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the Elimination
of all Forms of
Racial Discrimination**

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COMMITTEE ON THE ELIMINATION OF RACIAL DISCRIMINATION

Sixty-fourth session

SUMMARY RECORD OF THE 1630th MEETING

Held at the Palais Wilson, Geneva,
on Thursday, 4 March 2004, at 3 p.m.

Chairman: Mr. YUTZIS

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The meeting was called to order at 3.05 p.m.

CONSIDERATION OF REPORTS, COMMENTS AND INFORMATION SUBMITTED BY STATES PARTIES UNDER ARTICLE 9 OF THE CONVENTION (agenda item 6) (continued)

Fifteenth and sixteenth periodic reports of Nepal (CERD/C/452/Add.2; HRI/CORE/1/Add.42; CERD/C/304/Add.108; list of questions by the Rapporteur)

1. At the invitation of the Chairman, the members of the delegation of Nepal took their places at the Committee table.
2. Mr. ACHARYA (Nepal), introducing his country's fifteenth and sixteenth periodic reports, said that actions to promote equality and prevent acts of discrimination fell into three broad categories: constitutional provisions, legislation and institutional measures. Specific guarantees in the Constitution provided the basis upon which relevant laws had been enacted or amended. The Government was committed to implementing special socio-economic measures to achieve social equality and development, particularly among the disadvantaged segments of society, including the Dalits and the Indigenous Nationalities. Among the measures implemented during the period covered by the Ninth Periodic Plan (1997-2002) were specific policies, strategies and programmes to eliminate discrimination and to ensure the equitable participation of underprivileged communities in decision-making bodies. Regrettably, illiteracy, lack of social awareness and the traditional mindset had all militated against the measures. As a result, the level of participation of the targeted groups remained inadequate. One of the main components of the Tenth Periodic Plan (2002-2007) was a poverty alleviation programme, specifically targeting women, Dalits, Indigenous Nationalities and other disadvantaged groups.
3. Other measures targeting disadvantaged groups included the adoption of a bill in 2001 on the establishment of a National Foundation for the Development of Indigenous People and Nationalities; the establishment of a National Committee for the Upliftment of the Depressed, the Oppressed and the Dalit Community; and the abolishment of the exploitative bonded labour system, known as Kamaiya. In addition, a number of steps had been taken to promote respect for the culture and language of the various nationalities and their access to education. The Government had also adopted affirmative action measures in the areas of communication, information and education. School curricula had been updated to include anti-discrimination modules and human rights had been included in the training of law enforcement officials. In cooperation with several non-governmental organizations (NGOs) and intergovernmental organizations, the Government had set up programmes to denounce and prevent acts of discrimination in the country.
4. The National Civil Code explicitly prohibited any form of racial discrimination based on caste, as well as the denial of access to public places and public utilities, and prescribed punishment for those violating its provisions. Despite such measures, vestiges of caste-based discrimination still persisted in Nepalese society, especially in remote rural areas. The Constitution provided for the right of citizens to invoke the extraordinary jurisdiction of the Supreme Court for effective remedies against violations of human rights, and the judicial system

ensured the right to equal treatment before the courts. In addition, a National Human Rights Commission had been set up as an independent body to promote and protect human rights in Nepal.

5. After briefly outlining the Government's response to the concluding observations of the Committee on Nepal's fourteenth periodic report (CERD/C/304/Add.108), he drew the Committee's attention to the developments that had taken place since the drafting of the sixteenth periodic report in 2001. The Periodic Plans had placed special focus on bringing the Dalits and Indigenous Nationalities into the mainstream of national development. Since poverty was one of the root causes for the perpetuation of racial discrimination and since the level of poverty in those communities was relatively high, the Tenth Periodic Plan had made poverty alleviation its primary objective. The Plan had earmarked approximately US\$ 21 million for programmes to promote economic, social and cultural development, empowerment and traditional skill development, as well as to abolish discrimination and enhance social prestige. Within those common objectives, goals established for the Dalits tended to focus on abolishing social oppression and discrimination, while those for the Indigenous Nationalities were primarily aimed at protecting their cultural heritage and promoting their cultural development.

