

# Implementing Situation of Economic, Social and Cultural Rights in Nepal



# Yearbook 2022

*A case of Santhal, Musahar/Dalit and Freed Haliya Minorities in Nepal*





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*A case of Santhal, Musahar/Dalit and Freed Haliya  
Minorities in Nepal*



*Campaign for Human Rights and Social Transformation  
(CAHURAST), Nepal  
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Finally, CHAURAST acknowledges everyone for their assistance and coordination to bring an ESCR Yearbook 2022.

## Foreword

Campaign for Human Rights and Social Transformation (CAHURAST), Nepal has been established to safeguard Human Rights of the people of Nepal with special 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.



Nepal's governmental structure has been renewed since the signing of the Constitution, which declares a number of ESC Rights to be fundamental rights of Nepalese citizens. Despite of this positive change, there are worries that these rights won't be fully implemented. Monitoring citizen protection of those rights, particularly community monitoring that follows to the 3E approach: Educating, Empowering, and Engaging people, is urgently needed to ensure that these ESC rights are implemented in practice. Monitoring of ESC rights has been less practiced in the history of Nepal and linking Human Rights with technology was not in practice. Through the use of ESCR Mobile App technology which was developed in 2017 for the monitoring of the ESC rights, since then CAHURAST Nepal in collaboration with LWF Nepal has been working in this sector.

Through the evidence and data from field monitoring results, we have been publishing the ESCR Yearbook. We have so far published four versions of ESCR Yearbook from 2017, with an emphasis on SDG 3 (Right to Health) and SDG 4 (Right to Education). This year's ESCR Yearbook 2022 is the fifth edition which contains data gathered from three districts (Dadeldhura, Bajura and Morang) focused on the issues of the target community. Hence, it is entirely focused on the right to health, right to education, right to decent work and issues specific to target groups; 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.

We expect to receive constructive feedback from the experts and Human Rights defenders for its improvement.

**Hukum Prasad Pokhrel**  
*Chairperson*

## Abbreviations and Acronyms

<b>CAHURAST</b>	Campaign for Human Rights and Social Transformation
<b>ECOSOC</b>	Economic and Social Council
<b>ESC</b>	Economic, Social and Cultural
<b>ESCR</b>	Economic, Social and Cultural Rights
<b>FGD</b>	Focus Group Discussion
<b>GoN</b>	Government of Nepal
<b>ICESCR</b>	International Covenant on Economic, Social and Cultural Rights
<b>ID</b>	Identity Card
<b>KII</b>	Key Informant Interview
<b>LCWS</b>	Lutheran Community Welfare Society
<b>LWF</b>	Lutheran World Federation
<b>NELC</b>	Nepal Evangelical Lutheran Church
<b>NGO</b>	Non-Governmental Organization
<b>NHRC</b>	National Human Rights Commission
<b>RMHSF-N</b>	Rastriya Mukta Haliya Samaj Federation Nepal
<b>SDG</b>	Sustainable Development Goal
<b>UPR</b>	Universal Periodic Report
<b>UN</b>	United Nation
<b>UNESCO</b>	United Nations Educational, Scientific, and Cultural Organizations

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# EXECUTIVE SUMMARY

The Constitution of Nepal 2015 guarantees ESC rights as fundamental rights of the people. Economic, social, and cultural rights are the freedoms, privileges, and entitlements that individuals and communities require to live a dignified life. These human rights include the rights to food, housing, health, education, property, employment, cultural identity, and more. The GoN is obligated to respect, protect, and fulfill these rights guaranteed by the Constitution and International Covenant on Economic, Social, and Cultural Rights (ICESCR), in which Nepal is a signatory.

Nepal has enacted and implemented several laws in order to ensure the protection and promotion of human rights, including ESC rights. Despite these laws, there is still lack of attention on ESC rights monitoring, in particular, concerning the documentation of the violations of ESC rights in Nepal. The most disadvantaged and marginalized group; freed Haliyas, Santhals and Musahar/Dalits who are also the primary right holders are still far from realizing these rights and entitlements. They are suffering from centuries of oppression, prejudice and being deliberately or deliberately denied access to government services and opportunities. These communities have been facing dominance and discrimination from the society due to which the poor are becoming poorer and deprived of the various opportunities. Even though, some of their issues have been 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 concrete evidences to carryout evidence based lobby and advocacy on the ESCR issues.

To the context above, CAHURAST has been collecting databases of the target group and producing the ESCR Yearbook since 2017 in collaboration with LWF Nepal. The ESCR yearbook is regarded as an advocacy tool which will monitor

and document the implementing situation of the ESC rights. The ESCR Yearbook 2022 will be an effective advocacy tool for improving the human rights situation of Freed Haliyas, Santhals and Musahar/Dalits to raise their voice to claim their rights. This Yearbook 2022 is the fifth edition and covers the data and evidences collected from August to November, 2022 through ESCR Mobile App. The data was collected from 1851 households who were chosen purposively for the study. Altogether 1111 data were collected on the rehabilitation package issues of Freed Haliyas from Dadeldhura and Bajura district, 318 data on the land rights and citizenship issues of Santhal Community from Morang district, and 422 data on the discrimination and untouchability issues of Musahar Community from Morang district. Key informant interviews were administered to the officials from the Education, Health institutes and Municipality officials.

### **ESC rights situation and Timely and just rehabilitation issues of freed Haliyas**

Haliya is a system of bonded labour in the agriculture sector prevailing in the western hill sector of Nepal. This system has already abolished in 2008 by freeing all the Haliyas. After that the government has committed to provided Haliya ID card and rehabilitation packages to all the freed Haliyas, but there are still many Haliyas who are left behind in receiving rehabilitation packages even though they have Haliya ID card.

The survey for this yearbook 2022 was carried out in two municipalities (Ajayameru Rural Municipality of Dadeldhura district and Budhinanda Municipality of Bajuras district) where there are still 25% (n=283) freed Haliyas among 1111 who have been working as Hali (bonded labor). Even though 84 Freed Haliya have Haliya ID card and received rehabilitation package, and the major reason is due to their poor economic conditions. However, only half of the respondents (51%) have received the rehabilitation package out of 53% who have Haliya ID Card. Around 47% are not in reach to the Haliya ID card and the main reason is 74% have been miss-out in data collection from the government side which led of unable to receive Haliya ID Card and rehabilitation package. Freed Haliyas have a good access to the schools as the children dropout rate has

drastically lowered to 4% this year from 24% (2021). Specially girl's students drop out from the schools. But, access to health service is a big challenge for Haliyas as in 2021, 91% have an access to the health centre which is lowered by 70% this year. In terms of discrimination, as Haliyas belongs to Dalits community, they still faced discrimination at the public water point and temples as shared by 14% respondents.

### **ESC rights situation and landlessness and land rights issues of Santhal**

Santhal, regarded as 'sons of the soil' don't have the ownership of the land. Around 29% Santhal who are engaged in the survey have been living in the government land, and half of the respondents (51%) have their own land but they don't have land registration certificate. The main reason for being landless is due to lack of support and response from concern authority and lack of citizenship. Even those with land registration certificate, reside at the flood prone area. It was found that Santhal communities have a good access to the schools but the school dropout rate has increased nearly to 10% in 2022 as against 2% in 2021. This demands an urgent attention of the duty bearers to identify the reasons and barriers being faced by the Santhal children and addressed without further delays. Almost one third of the Santhal community don't have access to the health center, and 12% of Santhals have migrated to other country specially India in search of the economic opportunities.

### **ESC rights situation, Untouchability and Discrimination and land rights of Musahars/Dalits**

Musahar, one of the Dalit community living in the plains areas of the Terai belts and works as wages labor to sustain their lives. Most of them used to live on the government land which is isolated from other caste groups and lies at the flood prone area. Around 85% are deprived from the land registration certificate and are levelled as landless people, and one of the reason for being landless is due to lack of legal identity card i.e citizenship. Nearly, 61% Musahars involved in survey don't have their citizenship and were found facing difficulties in receiving every government services. Even though birth certificate is a mandatory document for school enrollment, nearly 68% Musahars children don't have it.

This is one of the main reason for the school dropout in Musahar community. Though most Musahars, that took part in the survey mentioned a good access to education services but the health services to them is not that accessible because almost all Musahars live in far flung areas from the health facilities.

Child marriage is very common in this community as 12% respondents have gone through an early marriage. Key pushing main reason for child marriage is said to be poor economic condition of the family. As Dalits, Musahars face caste based discrimination. They are verbally humiliated by bad words. The survey also revealed that nearly 19% respondents and their family have faced physical violence for being Dalits.

