

# Annual Report



# 2018

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# ABBREVIATIONS

CA	Constituent Assembly
GESI	Gender Equality and Social Inclusion
CEO	Chief Executive Officer
NRA	National Reconstruction Authority
SWC	Social Welfare Council
CLPIU	Central Level Project Implementation Unit
HRRP	Housing Recovery and Reconstruction Platform
HAMI	Humanitarian Accountability Monitoring Initiative
CSO(s)	Civil Society Organization(s)
DHRD	Dalit Human Rights Defenders
NED	National Endowment for Democracy
HU	Humanity United
GF	Governance Facility
CERD	Convention on Elimination of Racial Discrimination
ICERD	International Convention on Elimination of Racial Discrimination
UN	United Nations
OHCHR	Office of the United Nations High Commissioner for Human Rights



# ABOUT SAMATA FOUNDATION

Samata Foundation is registered under the Company Act, 2063 BS as a not-for-profit-sharing organization in 2009 and is affiliated with social welfare council Nepal. It engages in empirical research for policy and informed-advocacy for the rights of marginalized people, especially Dalits both from Hill and Madhesh regions. It believes in bringing desired change in the society by producing critical youth mass, disseminating knowledge, encouraging civic participation and preparing individuals from Dalit social groups to become leaders of the next generation. Ever since its inception, it has been engaging in different thematic areas: democracy, good governance, Dalit human rights, social inclusion, land rights, livelihoods, food rights, culture, education and media.

Samata Foundation is developing as an independent think-tank in the domain of Dalits and social inclusion which, Samata Foundation believes has a crucial role in giving concrete and scientific inputs to change and improve the existing policies both in public and private sectors with reference to changing context of the society. Moreover, Samata

Foundation's vision is to create a caste-based discrimination and untouchability free society.

With the financial support from various funding partners, Samata Foundation has been conducting programs/activities on the issues of Dalit representation and social inclusion through research, informed-advocacy, capacity building of Dalit research fellows, high level policy dialogues, discussions, and developing a resource centre to achieve its intended objectives. In this regard, researchers from Dalit social groups engaged in various activities: literature review and publication on Dalit issues, compilation of data, and translation of documents related to Dalit issues both in Nepali and English language, providing necessary support to Dalit lawmakers with researched based information and review of government policies on Dalit issues.

Samata Foundation is equipped with a Resource Center established in 2011. Samata Foundation Resource Center has a wide range of literature on Dalit and the marginalization they face. The

Samata Resource Center also has a collection of books on incidents of caste-based-discrimination published both in Nepal and South Asian Regions. The books are available in Nepali, English and Hindi languages. The Samata Resource Center aims to provide reliable sources of knowledge and information to researchers, scholars, academicians, students, media persons, activists and other interested individuals. Today, Samata Foundation has become a credible Dalit Knowledge Bank. Till date, it has more than 2000 book monographs, historically important documents. The collection of other books and materials is in progress.

As usual, in year 2018, various partner organizations have played a crucial role for Samata Foundation to evolve further as a prominent think-tank on Dalit studies in Nepal. Samata Foundation highly acknowledges the crucial supports provided by National Endowment for Democracy, Oxford University School of Anthropology, Governance Facility, Christian Aid Nepal and Humanity United to create sustainable environment for addressing Dalit issues at large.



## Our Vision

Samata Foundation envisions a just and inclusive society free from all forms of discrimination.



## Our Values

- Integrity
- Empathy
- Trust
- Equity
- Voice against Injustice



## Our Mission

Samata Foundation seeks to create a just and inclusive society by ending caste-based and other forms of discrimination through knowledge production and dissemination, evidence-based policy advocacy, and strengthening the Dalit movement.