6. A National Dalit Commission had been established and was currently engaged in formulating recommendations for changes in the existing legal provisions and policies concerning the rights of Dalits, investigating and monitoring cases of caste discrimination, and recommending strategies for effective implementation of the Convention at the national level. The Commission had also prepared a bill on the establishment of a separate entity known as the Dalit Upliftment Council to help strengthen activities for the social inclusion of the Dalit community.

7. The National Foundation for the Development of Indigenous Nationalities had been established in 2002 and was entrusted with various functions relating to the overall development and mainstreaming of the Indigenous Nationalities, with their active participation. Another important development was the establishment in 2002 of the National Women's Commission, which drafted laws concerning women's rights and participated in efforts to protect women from exploitation and discrimination. In 2003, a Human Rights Promotion Centre had been set up to promote and coordinate the effective implementation of human rights activities among the various government institutions.

8. In August 2003 the Government had announced a new and far-reaching policy aimed, inter alia, at eliminating all forms of discrimination and exploitation, achieving a more balanced representation of ethnic groups and women in decision-making bodies, and revamping the Local Bodies to grant them additional authority. Other new programmes included the establishment of the Kamaiya Emancipation and Rehabilitation Programme to help families extricate themselves from the bonded labour system by providing financial assistance and materials for housing construction.

9. The Government of Nepal was firmly convinced that the long-term peace, progress and prosperity of the nation depended upon the enjoyment of human rights by all members of society. While much had been accomplished, the prejudices existing at the societal level would require continuous efforts before they could be eradicated. There was a need to educate the public about the virtues of tolerance and respect, and effective socio-economic and cultural

programmes were needed to fight the poverty and social exclusion of vulnerable segments of the population. However, because of the scarcity of human and financial resources in Nepal, that could only be accomplished with the assistance and support of the international community. The dialogue with the Committee would no doubt help the Government to confront the obstacles it faced with greater determination.

10. Mr. KJAERUM (Country Rapporteur) said that it was encouraging to note that the sixteenth periodic report had been drafted in cooperation with numerous government ministries and had allowed for the comments of NGOs and other organizations. He had received information from various United Nations bodies and human rights NGOs, noteworthy among which were the shadow reports received from the Asian Legal Resource Centre and the Nepalese Human Rights Treaty Monitoring Coordination Committee.

11. Nepal was faced with many serious problems, including poverty, illiteracy and the presence of large numbers of refugees from neighbouring countries, all of which posed obstacles to the fulfilment of Nepal's obligations under the Convention. However, those obligations remained constant for all States parties regardless of their internal situations. It was commendable that article 11 (4) of Nepal's Constitution prohibited caste-based discrimination. In that connection, he enquired whether the Government had taken any steps to sanction violations of article 11 (4). Since, as stated in the periodic report, the Nepalese Treaty Act (para. 58) established the primacy of international law over domestic law in the case of conflict, he requested a description of the manner in which such conflicts were handled, particularly those opposing domestic law and article 2 of the Convention.

12. While efforts to fight discrimination through educational programmes were important, more emphasis should be placed on enforceable rights-based action. According to paragraph 63 of the periodic report, existing laws authorized local authorities to take action against incidents of caste-based discrimination. He wished to know the specific laws to which reference was being made.

13. The delegation should provide information on the progress that had been made in establishing a National Academy for the Upliftment of Nationalities (para. 62). He wished to know what the outcome had been of discussions concerning a plan to enhance the socio-economic rights, political rights and employment opportunities of women, oppressed groups and ethnic and tribal peoples. He requested additional information on the issue of autonomy for Nepal's indigenous peoples and asked whether the Government had taken any steps to formalize the autonomy and self-determination of those groups. Regarding the annexation by the Government of traditional homelands of indigenous peoples for the sake of protecting wildlife, he enquired how the Government planned to reconcile those conflicting interests.