Therefore, the GoN is recommended to design and implement targeted socio-economic empowerment program for Haliyas, Santhal and Musahars/Dalits communities and develop their agency so that they are able to raise voices to make the duty bearer accountable to fulfil their ESC rights. It is strongly recommended that their issues receive priority in annual budget planning process. The local authorities are recommended to concretely develop laws, policy and targeted program and dedicate adequate budget for developing agency and resilience. There are still several gaps in providing education and health services to the marginalized communities. Therefore, the GoN and local authorities are recommended to be accountable for implementing and protecting the ESC Rights of the citizens.

### 1.1 Background of the Study


Economic, social and cultural (ESC) rights consist of the human rights to adequate food, to adequate housing, to education, to health, to social security, to take part in cultural life, to water and sanitation, and to work.<sup>1</sup> The government of Nepal (GoN) is obliged to respect, protect and fulfill the rights realized under the International Covenant of Economic, Social and Cultural Rights (ICESCR). It is because it has not only ratified the covenant but has also incorporated some of these rights as fundamental rights in the interim constitution of Nepal.

Nepal has enacted and implemented several laws in order to ensure the protection and promotion of human rights, including ESC rights. In the present context of Nepal, the Government has been more responsive towards providing basic human rights to the people, especially to women, socially and economically deprived people, Dalits and the indigenous nationalities. The Government has made attempts to amend laws and regulations and enact necessary legislation and to implement them.

Despite the effort made by the Government to provide ESC rights to the Nepalese citizens, several barriers still exist in realizing these rights. There is a lack of attention on ESC rights monitoring, in particular, concerning the documentation of the violations of ESC rights in Nepal. 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 shows a need for documentation with evidence to effectively work on the ESC rights issues.

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<sup>1</sup> UN Office of the High Commissioner for Human Rights. (2008). Fact Sheet No. 33, Frequently asked questions on economic, social and cultural rights. [Fact Sheet]. Retrieved from <https://www.refworld.org/docid/499176e62.html>



Under the ESC rights, there are different laws, policies and provisions. Haliya, Santhal and Musahar/Dalits are among the most marginalized, so called lower caste and deprived population continue facing age old oppression through the imposition of a stratified hierarchical social system deep rooted in the societies. These groups have been deprived from enjoying their social, economic and cultural rights due to the discriminatory social values and practices. Furthermore, these rights holders are unaware of their rights and entitlements and are therefore excluded from the decision-making processes. Unequal political representation, discrimination on land rights, meaningful leadership, discrimination in accessing resources and services, just and timely rehabilitation of freed Haliyas, caste-based discrimination and untouchability for Musahar/Dalits, citizenship, unproportional representation in government and private sectors are some of the major issues that have been raised by these groups. The effects of their advocacy initiatives have been also limited by the absence of adequate evidence; limited backward forward linkages and limited understanding of prevailing resolutions, laws and policies. These circumstances have deprived marginalized communities to raise and claim their rights.

In the perspectives above, an urgency is realized to carryout evidence based advocacy from the grassroots to the federal level for the realization of their rights. The evidences generated in this ESCR Yearbook 2022 will provide a basis for advocacy to hold duty bearers accountable and to implement the allocated laws and policies for fulfilling the rights of the target communities. In other words, ESCR Yearbook 2022 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.

## **1.2 Objective of the Study**

The overall objective of the study is to bring evidence based documentation of current situation of ESC rights of the freed Haliyas, Santhal and Musahar/Dalit communities. This documentation in a form of ESCR Yearbook will act as a tool to advocate their rights at Local, National and Global level.

Specifically, the study attempts to examine:

- The prominent issues of the target community (timely and just rehabilitation for freed-Haliyas, land rights for Santhal and untouchability and discrimination for Musahar/Dalits)
- Response of the government towards the target groups issues in relation to existing laws and provisions

## CHAPTER 2:

# METHODOLOGY OF THE STUDY

### 2.1 Research Area and its target group

The research area below was selected purposively in order to understand and generate evidences of the rights holders who reside in a significant number. Following are the three districts and its Municipals which are identified to conduct the study:

Province	District	Municipality/ Rural Municipality	Target Community
Sudurpaschim Province (7)	Dadeldhura	Ajayameru Rural Municipality	Freed Haliya Community
	Bajura	Budhinanda Municipality	
Province 1	Morang	Sunwarshi Municipality	Santhal Community
		Dhanpalthan Rural Municipality	Musahar Community

**Freed Haliyas:** Haliya practice is a form of debt bondage system and is commonly found in the Sudurpaschim and Karnali provinces. The Haliya system was abolished by the Government of Nepal in 2008. Extreme poverty and debt particularly in the Western regions of Nepal have relegated many people to work as Haliya. Around 97% of Haliyas are from the Dalits community.

**Santhals:** Santhals are the unique most marginalized ethnic group of Eastern Nepal which comprises only 0.19% of the total population of the country. More than 97% of the Santhals are living in the Terai region. They live in isolation by forming their own group and follow their own social order, and rules and rituals.

**Musahar/Dalits:** Musahars are the Terai Dalit community living in plain areas; basically Southern part of Nepal. Their name is derived from two words meaning "rat catcher" and is likely attributed to them for their tendency to eat rodents in times of dire need.<sup>2</sup> Majorities are living squatters, live as wage workers and

<sup>2</sup> Musahar (Hindu Traditions) in Nepal. Retrieved from [https://joshuaproject.net/people\\_groups/17711/NP](https://joshuaproject.net/people_groups/17711/NP)

speak their own language. Systematically, they are excluded from social, political, economic, and legal structures such as education, employment, and communication.

## 2.2 Duration of the Study

The study was conducted from August 21 to November 25, 2022 for 3 months.

## 2.3 Data Collection

### 2.3.1 Quantitative method of research

#### Household survey through ESCR Mobile App

The Household survey was conducted following purposive sampling method. Three sets of structured questionnaires related to right to health, right to education, right to decent work/ migration and issues of the right holders (Freed Haliya, Santhal and Musahar/Dalits) was adjusted in the ESCR Mobile App<sup>3</sup>. Eight community monitors were mobilized to collect the primary data using ESCR Mobile App developed by CAHURAST for tracking the ESC rights situation.

Altogether, 1851 households were covered in the household survey. Out of this 1111 household interviews were collected on the rehabilitation package issues of Freed Haliyas from Dadeldhura and Bajura district. Similarly, 318 household interviews were made on the land rights and citizenship issues of Santhal Community from Morang district. A total of 422 household interviews on the discrimination and untouchability issues of Musahar Community were made from Morang district.

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<sup>3</sup> The ESCR Mobile App is loaded with features that tracks information related to the constitutional provisions on right to health, education, housing, decent work and SDGs. The App is preloaded with a Nepali and English study form. It can be used both online and offline. The data can be downloaded into excel.

CAHURAST also collected secondary data from the national report, national census 2011, government records, websites, newspaper articles, books and municipality profiles.

## 2.3.2 Qualitative method of research

### **Key Informant Interview (KII)**

KII were conducted in each municipality to collect the information from the respective duty bearers. The Key informants included principal/ head teacher/teacher of the school, and the health workers. In addition, the representatives from the municipalities were interviewed on the issues related to right to education, right to health, right to decent work/migration and problems faced by the right holders. Altogether, 50 institutes (20 Health institutes, 26 Education institutes/Schools and 4 Municipals) were involved in KII. An open ended checklist was used to guide the KII.

### **Community Meeting/Focus Group Discussion (FGD)**

Two FGDs were conducted in Sunwarshi and Dhanpalthal municipality of Morang district on issues of Santhal and Musahar community. The issues of Santhal community (land right and citizenship issue) and Musahar community (land right, citizenship and discrimination issues) were the discussion topics in respective places. In each FGD, around 15-20 participants had participated including community leaders and right holders especially women. The discussion was carried out at a time convenient to the rights holders. The discussion was guided by a pre-prepared checklist and the outcome of the FGD was recorded in the notebook.

### **Representative Case Story**

Representative case stories were developed on the issues of the target community (timely and just rehabilitation for freed-Haliyas, land rights for Santhal and untouchability and discrimination for Musahar/Dalits) to find out the real situation at the ground level. Altogether, 6 representative case stories, 2 from each district were collected from the field. The case stories were prepared by the monitors using a checklist developed by the CAHURAST team.

## 2.4 Data analysis

Data analysis is fully based on the data and information gathered by the community monitors via ESCR Mobile App in the selected areas. The analysis was focused on following prominent issues of the target community:

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

The first step of the data analysis was to export the data sets from KOBO tool to excel format. In case of the data errors and inconsistencies during data cleaning, data was updated consulting with the community monitors.

Qualitative data and information acquired through study were often used to support quantitative data. Case stories were also gathered and reported.

## 2.5 Data Quality control

The community monitors were properly trained by the research team from CAHURAST. They were trained on the methods of using the ESCR Mobile App, techniques of administrating household and key informant interviews and facilitating the focus group discussion. They were also trained on possible errors on entering data in the app and rechecking the information before loading the data into the system. The research team checked the data sent by the community monitors every day and provided feedbacks in case of errors found. The data sent by the community monitors was filtered and cleaned before developing the summary tables and graphs in excel.

