

A Path to Equity and Progress:

Empowering
Communities
in Madhesh Province



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The Asian Forum for Human Rights and Development (FORUM-ASIA) is a network of 85 member organisations across 23 countries, mainly in Asia. Founded in 1991, FORUM-ASIA works to strengthen movements for human rights and sustainable development through research, advocacy, capacity development and solidarity actions in Asia and beyond.

It has consultative status with the United Nations Economic and Social Council, and consultative relationship with the ASEAN Intergovernmental Commission on Human Rights. The FORUM-ASIA Secretariat is based in Bangkok, with offices in Jakarta, Geneva and Kathmandu.

Foreword

At the Asian Forum for Human Rights and Development (FORUM-ASIA), our dedication lies in strengthening civil society and underserved communities. We achieve this by advocating for and safeguarding human rights, fostering civic engagements, and upholding democratic principles throughout the region. In Nepal, with the assistance of member organisations, we conduct research, provide capacity-building initiatives, and engage in advocacy work to assess the situation of women, youth, and marginalised (WYM) communities. Our focus is on understanding their accomplishments and challenges, particularly in their pursuit of fundamental freedoms and civic participation.

In Nepal, WYM communities find themselves in precarious circumstances due to various factors, including entrenched traditional customs, social exclusion, and systemic shortcomings. Through the collaborative efforts of multiple stakeholders, spanning from grassroots activists to top-level authorities, tangible progress has been achieved in enhancing their situation. Nepal's Constitution guarantees the rights and freedoms aimed at safeguarding and enhancing the well-being of its citizens. Furthermore, specific constitutional provisions have been established with the interests of these groups in mind. Additionally, laws and policies have been enacted specifically to safeguard the rights and prevent further vulnerability of WYM communities.

This report analyses the elements that have significantly contributed to establishing a favourable setting for the comprehensive progress of WYM communities. In addition, it also delves into factors that present potential hazards and obstacles to their advancement, while also identifying collaborative approaches to build an equitable and all-encompassing society.

Finally, the report provides doable recommendations towards ensuring the enactment and implementation of legislation that aptly addresses both the symptoms and the roots of the problems. The report humbly recommends appropriate strategies for the government, civil society organisations at the national and global scale and the private sector to consider in truly addressing the very needs of the people they profess to serve.

Mary Aileen Diez-Bacalso
Executive Director
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List of Acronyms

CSOs	Civil Society Organisations
CERD	International Convention on the Elimination of All Forms of Racial Discrimination
CRC	Convention on Rights of Children
CSRC	Community Self-Reliance Center
CEDAW	Convention on the Elimination of All Forms of Discrimination Against Women
CDO	Chief District Officer
CRPD	Convention on the Rights of Persons with Disabilities
DAO	District Administration Office
FGDs	Focus Group Discussions
FNJ	Federation of Nepali Journalists
ICCPR	International Covenant on Civil and Political Rights
ICESCR	International Covenant on Economic, Social and Cultural Rights
INSEC	Informal Sector Service Center
KII	Key Informant Interview
NGO	Non-Governmental Organisation
OHCHR	Office of the United Nations High Commissioner for Human Rights
UDHR	Universal Declaration of Human Rights
WYM	Women, Youth and Marginalised
WOREC	Women's Rehabilitation Centre

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The women labour carrying mud for brick factory,
Gujara Municipality-7, Rautahat

Executive Summary

The fact-finding mission aimed to comprehensively examine the status of human rights, fundamental freedoms, and civic space for three distinct groups within the Madhesh province of Nepal: women, youth, and marginalised communities. This mission seeks to shed light on the challenges and opportunities faced by these groups, ultimately aiming to pave the way for a more equitable and just society.

Among the pivotal findings concerning women in the region—a complex web of gender-based violence, discrimination, and restricted access to education and healthcare was exposed. Gender disparities persist both within the confines of households and on a broader societal scale. This is particularly pronounced among women in marginalised communities, who continue to grapple with unequal treatment and numerous barriers that obstruct their educational, employment, and personal development pursuits. The perpetual cycle of inequality limits their potential contribution to society and vice-versa.

Adding to these challenges is the society's strong bias towards male children, which becomes especially apparent when limited resources force the prioritisation of educational opportunities. This culture of favouring sons perpetuates gender inequality and hinders women's access to education, which is a vital pathway to empowerment and progress. Within the family structure, it remains arduous for women to voice their concerns, even in positions of responsibility. This hierarchical dynamic obstructs the achievement of gender equality by suppressing women's ability to take action and reinforcing traditional norms.

Moreover, obtaining citizenship poses a formidable challenge for women. The prevailing legal framework anchors a woman's identity to that of her father or husband, effectively depriving her of independent recognition. This systemic gender-based approach further diminishes women's autonomy and restricts their access to civic participation and basic rights. The requirement for a male counterpart's citizenship to attain personal identity perpetuates their vulnerability within society. Compounding these issues is the persistence of child marriage, particularly prevalent within marginalised communities.

Early marriages, often rooted in cultural practices, impede girls' educational prospects and expose them to heightened health risks. The consequences of child marriage reverberate through generations, perpetuating cycles of disadvantage and inequality. Addressing these deeply entrenched gender-based challenges requires concerted efforts.

Education and awareness campaigns should challenge son-preference attitudes, promoting equal opportunities for all children. Empowering women to voice their concerns within households and leadership roles is critical for dismantling the existing hierarchies. Implementing legal reforms that grant women independent citizenship can greatly boost their ability to act, allowing them to access education, healthcare, and participate in civic life on an equal footing with men. Combating child marriage necessitates a comprehensive approach involving community engagement, education, and policy reforms.

In conclusion, the fact-finding mission underscores the urgency of transformative actions to confront and redress gender-based disparities. By challenging discriminatory norms, effectively implementing legal reforms, and fostering inclusive education, a more equitable society can be built, where women's rights and potentials are fully recognised and realised. Such efforts hold the promise of breaking the cycles of inequality, enabling women to contribute effectively to the progress and development of the Madhesh province.

The youths of Madhesh province face a complex set of challenges, with a primary concern being the lack of available job opportunities. This shortage of employment options leads to brain drain and issues related to drug abuse. This challenging environment hampers their potential to make positive contributions to society, as their aspirations are stifled by economic limitations and a lack of avenues for meaningful civic engagement. The lack of available employment prospects has driven many young individuals to prematurely abandon their education. Faced with a perceived absence of opportunities, they view education as a pathway to nowhere, opting instead to engage in unskilled labour or even migrate in search of work.

This trend perpetuates a cycle of limited educational attainment and diminishes the overall human

capital of the region. The prevailing sentiment among youths is that the government or state is failing to address their needs and concerns effectively. This disillusionment has fueled apathy and a sense of abandonment among young people. This feeling of neglect can push them towards disengagement from mainstream society and, in some cases, towards anti-social activities. With limited opportunities for productive engagement, they find solace in such negative outlets, leading to adverse health and social consequences. This substance abuse not only reflects their frustration with the existing governance structures, but also highlights the urgent need for accessible mental health and support services.

Furthermore, this frustration percolates to their immediate family members who are at the receiving end. A prevailing sentiment among the youth is that accessing government-provided resources or facilities requires personal connections rather than being based on merit or need. This perception deepens their distrust in the system and contributes to an environment of inequality and unfairness. It also underlines the need for transparent and inclusive governance mechanisms. Despite their disillusionment, Madheshi youth remain politically active and engaged, often aligning themselves with various political parties. This political involvement reflects their desire for change and a willingness to participate in shaping their society. However, this political division can also fragment the youth's efforts and delay the cohesive advocacy required to address their collective challenges.

In conclusion, the challenges faced by Madheshi youth are complex and multifaceted. By addressing the root causes of unemployment, providing opportunities for skills development, fostering transparent governance, and offering platforms for meaningful civic engagement, it is possible to channel the energy and aspirations of the youth towards constructive endeavours. A collaborative approach involving government, civil society, and community stakeholders is essential to create an environment that empowers the youths, and enables them to contribute positively to the progress of Madhesh.

The marginalised Dalit communities, notably the Musahar, Dom, and Mestar (Halkhor)¹ subgroups,

¹ ILO Nepal, 'Dalits and Labour in Nepal: Discrimination and Forced Labour', Available at: Pg. -18, Accessed September 19, 2023, <https://shorturl.at/hwGZ7>

are ensnared within a complex web of injustices that systematically curtail their fundamental rights. These injustices span across crucial aspects of life, including citizenship, land ownership, birth registration, education, and access to healthcare. Trapped within this cycle of adversity, these communities are grappling with systemic exclusion, a circumstance that perpetuates their marginalisation. The situation is compounded by the stark challenges posed by inaccessible birth registration procedures and limited educational opportunities. The consequent inequality and vulnerability are worsened by the discrimination they experience. The situation becomes even more complicated due to the added burden of alcohol-related problems. This community consists mainly of Haruwa Charuwa, who are predominantly landless and are particularly susceptible to floods and other natural disasters.

Within these communities, the lack of access to citizenship and birth registration erects formidable barriers that undermine their ability to access vital services, representation, and legal recognition. The absence of land ownership further deepens their plight, dispossessing them of a means to secure their livelihoods and contribute to the economy. The educational prospects for Dalit youth are stymied by limited access to quality education, truncating their potentials for personal growth and societal contributions. Furthermore, the perpetual cycle of poverty that these communities find themselves trapped in becomes especially pronounced when natural disasters, such as floods, leave them disproportionately affected due to their marginalised status. The negative impact of alcohol-related problems compounds the vulnerabilities faced by these communities.

Such issues serve to perpetuate a cycle of economic instability, social exclusion, and increased health risks. These problems are not isolated, but instead become part of an intricate network of challenges that are deeply interconnected, resulting in an unending cycle of disadvantage. To address these deeply entrenched challenges, comprehensive interventions are urgently required. These include streamlining birth registration procedures to ensure that all members of these communities can obtain legal recognition and access to essential services. Furthermore, expanding access to education and healthcare can serve as a cornerstone for breaking the cycle of poverty. Anti-discrimination efforts must be coupled with targeted programmes that

address the specific vulnerabilities faced by Dalit communities. Additionally, combating alcohol-related issues requires a multifaceted approach involving awareness campaigns, counselling services, and community support systems.

Ultimately, dismantling the barriers faced by marginalised Dalit communities demands a collective effort involving governmental institutions, civil society organisations, and international collaborators. By addressing the underlying systemic inequalities and providing avenues for empowerment, we can foster an environment in which these communities can escape the cycle of vulnerability and achieve their rightful place within society. Through these comprehensive efforts, the Madhesh province can truly progress toward becoming a more equitable, just, and inclusive region for all its residents.