14. Promotion of the *parbatiya* culture, which included the prohibition on killing cows, had resulted in discrimination against the indigenous population and other religious minorities in the reporting State. That law was based on the fact that cows constituted a Hindu deity, yet many indigenous, non-Hindu people had been imprisoned for killing cows. While having a State religion was not in itself discriminatory, laws based on only one of several religions practised in the State, as was the case in Nepal, led to potential discrimination. The reporting

State should explain the prohibition on killing cows in the National Civil Code in light of the assertion in paragraph 18 of the periodic report that Nepal was a multi-ethnic and multi-religious nation.

15. While paragraph 80 of the report stated that Nepal did not have public policies of racial segregation or apartheid and did not promote such policies, he noted that several elements of Nepalese society that were related to the caste system seemed to constitute segregation. The Committee welcomed the measures the Government had taken to combat segregation, as outlined by the delegation, and would welcome additional information on how that endeavour would continue.

16. Pursuant to article 4 of the Convention, it was unclear whether paragraph 81 of the periodic report referred to article 11 (4) of the Constitution. It was difficult to understand why violation of that article was not punishable by law (para. 51) when the National Civil Code provided penalties for such violations (para. 81). He also failed to comprehend how that Code could prescribe penalties, given that it was a civil, not a penal code. The reporting State should clarify whether there was any legislation in place to declare the activities referred to in article 4 (a) of the Convention offences punishable by law and what the concomitant penalties were.

17. With regard to article 4 (b), it would be useful to have a full account of which statutory provisions the report meant by the phrase “[a]ll legal measures” (para. 83). Similarly, did the term “curb” in that paragraph indicate that those measures declared illegal and prohibited the relevant organizations and propaganda activities, and did the “legal measures” also cover participation in such organizations and activities? The reporting State should clarify which statutory provisions implemented article 4 (c) of the Convention on not permitting the public authorities to promote or incite racial discrimination, as that was not covered by article 11 (3) of the Constitution. The Committee would welcome information on any administrative practice or jurisprudence related to article 4 of the Convention or the relevant domestic legislation. In particular, the reporting State should explain why the Shiva Sena Party Nepal, which called for the death penalty as punishment for killing cows, had been permitted to register as a political party in 1999, when a number of ethnic political parties had been prohibited from doing so.

18. Regarding the right to security of person, reports had been received from a number of independent sources that Dalits and other vulnerable groups, such as bonded labourers, were regularly subjected to physical attacks by civilians and to acts of torture by the police. The reporting State should clarify whether the police indeed tortured vulnerable groups and whether it intended to investigate allegations of racial discrimination by the forces of law and order.

19. In relation to political rights, while measures had been taken by the political parties to ensure that women were present in the House of Representatives, no such system had been adopted to guarantee representation of disadvantaged groups such as the Dalits. The Government should therefore introduce measures to remedy that situation, in line with general recommendation XXIX. While representation of women, Dalits and other minority groups was provided for under the Local Bodies Election Procedure Act (para. 92), a commendable initiative, reports had been received of Dalits being ignored. The reporting

State should clarify whether that legislation was being implemented and to what degree it was successful. The Committee would also appreciate additional information on the effectiveness of the local mediation committees referred to in paragraph 86 of the report.

20. Regarding the right to nationality, the reporting State should explain how the rights of children born to the women of the Dalit *Badis* tribe were to be secured in future given that women did not have the right to recognize their children as citizens and the fathers of many of those children were unknown. He commended the State party on the example of affirmative action regarding the right to marriage and choice of spouse in the Namsaling Village Development Committee, which resisted social pressure and encouraged inter-caste marriages with Dalits. The Committee would welcome additional information on the right of women from minority groups to seek divorce on an equal footing with men. The reporting State should also explain to what extent women belonging to non-Hindu groups had the right to inherit on an equal footing with men.

21. Regarding the right to work, the caste system posed a serious challenge to article 5 (e) (i) of the Convention as it implied restrictions on the type of jobs members of certain castes could perform. While noting the commendable measures to free bonded workers, he would be grateful for additional information on measures anticipated by the Government to emancipate the remaining bonded labourers and to ensure decent living conditions for those already liberated. He also commended the Bill introducing a 10 per cent quota for Dalits in the civil services.

