



*****FOR IMMEDIATE RELEASE*****

For more information contact:

Smita Narula + 1 212 992 8824, + 1 917 209 6902

Jayne Huckerby + 1 212 992 8186, + 1 212 203 6410

DALITS AT HIGH RISK OF TORTURE IN NEPAL

CHRGJ urges investigation by the U.N. Committee Against Torture

(New York, November 8, 2005): Dalits are at high risk of torture in Nepal, warned the Center for Human Rights and Global Justice. In a statement delivered today to the U.N. Committee Against Torture, the Center urged Committee members to investigate the extent of torture against Nepal's so-called untouchables.

Since declaring its "war on terror" the Nepalese government has used draconian laws including the Terrorist and Disruptive Activities Ordinance and the Public Security Act to preventively detain and torture individuals, including Dalits.

"Cases of torture, extrajudicial killings, and forced 'disappearances' have soared in Nepal since the government began its 'war on terror'," said Professor Smita Narula, Executive Director of the Center for Human Rights and Global Justice (CHRGJ). "Dalits are the invisible victims of these abuses. They are often detained and abused simply because of their 'low-caste' status."

On November 9 and 10 the U.N. Committee Against Torture will review Nepal's second periodic report under the *U.N. Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment*. The report covers the period from 1996 to 2004 but does not contain a single mention of well-documented abuses against Dalits.

Over 20 percent of Nepal's population is treated as "untouchable." They are denied access to land, subject to exploitative labor and segregation, and routinely abused and even killed by "upper-caste" communities that enjoy impunity. Their vulnerability is heightened in the current political climate in Nepal.

Dalits have been targeted by both Maoists and government security forces. The overwhelming majority of senior officers in the Royal Nepalese Army (RNA) continue to hail from “upper-caste” communities. Dalit communities are collectively and summarily punished by State agents, even when there is no evidence of their involvement in the Maoist insurgency.

Caste-based profiling is routine at security check posts and during village interrogation round-ups. The burgeoning presence of the police and army has led to even greater sexual abuse of Dalit women. The State has also armed upper-caste village militias who abuse their power to target Dalits and religious minorities.

Maoists too have been responsible for drawing Dalits into the conflict. The Maoists have capitalized on pervasive caste discrimination to recruit Dalit men, women and children into their insurgency. Maoists regularly force their way into Dalit homes seeking shelter, and levy burdensome “people’s taxes” on Dalit families.

Increasingly both U.N. and NGO actors are raising concerns about the victimization of Dalits in the conflict in Nepal. The U.N. Committee Against Torture now has a critical role to play.

“Since the royal takeover in February 2005 the monarchy has silenced the media, NGOs, and political parties in Nepal,” added Narula. “In the absence of any domestic accountability, the Committee Against Torture’s scrutiny into abuses against Dalits is all the more urgent.”

The Center called on the Committee to raise the following questions with Nepal:

- What accountability mechanisms are in place to ensure that police forces and members of the RNA are not using caste as a basis for profiling, detention, and abuse?
- What steps has Nepal taken to ensure more diverse caste and ethnic representation in its police and army structures?
- How does Nepal ensure that Dalit victims of torture are able to report abuses against them without fear of recrimination?
- What steps will Nepal take to ensure that Dalits are protected from abuse by non-state actors, including Maoists and “upper-caste” community members?

In August 2005 the Center released a report titled *The Missing Piece of the Puzzle: Caste Discrimination and the Conflict in Nepal*. The report makes clear that caste discrimination is a root cause and insidious consequence of the conflict. These findings are based on primary research conducted in nearly thirty districts in Nepal; research that was then substantiated by NGOs, caste discrimination experts and human rights defenders, as well as secondary sources.

The CHRGI statement to the U.N. Committee Against Torture, along with the CHRGI report can be accessed at: www.nyuhr.org/nepalreport.htm

About CHRGI

The Center for Human Rights and Global Justice (CHRGI) at New York University School of Law (www.chrgj.org) aims to advance human rights and respect for the rule of law through cutting-edge advocacy and scholarship. The CHRGI promotes human rights education and training, and encourages interdisciplinary research on emerging issues in international human rights and humanitarian law. Philip Alston is the Center’s Faculty Director; Smita Narula is Executive Director; Meg Satterthwaite is Research Director; and Jayne Huckerby is Associate Research Scholar.