Both primary and secondary data collected from qualitative and quantitative survey were properly protected with a back copy in the computer to avoid possible errors and data losses.

## 2.6 Ethical Consideration

Ethical issues were considered in the research process such as the protection of participants' right to autonomy, confidentiality, self-determination, protection the identity, and informed consent. The community monitors had abided by the safeguarding protocols and behavior standards for their well-being and kept all the participants of the research process to be safe from possible harm during the data collection period.

The risk assessment was done from the beginning of the research in terms of safeguarding COVID -19 infection. Before conducting the household interviews, KII and FGDs, the community monitors had explained the purpose, outcome, and benefit of the research. Before collecting data, verbal consent was obtained from the respondents of the household interviews, key informants, and participants of the FGD. Verbal approvals were taken before making photographs.

The research team abided by the information and data protection policy of CAHURAST. The team did not and will not disclose to any person or otherwise make use of any confidential information which the team has obtained, the research team had taken the required precautionary/preventive measures against COVID-19 while conducting this research in the community while working with different stakeholders.

## 2.7 Limitations of the research

The household interview respondents were purposively selected to capture the issues of the entire rights holders and therefore possible biases may have occurred. Similarly, the focus group discussion included participants from the community leaders and women. There was some hesitation by women to take part in the discussion in front of the community leader. In some occasions, the organizer had to discuss separately with the women participants to shared their issues and response to the questions easily.

There was fewer participation of Musahar men in the FGDs as most of them were out of the community for wage work during the research.

## CHAPTER 3:

### ESC RIGHTS SITUATION OF TARGET GROUPS- FINDINGS AND ANALYSIS

The study focused on the three key thematic areas of the ESC rights of the target group – Right to Education, Right to Health and Right to Decent Work. On economic rights, the findings are based on the right to employment, right to fair wages, right over property/land ownership and right to utilize the nation's services. On social rights, the focus was made on right to education, rights to health and right against untouchability. Likewise, the right to identity of the target group specifically highlighted the cultural rights of the target groups.

Further, the study has a special focus on the key issues of the target groups - timely and just rehabilitation of Freed Haliya, untouchability and discrimination of Dalit and Musahar and landlessness/land rights of Santhal. Furthermore, the study shows how their key issues and their ESC rights are triggered by one another.

Precisely, 1851 data has been analyzed. Among the total, 1111 data represents the situation of the rehabilitation package issues of Freed Haliyas, 318 data represent the land rights and citizenship issues of Santhal Community and 422 data represents the discrimination and untouchability issues of Musahar Community.

In the Musahar community, the male participation is low in the discussion. In this FGD, citizenship, birth certificate, lack of employment opportunities, drop-out because of not having citizenship, marriage certificate, citizenship by birth were the main issues shared by the target community. In Musahar community, 2 beneficiaries have shared that because of not having citizenship and having citizenship by birth, their 3 children along with their 3 daughter-in-law are unable

to get citizenship which also lead to birth certificate problem of her grandchildren, due to which her grandchildren are unable to go to school and those who went have been drop-out after certain classes.

### 3.1 ESC rights situation and Timely and just rehabilitation issues of freed HALIYAS

Haliya is a system associated with the debt bondage common to the caste-based communities. Extreme poverty and a debt rooted within those communities particularly in Western region have relegated many members to be in a Haliya status. A person who works as a land tiller being in Haliya system is generalized as a Haliya. Haliyas are now considered a freed Haliyas after the abolishment of the Haliya system in September 2008.

This survey covered 1111 Freed Haliyas from two municipalities - Ajayameru Rural Municipality of Dadeldhura district (397 data) and Budhinanda Municipality of Bajura district (714 data). Among them, 86% were male and 14% were female. The lower share of the female respondents is due to a simple fact – the majority of the freed Haliyas who worked as Hali-a land tiller as an occupation, are the males.

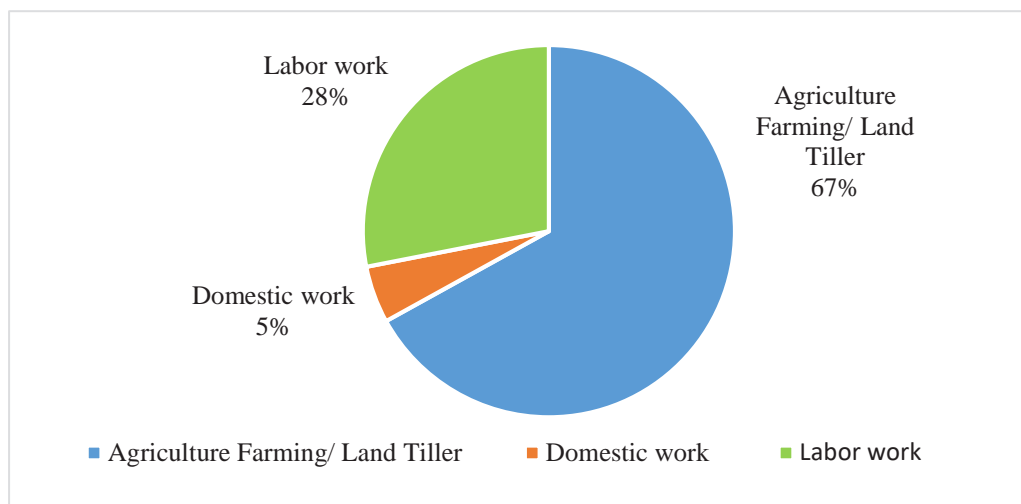
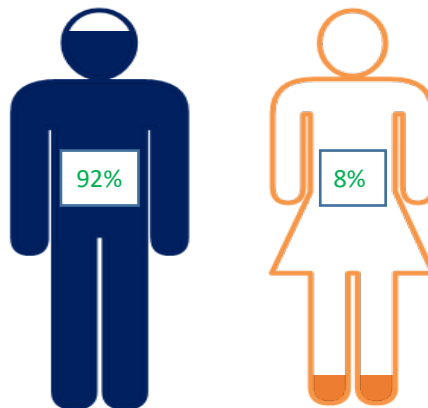


Figure 1: Occupational status of freed Haliyas

Occupation-wise more than half of the respondents (67%) were found involved in the agricultural farming/ land tiller followed up with the daily wage labor work and domestic work (Figure 1). Analyzing the situation from 2019 to 2022, the data demonstrated that there is a progressive shift of the freed Haliyas towards the selection of off farm based opportunities. In 2019, among 1560 respondents, 99.6% were involved in the agricultural farming and in 2021, among 1357 respondents, 89% of them were involved in agricultural farming. This is the good indication, that after the Haliyas being freed, they have number of opportunities of occupation selection, apart from the agricultural farming or as a land tiller.

Off farm based opportunities has not flourished well among the freed Haliyas. This led them to get back to be Haliyas even after the abolishment. And the other major cause of the freed Haliyas still working as a Haliyas is because they are still unknown with the fact that the GoN has already abolished the Haliya system. The data shows that 283 freed Haliyas among 1111 are still working as Haliya due to their remaining debt. Among them, 92% are men and 8% are women. One of the major reasons behind this data is the extremely weak economic situation.



**Figure 2: Gender Breakdown of Freed Haliyas who is still working as Haliyas**

*Article 51 of the Constitution of Nepal*, reveals that the State shall pursue policies to identify the freed bonded labors, tillers, landless, squatters and rehabilitate them by providing housing, housing plot for residence and cultivable land or employment for their livelihood.

## **Timely and just rehabilitation issues of freed Haliyas**

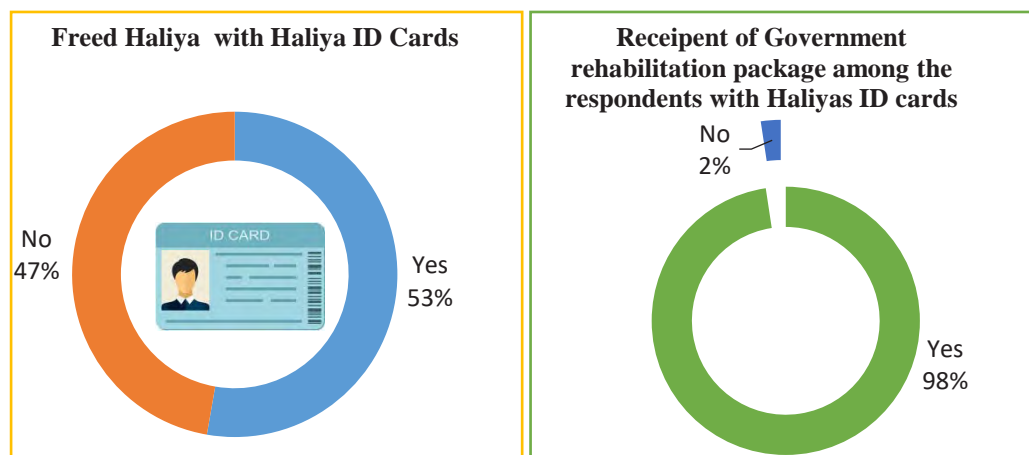
Soon after the abolishment of the Haliya system, Haliya System prohibition bill was drafted and following financial resources were allocated for their rehabilitation in 2010 (Table 1).