FGD, Marginalize (Chure) Community,
Dhanusha Dham Muinicipality, Yagabhumi, Dhanusha



Introduction

Background

Fundamental freedoms and civic space both play a crucial role in creating an inclusive society.² In such a society, individuals have the liberty to openly express their experiences and collaborate to build a better community. According to the Office of the United Nations High Commissioner for Human Rights (OHCHR), 'civic space' is 'the environment that enables civil society to play a role in the political, economic and social life of our societies'. However, if we look at the current situation, only 3 per cent of the world's population are now living in countries where their fundamental freedoms of expression, association and peaceful assembly are in general, protected and respected.³ In South Asia, home to around a quarter of humanity, four countries—Bhutan, the Maldives, Nepal and Sri Lanka are graded as countries with 'obstructed' civic space, while India has recently joined Afghanistan, Bangladesh and Pakistan among the ranks of the world's 'repressed' countries, CIVICUS' second-lowest grade.⁴

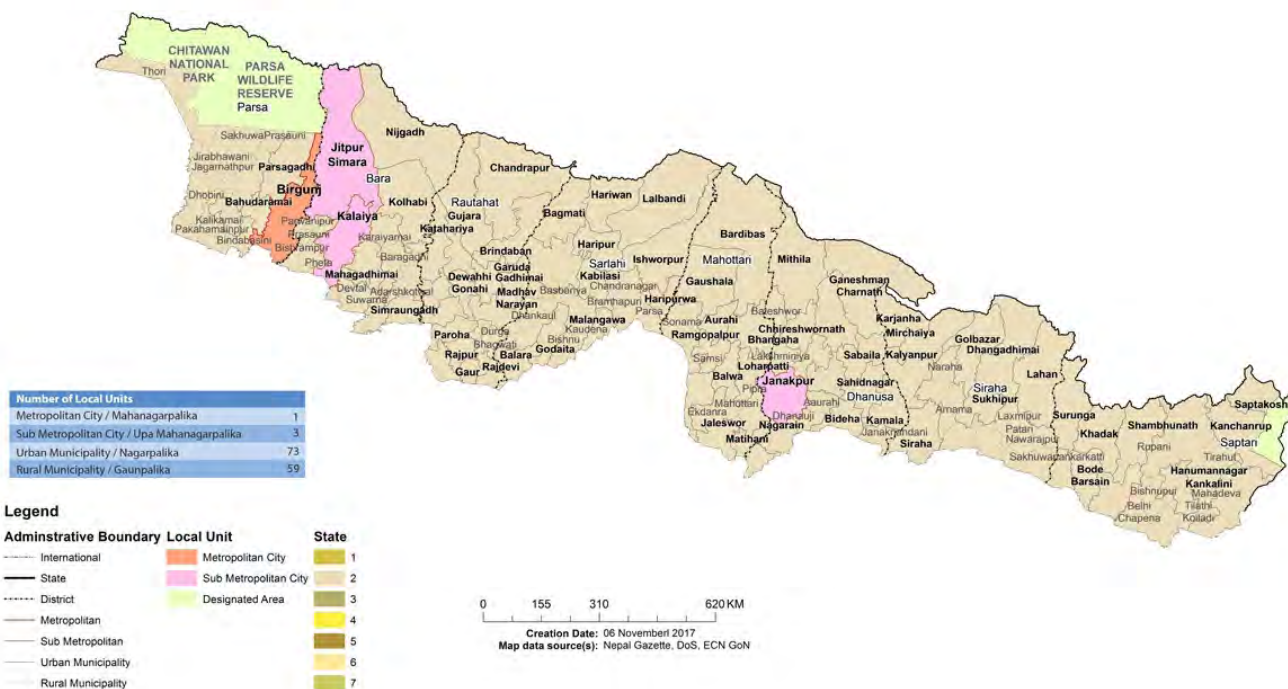
In the broader panorama of Asia, where the delicate equilibrium between human rights, fundamental freedoms, and civic space is often tenuous, the mission's dedicated focus on Madhesh assumed even greater significance. Asia's cultural mosaic encompasses an astounding diversity of social norms, economic disparities, and political intricacies, all of which intricately interplay to shape the accessibility and realisation of these fundamental rights. The rapid pace of development across the region has not been devoid of its own set of challenges, including the persistent spectre of gender inequalities, limited avenues for youth to thrive, and the undeniable struggles faced by marginalised communities. These challenges collectively underline the pressing need to safeguard human rights and expand civic space to foster an environment where diverse societies can coexist harmoniously.

² The South Asia Collective, 'South Asia State of Minorities Report 2020', Accessed September 19, 2023, <https://shorturl.at/frHVX>

³ Ibid.

⁴ Ibid.

Madhesh Province Map



Source: <https://un.org.np/map/nepal-administrative-unit-province-2-map>

Civic space rights are guaranteed by the International Covenant on Civil and Political Rights (ICCPR)—contained in Article 19 (everyone shall have the right to freedom of expression), Article 21 (right to peaceful assembly), and Article 22 (right to freedom of association with others)⁵.

Nepal has fully accepted international human rights norms. Nepal has become the party to 22 international and two regional human rights treaties and instruments, which effectively reflect the commitment of the government towards human rights. Following the accession to the ICCPR by Nepal, the covenant has been a part of its legal system as per Section 9 of Nepal Treaty Act. Nepal's commitment to the acceptability of international human rights norms and principles are evident from the Preamble, Part-3, and Part-4 of the constitution⁶.

5 NHRC Nepal, 'A Study of The Domestication Status of International Covenant on Civil and Political Rights in Nepal', May 2007, https://nhrcnepal.org/uploads/publication/ICCPR_Study_Report.pdf

6 INSEC, 'International Covenant on Civil and Political Rights (ICCPR)', January 2021, <https://shorturl.at/cLMU1>

The constitution of Nepal guarantees a range of fundamental rights and freedoms to its citizens. It recognises the rights of Dalits and women as fundamental freedoms and includes specific provisions aimed at promoting and protecting their rights. These provisions are a significant step towards addressing historical discrimination and promoting social justice and gender equality in the country⁷.

Contextual Background of Madhesh Province:

Although Madhesh Pradesh is the smallest province amongst all the seven provinces in Nepal in terms of land area, it is the most populous of all provinces. It comprises eight out of 22 districts in the Terai region, including Saptari, Siraha, Dhanusha, Mahottari, Sarlahi, Rautahat, Bara, and Parsa⁸.

7 Nepal Law Commission, 'The Constitution of Nepal', September 20, 2015, <https://shorturl.at/oAEJV>

8 Jha, Hari Bansh., 'The New Name of Madesh Province Surprises Nepal', ORF Online, February 5, 2022, <https://shorturl.at/eJQX5>

There have been a number of political movements where Madheshi people have a shared perception that Nepal is a country of two nations—Pahadi and Madhesh—which was also reflected during the constitution-making process in Nepal⁹. Through the Madheshi movement, Madheshi raised their voices and fought for the “identity, proportionate election system, inclusive state, and federalism with identity¹⁰. Since federalism there have been two phases of election for all the levels of the government in Nepal.

The fact-finding mission embarked on a comprehensive journey to explore the complex dimensions of human rights, fundamental freedoms, and the various aspects of civic space. Civic space in Nepal has played a critical role in movements and opposition to the government in various points in its history. While the civic space contributed to the overthrow of the monarchy in 2006, civil society soon lost its influence, and instead experienced fragmentation and party politicisation¹¹. The chairperson of Federation of Nepalese Journalists in Dhanusha and Rautahat mentioned that civil society has been politicised and there is no independent civil society. He further mentioned that all the political parties have their own civil society. There is no civil society or journalists that speak against corruption that is taking place.

Nepal's overall economic poverty is 25.2 per cent. Madhesh ranks third in economic poverty¹² and second in multidimensional poverty. The economic poverty rate in the province is 27.7 per cent. The poor have severe restrictions on their access to knowledge, to information and to the press, as well as restrictions on other basic human rights such as political participation. Women are disproportionately affected by poverty.

Besides enduring the same hardships as men, they also experience the additional challenges of unequal access to education, healthcare, and opportunities for personal development. Additionally, they often lack access to productive assets that could help them escape the cycle of poverty. Furthermore, violence against impoverished women is widespread and their rights are curtailed by poverty¹³. Even in the case of Madhesh province, during the fact-finding mission, the participants of the Focus Group Discussions across all districts of the Madhesh province have highlighted the discrimination faced by Dalits.

Many of them are landless, lack citizenship, and encounter obstacles in accessing government-provided social security benefits in Nepal¹⁴. They are often the victims of metre interest¹⁵. Additionally, women among the Dalits have limited access to education and minimal influence in domestic and political matters¹⁶. The Madhesh province reported a significant number of cases of human rights violations. There were 668 victims of human rights violations and abuses in the province, in the year 2022. Of which, 41 victims of human rights violations were committed by the state, and 627 victims of human rights abuses by others in the year 2022¹⁷.

9 Hachethu, Krishna., 'A State of Two Nations?', Oxford Academic, June 2023, <https://shorturl.at/oqyEZ>

10 Sedunath Dhakal, An Assessment of the Causes of the Madhesh Movement 2015, <https://www.nepjol.info/index.php/kmcrlj/article/download/29947/24034/88418>

11 Singh, Ritika., Paudel, Shambhawi., Thapa, Sudeshna., Baniya, Jeevan., 'Civic Space in Nepal', The South Asia Collective, Accessed September 19, 2023, <https://shorturl.at/mwJOQ>

12 Chaudhary, Randhir., 'Measuring Poverty in Madhesh: What Should be Done?', Nepal Live Today, January 21, 2022, <https://www.nepallivetoday.com/2022/01/21/measuring-poverty-in-madhesh-what-should-be-done/>

13 HURIGHTS OSAKA, 'Freedom from Poverty: A Fundamental Human Right', Accessed September 19, 2023, <https://shorturl.at/antX7>

14 Dalit Civil Society Organization's Coalition for UPR, Nepal and International Dalit Solidarity Network, Accessed September 22, 2023, <https://idsn.org/wp-content/uploads/2015/11/Nepal-UPR-2015-Dalit-Coalition-and-IDSN-report.pdf>

15 INSEC Online, 'Parliament Passes Bill Addressing Metre Interest', July 17, 2023, <https://shorturl.at/rDKN6>

16 Dalit Civil Society Organization's Coalition for UPR, Nepal and International Dalit Solidarity Network, Accessed September 22, 2023, <https://idsn.org/wp-content/uploads/2015/11/Nepal-UPR-2015-Dalit-Coalition-and-IDSN-report.pdf>

17 INSEC Online, 'Six Hundred and Sixty-Eight Victims of Human Rights Violations and Abuses in Madhesh Province', February 20, 2023, <https://shorturl.at/zDPXY>

Type of Events	By State			By Others			
	Female	Male	Total	Female	Male	Q	Total
Abduction				11	4		15
Beatings	1	1	2	9	74	2	85
Child Rights				196	4		200
Inhuman Behaviour		1	1				
Injured		9	9	4	19		23
Killing		2	2	45	43		88
Caste-based Discrimination				1	1		2
Freedom of Assembly		25	25				
Threats		1	1		4		4
Torture	1		1				
Women Rights				210			210
Total	2	39	41	476	149	2	627

(Source: INSEC Year Book, 2023¹⁸)

The Madhesh province emerges as a unique crucible of diversities, where various communities grapple with multifaceted needs and vulnerabilities that demand focused attention. Among these communities, women often bear the weight of gender-based violence, discrimination, and the daunting barriers that hinder their access to education and healthcare. As the chart shows, there are 210 cases of violation of women rights in the year 2022.

Meanwhile, the youths face an alarming scarcity of viable employment prospects, catalysing concerns about brain drain and the looming shadow of alcohol drug-related challenges. The unemployment rate of Madhesh Province is about 20.1 per cent. Out of the seven provinces, 33.1 per cent of people in the age group of 15 to 24 years are unemployed. Likewise, 18.9 per cent between the ages of 25 and 39 are unemployed, and 14.9 per cent between the ages of 40 and 59 are unemployed. Additionally, 11.2 per cent of those over 60 are unemployed¹⁹.