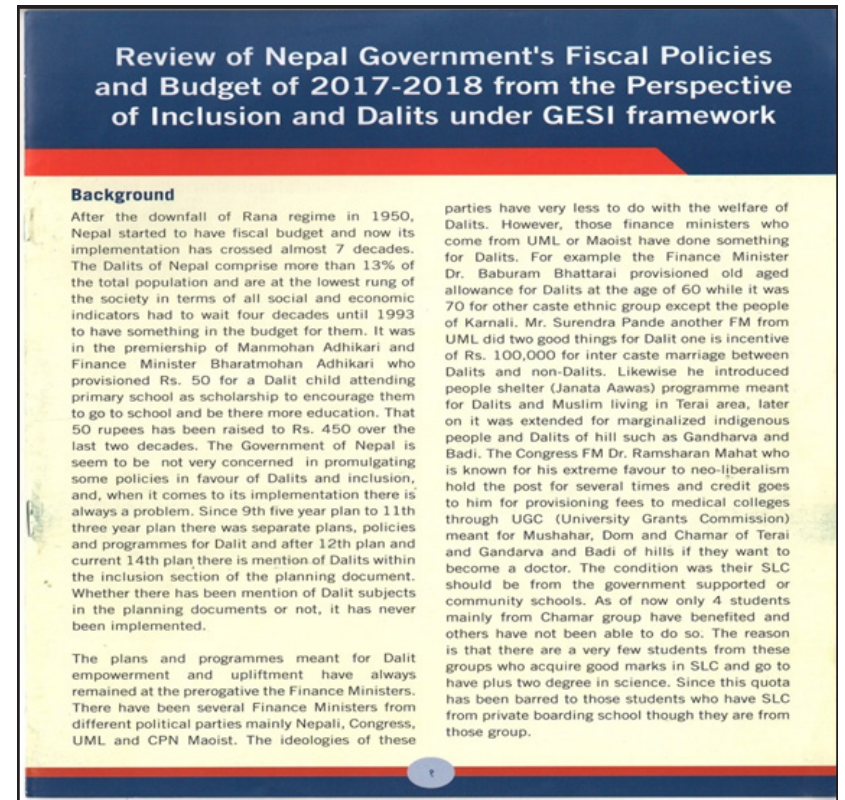
## Our Goal

- Produce adequate knowledge to ensure Dalit rights and foster Social Inclusion.
- Influence policy makers to formulate Dalit-friendly policies and laws ensure their effective implementation through evidence-based policy advocacy.
- Develop a Samata Foundation Resource Center as one of the leading Dalit Knowledge Bank.
- Establish a distinguished think-tank on Dalit issues and rights.

## 1. EVIDENCE-BASED POLICY ADVOCACY

### 1.1 Production of brief on the Review of Nepal Government's Fiscal Policies and Budget of 2017-2018 from the Perspective of Inclusion and Dalits under GESI framework

A policy brief was published from a study conducted at five districts of three provinces, Sunsari in Province 1, Saptari and Bara in Province 2, Dailekh in Province 6 and Kailali in Province 7 by analyzing the budget and policies introduced by the government of Nepal in the fiscal year 2017- 18 with its relevance to gender equality and social inclusion framework. This policy brief has succinctly covered the gaps in existing budgets and budget making processes. This policy brief has delineated crucial recommendations based on principles of GESI.



**FIGURE 1**

Policy review of Nepal government's budget and policies of 2017-18 under GESI framework

## 1.2 Production of the Policy brief of affirmative action/inclusion on Civil Service, Nepal police, Armed Police Force, Nepal Army and Teaching Service

A study was conducted in five districts: Sunsari in Province 1, Saptari and Bara in Province 2, Dailekh in Province 6 and Kailali in Province 7 to observe the reservation policies adopted by the government of Nepal. A reservation of 9% has been allocated in vacant posts of civil service and teaching services which is not in practice. And a study was conducted to highlight the consequences of mainstream state governance which have only caused social, economical, political and cultural backwardness in the social hierarchy that needs to be reformed.

The major objectives of this study was to analyze policies from the perspective of affirmative action and inclusion in security forces, civil services and teaching. Also to identify the gaps. During the study data was collected, information was gathered and interactions were held among stakeholders, government and non-governmental organizations. Numbers of recommendations were drawn as an outcome of the study. The policy review book is available in the Samata Foundation resource center.