**Table no. 1: Categorization of rehabilitation package provided for freed Haliyas by Government of Nepal**

Category	Description	Type of Card	Rehabilitation package
A	No land and no house	Red Card	Total NPR 525,000 <ul style="list-style-type: none"><li>• Land Purchase – NPR 200,000</li><li>• House Construction – NPR 325, 000</li></ul>
B	Have house and no land	Yellow Card	Total NPR 200,000 <ul style="list-style-type: none"><li>• Land Purchase – NPR 200,000</li></ul>
C	Have land and no house	Green Card	Total NPR 325,000 <ul style="list-style-type: none"><li>• House Construction – NPR 325, 000</li></ul>
D	Have both land and house	White Card	Total NPR 125,000 <ul style="list-style-type: none"><li>• House repair and maintenance – NPR 125, 000</li></ul>

Only around half of respondents (51%) had received the rehabilitation package till date. This shows the slow pace of distributing the rehabilitation package which the freed Haliyas were entitled to. However, the access to the rehabilitation package depends on the availability of the Haliya ID card. The data demonstrates that still 47% of the respondents are not in reach to the Haliya ID card.

The figure 3 shows that 98% of respondents of the 586 who have received the Haliya ID cards have received a Rehabilitation package. The reasons for others not being able to receive the rehabilitation package is mainly due to the lack of the Haliya ID cards.



**Figure 3: Freed Haliya respondents with Haliya ID cards and rehabilitation package situation among them**

The respondents who have received rehabilitation package i.e. 55% (n=314), are also not happy with the rehabilitation service. The respondents with rehabilitation package said that they have faced problem even after receiving rehabilitation packages. The problems shared are:

- 60% indicated that the budget provided as rehabilitation service is insufficient (n=187)
- 20% responded that installment are not provided on time (n=63)
- 11% indicated the allocated land is located in isolated places (n=34)
- 9% responded that the land provided as rehabilitation service is insufficient to build house (n=28)

According to Freed Haliya Rehabilitation Plan and Policy 2017/18, GoN should provide rehabilitation funds for upliftment of the economic condition of Haliyas and funds for land, renovation, and settlement of houses where they are currently living. However, as the rehabilitation package is insufficient for rehabilitation, they are bound to live either in isolated areas or in a limited space area with less access to the government services like health, education and so on. Their poor living situation has a large impact on their ESC rights – basically on right to decent work, right to education, and right to health.

### **Right to Decent Work situation of freed Haliyas**

**The Labor Act, 2074 (2017)** stipulates a 48-hours work per week, with one day off per week and one-half hour of rest per five hours worked. The data shows that 87% of both women and men work 8 hours a day. But, this is minimally sufficient to meet subsistence needs. However, the limited economic opportunities prevailing in their communities have bound them to work only 8 hours or even less than 8 hours/ day. The data showed that around 40% of Haliyas among 2567, experience that they need to work more than 8 hours a day with the same wage, mainly because it is necessitated by the employers and even the PwDs have to work more than without non-PwDs.<sup>4</sup> However, the data this year showed the good indication among the freed Haliyas that they face less wage disparity (i.e. only 1% has a feeling of wages disparity). The respondents further shared that they are happy for being freed Haliya but after being freed, they rarely get the income opportunities. Neither the Government prioritizes their issues nor can their landlord take them back at the work. As a result, high number of freed Haliyas (22%) chose to migrate at foreign land for the economic opportunities and 89% of them who migrated to foreign land chose the neighboring country – India for the reason, it doesn't need visa and easy travel. Freed Haliyas are found to be engaged in lower end of the skill work such as Agricultural laborer, Construction work and their income is hardly sufficient to meet their basic needs.

The above analysis on right to employment, a fair wages and less right of land ownership highlights that the **economic rights situation** of the freed Haliyas has not improved substantially. Likewise, the finding shows that there is major issue on their legal identity as a freed Haliya which is hindering to access their entitlements such as–rehabilitation service.

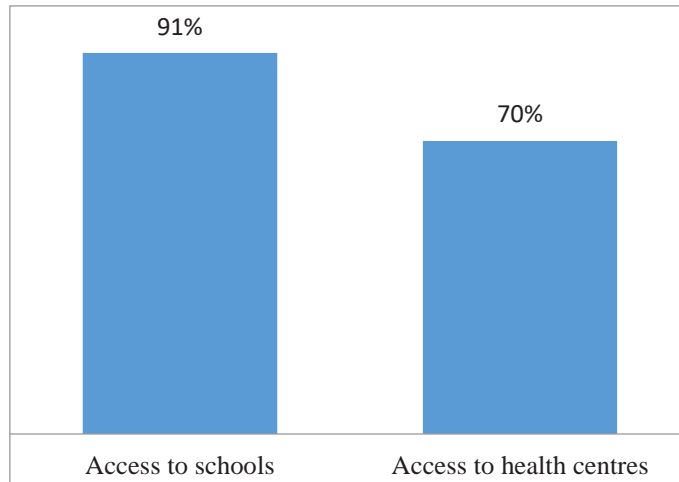
### **Right to Education and Health situation of freed Haliyas**

In regard to Freed Haliyas access to the education institutions and health centers, the data shows that they have a good access to the schools. According to

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<sup>4</sup> ESCR Yearbook 2021: Situation of Economic, Social and Cultural rights of freed Haliyas in Sudurpaschim Province of Nepal, pg. 20

UNESCO, the school needs to be located within 3 kilometers from the children homes and education materials need to reach them.<sup>5</sup> The findings reveal that 91% of the Freed Haliya Children have an access to the schools (Figure 4). Unlike education, 30% of the freed Haliyas have no easy access to the health centers.



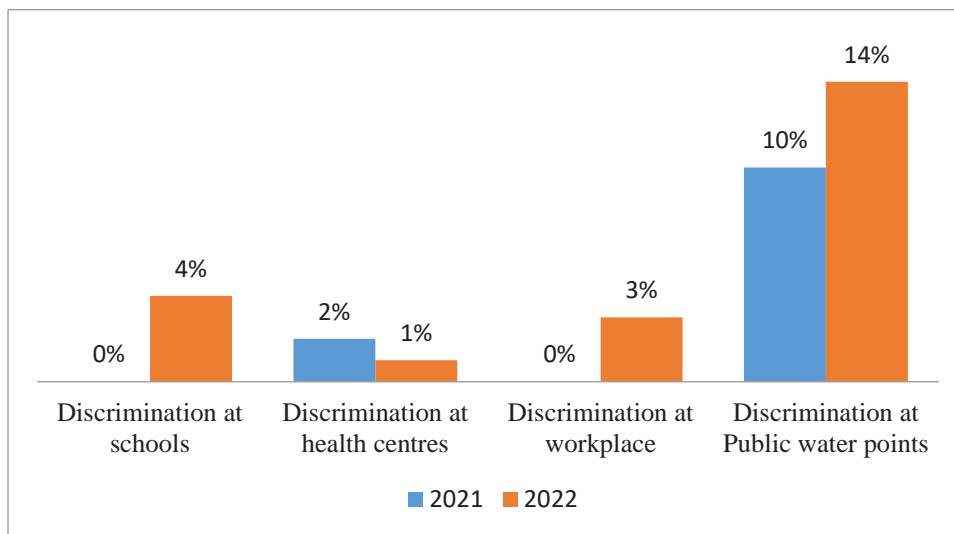
**Figure 4: Haliyas access to schools and health centres**

In both of the services, one of the common reasons for inaccessibility is the distance to the education institution and health centers from the Haliya communities. This is clear that the Haliya settlements in general are in the isolated areas and are far in reach to the services.

The other reasons behind the respondents think the service being inaccessible is lack of qualified materials and human resources, especially in the health centers. The respondents' further shared that there are no any specific scholarships provisions for the Haliyas. They are entitled to receive the scholarship provided for the Dalit school children. The research reveals that 72% of freed Haliyas have not received the scholarship till date. This is one of the reasons for the drop out of the freed Haliyas children from the school. The data shows that 4% of the freed Haliyas children particularly girls drop out every year. However, the data of 2021 revealed high drop rate cases (24%). This shows the progressive change in the decrease in the dropout rate this year among freed Haliya children.