¹⁸ INSEC Online, 'Nepal Human Rights Yearbook 2023', Accessed September 19, 2023, <https://shorturl.at/cqXZ7>

¹⁹ Yadav, Mithilesh., 'Madhesh Province: Rich in Resources, Yet Struggling with Poverty', My Republica, July 8, 2023, <https://shorturl.at/djklE>

The youth groups across all the districts have mentioned that there are drugs and alcohol related problems among the youth. Devendra Chaudhary, ward chair of ward number 4, Surunga Municipality, mentions that drugs and alcohol related problems persists due to the open border with India. The smuggling of drugs and alcohol is also rampant in the region. A human rights defender of Sarlahi district mentions, 'The use of drugs and alcohol is extensive among the youth.' She adds, 'As there is a ban on alcohol in India, there are many local pubs on the border side.'

In parallel, marginalised communities, particularly the Dalit groups encompassing the Musahar, Dom, Halkhor, and Mestar, are caught in a complex web of injustices that severely hinder their fundamental rights across wide range of issues concerning citizenship, land ownership, birth registration, education, and healthcare. They are also victims of metre interest. The authorities clamped down on victims of loan sharks, primarily farmers from economically disadvantaged backgrounds who had gathered and protested in Kathmandu.

They were demanding justice for the financial crimes they had endured²⁰. According to an ILO report, Dalits and Labour in Nepal: Discrimination and Forced Labour, Musahars rank third-to-last in the Terai Dalit social ladder, followed by Halkhor and Dom²¹. This cyclical deprivation accentuates their vulnerability and perpetuates the cycle of poverty.

According to an article published in Kantipur on March 2, 2023, most of the children from the Musahar community in Mahadeva Rural Municipality, Madhesh province, have not been enrolled in school due to the absence of birth certificates and because their parents do not have citizenship certificates in the first place. Some do not go to school because of poverty²². The lack of education and lack of citizenship force the community into a vicious cycle of poverty. Because they lack citizenship, the Dalit community cannot access government resources such as social security allowances. The Focus Group Discussion with Dalit Community members revealed that the absence of birth registration certificates prevents children from enrolling in school.

Provision 8.1 of The National Child Policy mentions birth registration certificate as a mandatory document for school enrollment. The Social Security Act 2018, which provides vulnerable children with a nutrition allowance under Section 9, also requires the submission of a birth registration certificate. According to Article 40 (2) of the Nepalese Constitution, there shall be provisions for free education with scholarships for Dalit students from primary school through higher education, as stipulated by the law. Special provision shall be made in law for Dalits to pursue higher education in technical and professional subjects.

Article 40 (3) the constitution of Nepal mentions that special provision shall be made by law in order to provide health and social security to the Dalit community. Despite these provisions for the marginalised community, the Dalits have no access to these resources due to lack of citizenship in adults and birth registration certificates in children.

The key objectives of the Fact-Finding Mission in Madhesh province are highlighted below:

1. Unearth human rights violations and abuses related to fundamental freedoms of expression, association, and peaceful assembly faced by Women Youth and Marginalised (WYM) and Civil Society Organisations (CSOs), grassroots networks, and non-traditional actors working for WYM in Madhesh Province.
2. Identify opportunities, indigenous knowledge, expertise, and skills of CSOs, grassroots networks, and non-traditional actors led by or working to protect human rights and fundamental freedoms of WYM.

20 Amnesty International, 'Nepal 2022', Accessed September 19, 2023, <https://shorturl.at/gFK12>

21 ILO Nepal, 'Dalits and Labour in Nepal: Discrimination and Forced Labour', Accessed September 19, 2023, <https://shorturl.at/hwGZ7>

22 Jha, Abdhesh Kumar., 'Musahar Children in Saptari Village are Still Deprived of Education', The Kathmandu Post, March 2, 2023, <https://shorturl.at/zTW19>

Team orientation and preparation for FGD and KII at Janakpur of Madhesh province





Methodology

This chapter provides a comprehensive overview of the research methodology employed in this qualitative study, which aims to dig out the status and opportunities of fundamental freedoms, civic space and rights opportunities for WYM communities in the Madhesh province-Saptari, Dhanusha, Sarlahi, and Rautahat districts. The chapter details the qualitative research approach chosen, the specific data collection methods utilised, and the rationale for their selection. Furthermore, it elaborates on the study area, participants, ethical considerations, limitations, and the data analysis process. This chapter has outlined the qualitative research methodology, emphasising Focus Group Discussions (FGDs), Key Informant Interviews (KIIs), and case studies, to gain a comprehensive understanding of the experiences and challenges faced by WYM groups in the Madhesh province. The research was conducted between June-August 2023.

Approach

The study adopts a qualitative approach, aiming to delve deep into the multifaceted aspects of fundamental freedoms, civic space and rights of the target groups in the Madhesh province. A qualitative approach is well-suited for capturing the nuanced experiences, successes, challenges, and aspirations of WYM within their socio-cultural contexts in the research site. This approach facilitates a holistic and comprehensive understanding of the lived realities of these communities and sheds light on the systemic barriers they encounter.

The research team reached out to the appropriate respondents through local enumerators with research background who speak local languages in the research location, and had a sound understanding and good relation with Women, Youth and Marginalised communities. The research team conducted Focus Group Discussions (FGDs) and Key Informant Interviews (KIIs) using the local language. This was done to create a supportive environment that encouraged participants to share their knowledge with the researchers for

documentation purposes. Additionally, it allowed participants to enhance their understanding of the relevant subject matter. Four enumerators were selected from each research district from women, youth and marginalised communities. All the participants offered to participate voluntarily and reserved the right not to participate in the interview, withdrawing at any time from the FGDs and KIIs.

Data Collection Methods and Analysis

The research employs various methods for data collection, encompassing FGDs, KIIs, and case studies. This combination of methods allows for a comprehensive exploration of the research questions and ensures a well-rounded analysis of the topic.

The research team had selected participants and research location through purposive sampling. The main sources of the data collection were FGDs, KIIs, case studies and observations which are detailed in the below section. The instruments used for the data collections were open-ended questions for the FGDs, structured questions for KIIs, and the collection of documentation for the case studies.

While coming to the validation of the data, the research team cross-checked with the key informants and other WYM who participated in the different events in Madhesh province. Further, the research team maintained a diary during the FGDs, KIIs and case studies to document the data with respondent's anonymity. Subsequently, the data was translated into English using Microsoft Word, and each file and folder was password-protected to secure the data. In the post-research phase, access to the data, both in hard copy and soft copy, is restricted to the relevant authorities within the organisation involved in the research.

Focus Group Discussions (FGDs)

In this research, FGDs constituted a central element of data collection, providing a platform for the participants to engage in open discussions on their experiences, challenges, and aspirations. FGDs were conducted with participants representing diverse groups such as Women, Youth and Marginalised communities ranging from Haruwa

Charuwa, flood victims, religious and language minorities, brick-kiln labourers, and economically disadvantaged individuals.

In the research locations, a total of 24 FGDs were carried out with 329 respondents across four districts, involving WYM groups. During these FGDs, participants openly shared their personal experiences, enriching their own understanding while contributing valuable knowledge to help achieve the research objectives.

Key Informant Interviews (KIIs)

KIIs play a pivotal role in gathering insights from key stakeholders involved in policy-making, governance, and advocacy. At the provincial level, 6 KIIs were conducted with representatives from ministries and organisations, including the Ministry of Education and Social Welfare, Ministry of Land Management, Agriculture and Cooperatives, Ministry of Home Affairs, Communications and Law, National Human Rights Commission, Office of Chief Attorney and Former vice-chair of Policy, and the Planning Commission of Madhesh province.

At the district and local levels, 24 KIIs were conducted with District Administration Office (DAO) officials, members of the Federation of Nepali Journalists (FNJ), Bar Association representatives, and members of the Non-Governmental Organization (NGO) Federation and others. These key interviews provided valuable insights to know the implementation status of policies and programmes, and areas of improvements at the local levels. In total, 30 KIIs were carried out, spanning federal, provincial, district, and local levels.

Case Studies

The research team identified the case studies to complement the data collected through FGDs and KIIs. These case studies were selected from each of the identified groups (women, youth, marginalised communities) in each district. Each case study is detailed or highlights specific real-life stories that illustrate the result findings, the interventions implemented, and that shows the evidence of the outcomes that were claimed by the respondents in FGDs and KIIs. A total of 12 case studies were conducted in the four districts of Nepal.

Study Area

The study exclusively centres on the Madhesh province to address a research gap. It places special emphasis on four districts: Saptari, Dhanusha, Sarlahi, and Rautahat. These districts have a very low human development index among WYM, and the human rights situation for these groups is notably worse compared to other districts in the Madhesh province. Moreover, we selected these districts for their demographic diversity, aiming to offer a comprehensive representation of the socio-cultural dynamics within the province. Additionally, we strategically chose districts where the provincial capital is situated, with the dual purpose of gathering crucial information during the mission and facilitating advocacy efforts in the post-Fact-Finding Mission (FFM) phase.

Participants

The research teams were specifically tasked with identifying and engaging participants who could authentically share their real-life experiences, thereby addressing the research gap related to the subject. Consequently, participants were chosen based on their direct and indirect experiences and knowledge regarding issues affecting WYM, aligning with the research objectives. Participants were chosen based on a set of inclusive criteria, including factors such as age, gender, and occupation. Additionally, demographic characteristics such as ethnicity, socio-economic status, and education were considered during the selection process. When selecting participants for Key Informant Interviews (KIIs), we prioritised expertise in the subject matter to ensure a comprehensive understanding of the phenomenon.

Since the research was conducted during a busy pick harvesting season in the Madhesh province, it was challenging to coordinate participants' availability. Therefore, we carefully considered accessibility and availability when selecting participants. By including a diverse range of participants, the study aims to ensure inclusivity of voices and perspectives in the analysis.

Ethical Considerations

The research team was acutely aware of the vital importance of ethics in research planning and reporting. Consequently, the team was deeply

committed to conducting the research in an ethical and responsible manner. To ensure ethical conduct, the research team rigorously adhered to specific criteria, including obtaining informed consent, maintaining confidentiality, respecting participants' rights, and assessing potential risks throughout the research process. Participants were thoroughly informed in advance about the study's purpose, the extent of their involvement, and their right to withdraw at any stage during the FGDs and KIIs without facing any adverse consequences.

During the FGDs, researchers obtained verbal consent from the participants, while written consents were collected for the KIIs. To protect participants' personal data, all information was anonymised to maintain confidentiality. Respecting the rights of participants, especially women, youth, and marginalised groups, was a fundamental ethical principle in this research. We were dedicated to upholding the well-being and dignity of the participants by emphasising informed consent and its procedures. Special attention was given to vulnerable participants within these groups, including the LGBTQ+ community, women with disabilities, Dalits, the landless, and the economically disadvantaged. Incorporating a variety of ethical perspectives and adhering to established standards ensured the validity and credibility of the research findings.

Limitations

The qualitative research on women, youth, and marginalised groups in Madhesh province provides valuable insights into the intricacies and depth of their experiences, behaviours, and phenomena. Nevertheless, it comes with its own set of limitations that we acknowledge and would like to highlight. One such limitation is the possibility of sample bias, which could restrict the applicability of the findings to a broader population. Additionally, while efforts are made to ensure a diverse range of participants, certain voices like those of sexual and gender minorities may remain underrepresented. Moreover, there may be a limitation on interpretation due to subjectivity. If other researchers were to conduct the same research in the same location at a different time, they might interpret the same data in a different way. This could potentially result in disagreements regarding the findings. Despite inherent limitations, the study seeks to contribute valuable insights to the discourse on fundamental freedoms, rights and civic space of WYM in Madhesh province.