22. On the subject of the right to education and training, he noted with concern that several NGOs had reported that Dalit students were often separated from other students in classrooms and play areas and at water taps. The reporting State should indicate whether allocation of the 10 per cent quota of scholarships reserved for Dalit students was monitored, as reports had been received of benefits being allocated to non-Dalits. The construction of separate water taps for Dalits and non-Dalits in the village of Godawari (Kailali district) constituted discrimination under article 5 (f) of the Convention. Given that the Government had allocated the funds to construct those water taps, the reporting State should explain how it planned to ensure that State resources did not support discriminatory measures in future. Were the relevant local committees held accountable for allocating resources in accordance with the Constitution and national legislation?

23. Regarding refugees and displaced persons, he noted the grave concerns expressed by several human rights organizations about the refugees from southern Bhutan and the prospect of finding a humane solution to their plight. Of equal concern were reports of forcible returns of Tibetan refugees to China. While acknowledging the elaboration on that subject by the delegation, he would appreciate additional information on procedures and legislation in place to protect refugees and asylum-seekers.

24. With reference to judicial remedies (article 6 of the Convention), the reporting State should clarify whether those stipulated in article 88 of the Constitution and in the Miscellaneous Chapter for the Country Code provided for private or public prosecution. Had the Government considered amending article 88 in order to allow the hearing by two instances of a prosecution based on that article? It would be interesting to learn whether the Government had introduced a bill amending the Miscellaneous Chapter of the Country Code to enable the District Court to award compensation (para. 113). Additional information on any relevant jurisprudence would be

welcome, as would details of the Legal Aid Act. In particular, had that act established a general and countrywide free legal aid scheme, thus enabling citizens living in poverty to bring an action before a court in a case of discrimination? In the light of the acknowledgment in the report of the widespread lack of awareness regarding access to judicial remedies, it would be interesting to learn whether the Government planned to conduct any information campaigns on racial discrimination.

25. In its introduction to the periodic report, the delegation had provided substantial information on various government institutions that facilitated access for individuals to complain about violations of their human rights and to address human rights issues on their own initiative. The Committee would, however, appreciate additional information on whether the new legislation mentioned by the delegation had led to a higher degree of autonomy for the National Dalits Commission. The reporting State should also provide more details on the specific cases that the National Human Rights Commission had dealt with and the outcomes of those cases. It was unclear whether any of the many commissions the delegation had referred to had a mandate to act as country-wide institutions monitoring racial discrimination.

26. Pursuant to article 7 of the Convention, he commended the State party on the human rights training and education of law enforcement officials, in accordance with the Committee's concluding observations of May 2001 (paras. 116 and 123). The reporting State should clarify whether the military police force deployed as a result of the Maoist rebellion and the declaration of emergency on 26 November 2001 was also subject to human rights training. Given that non-governmental sources had suggested that lower level officers lacked awareness and training on human rights, the Committee would welcome specific details of training given at those levels. While measures had been taken to protect and promote cultural diversity in the media, the Dalits were not represented in any State-owned media institutions. Additional information should be provided on the Government's view concerning the allocation of broadcasts in the national media and whether it planned any affirmative action in that area, such as reserved seats for minority groups in public radio and television decision-making bodies.

27. He commended the State party on its intention to withdraw its reservations to articles 4 and 6 of the Convention and to make the declaration provided for in article 14. The Committee would appreciate further information on those issues and clarification of whether it intended to withdraw its reservation to article 22.

28. Mr. VALENCIA RODRÍGUEZ noted with concern that Dalit women and children risked discrimination on three counts: because they were Dalits, because they were women or children in a patriarchal society and because they were poor. While some improvements had been noted in the economy, the overall economic picture was mostly unsatisfactory, in part because 47 per cent of the working population depended on agriculture.

29. The State party was to be commended for allowing international treaties to take precedence over domestic legislation, which meant that the provisions of the Convention could be directly invoked in Nepalese courts. In that context, the Committee would appreciate additional information on what legislation was in place to prohibit the discrimination of one person by another.

30. According to statistics, 38 per cent of the Nepalese population were still living under the poverty threshold, which meant that they had limited access to social services such as health, education, hygiene, housing, employment and justice, as did the indigenous population. While he commended the State party on the initiatives it had taken to tackle poverty, he urged it to intensify its effort in that respect and to ask for international assistance, particularly from specialist NGOs. The State party should also increase its efforts to eliminate the caste system, in accordance with general recommendation XXIX, in order especially to improve the situation of the Dalits.