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

## Caste based discrimination



**Figure 5: Discrimination status of Haliyas at thematic sectors**

Being mostly Dalits, Freed Haliyas, are facing caste based discrimination. The data demonstrates that 4% of Haliyas children face discrimination at the education institutions and 1% face discrimination at the health centers. The Freed Haliya school children face discrimination from their peers and teachers. Apart from these, 14% of freed Haliyas are found to be discriminated at the public places such as public water points, temples, hotels. In the public water taps or wells, they have to wait for a long in a queue to fetch water and are restricted to get water in presence of other communities. In 2021, the data showed that 10% respondents shared discrimination in the public water points. The 2022 data shows that discrimination cases in schools and public water point has increased in 2022 than in 2021.

The analysis on right to education, health and their discrimination status in these sectors and public points depicts the situation of the **social rights situation** which needs an attention of the three tiers of government for their improved social rights.

### 3.2 ESC rights situation and landlessness and land rights issues of SANTHAL

Santhal, also known as Satar is one of the marginalized communities residing on the Terai region of Nepal. They are recognized as the “sons of the soil” for they are fully dependent on agriculture but are the landless communities. They are the unique group of Eastern Nepal living in isolation by forming their own group at the disaster prone, risky area near the riverbanks. They follow their own social order and rule which describes this tribe as a unique one.

The data was collected of 318 Santhals from Sunwarshi Municipality of the Morang district. Among them, 42 % were male respondents and 58% were female.

Through the lens of occupation, the data shows that 50% of the respondents are involved in agricultural work followed by labor work i.e. 45% (Figure 6). However, going back to 2021, the data shows that 83% among 1000 respondents were involved in off-farming and only 17% were engaged in agriculture

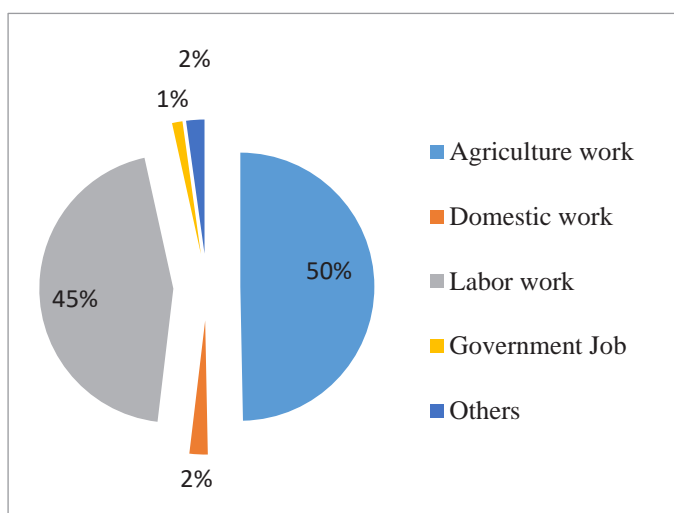


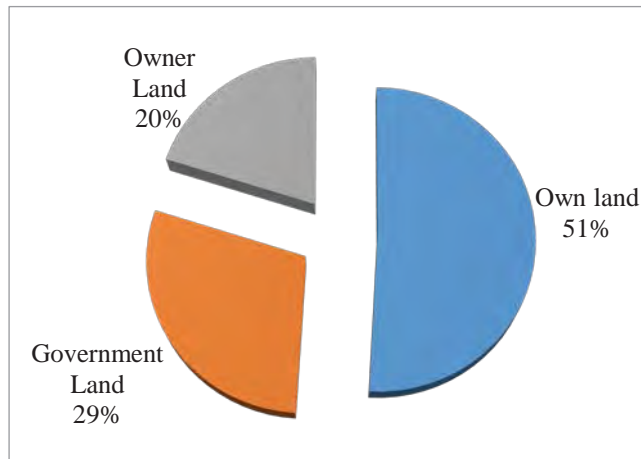
Figure 6: Occupational status of Santhal

work. This trend shows that Santhal are shifting to their own traditional work and are still dependent on the agriculture for their living. There might be a COVID-19 factor in which men working outside their communities might have left their work and returned home to catch up their traditional occupation.

## **Landlessness and land rights issues of Santhals**

Santhals are one of the landless communities who had to shelter themselves on other's property as rented land and on public land.

The study reveals that 29% of the respondents are living on the government land, 20% on owner's land and 51% on their own land. The major concern here is of the respondents who are living in the government land and who own the land. They have land for shelter but don't have the land registration certificate.



**Figure 7: Settlement status of the Santhal**

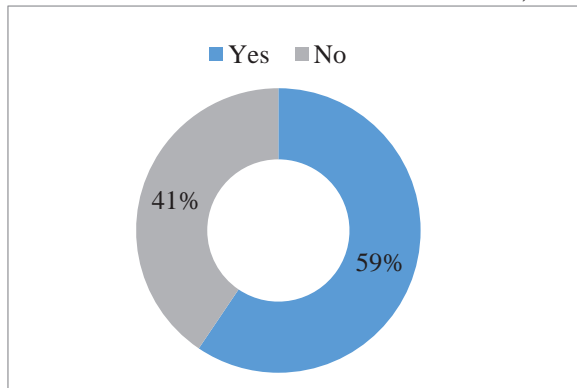
The major reasons behind this are mentioned below:

- 40% response that due to lack of support and response from concern authority
- 11% response due to lack of citizenship
- 5% response on lack of education and knowledge
- 45% indicated on because of public land for not have land registration

Altogether, 19% of those who are living on owner's land have to pay for the landowner in the form of the grain.

More than half (59%) of the respondents have the land registration certificate. But, the registered lands are located either at the bank of river or at isolated areas. Those areas are vulnerable to the natural disasters such as flooding.

In the case of those living in the government land (n=92), around 41% settlement is located at the bank of the river. While, 22% are at the side of the road, 20% at isolated places from other caste groups and 17% settlements are vulnerable to flooding.



**Figure 8: Percentage of Santhal who have land registration certificate**

is located at the bank of the river. While, 22% are at the side of the road, 20% at isolated places from other caste groups and 17% settlements are vulnerable to flooding.

Flooding during the rainy season is one of the prime disaster problems expressed by 75% of the Santhal respondents. Nearly, 95% of respondents have been facing the disaster problem along with the snake bites and fires.

The respondents stressed on providing the land to the landless and prioritize the provision of easy access of the citizenship from the GoN so that Santhals can enjoy their basic human rights including the ESC rights.

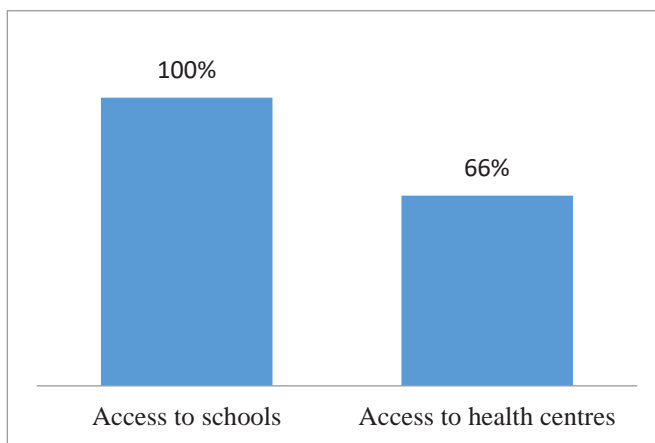
### **Right to Decent Work situation of Santhals**

Around half of the respondents (51%) are working 8 hours a day for their living which counts into a daily wages labor work. The wage given for this work however is insufficient for their family to fulfill their basic rights. Around 6 % of the respondents have to work more than 8 hours a day to fulfill their basic needs. Whilst, 43% of the respondents with the limited economic opportunities in the community, occasional work and have to work less than 8 hours a day. Only 1% respondent are found to be injured at their workplace and all of them were in reach to the medical treatment expense. With limited economic opportunities and insecurity within own country, 12% of Santhals migrate to India in search of the opportunities. And only 1 % of the respondents have experienced an unequal wage among other group of communities for same level of work.

The findings show that the economic rights are not being fulfilled among the Santhals which further triggers other basic rights like education and health.

## **Right to Education and Health situation of Santhals**

The Literacy rate of Santhal is 48.30% which is lower by 17.6% compared to the national average.<sup>6</sup> The study also showed that Santhal communities have accessible school. The data revealed that 100% of the respondents have an access to the schools which is a good indication of the government's effort in the education sector. However, the study found that 53% of the Santhal children have never received the scholarship from the schools. The



**Figure 9: Santhals access to schools and health centres**

government is providing scholarship to the children from the vulnerable groups. Despite this, the school drop-out rate among Santhal children increased nearly to 10% in 2022 against 2% in 2021. This demands an urgent attention of the duty bearers to identify the reasons and barriers being faced by the Santhal children and addressed without further delays.