FGD, Marginalize Women, Surunga Municipality-4,
Kanakpur, Saptari, Madhesh Province





Human Rights Framework

This chapter provides a comprehensive overview of the universally recognised human rights, highlighting their multidimensional nature encompassing civil, political, economic, social, and cultural rights. Additionally, the chapter explores the international instruments and frameworks that Nepal has ratified, and the significance of gender-responsive and inclusive human rights approaches in addressing the needs and rights of women, youth, and marginalised groups. This chapter also delves into the constitutional provisions aimed at safeguarding the rights and facilitating empowerment of vulnerable groups in Nepal. It highlights the provisions that grant equal rights and opportunities to women, youth, and Dalits, emphasising their protection against discrimination and violence. Through a detailed exploration of these provisions, we underscore Nepal's commitment to fostering an inclusive society that upholds the dignity and rights of all its citizens. We also seek to look at the various Acts and regulations.

Universally Recognised Human Rights

Universally recognised human rights are fundamental rights and freedoms are considered to be inherent to all individuals, regardless of their nationality, ethnicity, religion, gender, or any other characteristic. These rights are considered universal because they apply to every person in every corner of the world, and are not contingent upon a person's citizenship or any other factor. Universal rights are commonly divided into two primary categories: civil and political rights, and economic, social, and cultural rights. These rights are frequently formalised in international agreements and documents, such as the Universal Declaration of Human Rights (UDHR) and various internal treaties.

Some of the most commonly and universally recognised human rights include civil and political rights, such as the right to life, liberty, and security of a person; freedom from torture and arbitrary detention; freedom of expression, association, and assembly; and the right to participate in government and political affairs. Similarly, economic, social, and cultural rights encompass education, health, housing, work, and social security. These rights underline the interconnection between economic development and human dignity, promoting equitable access to justice, opportunities, and resources.

International Instruments and Frameworks

Nepal has demonstrated its commitment to upholding human rights by becoming a signatory to various international instruments and frameworks. These include but are not limited to:

SN	Treaties and Conventions	Date of Ratification
1	International Convention on the Elimination of All Forms of Racial Discrimination (CERD)	January 30, 1971
2	Convention on the Rights of Child (CRC)	September 14, 1990
3	Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW)	April 22, 1991
4	International Covenant on Civil and Political Rights (ICCPR)	May 14, 1991
5	International Covenant on Economic, Social and Cultural Rights (ICESCR)	May 14, 1991
6	Convention on the Rights of Persons with Disabilities 2006 (CRPD)	May 7, 2010
7	Optional Protocol to the Convention on the Rights of Persons with Disabilities, 2006 7/5/2010	May 7, 2010

Nepal has ratified the above mentioned international human rights treaties and conventions – an act that demonstrates its commitments to upholding international human rights standards. Its ratification to these international instruments enhances Nepal's reputation on the global stage as a responsible and right-respected member of the international community. It is important to note that ratifying human rights treaties is just one step. Its implementation, monitoring and reporting on the progress are equally crucial. The government of Nepal should take concrete actions to ensure that the rights enshrined in these treaties and conventions are respected, protected and fulfilled for all its citizens especially women, youth and marginalised. Most of the international human rights provisions have already been domesticated in The Constitution of Nepal 2015.

The Constitution of Nepal 2015 stands as a landmark document that not only establishes the nation's governance structure but also ensures the protection and promotion of fundamental rights for all citizens. Within this framework, the Constitution explicitly recognises the rights of women, children, and Dalits as fundamental rights, reflecting the nation's commitment to addressing historical inequalities and promoting inclusivity. This section delves into the constitutional recognition and provisions that safeguard the rights of these vulnerable groups.

1. Rights of Women

Article 38 (1) and (2) of the Constitution of Nepal 2015 distinctly acknowledges the significance of women's rights as fundamental rights. By enshrining these rights within its provisions, Nepal demonstrates its determination to eliminate gender-based discrimination, promote gender equality and social inclusion.

EQUAL RIGHT TO LINEAGE

Article 38 (1) of the Constitution of Nepal 2015 states every woman shall have equal lineage right without gender-based discrimination. One of the fundamental rights granted to women is the equal right to lineage without any gender-based discrimination. This provision challenges longstanding patriarchal norms that often favour male heirs in inheritance matters. By guaranteeing equal rights to women in lineage matters, the Constitution aims to rectify historical inequalities and promote a more just and equitable society.

RIGHT TO SAFE MOTHERHOOD AND REPRODUCTIVE HEALTH

Article 38 (2) of the Constitution of Nepal stipulates every woman shall have the right to safe motherhood and reproductive health. The Constitution's recognition of the right to safe motherhood and reproductive health underscores the critical role women play in the preservation of the nation's health and well-being. This provision emphasises women's rights to access proper healthcare during pregnancy, childbirth, and the postnatal period, contributing to the reduction of maternal mortality rates and ensuring the well-being of both women and their children.

PROTECTION AGAINST VIOLENCE AND DISCRIMINATION

Through Article 38 (3) which states – 'No woman shall be subjected to physical, mental, sexual, psychological or other forms of violence or exploitation on grounds of religion, social, cultural tradition, practice or on any other grounds. Such an act shall be punishable by law, and the victim shall have the right to obtain compensation in accordance with law.' This is one of the most significant provisions for women's rights - the unequivocal condemnation of any form of physical, mental, sexual, psychological, or other violence against women. This includes violence stemming from religious, social, cultural traditions, or any other practices. Such acts are deemed punishable by law, and victims are entitled to compensation. This constitutional safeguard aims to curb gender-based violence and discrimination, offering a legal framework to protect women's rights.

PARTICIPATION AND REPRESENTATION

Through Article 38 (4), the Constitution guarantees women shall have the right to participate in all bodies of the State on the basis of the principle of proportional inclusion. The Constitution of Nepal recognises the importance of women's participation in all State structures and bodies. This recognition is grounded in the principle of proportional inclusion, ensuring that women have equal opportunities to engage in decision-making processes. By granting women equal rights to participate in governance, Nepal aims to bridge the gender gap in leadership and policy making spheres.

SPECIAL OPPORTUNITIES THROUGH POSITIVE DISCRIMINATION

To address historical disparities and promote gender equality, the Constitution through Article 38 (5), grants women the right to obtain special opportunity in education, health, employment, and social security, on the basis of positive discrimination. This approach acknowledges that women have been historically marginalised, and provides targeted provisions to uplift their status.

2. Rights of Youth

The Constitution, through Article 18 states – ‘Right to equality guarantees all citizens shall be equal before law’. A thorough explanation permits it to enact special provisions for a few categories which include youth considering the need for their protection, empowerment or development.

Under Part - 4, Directive Principles, Policies and Obligations of the State, the Constitution directs the state to pursue policies to create an atmosphere conducive to the full enjoyment of the political, economic, social and cultural rights, while enhancing the participation of youths in national development, to make their personality development, while providing special opportunity in areas including education, health and employment for the empowerment and development of the youths and provide them with appropriate opportunities for the overall development of the State.

NATIONAL YOUTH POLICY, 2015

The policy, promulgated in 2009, was formulated after a review process. Its goal is to promote fundamental norms and values, such as the allegiance of young people to their nation and people, meeting the basic needs of youth, ensuring equality and fair distribution, upholding constitutional principles, personal freedom, universal human rights, democratic standards, global peace, coexistence, as well as the protection and promotion of core values like caste, language, culture, and environmental heritage.

3. Rights of Marginalised

Article 40 of the Constitution of Nepal recognises the historical discrimination faced by Dalits, the Constitution establishes provisions aimed at empowering and protecting the rights of this marginalised community.

INCLUSIVE PARTICIPATION AND REPRESENTATION

Article 40 (1) of the Constitution of Nepal 2015 states the Dalit shall have the right to participate in all bodies of the State based on the principle of proportional inclusion.

Special provision shall be made by law for empowerment, representation and participation of the Dalit community in public services as well as other sectors of employment. This provision ensures the active participation and representation of Dalits in all state agencies based on the principle of proportional inclusion. This recognition aims to empower Dalits by granting them a platform to engage in decision-making processes and influence policies that affect their lives.

EDUCATION, HEALTH, AND SOCIAL SECURITY

To uplift Dalits, the Constitution takes measures through Article 40 (2); provision of free education with scholarships, from primary to higher education, shall be made by law for the Dalit students. Special provision shall be made by law for the Dalit in technical and vocational education. (3); special provisions shall be made by law in order to provide health and social security to the Dalit community and also make provisions for their healthcare and social security. These measures acknowledge that Dalits have historically been disadvantaged and require specified support to overcome barriers to education and well-being.

PRESERVATION OF TRADITIONS AND SKILLS

The Constitution acknowledges the importance of preserving Dalit traditions, traditional knowledge, skills, and technologies. Article 40 (4) states ‘The Dalit community shall have the right to use, protect and develop their traditional occupation, knowledge, skill and technology. The State shall accord priority to the Dalit community in modern business related with their traditional occupation and provide skills and resources required therefore.’ It ensures that the State supports the continuation of their traditional occupations while also equipping them with the necessary skills and resources to engage in modern professions. This recognition aims to empower Dalits economically and culturally.

LAND AND HOUSING RIGHTS

Recognising the economic vulnerabilities of Dalits, the Constitution commits to providing land to landless Dalits through Article 40 (5) which stipulates 'The State shall provide land to the landless Dalit for one time in accordance with law' and 40 (6) which states 'The State shall, in accordance with law, make provision of settlement for the Dalit who do not have housing.' Additionally, arrangements for housing are made for those who do not have homes of their own. These provisions address issues of landlessness and homelessness, contributing to the economic empowerment and social well-being of Dalits.

EQUITABLE DISTRIBUTION OF FACILITIES

To ensure that the benefits provided to the Dalit community are justly distributed, the Constitution through Article 40 (7) states 'The facilities conferred by this Article to the Dalit community shall be distributed in a just manner so that the Dalit women, men and Dalit in all communities may obtain such facilities proportionately.' This provision emphasises that all facilities are distributed proportionally among Dalit women, men, and communities across the nation. This equitable distribution aims to bridge regional and gender-based disparities within the Dalit community.

The constitutional provisions are designed to uplift and protect the rights of vulnerable groups in Nepal. By guaranteeing equal rights, empowerment, and protection from discrimination and violence, the Constitution strives to create an inclusive society that respects the dignity and well-being of every citizen. These provisions reflect Nepal's commitment to building a nation that values diversity, equality, and justice for all.

CONCLUSION

This chapter underscores the significance of universally recognised human rights encompassing diverse aspects of human well-being. It highlights Nepal's commitment as a signatory to international human rights instruments and emphasises the need for gender-responsive and inclusive human rights approaches. By recognising the multifaceted nature of rights and acknowledging the unique challenges faced by women, youth, and marginalised groups, Nepal can move towards a more equitable and just society that upholds the principles of human dignity and equality for all through its proper implementation, monitoring and reporting on the progress.

The government of Nepal should take concrete actions to ensure that the rights enshrined in these treaties and conventions are respected, protected and fulfilled for all its citizens especially women, youths and marginalised.



