tarai Janajatis and Muslims also score low in this domain.

## Efforts and Results

Nepal has taken various steps to ensure equality and non-discrimination. Along with constitutional provisions, Nepal is also a party to several international conventions to ensure non-discrimination.

While Nepal sends periodic reports on the status of these conventions, it has been widely recognised that implementation is lacking. For instance, an alternative report submitted to the United Nations shows that observance of these conventions is especially inadequate and flawed when it comes to minorities, and that the police force often uses certain laws to harass minorities (LAHURNIP et al, 2018).

The government has enacted several laws and policies against discrimination, as well as for affirmative action for minorities, including the following:

- While Nepal's Supreme Court has mandated that the government have the third gender option on all its forms, this has not yet been completely executed. There has also been no implementation of the 2007 Supreme Court-mandated committee recommendation that the government recognise same-sex relationships.
- With a view to accelerating compliance with the International Covenant on Civil and Political Rights (ICCPR), the Government of Nepal has many legal and constitutional measures in place, including the 2015 Constitution, the Act Relating to Children 1992, the Organisations Registration Act 1978, the Civil Liberties Act 1954, the Local Self- Governance Act 1999, the Torture Related Compensation Act 1996, the Legal Aid Act 1998, the Nepal Treaties Act 1990, the Prisons Act 1962 and Prisons Rules 1963, the Human Rights Commission Act 1997, and the Kamaiya Labour (Prohibition) Act 2002. However, Nepal still faces growing expectations among the people for the effective implementation of the ICCPR (NHRC 2007).

**Table 10. International Conventions Ratified by Nepal Government**

Conventions	Year ratified
Convention on Prevention and Punishment of the Crime of Genocide (1948)	1969
International Convention on the Elimination of All Forms of Racial Discrimination (1966)	1971
International Covenant on Economic, Social and Cultural Rights (1966)	1991
Convention on the Elimination of all Forms of Discrimination Against Women (1979)	1991
Convention on the Rights of the Child (1989)	1990
Discrimination (Employment and Occupation) Convention (1958) (ILO 111)	1974
Indigenous and Tribal Peoples Convention (1989) (ILO 169)	2007
International Covenant on Civil and Political Rights (ICCPR) (1966)	1991

- The Child Labour (Regulation and Prohibition) Act 2000 recognises the rights of children to identity and non-exploitation, regardless of their background. There have also been significant efforts to promote minority rights through programmes and schemes.
- The Government of Nepal endorsed the National Employment Policy in March 2015 to promote equal access to employment opportunities and inclusive workspaces.
- The 5th Human Rights National Action Plan 2015–2020 is being implemented to ensure that the ICCPR is executed at the ground level, but the implementation aspect of this action plan has been very weak and most district administrators and relevant agencies are found to be unaware of issues relating to the action plan and its implementation (INSEC 2017).
- The national campaign Education for All (EFA) began in 2004 with three primary objectives: building institutional capacity in education at all levels of decision-making (e.g., central, district, and school); improving the efficiency and quality of education services; and improving equity in access to education, especially for girls and students from disadvantaged communities. It is a fairly successful programme, which has helped reduce unequal access to education to some extent. One of the goals of School Sector Development Plan (SSDP) 2016–2023 is to ‘ensure that the education system is inclusive and equitable in terms of access, participation and learning outcomes, with a special focus on reducing disparities among and between groups having the lowest levels of access, participation and learning outcomes’ (MoE 2016). However, it remains to be seen whether resources will be provided for the effective implementation of this goal.
- Gender Equality and Social Inclusion (GESI) units have been established in a number of key ministries to address the issue of marginalisation of different social groups, but they have neither clear, separate funding nor actual executive power.

From an institutional point of view, the government has established regular courts, human rights committees and human rights cells within the Ministry of Home Affairs, the Nepal Army and the Nepal Police, while the National Human Rights Commission, the National Women’s Commission, and the National Dalit Commission are other constitutional bodies that ensure access to justice.

While there have been various efforts, a major problem is that the executive wing of the government and the police forces do not always comply with the Supreme Court’s judgments. Most of the police force are from the upper castes and often refuse to file reports of discrimination in order to ‘maintain social order’. Minorities are also constantly under threat due to the frequent misuse of laws for the gain of the dominating castes. Dalits, women, and other minorities are highly underrepresented in the police force, and the system is quite exclusionary (Sob, 2007). Apart from this, lack of proper funding and clear executional power to the commissions and units that have been formed is also a major problem. Often, key stakeholders have also not been consulted when forming policies. An example would be the Education for All Campaign, where due to a lack of funding, most of it was centralised, rendering the campaign unable to focus on key issues local to particular regions. There was little real consultation with representative groups, notably teachers, communities, and organisations concerned with the rights of minorities (Vaux et al, 2006). Similar concerns plague other programmes and committees.

## Conclusion and Recommendations

In recent years, especially since the promulgation of the 2015 Constitution, the Hindutva movement has gained a lot of following, and extreme right-wing and left-wing ideologies have been taking centre stage in Nepal. The USCIRF Report (2017) lists this as one of the reasons why religious freedom is under threat. Muslims and Christians have already been experiencing the effects of this. According to the report, they feel less safe in recent years than in the previous decade.