Unlike the good accessibility of the education among Santhal communities, an access to health service is not in a good state. Still, 34% of the Santhals are not in reach to the health centers because of the larger distance of the centers from their communities. Further, 26% of the respondents have an experience of not having the quality equipment during their health checkup.

Interestingly, none of the respondents among 318 had to face discrimination in health, education and other public facilities this year. However, there was an evidence of earlier year that 9% of the respondents had to face the discrimination at the public water points.

<sup>6</sup> Chamalagain,S. (2016). Educational Status of Santhal Community: A study of a school dropout in Santhal Children of Eastern Nepal [Master's thesis, The Arctic University of Norway].

### 3.3 ESC rights situation, Untouchability and Discrimination and land rights of MUSAHARS/DALITS

Musahars are the Terai Dalit community living in plain areas; basically the Southern and Eastern part of Nepal. Majority are living in government land and working as wage labor to sustain their lives. They are the one who face severe caste based discrimination from the so-called upper caste groups.

Altogether, 422 Musahar/ Dalit community people were interviewed from Dhanpalthan Rural Municipality of the Morang district. Among them, 23% were male and 77% were female. The higher share of the female participants in the survey is the reason that by the time of survey, majority of the men were out of home for their daily work as a labor.

In general, Musahar are considered an agricultural laborer. However, occupational shift from agricultural worker to labor worker can now be noticed with a modernization and geo-political changes. Simultaneously, the data shows that 88% of Musahars are involved in labor work and only 6% of them are in agricultural work (Figure 10). The lower share of the Musahars in agriculture work is due to the reason that they don't own the agricultural land.

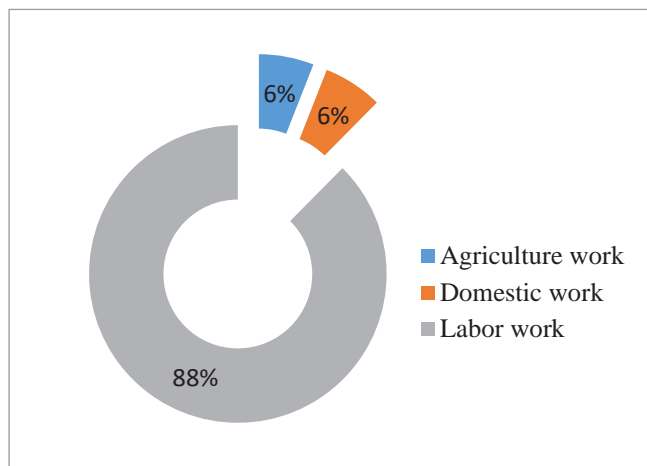
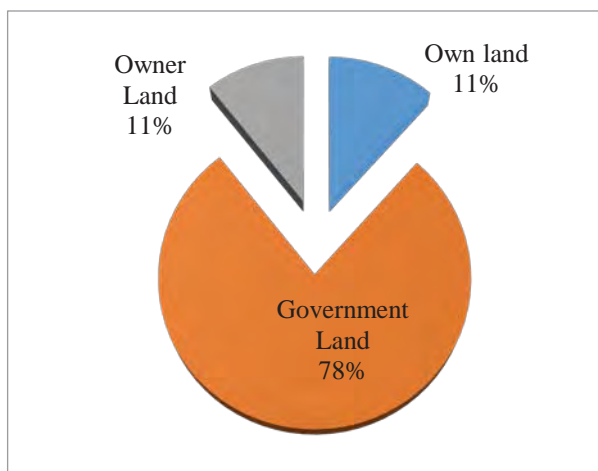


Figure 10: Occupational Status of Musahar/ Dalits

Apart from this, the majority of Musahar (78%) are living on the government land. Only 11% of them are living on their own land (Figure 11).

## **Land rights issues of Musahars**

The data reveals that the Musahars who are living on the government land and their own land, don't have the land registration certificate. Around 85% among 422 are deprived from the land registration certificate and are levelled as landless people. The major reasons for being landless highlighted by respondents are mentioned below:



**Figure 11: Settlement status of the Musahar/Dalits**

- No cooperation by Landless related Commission as expressed by 45%
- Lack of support to raise the voices to Government by 32%
- Lack of citizenship cards by 21%
- Lack of education and awareness by 2%

Besides these, those who are living on government land, around 36% settlements are located at isolated places from other caste groups. Similarly, 28% live at the bank of the river, 14% live in areas vulnerable to flooding and the remaining 21% live in densely populated areas with other communities. The 11% of the respondents who have been residing on owner's land are also not in good state. Altogether 20% of respondents who are living on land owners land said that they have to give grains to the landowner as a payment for their settlement.

The Constitution of Nepal under article 40 that “(5) states that the State shall, according to law, provide land to landless Dalits for one time and (6) The State shall, according to law, make housing arrangements for Dalits who do not have housing of their own”.<sup>7</sup> Sadly, the data suggests that the economic rights

<sup>7</sup> Constitution [Nepal], 2015, Article 40 (5) & (6).

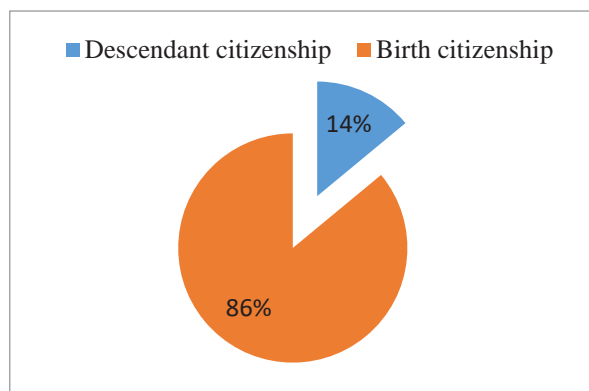
situation of the Musahar is in a precarious situation which needs an urgent attention of the Government.

The landlessness among Musahar communities is also related with their legal identity card – citizenship card, one of the fundamental rights of every citizen of Nepal. This issue has marked them as ‘Stateless citizens’ hindering them to receive the government services and entitlements.

Nearly 61% of respondents have no citizenship card. Without citizenship card, a person is unable to receive government services and entitlements. They even are deprived of opening a bank account, receive a mobile SIM card on their names. The major reasons for not having the citizenship with the respondents have been shared as:

- 7% due to Lack of Birth certificate
- 30% due to Lack of citizenship of Parents (father and mother)
- 38% due to Lack of Proper documents
- 10% due to Less cooperative local authorities
- 14% due to Having citizenship by birth instead of descendant

The lack of citizenship has not caused the difficulties only for them but also has threatened the life of their children. They could not even make a birth certificate of their children that is directly affecting their children’s education. The data reveals that, 68% of the respondents could not make their children birth certificate



**Figure 12: Type of citizenships hold by Musahar**

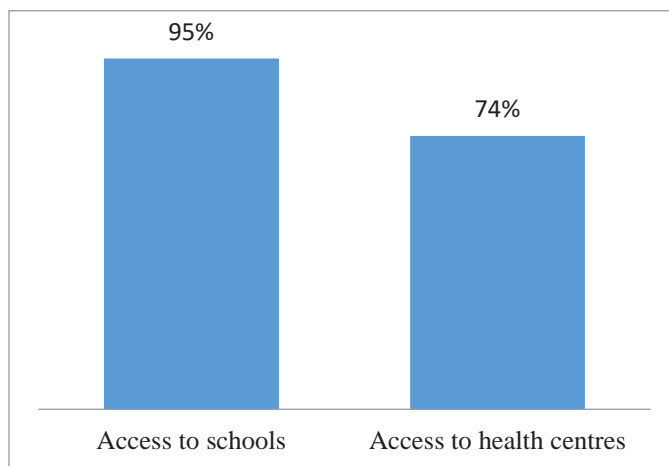
because they don’t have the citizenship certificate. Schools in Nepal mandatorily seek a birth certificate of children for school admission. Those who got admitted have to drop-out at Class 8 because of the district level exam where the birth certificate has to be submitted. This has been one of the major reasons for high

dropout rate of the Musahar children. Among the children who gets admitted to school, 13% of them gets drop out every year that adds another person in a family with limited economic opportunities. This situation has further aggravated in 2022 than in 2021 (2%).

Child marriage is seen in high rate in the Musahar communities. A total of 12% of the respondents have gone through an early marriage and majority of respondents' cited the reason being poor family economic situation. Whatever the reason is arranging a child marriage or marrying a child is also punishable by law.<sup>8</sup> Around 38.4% of women in Nepal between the ages of 20-49, are reported to have got married before the age 18 (MICS 2019).<sup>9</sup> Though this research shows only 12% but the fact is no any children should undergo the child marriage and should perceive their education rights with an access to the schools and its services.