FGD, Marginalize Women, Surunga Municipality-4, Kanakpur, Saptari



Challenges to Human Rights, Fundamental Freedoms, and Civic Space

4.1. Women

UNVEILING INTERSECTIONALITY: A KALEIDOSCOPE OF CHALLENGES

The journey through the intricacies of human rights, fundamental freedoms, and civic space in the Madhesh province unveils complex challenges shaped by the concept of intersectionality. This lens allows us to comprehend the compounding effects of intersecting factors such as gender, caste, ethnicity, and socio-economic status on the experiences of women, youth, and marginalised groups. The study illuminated the complexities and hardships faced by the Musahars in accessing birth registration and acquiring citizenship, and how these obstacles significantly impact their lives and well-being. The FGD conducted with the marginalised community in Dhanusha and Saptari mentioned that the Musahars community lacks the access to citizenship that limited them and their children from social security allowances. The lack of citizenship of parents blocks the children's right to birth registration despite Article 39 (1) mentioning that every child shall have the right to name and birth registration along with his or her identity. The lack of birth registration stops the children from receiving the formal education and receiving the child nutrition allowance.

WOMEN: THE SHACKLES OF DISCRIMINATION

In the heart of Madhesh, the pursuit of women's rights faces a challenging landscape characterised by gender-based violence and deep-rooted systemic discrimination. Insights gleaned from Focused Group Discussions (FGDs), Key Informant Interviews (KII), and case studies resonate as poignant testimonials of the harsh realities that women endure. Within the confines of their homes, domestic violence looms as a pervasive threat, casting a shadow over their lives. Other concerns shared by women include the continued practice of the dowry system, absence of spaces within homes where women are

heard, and freedom of sharing their opinions in public seemed to be distant for them.

GENDER-BASED VIOLENCE AND DISCRIMINATION

The constitution through its Article 38 (3) protects women from forms of violence as stipulated under the provision, and it also prescribes punishment when such incidents take place. Additionally, there is the Domestic Violence (Offense and Punishment) Act, 2066, that reiterates women's rights against domestic violence. However, gender-based violence and discrimination has been widely experienced and shared by the participants throughout the discussions. Gender-based violence can occur in various places; however, family is one of the primary sites of gender-based violence as expressed by the participants of the study.

In the Surunga FGD, four participants expressed the belief that there hasn't been a significant change in the status of women; it has largely remained the same. Household chores continue to be seen as solely women's responsibility, and they still face restrictions in sharing their experiences. Additionally, it was mentioned that women are still vulnerable to violence, particularly when their husbands are intoxicated. The habit of men drinking alcohol often leads to conflicts between them and their wives, creating a disruptive household environment. Freedom from violence is a fundamental human right. Gender-based violence undermines a person's sense of self-worth and self-esteem. It affects not only physical health but also mental wellbeing. It may even contribute to self-harm, isolation, depression, and suicidal attempts.²³ It was observed that not only the young women but also elderly women have experienced domestic violence. Respondents from Hariyon shared disturbing instances where a son beats his mother, strangles her and asks her to either leave the home or earn and feed the family. The elderly women often feel helpless as they have nowhere to go, and many of them do not have citizenship certificates, a situation which obstructs them from accessing old age pension which they are entitled to. They further highlighted that women still live under fear of their husband and other male members in their family and continue to suffer. Gender-based violence can also be considered as

²³ Council of Europe, Why is gender violence a problem? Accessed October 12, 2023, <https://www.coe.int/en/web/gender-matters/why-is-gender-based-violence-a-problem->

a learned behaviour, which the younger members of the family learn from the older members. As expressed by the women participants of the focus group discussion, violence is often seen as a private issue limited within the walls of the house. Cases of domestic violence against women only get reported when it is considered severe and the victim already needs to be hospitalised.

Ek Narayan Koirala, the Deputy Superintendent of Police in Rautahat during his interview shared, 'We get a plethora of cases complaining of domestic violence, quarrels and fights over land borders, accidents and other issues like disputes over family property.' The voices of women in these discussions resound with urgency, demanding effective protective measures to address this distressing issue. It is evident that a robust legal framework, backed by comprehensive support systems, is imperative to counteract the grim prevalence of domestic violence.

PRACTICE OF DOWRY SYSTEM

The intersections of gender and discrimination perpetuate a cycle of inequality that impedes the enjoyment of fundamental rights for Madheshi women. The dowry system is still very much in practice, shared a woman participant from Pansera Village, Saptari district. She highlights the trauma a daughter's parents are forced to undergo where there is already a demand of cash and gold from the boy's side and in case those demands are not met, the marriages are called off. Similar concerns were also shared by the youths of Khojpur village, who mentioned the qualities of girls and boys are not the priority for marriage; dowry becomes an important matter of discussion. Demand for a motorcycle seems to be the bare minimum and is quite common, and is also accompanied by demand for heavy amounts of cash which range from NPR 2 to 4 lakhs.

The dowry system places a heavy financial burden on the bride's family. They are expected to provide cash, gold, and other valuable items to the groom's family as a dowry. This can often lead to economic hardship for the bride's family, pushing them into a cycle of debt or poverty. The dowry system perpetuates and reinforces gender inequality. It treats women as commodities to be bought, implying that their value is linked to material possessions. This devalues women and reinforces harmful gender stereotypes. The financial burden



FGD, Marginalize (Haruwa-charuwa) community, Dhanauji RM-9, Dhanusha

of dowry discourages families from investing in the education and empowerment of their daughters. Instead, they prioritise saving for dowry, further perpetuating the cycle of gender inequality.

In some cases, the pressure to meet dowry demands can lead to domestic violence against brides. Aarati Sah, a 22-year-old woman from Dhanusha, died under suspicious circumstances on 21 May 2023. Her family accused her husband's family of beating Aarati to death for not bringing enough dowry²⁴. One of the police personnel from the Women's Cell in Dhanusha expressed that most of the cases of violence against women were related to insufficient dowry. The women were subjected to physical and mental torture for failing to bring in enough dowry²⁵.

The dowry system in the context of Madhesh province has a detrimental impact on gender equality, human rights, and social well-being. It not only reinforces harmful gender norms, but also places economic burdens on families and

24 The Kathmandu Post, Kin demand justice as woman's death raises suspicion, Accessed on October 12, 2023, <https://kathmandupost.com/province-no-2/2023/06/21/kin-demand-justice-as-woman-s-death-raises-suspicion>

25 The Kathmandu Post, Scourge of dowry violence in Dhanusha, Accessed on October 12, 2023, <https://kathmandupost.com/national/2019/02/27/scourge-of-dowry-violence-in-dhanusha>

contributes to the perpetuation of inequality and discrimination. The dowry system is also creating barriers for women and girls towards their education. Addressing this issue is crucial for the advancement of women's rights and gender equality in the region.

Child marriage is another significant challenge for girls and women in Madhesh province.

Child marriage still holds cultural significance among the Dalit communities in Madhesh province. Child marriages deprive girls of their childhood, education, and the opportunity to make informed decisions about their lives. It can also lead to health complications and perpetuate cycles of poverty.

The child bride who is married before she receives citizenship from her parents faces challenges receiving citizenship due to the common perception that a girl belongs to her husband's family after marriage. In practice, girls and women who marry before obtaining a citizenship certificate are generally dependent on their husbands to acquire citizenship. Consequently, if a girl is married before the age of 20 (the legal age of marriage) without obtaining a citizenship certificate through her father or mother and opts to leave her marriage,

she may encounter enormous practical difficulties in obtaining citizenship—especially if her parents do not support her decision to leave the marriage. Cases have been reported where biological family members have refused to support the citizenship applications of married daughters including child brides as they do not want them to have a legal claim to family property and inheritance²⁶. Girls often find themselves in a situation where they can obtain citizenship certificates only through their husbands after reaching the age of 20, despite the legal age for acquiring citizenship being 16. Bhupendra Thapa, Chief District Officer (CDO) of Saptari shared, ‘In case a woman who is 17 years old gets married at an early age and both her father and husband are a Nepali citizen, she is not given a citizenship certificate in the name of her father. She would only receive it after she attains 20 years of age, that too from her husband only after their marriage is registered.’ This intricate web of cultural norms, legal ambiguity, and systemic challenges further exacerbates the vulnerabilities faced by Dalit women. Furthermore, at each ward level, there is a constitutionally mandated position for Dalit women.

UNEQUAL ACCESS TO EDUCATION, HEALTHCARE AND ECONOMIC OPPORTUNITIES

Although there has been a significant improvement in girls’ education in Nepal, challenges persist due to deeply embedded gender stereotypes, resulting in high female drop-out rates by the time they reach the higher secondary school level. This is further compounded by the fact that these girls are highly vulnerable to early marriage and pregnancy, domestic and sexual violence, and other forms of gender inequality.²⁷

The evidence from the FGDs highlights a troubling reality – Madheshi women often face restricted access to education, healthcare, and economic opportunities. Traditional norms prioritise male education, while girls are relegated to household

duties and deprived of the chance to realise their potentials through education. A member of a girls’ group in Rautahat mentioned that their group comprises 30 members aged between 15 and 20, all of whom have discontinued their studies. She explained that financial limitations prevent girls from continuing their education, and they often get married at a young age. There’s a prevailing belief that early marriage reduces the financial burden on families by having one less mouth to feed. This deeply ingrained bias serves as a formidable barrier, hindering the empowerment of women and perpetuating the cycle of poverty. Women who marry at a young age have adverse health implications. According to Dr Manisha Bhardwaj, a gynaecologist at the district hospital, around 60 per cent of women from poor and underprivileged communities in Mahottari who marry at a young age and give birth to children before the appropriate age, face complex health problems²⁸.

As stated by the Madhesh Province Health Directorate, 50 per cent of women and children in Madhesh Province are at risk of malnutrition. According to Pratibha Singh, a focal person of the health office, the data also suggests that women from Muslim, Dalit, poor, and underprivileged communities, especially those who have married at a young age, and have given birth to many children, and done hard labour during pregnancy, are at high risk of uterine cancer. ‘During the health examination of 640 women in the three local units of Mahottari alone, 91 women had prolapsed uterus and 20 people had cervical cancer,’ said Singh²⁹.

As the women group from Pansera shared, illness is one of the main reasons for taking loans. To meet medical expenses, they usually take loans from microfinance or rich/influential individuals (locally called Mahajans) in the community. The reproductive health of women still remains a serious matter of concern which is often left undiscussed. The women also highlighted that the decision on family planning is completely done by men, irrespective of its impacts on women’s health. Women from almost all social groups have a low status in Nepal, according to a 2020 report published by Tribhuvan University in collaboration with the United States Agency for International

26 Center for Reproductive Rights, Ending Impunity for Child Marriage in Nepal, Accessed on October 12, 2023, https://nepal.unfpa.org/sites/default/files/pubpdf/Ending%20Impunity%20for%20Child%20marriage%28final%29_25Nov16.pdf

27 UNESCO, Strengthening girls’ education in Nepal’s Province 2, Accessed on October 12, 2023, <https://www.unesco.org/en/articles/strengthening-girls-education-nepals-province-2>

28 Baral, Sunita., ‘Poor Reproductive Health Plagues Musahar Women’, The Kathmandu Post, July 3, 2023, <https://shorturl.at/kxyT6>

29 *ibid.*



FGD, Marginalize (Landless and citizenship)
Surunga Municipality-3, Laxmipur, Saptari

Development. Due to very limited access to economic resources, women from almost all social groups in Nepal have a low economic status, the report added³⁰. In addition, the control over economic resources remains poor among women across all social groups—ranging from a high of 33.7 per cent among Hill Brahmin women, to a low of only 16.5 per cent among Madhesi Dalit women.