## Policy review of affirmative action/inclusion on Civil Service, Nepal Police, Armed Police Force, Nepal Army and Teaching Service

### 1. Background

Although 'Affirmative action' is termed differently in different countries, its core spirit is to ensure opportunity of equal access to vulnerable groups. Affirmative action is a special policy, initiating by state to ensure opportunities to equal access in policy making, development, politics, administration and other government structure for historically deprived, excluded and vulnerable groups who are economically, socially, politically, educationally and religiously or culturally backward on the basis of caste/ethnicity, class, sex etc. This helps in capacity building, strengthening, empowering and mainstreaming of castes/ethnicity, gender and groups that have been rendered disadvantaged from the process of state governance. Affirmative Action is a collective right. It is a concept against the absolute equality and individualism. It focuses on collectivism rather than individualism. The policy of affirmative action has been practiced in Nepal through various terminologies including: reservation, quota system, inclusion, proportional representation, special rights, compensatory right etc.

Inclusion originates from the term 'include'. The literal meaning of 'include' refers to being living together or working together. Inclusion is the process of the fair distribution of resources involved in the state and mainstreaming through ensuring the participation and representation of all the sectors, community, gender and citizens in the state governance system. Inclusion holds the sentiment of common proprietary in state governance. Therefore, the state's dedication to involving underprivileged citizens/ community in state governance, in compliance with their will and capability, in an effortless and respectful way, is inclusion. Inclusion gives emphasis on identity, representation and access.

On the international front, the concept relating to affirmative action was brought into exercise in 1960

A.D., however, Nepal has adopted it quite lately. In Nepal's case, the concept of Affirmative Action was institutionalized in 2047 B.S., through the constitution, after the People's movement in 2046 B.S. (1990 A.D.). This led to the establishment of various national institutions like neglected, suffered and depressed class development Committee (15th Asoj, 2054 B.S.), National Dalit Commission (6th Chaitra, 2058 BS), National Human Right Commission (2057 BS), Nation Women Commission (2058 BS). In addition to that, through the ninth five years plan of the nation, targeted programs were designed for targeted groups. During 2060/061 BS budget statement, the Government of Nepal had provisioned to allocate 10% reservation for Dalit students admitted to government funded universities but that was dismissed by the Supreme Court on the ground of absence of proper law of inclusion. Along with the dismissal of that provision, the Supreme Court also had issued a mandamus to the Government of Nepal, demanding with the formulation of appropriate laws for the effective operation of the reservation policy. The Interim Constitution of Nepal (2063 BS) formed after people's movement (2062/063 BS) institutionalized the principle of proportional inclusion. Then, in 2064 B.S., the second amendment to the Civil Service Act, 2049 BS provisioned for reserving 45 percentages of the total vacancies, and assuming the vacancies thus reserved to be 100 percentages. These vacancies would be fulfilled through competition amongst candidates falling under the following categories: Women (33 per cent), Adibasi/ Janajati (Indigenous people) (27 per cent), Madheshi (22 per cent), Dalit (9 per cent), persons with disability (5 per cent) and those from the backward areas (4 per cent). On the same basis, reservation in Civil Service has been in application since 2064 B.S. Subsequently, all government jobs had 9% of their seats reserved for Dalit candidates. The current constitution of Nepal has also incorporated the principle of affirmative action and proportional inclusion.

FIGURE 2

Policy review of affirmative action/inclusion

## 2. HIGH LEVEL LOBBY AND ADVOCACY

### 2.1 National Lobby Meeting

The national lobby meeting and reflection meeting of the project “Effective Monitoring of Recovery Programs for Inclusion and Equity towards marginalised groups in Nepal” was conducted on 21 March 2018 with Yubraj Bhusal, CEO of National Reconstruction Authority (NRA) and representatives from the Social Welfare Council (SWC), Central Level Project Implementation Unit (CLPIU), Housing Recovery and Reconstruction Platform (HRRP), Humanitarian Accountability Monitoring Initiative (HAMI) and Christian AID. A common platform was created for stakeholders to share their challenges and achievements during project intervention where upcoming plans and programs of the NRA were also shared by Mr. Bhusal.

### 2.2 District level consultation on budget under GESI framework

A field study was conducted from 04-30 March, 2018 in Bara, Saptari, Sunsari, Kailali and Dailekh district respectively to identify the condition of budget implementation against the public’s expectation of it. A team of experts, consultants and coordinators from Samata Foundation visited each district to consult with locals, members from government agencies, municipality and local level CSOs.