### **Right to Education and Health situation of Musahars**

The data suggests that 95% of the respondents' children have an access to the school which is a good indication of the governments' effort on the education sector. Unlike education, Musahars are far behind in reach to the health centres and its services. (Figure 13). Nearly



**Figure 13: Musahar access to schools and health centres**

<sup>8</sup> 6 facts you need to know about child marriage in Nepal

<https://www.girlsnotbrides.org/articles/6-facts-you-need-to-know-about-child-marriage-in-nepal/#:~:text=Child%20marriage%20has%20been%20illegal,is%20also%20punishable%20by%20law.>

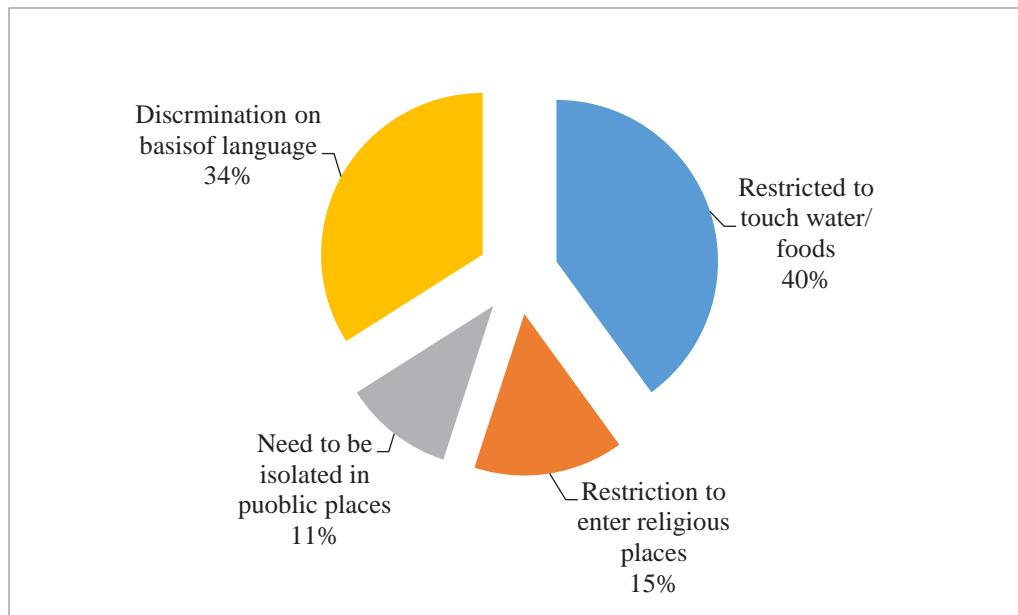
<sup>9</sup>Child Marriage and Gender-Biased Sex Selection. (2022, July 22). UNFPA Nepal. <https://nepal.unfpa.org/en/node/15217>

96% of the respondents stressed the fact that health centres are too far from their reach because they reside in an isolated areas mostly prone to disasters.

Nearly 84% of the respondents shared that they are living in the areas prone to disasters. In general, the data shows that 55% of respondents are living near the river banks and are prone to flooding during the rainy season.

### **Untouchability and Discrimination issue of the Musahars/ Dalits**

Socially, around 25% of the Musahar are still facing caste based discrimination at public place and services:



**Figure 14: Prevalence of discrimination among Musahar/ Dalits**

Respondents from Musahar communities shared that, sometimes they were humiliated and has to face bad words if they did not listen or do the work provided by the other caste communities. This research study shows that 19% of Musahar respondents and their family have faced physical violence from other communities. Out of the total that faces physical violence, 82% of them are verbally abused, 15% has faced beating /hitting by another community and 3% have faced molestation. This scenario shows the unethical behavior of the people in the name of the caste system.

## CHAPTER 4:

## DISCUSSION AND CONCLUSION

Based on the analysis of the three major target groups – freed Haliyas, Santhals and Musahars/Dalits, the report draws an attention on specific nuances of the human rights challenges. Focus can be set for the most salient issues of each of the target group, out of which the most pressing is:

- Haliyas not being identified as a freed Haliya limiting access to services and entitlements
- Santhals living on the land without the ownership on the land – no land registration certificates on hand labeling them as landless communities
- Musahars without true identities as a Nepali citizen - distribution of by-birth and descendant type of citizenship issue among Musahar as a prominent factor for making them more vulnerable among other group of communities

Summing up the analysis, the report concludes that the target groups ESC rights are being violated, not fully respected, fulfilled and protected.

**Freed Haliyas**, after the abolishment of the Haliya system had a sense of having freedom of or delinking their livelihood means. However, the limited economic opportunities have downturn their social rights making them to return back to the same miserable situation – as a Hali. Focus can be set for the most salient issues out of which the most pressing is the slow identification of the Haliyas and the subsequent action to enact reparations to correct the transpired injustices. Freed Haliya Rehabilitation Plan and Policy 2075/76 clearly mentioned the economic upliftment of the freed Haliyas, access to land, renovation, and settlement of houses but this is not well practiced. One of the major reasons for their rights not being respected is the issue with their identity as the Haliya. Nearly half of the respondents here did not have the Haliya ID card ineligible for Haliya rehabilitation package because, the access of the rehabilitation package is directly linked with an access to the Haliya ID card. Livelihood options remain scarce without the support of the government which the government has promised of. This has triggered other rights of the freed Haliyas.

In terms of right to education, freed Haliyas are found to have a good access to the schools and its services viewing the data of both years – 2021 and 2022. Further, there is a good indication among the Haliyas communities that the children dropout rate has drastically lowered to 4% from 24%. Unlike the education service, access to health is still a big challenge among the freed Haliya communities. The data showed that in 2021, 91% of the respondents have an access to the health centers and services but this year, it has lowered to 70%. Decent work improving their livelihood is one of the keys to being freed Haliyas. However, the freed Haliyas are still living in a harsh situation of survival economy. Despite of working more than 8 hours a day, they lack the fulfillment of their basic needs. Therefore, the issues of decent work are central to the freed Haliyas and need immediate attention of the government.

**Santhals**, higher proportion of the them doesn't have an ownership of the land where they have their shelter which is why they are termed as landless communities. Most of them are taking a shelter on the governments land and owners land in a disaster prone area. Remaining half of the respondents who have a shelter on their own land cannot be verified as their own land for they lack the land registration certificate. Their issues further impacts on their other rights –education, health and the decent work.

Access to education among the Santhals, are found much more satisfactory with 100% respondents saying the schools and its services are accessible to them. Santhals have though an increasing pattern of the dropout rate. However, an access to health centers and services are not really good among the Santhals with only 66% of accessibility. The other major concern of the Santhals is the decent work which downturns their economic rights with limited economic opportunities and also much difficult to fulfill their basic needs.

**Musahars**, has a major issue of their citizenship – a legal identity of being a citizen of the country and landlessness. Without this, they are far behind in reach to the public services and entitlements making them more vulnerable among other group of communities. Musahars are further distributed with two types of citizenship - by birth and descendant type of citizenship making them ineligible to raise voice for their land rights, followed up with other key rights of a citizen.

Despite this, Musahar communities are found to have a good access to the education service with a slight decrease from earlier year. Musahar communities' children were found to have more dropout rate among the other target groups. Similar to access to education, this year, comparatively, there is no better access to health service with a bit higher rate than earlier year.

Apart from these, the study found that there is a still prevalence of the caste based discrimination among the target groups especially among the Musahar/Dalits where the action needs to be taken place immediately.

## CHAPTER 5:

# RECOMMENDATIONS

The study report encourages to stronger localization of the government responses to the findings with recommendations for the three tiers of the government specifically on right to education, right to health, right to decent work and the prominent issues of the target groups.

### Recommendations under key thematic areas of ESC rights:

#### Right to Education

- Local government is recommended to allocate special quota for the target group to ensure the decreased dropout rate in further years.
- Local government is recommended to provide an alternative certificate for the children of communities who cannot easily access the birth certificate to ensure the continuity of their schooling.
- Local level government is recommended to track the schools with the scholarship distribution process
- Provincial level and Federal level government are recommended to provide the grants to the districts with the target groups for their improved education rights situation.
- The local government is recommended to open the process of getting citizenship by birth to the Musahar communities without delay so that the children can get their citizenship through which their children will be able to receive birth certificate and can go to school.

#### Right to Health

- Local government is recommended to mobilize the mobile and free basic health check-ups in the target group communities especially for pregnant women, children and old aged people.

- Local government is recommended to regularly monitor the health posts on the availability, accessibility of the free medicines and ensure the target communities are in reach to the health services.
- Local government is recommended to regularly organize the health related awareness programs within the reach of the target communities' settlements.
- Local government is recommended to develop a provision of the special health service quota for the target communities suffering from the chronic diseases.
- Provincial level and Federal level government are recommended to provide the supervision for the local government on implementing the health policies and provisions suitable to the districts context.