Home-based workers and domestic workers employed by households are predominantly women. They hold an informal employment status.

Many women do unpaid care work for their families, largely contributing to their high informality ratio, accounting for 29.2 per cent of the total informal employment of women in Nepal. Experts find that family restrictions on women informal workers heavily limit their economic opportunities³¹. For

30 Nepal Live Today, Women from almost all social groups in Nepal have a low status- Report, Accessed October 16, 2023, <https://www.nepallivetoday.com/2021/04/07/women-from-almost-all-social-groups-in-nepal-have-a-low-status-report/>

31 The Kathmandu Post, 90 percent employed women are working informally in Nepal, Accessed on October 12, 2023, Available <https://kathmandupost.com/national/2022/01/07/90-percent-employed-women-are-working-informally-in-nepal#:~:text=Many%20women%20work%20as%20unpaid,employment%20of%20women%20in%20Nepal.>

Dalit women, the challenges are compounded by the intersecting factors of caste and gender. The literacy rate among Dalit women remains disproportionately low, further limiting their opportunities for personal and economic advancement. They often find themselves relegated to the role of agricultural labourers, where the payment they receive is significantly lower than that of their male counterparts. FGDs conducted across the Madhesh province, including Dhanusha, Saptari, Rautahat, and Sarlahi, illuminate the stark wage disparity. While men earn NPR 500 for working as a daily labourer in agricultural fields, women often receive only half that amount, i.e., NPR 250 or 300. Even when they engage in labour compensated with crops instead of cash, there's still a disparity. For the same type of work, women receive 7 kilograms of crops, whereas their male counterparts receive 10 kilograms of crops. The structural discrimination perpetuated by this wage gap and differential treatment further entrenches the cycle of inequality faced by Dalit women. Early marriage leading to child birth prevents more women than men from continuing and completing their studies and entering the labour market.

UNDERREPRESENTATION IN DECISION-MAKING PROCESS

A myriad of discriminatory practices, deeply rooted in cultural norms, exacerbates women's vulnerability. Moreover, the underrepresentation of Madheshi women in decision-making processes remains a significant challenge. The identity and status of a woman mostly come from her own family. Autonomy should start from the household as the status of women in the household is one of the most important indicators of women empowerment³².

It was shared by the women's group from Surunga -7, Saptari district that beyond domestic violence, the age-old tradition of Ghunghat³³ where married women are supposed to veil themselves before other men, continues to exist till date. The daughters-in-law are not allowed to speak in front of other male members, they still are not allowed to have eye contact with their in-laws. The entire decision-making lies in the hands of the male members of the family, women are completely excluded from the decision-making process.

The voices and perspectives of women are conspicuously absent from the corridors of power, leading to policies that fail to address their unique needs and concerns. FGD narratives echo the sentiments of exclusion, as women express their frustration at being sidelined in crucial discussions that shape their lives and communities. Women participants during the FGD in Pansera village, Saptari, shared that they are not included in the major family decision making process, and are not even informed about the minor decisions made at the household level. They further mentioned that their situation is very similar to a caged bird. They provided an example in which male family members are responsible for choosing which seeds to plant, as it is believed they make the correct selection. Decisions related to purchase and sale of goods are also made by the male members. Patriarchy is ingrained to an extent that if a male head of the family dies, his wife is not considered to be the head; it is passed

32 Offline Thinker, STATUS OF MADHESHI (PROVINCE NO.2) WOMEN AND GIRLS IN NEPALESE SOCIETY, Available <https://offlinethinker.com/status-of-madheshi-province-no-2-women-and-girls-in-nepalese-society-shankuntala-nayak/>

33 Bharat, Jarghamagar., 'Shedding Veils to Shed Tradition', The Kathmandu Post, January 1, 2018, <https://shorturl.at/dfmn8>

on to the son who is an earning member of the family. Decisions pertaining to loans are made solely by male members of the family. Women are kept in the dark regarding financial matters. They are unaware if loans have been taken, and in cases where loans have been acquired, they lack information about the loan amount and its source. Additionally, if male family members own land that generates income, they often do not inform the women about it. Participants observed that women are usually put in the forefront and burdened with responsibilities only during times of crisis, such as taking loans from microfinance companies or mortgaging property. Men also exert control over women's decisions, including their choice of local representatives. Women often feel pressured to vote according to their husbands' preferences.

The absence of women's ability to make choices emphasises the importance of making focused efforts to ensure that women are genuinely included in decision-making processes. Furthermore, in certain instances, Madheshi women are marginalised by male family members, typically husbands or sons, who participate in civic activities on their behalf. This further diminishes the authenticity of their voices. The challenges besetting Madheshi women underscore the urgent need for a comprehensive approach to addressing gender-based violence, discrimination, and inequality. The evidence gleaned from FGDs, alongside the illuminating case study, highlight both the grim realities and the potential for transformation. By fostering an environment where women are protected from violence, have access to legal assistance, are empowered through education, and can actively participate in decision-making processes, a more equitable and inclusive society can emerge.

Indra Dev Yadav, CDO of Sarlahi on a positive note shared, 'We are trying to create a situation where the women and Dalit community can communicate and share their issues freely. Gradually women are getting empowered. I have noticed that they have started raising their voices much more as compared to the past.' It is only through such concerted efforts that the shackles of discrimination can be broken, empowering Madheshi women, including Dalit women, to reclaim their rightful place as active agents of change and progress.



KII, Pabita Kumari Paswan, Youth, Gujara Municipality-7, Aaurahidi, Rauthat

4.2. Youth

Within the dynamic landscape of Madhesh, the hopes and aspirations of its vibrant youth population intersect with a web of multifaceted challenges that dampen their progress and hamper their active involvement in shaping the societal fabric. Drawing insights from the FGDs, KII, and case study conducted as part of this comprehensive exploration, this section unveils experiences that Madheshi youths encounter. The following analysis sheds light on their exclusion from governance processes, the hurdles obstructing their access to quality education, the lack of employment opportunities, and the resultant consequences that ripple through society.

SUPPRESSION OF YOUTH VOICES LIMITED PARTICIPATION IN GOVERNANCE

Youth-related policy provisions such as Youth Vision 2025, Nepal Youth Policy, and National Development Plan significantly focus on youth mobilisation, participation, and leadership. Similarly, the Local Government Operation Act also seeks to carry out youth-led sectoral works. Another challenge is the exclusion and discrimination faced by Nepal's youth based on one's sex, sexual orientation, gender identity, caste, ethnicity, and social class.

Not all youth have equal access to opportunities, resources, and decision-making powers³⁴.

The voices of Madheshi youth, as unveiled through the FGDs, KIIs and case study reverberate with a palpable sense of exclusion from meaningful participation in governance. A paucity of platforms and opportunities to voice their perspectives and actively engage in decision-making processes leaves them feeling disheartened and disillusioned. They have experienced exclusion within their households and in the larger society.

Youths from Surunga -7 in Saptari district revealed that while they are occasionally consulted by their family members regarding household decisions, they often experience more pressure than support. They feel compelled to carry out tasks and, if they fail to complete the assigned work, they are subjected to verbal and physical abuse. This often leads to humiliating situations not only within their homes, but also from the broader society. The traditional belief that 'we should follow and heed our elders' persists, creating a situation where if a respected elderly figure in the community endorses something wrong as right, most people

³⁴ Helvetas Nepal, Youth Leadership in Nepal: At the Intersection of Age, Gender Inequality and Social Exclusion, Accessed October 12, 2023, <https://www.helvetas.org/en/nepal/who-we-are/follow-us/blog/Nepal-blog-posts/Youth%20leadership%20in%20Nepal>



FGD, Marginalize (Chure) Community, Dhanusha Dham Municipality, Yagabhumi, Dhanusha

tend to go agree with it. This further encourages a situation where youths are not valued. Talking about youths' participation in the government is a distant thing, as the above-mentioned factors restrain them from participating in any important activities.

If at all they are invited to any development plan related programmes, their presence is neither acknowledged nor they are provided with any responsibilities. There is an absence of willingness to hand over the baton to the future generations due to which the practice of power and authority, which continues to remain in the hands of selected individuals who have been holding the authority for a long time. Youths are not part of any networks or collectives. They have not been able to form any such collectives, a reality which limits their access to platforms to put forth their issues. There are Youth Clubs formed for protecting rights of youths, however these clubs are not allowed to fulfil their

roles and responsibilities.

This vacuum not only deprives the region of the vibrancy of their ideas and solutions, but also hampers their holistic development. This suppression of youth voices raises alarms, as it curtails the diversity of viewpoints and the innovation that they can bring to the forefront. This lack of engagement could potentially lead to apathy and detachment from societal matters, undermining the emergence of an empowered and engaged youth populace vital for driving progress.

BARRIERS TO QUALITY EDUCATION, EMPLOYMENT AND PERSONAL DEVELOPMENT

There are constitutional provisions, legislations, and policies in place to ensure smooth access to education, employment and for overall development of youths. It becomes very crucial to map the challenges and difficulties encountered at the ground level. These challenges emerge



due to a wide range of factors which includes cultural practice, lack of job opportunities, financial constraints, peer influences.

CHILD MARRIAGES HINDERING PERSONAL DEVELOPMENT OF YOUTH

During the discussion with youths from Surunga -7 in the Saptari district, they were concerned about the increasing number of child marriages. They shared it is society's discriminatory gender biased attitude and perspective that has led to an increase in the number of child marriages. Society tends to adopt a highly suspicious attitude towards families with girls, particularly those aged 16. On numerous occasions, rumours circulate when girls are observed engaging in ordinary conversations with boys. These rumours suggest that these girls

and boys are being led astray, are not on the right path, and are likely to elope. Such rumours build pressure on the girl's family and the family's honour takes priority over the girl's welfare.

The youth also mentioned another factor contributing to child marriage. In some cases, boys and girls who are still in school find love interests and decline arranged marriages arranged by their parents. Consequently, their parents marry them off at a young age. Besides the added responsibilities that come with child marriage, there have been instances of separation, particularly in situations where parents were the sole decision-makers and there was no proper consideration of educational and family backgrounds on both sides. The youths from Khojpur shared how they faced resistance from the community whenever they tried to discuss and spread awareness on child marriage. The practice of child marriage is common in the Dalit community expressed the Dalit youths of Aurahi Dih, Rautahat. The child marriage halts the overall development of the young girls and limits their prospects of happy and prosperous life by keeping them away from education and employment.

STATUS OF EDUCATION

Expensive education, financial constraints, and the inability to access scholarship schemes are the leading challenges in accessing education. In tandem with these challenges, the struggles that beset Madheshi youth are multifaceted in nature. Access to quality education stands as a prominent hurdle that impedes personal growth and future prospects. Narratives garnered from the FGDs underscore the uphill battle young individuals face when aspiring for education, particularly girls who are caught in the clutches of traditional norms that prioritise male education. Limited educational avenues, especially at higher levels, create an environment where youth are denied opportunities to develop their talents to their fullest potential.