The current budget and prospect budget in terms of Dalit communities were thoroughly discussed. The opinions of the participants were gathered and the information gathered was generated as a basis for advocacy meetings with the lawmakers.



### 2.3 High level discussion with a team of experts

On the 21 April 2018, Samata Foundation organized a meeting with the Chairperson of National Planning Commission, the former member secretary of National Dalit Commission and the former parliamentarians and representatives from various CSOs to discuss a suitable budget and policies under GESI principles in favour of Dalit communities. Also, one of the major objectives was to conclude on the submission of the demand paper to the Ministry of Finance, which has the responsibility to formulate a budget for fiscal year 2018/19.

The demand paper included a list of points for the government to incorporate while designing the budget at various levels. It contained important recommendations from the GESI perspective and it was pertinent for the Dalit communities. After incorporating various points in the demand paper, the meeting decided to hand it over to the Ministry of Finance.

## 2.4 Advocacy meeting at the Ministry of Finance

On the 23rd of April 2018, an advocacy meeting was conducted with the Minister of Finance, responsible for the National Budget Preparation, Hon. Finance Minister Dr. Yuvraj Khatiwada along with the members of the ministry and parliamentarians Ms. Anjana Bisunkhe, Mr. Khim Bahadur BK, Mr. Khim Bahadur Nepali, former parliamentarians Mr. Jitu Gautam, Mr. Tilak Pariyar, former member secretary from National Dalit Commission, lawyers, CSO's leaders and Journalists participated in the meeting. The discussion centered around the specific needs of Dalits and what they expect from the upcoming national budget which could provide guidance to all provinces and local government in the process.

The Minister expressed the commitment to fulfill the demands set forth by the participants and assured that upcoming budget will be more inclusive and beneficial to Dalit communities.



**FIGURE 4**

Advocacy meeting with Hon. Minister of Finance - Dr. Yuvraj Khatiwada

## 2.5 Lobby meeting at Province 2

A lobby meeting was organized from the 01-02 November 2018 with the honorable Chief Minister Lal Babu Raut, provincial parliamentarians, local elected representatives, the mayor and ward representatives from Dalit community. The main objective of the discussion was to sensitize the newly elected members with fundamental rights of Dalits as well as national and international human rights mechanisms. This was executed in order to gather experiences and challenges faced by elected representatives in their one year journey.

Samata Foundation presented the “Constitutional and legal provisions to protect Dalit rights” to 200 attendees (locally elected members from eight districts in Province 2). The presentation was followed by interaction session where participants shared their experiences and learnings, which is documented for future reference.

The Dalit Empowerment Bill prepared by province 2 has proposed to establish a Dalit Commission and Dalit Development Committee. It is an exemplary Bill that can be replicated to other provinces. The Chief Minister is highly impressed and is very positive on the draft Bill. Samata Foundation considers this as an opportunity to have the Dalit Empowerment Bill replicated all other of the provinces.



**FIGURE 5**

Lobby meeting with Chief Minister of Province 2 - Hon. Lal Babu Raut



**FIGURE 6**

Lobby meeting with Mayor of Province 2, Mr. Lal Kishor Sah

## 2.6 Lobby meeting with the mayor of province 2

A meeting was conducted with the mayor of Janakpur Mr. Lal Kishor Sah on 28 December 2018 at Janakpur. The meeting was focused on discussion related to the status of Dalit students in schools, their drop-out rates and the caste-based discrimination they face. Samata Foundation drew major attention on the modifications required in the school curriculum and teacher training to eliminate such caste-based discrimination from schools.

The reference of three successful events conducted at the Annapurna Municipality where the curriculum was revised garnered positive response from the locals and teachers. It was presented as an example to the mayor. Impressed by the initiation and considering the access of education required to educate Dalit children and transform them into agents of change to end discrimination, the Mayor positively viewed the idea of modifying the curriculum.