31. In the light of the high number of refugees living in Nepal, the State party should ensure full respect of the fundamental rights and freedoms of all refugees who faced repatriation. Foreign workers should also be protected against discrimination in regard to employment. He commended the State party on its stated intention to withdraw its reservations to articles 4 and 6 of the Convention and urged it to introduce specific legislation prohibiting racial discrimination, as well as promoting the aims and objectives enshrined in the Convention. All those measures could be implemented by the recently established Human Rights Commission. The Committee would welcome further information on that body in the next periodic report.

32. Mr. de GOUTTES commended the Government on the methodology used to compile its report (para. 44), which had been submitted only four years after the previous report. The four main problems with which Nepal was confronted were extreme poverty, which was exacerbated by the rural nature of the country; the caste system, which trapped people in their social groups and prevented social mobility; the presence of a large number of Bhutanese refugees on its territory; and the Maoist insurgency that had begun in the mid-western and mountain districts.

33. Positive aspects of the report included the information provided about the culturally diverse nature of Nepalese society. He welcomed the Government's recognition that the prohibition of caste or ethnicity-based discrimination had not succeeded in eliminating the problem and commended the Government on the many measures that it had introduced with the aim of promoting minorities and combating discrimination against the lower castes. He wished to know the Government's position with regard to the Committee's general recommendation XXIX on descent-based discrimination and asked to what extent the approach advocated in the recommendation had shaped that aspect of national policy. He wished to know more about exploitation, particularly of young girls who were reportedly forced into prostitution.

34. Recalling that article 4 of the Convention required that the promotion of or incitement to racial discrimination should be declared an offence punishable by law, he asked the delegation to provide information about any specific cases of racial discrimination that had come before the courts, and for information about any relevant complaints received by the National Human Rights Commission (para. 118). He asked to be updated about the effectiveness and impact of the process of mediation and arbitration referred to in paragraph 86 of the report. Finally, he welcomed the serious consideration being given to making a declaration under article 14 of the Convention and encouraged the Government to take that step (para. 124).

35. Mr. HERNDL said that the report showed a degree of philosophical reflection that was indicative of the Government's frankness about the problems it faced. The only points that he wished to raise concerned the ratification of the amendment to article 8 of the Convention, the

declaration under article 14 of the Convention, and implementation of specific measures to ensure full compliance with article 4 of the Convention. He urged the Government to withdraw its reservation to article 4 of the Convention and drew a parallel between Nepal's obligation to make acts of discrimination a punishable offence and its obligation under the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment to provide for compensation of victims. He lamented the lack of information provided on the implementation of article 4; the report was silent on the question of any proceedings that might have been instigated with regard to cases of discrimination. He hoped that Nepal's next periodic report would include examples of practical cases, since such information was invaluable for the Committee but relatively easy for States parties to provide.

36. Mr. THORNBERRY said that Nepal was a country characterized by extraordinary diversity, especially given its relatively small size. He wished to know about human rights education, both for minority groups and for the general population; he asked whether pupils were taught about good citizenship, whether they received intercultural education, and what they were taught about the religious caste system. He asked what knowledge and values the Government sought to instil in children, since education could never be entirely neutral; pupils should be taught about human rights and responsibilities within a national context in order to encourage an understanding of the common values and cultural differences of different social groups, free of any assumption regarding the superiority of any one group over another.

37. He asked whether the criteria for determining membership of indigenous peoples or ethnic groups were based on the principle of self-identification and whether there was any overlap between caste and ethnicity. He also asked whether the creation of wildlife parks on indigenous lands had been achieved in consultation with the indigenous peoples concerned. The need to secure informed prior consent and to provide restitution and compensation for the relocation of indigenous peoples was an issue that cut across many countries and one that had been addressed in the International Labour Organization's Convention No. 169 and in the Committee's own general recommendation XXIII on the rights of indigenous peoples. He asked whether the Government had considered drawing on indigenous expertise in the management of wildlife parks, since indigenous communities often had incomparable deep-rooted knowledge of how best to manage their environment. He commended Nepal on its determination to address caste prejudices and referred the Government to the Committee's general recommendation XXIX on descent-based discrimination.