During the discussions with the Youth Group in Haripur's Ward -2, it was shared that most of the youths can pursue education only until class 10. After which it becomes difficult for them to pursue higher education owing to limited financial resources. Education is free until Class 10, after that it becomes unaffordable for them. This

situation often forces them to drop out from school and start working. Sometimes they collect their earnings so that they can pay the required fees for higher education. One of the members from a girls' group in Rautahat shared a fear amongst the family that can be seen when it comes to educating girls is the worry that they become literate and have their citizenship certificated, and they later make claims over the property.

Youths from Surunga -7 shared that they do not have access to scholarship programmes which hinders hardworking and dedicated students especially those coming from marginalised communities, from pursuing education. The classes are not divided into sections leading to almost 100 students accommodated in a single classroom. The group further shared that financial constraints make it difficult for them to afford books, notebooks, school uniforms, and pay school fees on time, eventually forcing them to drop out from their schools.

CASE STUDY OF A YOUNG STUDENT FROM HARIYON'S WOMEN'S GROUP

'Since childhood I have been interested and performed well at studies. I used to work in agricultural fields, cook, and then study, and yet I would manage to perform well. My father is a farmer. My mother's health is not good. It is difficult for me to continue studying. I have always heard that there are many facilities that are meant for students but I did not have access to any. Sanitary pads are there but we have never accessed it, it seems like it is kept for decoration. There is a government provision for distribution of cycles to girl students in 8th Grade under Beti Bachau, Beti Padhau campaign³⁵ but I have not received it yet. The toilet is positioned right next to the hand pump which is not very hygienic. Eve teasing is another problem experienced frequently.

When I was studying in 10th Grade, during the time of election, I was recruited as a temporary police, which helped me to support my family. I want to continue with my studies and I have asked my family not to get me married at an early age. I am strongly determined that by earning, I can continue to pursue my education, but if the

³⁵ The Nepalese Voice, 'Free Bicycle Distribution Campaign to Schoolgirls Gathering Pace', January 2, 2022, <https://shorturl.at/cnosk>

economic condition of my family worsens then I will be left with no choice and they will marry me off.'

The current quality of education was also highlighted by Sunil Mallik, Vice-chairperson of Support Nepal when he shared that even today in the villages, quality of education is a problem. There are schools but not sufficient teachers. Some teachers are found teaching at all levels from primary to secondary. He then emphasised that politics should be focused for the welfare of women and children. He believes that one of the effective ways of changing the current situation is through imparting youths with better quality of education. He stressed that skill-based education is currently a crucial necessity.

INABILITY TO ACCESS EDUCATION LEADING TO MIGRATION AND INCREASING UNEMPLOYMENT

Weak financial situation and lack of employment opportunities forces youth to drop out from their education, especially once they turn 18. The quest for gainful employment exacerbates the challenges faced by Madheshi youth. The economic landscape in the region is marred by a scarcity of viable job opportunities, which drives many young individuals into precarious and informal work arrangements. Youths from Khojpur village in Saptari district noted that common employment sectors within the village include brick kilns, construction sites, labour, and working as helpers in small shops, with a predominant involvement of youths. They also mentioned that almost every year, around 10-20 youths from the village are compelled to migrate elsewhere in search of better livelihood opportunities. They are not left with other options.

When it comes to migration, the local agents are involved and payments are made to them for the entire process. They emphasised that migration cannot be seen as an opportunity; it is rather a compulsion led by multiple situations which include limited job opportunities in Nepal, increasing costs of essential goods and services, weak financial situation at home, and low wage rates.

The absence of secure employment not only perpetuates economic instability but also hampers

personal growth and development. Bhupendra Thapa, CDO, Saptari expressed his concern over increasing unemployment. He shared 'The youths have no employment opportunities, 43 per cent of the youths are jobless.' Frustrations echoed in the FGDs regarding the lack of avenues for meaningful employment paint a stark picture of youth aspirations succumbing to the constraints of economic limitations. Amidst these challenges, the frustrations among Madheshi youth have led to a growing concern surrounding substance abuse, particularly alcohol and drugs. The issue of substance abuse amongst the youth was shared as a major concern by Devendra Chaudhary, Ward Chair of Surunga Municipality, Ward-4. He said consumption of substances like weeds, drugs, alcohols have increased rampantly amongst the youths.

This was not a bigger problem earlier, but to the already existing open border with India the growing unemployment, peer influence has further facilitated frequent purchase of drugs from India. Some youths from Surunga -7 shared that they developed the habit of smoking when they started going to the market to purchase bidi or cigarettes for their parents. One of the youths shared that he used to go to school but was never interested in studying. Under the influence of his friend, he started playing cards which affected his studies. He did not perform well in school and consequently he was forced to migrate to foreign countries in search of job opportunities. Similar situations of increasing consumption of alcohol and smoking was shared by the youths of Mithila Municipality, Dhanusha district. They shared that the majority of youths have developed this habit. Within this context, the majority of youths between 16 -29 years are smokers. There is a greater influence when they observe senior male members smoking and consuming alcohol.

The complexities of these challenges are further nuanced when examining specific contexts within the Madheshi community. For instance, Dhanusha highlights the bureaucratic hurdles and corruption faced by youth in obtaining essential documents such as citizenship certificates. Notably, youth clubs have played a significant role in fostering self-confidence and engagement among youth in Dhanusha, while young girls in Rautahat have united through girls' clubs to promote educational awareness.

The array of challenges encountered by Madheshi youth presents a multifaceted landscape that necessitates urgent attention. The suppression of youth voices in governance, barriers to quality education, limited employment opportunities, and the consequential societal ramifications demand a holistic and comprehensive approach. The insights derived offer a compelling narrative of these challenges, emphasising the crucial need for creating platforms for youth engagement, dismantling gender-based educational barriers, and establishing an ecosystem that nurtures their holistic development. Addressing these challenges isn't merely essential for individual growth and well-being but is also pivotal for steering Madhesh toward an inclusive, empowered, and prosperous future.

4.3. Struggles of Marginalised Groups: Chains of Discrimination

In the intricate tapestry of Madhesh, the challenges faced by marginalised groups form a dark undercurrent that threatens the very foundation of their rights and well-being. This section delves into the profound and systemic hurdles experienced by these groups, echoing through the voices of those who have experienced and confronted discrimination firsthand. With insights gleaned from in-depth FGDs, KIIs, and case study, this exploration reveals the dire implications of deep-seated discrimination, limited access to essential services and opportunities, and the vulnerable position these groups occupy due to their intersecting identities.

DEEP-SEATED MARGINALISATION AND DISCRIMINATION

The marginalised communities of Madhesh grapple with the entrenched weight of discrimination that shackles their potential and hinders the realisation of their rights. The FGDs, KIIS and case study provides us with testimonies of individuals who have borne the brunt of such discrimination; their stories illuminating the pervasiveness of this issue.

During the FGD, the participants from Sahidnagar, Dhanusha shared, 'There are skill development trainings that are organised by the municipality, yet the ones who receive the training are the rich. The

usual practice in terms of employment is that only the influential people or relatives of the ward chair get employment opportunities. While preparing the annual plan, policies and the budget, the local government does not consult us. Once, we shared that our needs were yet to be included in the annual plan, policies and the budget. They asked us to bring it and share with them, we prepared it and shared but nothing has been done so far.'

Caste-based discrimination remains a persistent issue in various areas, including the Surunga municipality. However, participants pointed out that economic stability among Dalits can help reduce discriminatory practices. In this context, caste-based discrimination often aligns with the economic status of the family, essentially creating a class-based caste discrimination dynamic. Although discriminatory practices may appear to have decreased on the surface, negative perceptions persist among local representatives. For instance, there was a case where a mayor in Haripur used derogatory language when referring to the Musahar community.

LIMITED ACCESS TO ESSENTIAL SERVICES AND OPPORTUNITIES

Discrimination extends beyond the borders of individual interactions, infiltrating institutions and systems, thereby perpetuating a cycle of marginalisation. The narratives unveil a sobering reality where the mere act of asserting their rights is met with resistance and bias, depriving women of equal access to opportunities and services. In their daily lives, members of marginalised groups find themselves at the fringes, denied essential services and opportunities that are readily available to others.

A woman respondent from Haruwa Charuwa community, a resident of Sahidnagar, Dhanusha disappointedly shared the distress their community experiences. She disappointedly shared, 'The municipality is not providing any entitlements or services to us, we do not exist for them so they will not even provide anything to us even if it is poison.' One good thing is that the elderly people are provided with their allowance on time. They further state that they voted for the mayor and the ward chairs yet there is no one willing to understand their issues. In other municipalities during COVID -19, the mayor provided NPR 5,000-10,000 but, in their area, Sahid

Nagar they were not provided with any relief.

They were also uncertain about the allocation of the budget. The infrastructure in this municipality is severely lacking, with no roads, sewers, or drinking water facilities. There is only one hand pump available, serving five to seven families in the area. During the FGD, participants sensed mismanagement and a lack of prioritisation from the relevant authorities. It was discussed that construction activities were taking place at the expense of people's basic rights. An incident was recounted where, during road extension work in Birendra Bazar in Mainathpur, many Dalits were compelled to vacate their homes as they were completely demolished. One of the FGD participants shared that he is a disabled person but has not received any disability allowance so far. There is no response towards his situation from the municipality. This highlights how the marginalised people are further put into marginalisation by being denied their rights and entitlements.

Poverty trap is a mechanism that makes it very difficult for people to escape poverty. It is created when an economic system requires a significant amount of capital to escape poverty. When individuals lack this capital, they may also find it difficult to acquire it, creating a self-reinforcing cycle of poverty³⁶. The marginalised community of Madhesh province is under a poverty trap. Poonam Jha Maithili—a language expert present during the KII—explained that language barrier is among the reasons why marginalised communities have no access to the economic system. The marginalised community of Madhesh province speaks local languages like Maithili, Bhojpuri, or Awadhi; however, these languages are neither used in schools for educational purposes nor at government offices for official purposes. The languages people speak—or do not speak—can influence their economic status in substantial ways, limiting or facilitating access to jobs, education, and full participation in the functions of the society³⁷.

The Dalit community residing in Bhararia, Dhanauji, municipality often faces floods. The houses and land of the community gets flooded every year as

36 Investopedia, Poverty Trap: Definition, Causes, and Proposed Solutions, Accessed October 12, 2023, <https://www.investopedia.com/terms/p/poverty-trap.asp>

37 Multilingual Matters, Language and Poverty, Accessed October 12, 2023, <https://www.multilingual-matters.com/page/detail/Language-and-Poverty/?k=9781847691194>





FGD, Marginalize (Chure) Community, Dhanusha Dham Municipality, Yagabhumi, Dhanusha

the community is situated in the middle of Jamuni and Belauti rivers. Sometimes the damage caused to the houses is less and at times it is significant, which leaves the houses completely destroyed. Although the concerned officials from the ward came and collected the information, they are yet to receive the compensation. The house is damaged annually by flooding, and the cost of yearly repairs amounts to NPR 40,000-50,000. Landlords offer loans but impose high interest rates, ranging from 30 to 40 percent. In a specific instance, a court notice has been received that one who has taken the loan has already provided the principal amount and does not need to pay metre interest to the lender; however the member from the Dalit community who have taken the loan are receiving pressure from the family to pay back the loan with interest. Another significant impact is on children's education. Flooding makes it extremely challenging to send children to school, which has a detrimental effect on their education.