**FIGURE 7**

A proposed curriculum was handed over to Hon. Minister of Education and Chairperson of High Level Education Commission, Mr. Giriraj Mani Pokharel

## 2.7 Lobby meeting at the Ministry of Education

On 30 December 2018, a meeting was arranged with Hon. Minister of Education and Chairperson of High Level Education Commission, Mr. Giriraj Mani Pokharel to discuss on a 25 year draft plan by the High Level Education Commission. Members from the Commission, Dalit political leaders, experts and scholars from various universities of Nepal also participated in the meeting. Recommendations drawn from draft plan was handed to the Minister and these recommendations has been incorporated in the new policy which is to be publicly announced.

## 2.8 Lobby Meeting with Ministry of Social Development at Province 3

A lobby meeting with the Hon. Minister, Ministry of Social Development, Mr. Yubraj Dulal Sharad was conducted at the capital of Province 3, Makwanpur on 28 December 2018. The Dalit Empowerment Bill drafted at Province 2 was submitted as a reference to replicate formation of provincial level Dalit Commission and Dalit Development Committee at the province. Samata Foundation is optimistic with the positive response it received. The meeting ended with a consensus to conduct such meetings and impel the local level government to act upon drafting Dalit responsive plans and programs.



**FIGURE 8**

Lobby Meeting with Hon. Minister of Social Development, Mr. Yubraj Dulal Sharad

### 3. CREDIBLE PUBLICATION

#### 3.1 Book Launch

Samata Foundation launched 'Samabeshitako Bahas' (Debating Social Inclusion), a book written by Dr. Ramesh Sunam, an international research fellow at the United Nations University, Tokyo. The book discusses the critical, theoretical and policy insights into the inter-relationships between affirmative action/reservation policy, meritocracy and so on. It also suggests a new policy model for social inclusion, considering social diversity and the multiple axes of political, social and gender exclusions. A formal launch event took place at Nepal Tourism Board on 05 April 2018 in the presence of Parliamentarian Niru Jairu, Mohana Ansari, Member of National Human Rights Commission Nepal, Prof. Chaitanya Mishra, Dr. Krishna Bhattachan and CK Lal. The book is available at the resource center of Samata Foundation.



**FIGURE 9**

Book launch event of Samabeshita ko Bahas featured in onlinekhabar.com, an online news portal

## 4. DISCOURSE/WORKSHOP

### 4.1 DHRD orientation on Gender Equality and Social Inclusion

A two day orientation program from 06-07 February 2018 was conducted on Gender Equality and Social Inclusion for Dalit Human Right Defenders (DHRD) in Charikot. Mr Rajan Pariyar, program coordinator of Effective Monitoring of Recovery Programme for Inclusion and Equity

towards Dalits in Nepal facilitated the orientation.

The event aimed to keep the DHRDs aware on fundamentals of the GESI principles, to link GESI perspectives while conducting project activities (such as radio programs, preparing newsletters and conducting lobby meetings), to provide skills in administering checklist for radio program, effective communication and writing success story or case study and to understand the fundamentals while working with beneficiaries.



**FIGURE 10**

Presentation on roles of madhesi youths to eliminate caste based discrimination and untouchability

## 4.2 Discourse with Madheshi Youth on the state of Caste Based Discrimination and Untouchability.

A discourse session to generate awareness on caste-based discrimination among Dalit youths was arranged in Saptari district of Province 2 with 48 participants, representatives from District Coordination Committee, Police, Personnel members from local level CSOs, youths, lawyers and journalists.

The session was focused on the state of caste-based discrimination and untouchability prevalent in the Madheshi communities and the role Madheshi youth can play to eliminate the issue. The feedback gathered from the sessions are documented as a resource material for Samata Foundation to conduct lobby meetings.

## 4.3 Local Level Workshop in Lumle, Kaski

Samata Foundation organized a workshop at Annapurna Research Center, Lumle on 11 July 2018 to share the findings of a research on the school curriculum conducted by The School of Anthropology, University of Oxford, and Samata Foundation. It was a collaborative effort of the Oxford University, Annapurna Rural Municipality and Curriculum Development Centre, Kathmandu .