38. Mr. AVTONOMOV said that in addition to the virtues of frankness and introspection already extolled by the Committee, another positive aspect of the report was the inclusion of specific information about the implementation of legislative provisions. The separate section on the Government's response to the concerns and recommendations expressed by the Committee with regard to Nepal's previous periodic report was a useful innovation.

39. He wished to know whether any provision was made for payment of compensation to victims of caste-based discrimination and asked the delegation to provide details of any relevant court rulings. Having noted that the report had been submitted almost a year previously, he requested updated information about the situation of refugees in Nepal. He asked for clarification of the eligibility criteria for citizenship by birth under the Nepal Citizenship Act, 1964 (para. 94) and the possibility of naturalization for foreign-born residents. He noted with satisfaction that the Government endorsed the principle of equal pay for equal work, but wished

to know what mechanisms were in place to ensure that the principle was applied in practice. He would welcome more information about the kinds of discrimination that existed in relation to employment. Given Nepal's good record on the ratification of international human rights instruments, he asked whether the Government had any plans to ratify the International Labour Organization's Indigenous and Tribal Peoples Convention, No. 169.

40. Ms. JANUARY-BARDILL said that, although the broad arsenal of legal instruments that was being used to address issues of equality and access to justice attested to the Government's resolve to tackle such problems, the biggest challenge was always one of implementation. She understood that Nepal faced some difficulty insofar as its civil Constitution ran parallel to a history of customary law; in such cases, people were often better informed about the content of customary law than about the Constitution. She asked what was being done to mainstream the implementation of equality and anti-discrimination provisions at the executive and local government levels, since such an approach was generally more effective than delegating responsibility for implementation to specialized committees, which were often under-resourced and marginalized.

41. She wished to know the Government's rationale for not extending its consideration of affirmative action policies to areas other than education, such as employment, access to land, and the procurement of goods and services. She asked whether there was a target date for fulfilment of the announced 10 per cent quota for representation of Dalits in the civil service and how fulfilment of the target would be monitored. She would appreciate further information on the progress made with regard to Dalit women, and referred the Nepalese Government to the Committee's general recommendation XXV on gender-related dimensions of racial discrimination.

42. Mr. TANG Chengyuan said that it was clear from the report that the Government was aware of the problems it faced and was resolved to address them. Caste-based discrimination had historical roots in Nepalese society and had therefore proved resilient in the face of its legal prohibition. Future efforts should focus on ensuring that the many measures designed to improve the situation of members of the lower castes were implemented effectively by individual officials. He hoped that, with technical assistance from NGOs and United Nations agencies, Nepal would be able to raise the condition of members of the lower castes and facilitate their participation in public life, which would in turn improve their image in society and empower them to improve the situation for themselves.

43. In 2000, Nepal had established a National Human Rights Committee that had investigated 150 cases of human rights violations. It did not, however, have the authority to prosecute, and he therefore wondered how such investigations were followed up. He requested further information on cases involving caste-based persecution, how such cases were dealt with and what measures were taken to compensate the victims.

44. Mr. PILLAI said that Nepal should be commended for having subsumed such a large number of ethnicities into its national identity. The Committee was interested in the occurrence of descent-based discrimination in Nepal. Despite the fact that the country had appropriate legislation and constitutional provisions to deal with the problem, the means of implementing that legislation were ineffective. Sociological studies showed increasing awareness of and resentment towards societal attitudes and the justice system. The role of the Government and the

political sector of society was to act as an instrument for changing social attitudes and empowering the public. It should therefore address the issue of educating people and raising public awareness regarding racial discrimination. Efforts should be made to increase the sensitivity of the police and the judiciary to the problem, in order to enable them to deal more effectively with discrimination cases. Apart from raising awareness of the concept of equality among the poorer classes, it was equally important that the upper strata of society should be educated to truly understand the meaning of the term "equal opportunities". The United Nations Development Programme (UNDP) had supported a plan to enhance the competence of the judiciary in Nepal. He would be interested to know whether the plan involved making the judiciary more sensitive to issues of discrimination, and if not, how the Government planned to do so, particularly in view of the fact that the budget for development ministries in the country had been cut, which had affected awareness-raising programmes in general.