### Right to Decent Work/Migration

- Local government is recommended to provide the diverse economic opportunities within the country to ensure the population is less forced to migrate to the other countries for labor work.
- Local government is recommended to regularly monitor the organizations with the target communities to ensure them social security.
- The government is recommended to allocate quotas in the government job so that the target communities can take part.

## Recommendations under prominent issues of target group

### Haliya: Right to timely and just rehabilitation

- Local government is recommended to take an immediate action to identify the real Haliyas and provide the Haliya ID cards for them.
- Local government is recommended to then speed up on providing rehabilitation package for those with Haliya ID cards. Further need to develop an integrated rehabilitation package approach in support of the Provincial and Federal level government.

- Local governments are strongly recommended to take legal action against caste based discrimination and should take necessary steps to enforce new law to protect and support Haliya community.
- Provincial level Government is recommended to guide the local government in the implementation of the rehabilitation service and the commitments made while declaring the freedom for the freed Haliyas. It needs to develop policies and plans covering the whole province focusing freed Haliya affected municipalities.
- The Federal government is recommended to re-evaluate the implementation status of the free Haliya initiative and ensure that its national and international commitments and obligations for the fulfillment of the ESR rights of the Freed Haliya are met.

## Santhal: Right to Land

- Local governments are recommended to identify and keep data of landless people and provide them with housing and livelihood support as per the "Local Government Operation Act, 2017".
- It is necessary to implement a separate integrated package keeping in mind the Sustainable Development Goals 2030 for the overall upliftment and development of the Santhal community living in Nepal as a highly marginalized tribal race (group/ethnicity).
- Until now, people of Santhal caste have been using their own land for cremation and landless Santhals have to endure double suffering when proper land is not available during cremation. So, the government is recommended to manage cremation zone for Santhal people.
- As the Santhal community feels insulted when people of Santhal caste are addressed as 'Satar' or 'Satarani', it is necessary to remove the word 'Satar' from the dictionary. The Santhal community has a strong objection to the words 'Satar' or 'Satarani' being addressed in the dictionary in a very low sense and implying that 'Satar' means Santhals. The federal government is strongly recommended to look into this matter and revise the dictionary without delay.

## Musahar/Dalit: Rights against untouchability and discrimination

- Local government is recommended to ensure effective implementation of the Caste- Based Discrimination and Untouchability (Offense and Punishment) Act, 2011.
- Local government is recommended to promote the products of the Dalits and develop platform for them to choose their occupation without discrimination.
- Social awareness program should be launched by all the local bodies and an adequate budget should be allocated for it. Sensitize law enforcement officials, investigating and prosecuting those responsible for discrimination against Dalits.
- Local government is recommended to provide the citizenship for the Santhals without any confusion within themselves to ensure they are in reach to the entitlements and services.

### CASE STORY ON THE ISSUES OF THE TARGET COMMUNITY

#### Destitute and devoid of a fulfilling life

Saraswati, a 45 years old freed Haliya woman, is a mother to four children, currently residing in Ajayamuru Rural Municipality-1 in Dadheldhura district. Her husband has ailing health conditions with mental instability, which has spawned a burden of responsibilities upon Saraswati. Not having a house of their own, they've been staying at their relative's residence. She has been barely making her ends meet through intense labor. Having not received their identity cards yet, it has been a challenge to admit her daughters into schools and to receive fundamental services and opportunities. She's always blamed her fate for the hardships in her life, but the Government has been of barely any help either. She suggests if the government could at least direct their attention towards providing them with the much needed identity cards, it would help them from not having to live under somebody's else shadow and revel in a more independent and fulfilling life.

#### Bound by ill fate and struggles

Amrita, a Freed Haliya belonging to the Dalit community, is poor and already in her mid-fifties, living by herself ever since her husband remarried another woman. She has three daughters, all of whom are married. For years, she's been under constant scrutiny of her society, receiving hatred for not birthing a son. Unable to sustain her living, she has been switching between living at her parent's house or at her daughter's. She toiled 15 years of her life working as a Haliya but was given no compensation for it by the landowner. In order to make her ends

meet, she runs errands and does a few chores here and there. The Nepal Government has made a provision of providing 2 lakhs for Haliya people. Amrita, too, has received the money. She bought a land in 2076 B.S. It has already been 4 years since she bought a land, yet she hasn't been able to build a house on it. She blames her ill fate for all of this as she struggles to make her ends meet.

### **Generational curse of humans in the shadow of a refugee**

Sunita, 21, a mother to one-year-old infant, is a housewife, currently living in Lokhanpur, Sunawashi Municipality-6. Her mother married a refugee man and Sunita is their daughter. Both of her parents have been dead now, but being an offspring to a refugee father, a burden of hardship has been imposed upon Sunita and her family. Sunita's husband, on the other hand, did not have any parents to grow up with and was brought up by his uncle. Both Sunita and her husband are ineligible for citizenship because of the needed document, which has further created an unfortunate series of statelessness. Her husband is a tractor driver by profession but has not been able to acquire his driver's license due to not being legally recognized, as a result of lack of citizenship. They have been to several ward offices multiple times, have met with ministers and other people in position of power and spent plenty of money but with no luck and success whatsoever. This plight has imposed a threatening toll of unfulfilled lives upon generations of her family.

### **Children without birth certificates deprived of educational privileges**

Fulmuni, 15, lives in Sunwarshi Municipality-6 of Morang district. After their dad left them behind, Fulmuni along with her mother and older brother, have been living at her maternal uncle's cramped residence, making their ends meet through routine labor work. Both Fulmuni and her brother had no choice but to drop out of school after seventh grade because entering 8th grade required birth certificates, but they didn't have one because their mother neither had a

citizenship nor had her marriage registered which was important in order to receive birth certificates of the children. They sought out help from their relatives, local officers, politicians and people's representatives but with no luck. When advocates came to learn about Fulmuni's problem, they offered to help her out by seeking for a recommendation letter from the Ward office so she could pursue further studies, but Fulmuni chose not to, since all of her classmates were already graduating 10th grade. There are several cases similar to Fulmuni's, where children are marginalized from birth certificate and are strained from basic fundamental rights and privileges due to lack of paperwork and documentation on the part of the parents.

## About Partner Organization

### Financial Support:

LWF



LWF Nepal is a program of LWF World Service (WS) which has been working with the marginalized and deprived classes or communities of Nepal since 1984 AD. The World Service is an internationally recognized humanitarian and development branch operating in 28 countries around the world and is headquartered in Geneva, Switzerland. It works with those in need, regardless of their race, gender, religion, nationality or political affiliation, and seeks to bring people from all backgrounds of this increasingly complex and fragmented world in a shared quest for justice, peace, and reconciliation.



### Implementing Partners

CAHURAST Nepal

Campaign for Human Rights and Social Transformation, Nepal Campaign for Human Rights and Social Transformation, Nepal is a national organization working in the field of human rights. It is an organization established with the objective of providing assistance in the field of human rights for the social transformation, the main goal of the political change brought to Nepal by the People's War that had been going on in Nepal since 1995 AD and the United People's Movement of 2006 AD. Working in the fields of good governance, morality, democracy, peace and human rights, this organization is basically working in the field of

guaranteeing economic, social and cultural rights. In particular, this organization has envisioned a dignified, cultured and just society. In addition, this organization is also committed to and is working on establishing civil and political rights in the areas of human rights



## RMHSFN

The Haliya Federation is an umbrella organization for freed Haliya registered in the District Administration Office, Dadeldhura in 2007 AD. It includes 12 district branches of Sudurpaschim and Karnali Pradesh. After reaching a five-point agreement with the Government of Nepal, this organization is working for the liberation and rehabilitation of Haliyas and has been continuously lobbying for the promotion of human rights and social justice of the freed Haliyas. Vision: Creation of equitable society and liberation from social slavery, Haliyas' prosperity Mission: To build a just society by ensuring meaningful participation and sustainable livelihood of the freed Haliya in the resources and the bodies of the state. Goal: Dignified life for freed Haliyas is ensured following just rehabilitation.

## LCWS

LCWS is a non-governmental organization that was established in 2010 by Nepal Evangelical Lutheran Church (NELC) with the goal of providing humanitarian aid to the poor and oppressed communities. Since its establishment, LCWS is dedicated to making a positive impact in the lives of those in need and promoting social justice. Through its various programs and initiatives, the organization has been working tirelessly to improve the standard of living for marginalized communities and bring hope to those who need it the most. LCWS is committed to making a difference in the world and its efforts have earned it a reputation as a leading voice in the fight against poverty and oppression as well as emergency response.







आर्थिक, सामाजिक तथा साँस्कृतिक  
अधिकारप्रति हाम्रो प्रतिबद्धता ।

सम्पूर्ण मानवअधिकारको संरक्षणमा  
अभियानको क्रियाशिलता ।

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



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