The lessons in the history books and other stories in the school curriculum often portray Dalits as social evils. It reinforces the caste-based prejudice and further strengthens the caste-based discrimination. It needs to stop.

Therefore a study was conducted to explore alternatives to the traditional school curriculum to reframe the evils of caste system and caste-based discrimination and promote equality and social justice to eliminate untouchability.

The findings from the research were shared in a formal event. Mr, Yubaraj Kunwar, Chair, Annapurna Rural Municipality made a commitment to incorporate these issues in the curriculum and immediately applied to three major schools.

Laligurans rural municipality, Terhathum and other municipalities of Dang and Chitwan have shown interest to launch the curriculum in their respective regions.

#### 4.4 National level workshop on “Tackling Dalit Structural Disadvantage through Nepal’s Educational Curriculum”

Samata Foundation organized a research presentation session. The research presentation was presented by Dr. Krishna Bhattarai from Oxford University, Mr. Gopal Nepali from Samata Foundation, Balram Bhugai, Education Officer (Annapurna Rural Municipality) and Udhab Subedi, Social Study teacher (Sijana Madhyamik Vidhyalaya).

A study was conducted by the University of Oxford - The School of Anthropology, and Samata Foundation foundation on how the issues of discriminations based on caste system can be incorporated in the school level curriculum and how vital the role of education is to end untouchability in the country, the sharing of several findings from field work at schools in Kaski district were presented by the researchers during the event in which distinguished guests Hon. Minister of Youth and Sports, Mr. Jagat Bahadur Biswokarma, Member of Parliamentarians, Mrs. sanu Siwa, Mr. Chakra Prasad Snehi, Mrs. Anjana Bisunkhe and Ms. Bimala Bishwakarma and, few scholars from Tribhuwan University were present.

#### FIGURE 11

Presentation on the findings of Tackling Dalit Structural Disadvantage through Nepal’s Educational Curriculum



## 5. SAMATA FOUNDATION AT INTERNATIONAL FORUM

### 5.1 International Consultation for the Elimination of Descent-based Discrimination in Osaka, Japan

Samata Foundation was part of the consultation which was attended by 9 of the other representatives from Dalit civil society in India, Bangladesh, Nepal and Sri Lanka, leaders of Buraku Liberation League (BLL), the former UN Special Rapporteur on minority issues, and a representative from the OHCHR held on 09 April, 2018. The consultation was held to share the good practices and challenges in combating descent-based discrimination, specially with dalits in Nepal, Bangladesh, Plantation Community from Sri Lanka and Burakumin from Japan and stakeholders.



**FIGURE 12**

Samata Foundation representing at Consultation for the Elimination of Descent-based Discrimination in Osaka, Japan

## 5.2 Alternative report presented at 95th Session of Convention on Elimination of Racial Discrimination (CERD) in Geneva, Switzerland

Samata Foundation had taken lead to prepare latest alternative (shadow) report on CERD in consultation with over 70 CSO's. This alternative report was presented to the UN Committee in addition to the government of Nepal periodic reports 17 to 23 in 95th Session of Convention on Elimination of Racial Discrimination (CERD) in Geneva, Switzerland held on 30 April to 01 May 2018.

In advance of Nepal's review by the CERD, a joint report prepared by Samata Foundation in consultation and coordination with other organizations working on Dalits was submitted. Report offered the perspective of Dalit CSO's to highlight areas where Nepal could make further advances in meeting its obligations under the ICERD and protection of Dalit human rights. The report provides recommendations on definition of racial discrimination; measures to eliminate discrimination and promote equality; prevention, prohibition and eradication of racial segregation and apartheid, measures to promote equality and non-discrimination in the enjoyment of civil, political, economic, social and cultural rights; protection and remedies through judicial and non-judicial mechanisms; measure to combat prejudices and promote understanding and tolerance.

With its presence at CERD, Samata Foundation was able to make the international community to understand the present human rights situation of the Nepali Dalit and influence them to adequate concluding observation to the government of Nepal for upholding the rights of Dalit to live in a society free of caste based discrimination and untouchability.



**FIGURE 13**

Samata Foundation at 95th Session of Convention on Elimination of Racial Discrimination (CERD) in Geneva, Switzerland





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