Madhesis have sought greater participation since 2007, setting the foundation for federalism. While their agitations were initially started to gain greater political representation and power, it has turned into a broader social movement about their unequal standing compared to hill-origin populations and the need for economic and social inclusion and support. However, the movement itself has since seen ruptures, mainly because of the unclear composition of the Madhesis (Y. Ghimire, 2015). The Madhesis consist of different castes from diverse socioeconomic, ethnic and religious backgrounds – a situation that has contributed to multiple factions and regional parties wanting to gain dominance. However, while the increasing power of regional parties may contribute to higher representation of the dominant population of that particular region, the lowest of the low castes are still under threat. In addition, the current factionalism in the movement may lead to stronger nationalist and homogenising ideologies taking the forefront. This will only further hurt the cause of minority rights and socioeconomic access in the country.

It becomes apparent that, while there is a significant movement towards social and civil rights in Nepal, the execution of such laws and schemes has been severely lacking. Hopefully, with reserved quotas guaranteeing greater representation, the power of such groups will increase, enabling them to implement adequate policies.

In the case of religious freedom, laws that prohibit religious freedom need to be revoked, but more importantly, the government's security organs have to be checked in order to prevent minority religions and castes from being harassed. Policies that ensure equal economic and social access, such as the Human Rights Action Plan and the Education for All Scheme, need to be revised, taking into account the experience and needs of minorities. They also need to be funded properly and proportionately.

## Bibliography

- CBS (2012). *National Population and Housing Census 2011 (National Report) Volume 01*. Kathmandu: Central Bureau of Statistics.
- CBS (2014a). *National Population and Housing Census 2011 (Tables from Form-II) Volume 03*. Kathmandu: Central Bureau of Statistics.
- CBS (2014b). *National Population and Housing Census 2011 (Tables from Form-II) Volume 02*. Kathmandu: Central Bureau of Statistics.

- CDSA (2014). *The Nepal Multidimensional Social Inclusion Index: Diversity and Agenda for Inclusive Development*. Kathmandu: Central Department of Sociology/Anthropology (CDSA), Tribhuvan University (TU).
- Child Labour (Prohibition and Regulation) Act, 2056 (2000)*. Available at: <http://dol.gov.np/ckeditor/kcfinder/upload/files/child-labor-prohibition-act-english2057.pdf>.
- Constitution of Nepal, 2015*. Available at: [http://www.moljpa.gov.np/wp-content/uploads/2017/11/Constitution-of-Nepal-\\_English\\_-with-1st-Amendment\\_2.pdf](http://www.moljpa.gov.np/wp-content/uploads/2017/11/Constitution-of-Nepal-_English_-with-1st-Amendment_2.pdf)
- DfID and World Bank (2006). *Unequal Citizens: Gender, Caste and Ethnic Exclusion in Nepal (Summary)*. Kathmandu: The World Bank and DfID (UK's Department for International Development).
- Dhakal et al (2016). *Barriers to Women's Land and Property Access and Ownership in Nepal*. Kathmandu: International Organization for Migration.
- Ghimire, L. *Multilingual education in Nepal: Policy and practice*. Available at: <http://soscba-ha.org/laxman-ghimire/>.
- Ghimire, Y. (2015). 'Who are the Madhesis, why are they angry?' *The Indian Express*, 5 October 2015. Available at: <https://indianexpress.com/article/explained/who-are-the-madhesis-why-are-they-angry/>.
- Human Rights Watch (2017). *Nepal: Events of 2016*. Available at: <https://www.hrw.org/world-report/2017/country-chapters/nepal>.
- INSEC (2017). *Human Rights Year Book 2017 (English Edition)*. Kathmandu: Informal Sector Service Centre (INSEC).
- LAHURNIP et al. (2018). 'Alternative Report of the Indigenous Peoples of Nepal to the Sate Report Submitted by the Government of Nepal to the Committee on the Elimination of Racial Discrimination' submitted to the 95th Session of the United Nations Committee on the Elimination of Racial Discrimination Office of the United Nations High Commissioner for Human Rights (OHCHR), Palais des Nations, CH-1211 Geneva 10, Switzerland.
- MoE (2016). *School Sector Development Plan, Nepal, 2016–2023*. Kathmandu: Ministry of Education (MoE).
- MoLE (2015). *National Employment Policy 2071*. Kathmandu: Ministry of Labour and Employment (MoLE).
- NHRC (2007). *A Study of the Domestication Status of International Covenant on Civil and Political Rights in Nepal*. Kathmandu: National Human Rights Commission (NHRC).
- NWC and Shantimalika (2013). *Nepalma Mahilako Samajik, Arthik tatha Rajnitik Abastha: Ek Addhyan (Bibhinna Tathyankiya Srotharuko Adharma Garieko Addhyan)* (Social, Economic and Political Status of Women: A study (based on various statistical sources)) (in Nepali). Kathmandu: NWC (National Women Commission) and Shantimalika.

Sharma, P. (2014). *Some Aspects of Nepal's Social Demography: Census 2011 Update*. Kathmandu: Social Science Baha and Himal Books.

UNDP and USAID (2014). *Being LGBT in Asia: Nepal Country Report*. Bangkok: UNDP.

USCIRF (2017). *Annual Report of the U.S. Commission on International Religious Freedom*. Washington: U.S. Commission on International Religious Freedom (USCIRF)

Vaux et al (2006). *Education for All – Nepal: Review from a conflict perspective*. Kathmandu: International Alert.