45. One result of the climate of racial discrimination was the recent increase in violence in Nepal. NGOs had reported that the Dalits were heavily involved in Maoist insurgency and were often recruited to swell the ranks of government opponents. As a result, the Government had hardened its attitude towards the Dalit population, which showed that the problem of perceived neglect and discrimination could not be solved through the use of force. It was important for the fight against descent-based discrimination to remain secular and to be viewed as a social rather than a religious problem.

46. The Committee had been informed that discussions had taken place in the Government on strengthening the capabilities of the Dalit Commission. He wished to know what measures were being taken to assist the Dalit Commission in its efforts to prevent discrimination, undertake punitive action against offenders and grant compensation to victims. The delegation should provide further information on how the State party was dealing with the large numbers of refugees from Tibet and Bhutan and how it was coordinating its efforts with the office of the United Nations High Commissioner for Refugees (UNHCR). He wished to know which nationalities were due to fall within the purview of the new National Foundation of Indigenous Nationalities, and whether there was any further information available on the demographic characteristics and socio-economic situation of those nationalities.

47. Mr. SICILIANOS said that according to paragraph 19 of the report before the Committee, the Government had named 59 ethnic groups as "Nationalities of Nepal". He wished to know what criteria had to be met for an ethnic group to be recognized as a "Nationality". The Committee would appreciate details of legislation related to article 4 of the Convention. Although marriage between people of different castes was allowed by law, it was still not considered socially acceptable. He wondered what measures were being taken by the Government to change public attitudes in that regard. Paragraph 72 of the periodic report stated that the concept paper of the Tenth Plan outlined programmes on poverty alleviation for women, Dalits, Nationalities and other deprived groups of the community. He wished to know whether the Plan took multiple discrimination into account. The delegation should provide further information on compensation given to Dalits who were victims of discrimination. Nepal had comprehensive anti-discrimination legislation, but implementation measures were inadequate. He requested information on the activities of the Dalit Commission and on government plans to strengthen the powers and funding of the Commission. He wondered whether Nepal might consider implementing a system of focal-points on ethnic discrimination, similar to that

introduced successfully by some Eastern European countries, in order to assist coordination between different government ministries dealing with the problem.

48. Mr. CALITZAY said that the delegation should be commended for giving such a frank presentation of the situation of racial discrimination in Nepal. In that regard, he wanted to know what measures were being taken to eliminate caste-based discrimination in particular, and what development programmes had been introduced to combat poverty. Owning land was a determining factor in social position in Nepal. It would be interesting to know what the implications of the draft law on agrarian reform were, and the opinions of the higher castes regarding that reform. He would also like to know how effectively legislation to combat inequality was being implemented.

49. Mr. AMIR said that different countries interpreted the Convention in different ways, in the light of their own individual circumstances. Developing countries, such as Nepal, that had been colonized and systematically pillaged, were fighting for the protection of human rights in the face of serious economic and social difficulties. The rule of law in developing countries often did not correspond with the provisions of the Convention. Adopting international laws was not enough: such laws must be implemented effectively by States parties. Societies evolved very slowly due to the lack of cohesion between customary law and contemporary law. He wished to know how the views of the Country Rapporteur would be transmitted to the Nepalese public. All care and attention should be given to ensuring that States parties, particularly developing countries, were encouraged to implement the Convention as effectively as possible. It was imperative that the message conveyed by the Committee to the Governments of States parties was made accessible to the public.

50. The CHAIRMAN said that the detailed information provided by the Nepalese Government had led to a fruitful discussion with the Committee. The problem of caste-based discrimination dated back to the beginning of time. Nepal's history illustrated that a country's legislation could tell one story, while the daily life of its society told another. He noted with interest the incorporation of religious identity into the cultural identity of the Nepalese people.

The meeting rose at 6.05 p.m.