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Participants in the FGD mentioned that they do not have land ownership and are landless. Only two to three individuals in their community own land, and these individuals are currently working abroad. Although the Mayor has completed the necessary procedures and provided the letter, the land ownership certificate has not been issued yet. In Dhanauji - 4, Bhararia, it was highlighted a Dalit woman has been appointed as ward member but she is not able to exercise any of her powers. She

receives pressure from her political party which restricts her from carrying out her duties even if she intends to do anything good. Similarly, there is limited training for the marginalised groups like the Haruwa Charuwa of Dhanusha District, but they are hardly informed and majority of these trainings are attended by other communities, mostly privileged ones.

During an FGD with Haruwa Charuwa (Dalits) in Dhanusha, it was mentioned that both the Mayor and the Ward Chairs appear to be influenced by landlords and other influential figures. These individuals have greater access to local government representatives compared to Haruwa Charuwa and even hinder their access to government services. One participant recounted an incident when the National Land Commission was offering land to landless people. He attempted to apply for it and sought validation from the mayor. However, the mayor claimed that there were no landless individuals in the area, contradicting what some representatives from the commission had asserted. The mayor also expressed concerns about potential consequences if someone who already owned land received additional land, suggesting reluctance to support landless individuals.

The barriers they encounter are manifold: from linguistic barriers that hinder access to education, to limited economic opportunities that trap them in cycles of poverty. These barriers are not only individual setbacks, but also collective injustices that prevent marginalised communities from realising their full potentials and contributing to the social fabric. The narratives of these individuals paint a vivid picture of the struggles they face in securing education, healthcare, and economic prospects.

VULNERABILITY TO HUMAN RIGHTS ABUSE DUE TO INTERSECTIONAL IDENTITIES

Compounding their challenges, members of marginalised groups bear the experiences of human rights abuses due to the intersection of their identities. The narratives underscore the interconnectedness of gender, caste, and class, which amplify vulnerabilities. Dalit women, for instance, endure a double burden of discrimination— both from their gender and their caste. This intersectionality magnifies their vulnerability to violence, exclusion, and exploitation, perpetuating

cycles of abuse that are difficult to break free from.

Additionally, there's a scarcity of job opportunities, and work is available only during the rice season and plantation season (Mid -June and a couple of months) or the harvesting month (early October and ends in the last of November), making them more vulnerable. The landlords now own tractors, further reducing employment opportunities. Whenever they voice their concerns, they go unanswered and unaddressed. Most of them live in cramped houses without access to running water, electricity, or toilets.

Likewise, most individuals working as labourers in the harsh conditions of brick kilns come from Dalit backgrounds and extremely impoverished households. They are often exploited by kiln owners, who compel them to work seven days a week under extremely demanding conditions. To earn NPR 700, they must produce 1,000 bricks daily. This harsh reality forces all family members, including children, to work in unsafe brick kiln environments.

All family members, including children, work in brick kiln factories under unsafe conditions. There is no weekly holiday for such workers.

Under Nepal's labour laws, no workers shall be employed to work more than eight hours a day and 48 hours a week by an employer. In addition, workers should be provided leave benefits, provident fund, gratuity, health insurance among other benefits³⁸. Nevertheless, labour law violations in Nepal persist. Workers who have been working in the same brick factories for years do not receive such benefits.

As all family members work in brick kiln factories, children often miss out on their schooling. In November 2022, 38 Indian citizens who worked as bonded labourers in a Nepal brick factory were rescued by the Nepal police³⁹. A new form of neo-slavery can be witnessed in the brick kiln factories of the Aurahidi, Ratuahat.

A participant from Dholbaja of Sabaila Municipality expressed that a person whose identity they are

38 The Labour Act, 2017(2074), Accessed on October 12,2023, Available: <https://www.lawcommission.gov.np/en/wp-content/uploads/2021/03/The-Labor-Act-2017-2074.pdf>

39 Outlook, 38 Indians Working As Bonded Labourers In Nepal Brick Factory Rescued: Police, Accessed on October 12, 2023, <https://www.outlookindia.com/national/38-indians-working-as-bonded-labourers-in-nepal-brick-factory-rescued-police-news-236654>

unaware of visited their locality and collected the citizenship of the members of the Musahar community, promising that he will be back with goods and benefits for them. However, that person never returned. They did not receive their citizenship nor any benefits. They also have no access to the old age allowance being provided by the federal government. There have been cases in the past where Musahar families cannot afford to eat two meals a day, and yet they are facing a Rs 210 million tax evasion case. Such cases are due to the misuse of their citizenship⁴⁰.

Dalit activists stated that Dalit women are further victimised because of their intersectional identity as a Dalit, and a woman. Even in instances of discrimination, they must remain silent and continue to be part of their community. This unfortunate situation is made worse by their dire economic circumstances. Furthermore, even within the Dalit community, some individuals face more severe marginalisation than others. For example, an activist pointed out that Dalits from hilly regions have no representation in the Madhesh government; they are primarily viewed as a voting bloc. Caste-based discrimination persists despite legal provisions.

Nevertheless, in the midst of these challenges, glimpses of resilience shine through. The stories shared in FGDs, KIIs, and case study bear witness to the strength and determination of marginalised communities. Their initiatives to organise, raise awareness, and assert their rights are igniting transformation and questioning the existing norms. The voices that were silenced for generations are now pushing back against discrimination and demanding equitable access to services and opportunities. The stories of marginalised individuals who have overcome adversities serve as beacons of hope, showcasing the transformative potentials of empowerment and solidarity.

The urgent need to dismantle systemic discrimination, ensure equal access to services, and recognise the complexities of intersecting identities calls for a comprehensive and intersectional approach. Empowering marginalised communities isn't just about rectifying historical injustices; it is about fostering an inclusive society where every

40 Online khabar, These 2 poor families don't have 2 meals a day, but they're facing a Rs 210 million tax evasion case, Accessed on October 12,2023, <https://english.onlinekhabar.com/fake-tax-evasion-musahar-men.html>



FGD, Marginalize (Landless) Community, Surunga Municipality-3, Laxmipur, Saptari



Promoting Human Rights, Fundamental Freedoms and Civic Space

individual can thrive, irrespective of their background. By listening to and learning from these narratives, Madhesh can work towards dismantling the chains of discrimination and forging a future where the rights and dignity of all are upheld.

In the journey towards establishing an equitable and just society in Madhesh, the promotion of human rights and fundamental freedoms is intricately linked with the empowerment of women. This section sheds light on the remarkable stories of women who have shattered the shackles of discrimination, emerging as trailblazers who lead the charge for change. By showcasing examples of women's empowerment and leadership, this segment underscores the pivotal role women play in advocating for human rights and in fostering an environment of progress. Furthermore, the successes attributed to gender-responsive policies and programs offer hope, serving as inspiring narratives that illustrate the concrete impact of dedicated efforts on women's lives and the broader societal landscape.

5.1 Women

SHOWCASING EXAMPLES OF WOMEN'S EMPOWERMENT AND LEADERSHIP, PROMOTING HUMAN RIGHTS

The empowerment of women in Madhesh is not a mere abstraction, but a palpable reality. The narratives of women who have defied societal norms and risen to leadership positions stand as compelling examples of transformation. Even though they now have the dual roles of maintaining a profession and running a household, it remains predominantly the responsibility of women in Madhesh province. These women serve as living proof of the inherent potentials within every individual, irrespective of gender.

Whether as Deputy Mayors, Ward Chairs, or even Human Rights Activists, Dalit women are carving a path for others to follow, shattering the confines of gender-based limitations. Neelam Devi Ray, a Deputy

Mayor of Haripur Municipality, Sarlahi district shared that many things have changed since the time she came to Nepal from India after her marriage. Prior to federalism, she mentions being in 'Ghunro' and at present she is sitting at a chair in the Haripur Municipality, making her own decisions. She shares that she feels empowered. She mentions that she focuses on women issues and is working to ensure that their rights are protected. She is leading the judicial committee in her Municipality and she mentions handling the case related to violence of rights to women with utmost sincerity.

During the meeting, a Dalit woman who serves as a ward member in Ward 9 of Ganeshman Charnath Municipality, Dhanusha district was accompanied by her husband. It was noticed that at times, the conversation was redirected or answered by her husband. Nevertheless, her remarkable confidence in discussing her responsibilities as a ward member was evident. She mentioned her idea about empowering other Dalit women with economic independency. In ward office meetings, she has consistently advocated for allocating a budget to organise skills-based training programs for Dalit women. Through her efforts, she successfully enabled several Dalit women to participate in a tailoring training programme arranged by the Municipality.

These stories also underscore the pivotal role that women play in advocating for human rights. Their voices, experiences, and perspectives infuse depth and nuance into discussions, illuminating issues that might otherwise remain obscured.

HIGHLIGHTING THE ROLE OF WOMEN IN ADVOCATING FOR HUMAN RIGHTS

Women's advocacy transcends rhetoric, manifesting as tangible actions that address the injustices and inequalities they face. From grassroots movements demanding an end to gender-based violence, to campaigns advocating for participation in formation of annual plans and policies at the local level, women are at the forefront of driving substantive change. In a KII with Pabita Kumari Paswan, chair of a girls group called Pariwartan in Rautahat, mentions about being able to arrange a training for young girls on reproductive health by bringing a trainer from Bhawanipur. As the girls in the Dalit community are married young, she said a need was felt for the

training on reproductive health.

She shares that she and the members of the group are working towards creating awareness among the parents for girls' education and marriage only after the age of 20 years. She also emphasises the importance of raising awareness among parents to ensure that their daughters obtain citizenship as soon as they reach the age of 16. This not only helps protect them from abuse but also guarantees their rights as citizens of the country. Their journey reflects a shift from accepting discrimination as fate to actively challenging its legitimacy. This empowerment is underpinned by a growing recognition of the significance of education, illustrating a transformative change in mindset. The introduction of measures such as ensuring a 33 per cent representation of women in all state bodies and their substantial representation at the local level has been pivotal in empowering women. These initiatives have not only given women a seat at the decision-making table but have also amplified their voices and concerns⁴¹. By occupying these positions, women are realising their capacity to influence policies and advocate for their rights, thereby contributing to a more inclusive and representative governance structure.

In conclusion, the path to promoting human rights, fundamental freedoms, and civic space in Madhesh is intrinsically linked with the empowerment of women. The narratives of women who have transcended obstacles and risen to positions of leadership stand as testaments to the transformative power of empowerment. Their advocacy for human rights adds depth and authenticity to the discourse, driving tangible change. The success stories attributed to gender-responsive policies and programmes provide a vision of what is possible when concerted efforts are directed towards empowering women. The progress towards women empowerment is steady and gradual. The elected women representatives at the local level are being vocal towards the needs and rights of the women.

Women from Surunga Ward 4 actively participate in the selection process for the annual ward-level plan and policies. They advocate for their empowerment needs to be incorporated into

⁴¹ MOWCSC Nepal, 'A Progressive Journey to Gender Equality and Women's Empowerment', Accessed September 19, 2023, <https://shorturl.at/fmWZ2>

these plans and policies, including provisions for skill-based training. By embracing these narratives, Madhesh can forge a future where women's rights are championed, where their leadership is celebrated, and where their contributions are acknowledged as central to the progress of society. Manika Jha, chair of Federation of Nepali Journalists, Dhanusha has been awarded by different local, national, and international institutes for her commitment and contribution to media for raising pertinent issues, and works towards empowering marginalised communities through her leadership⁴².

5.2 Youth

EMPOWERING THE FUTURE: YOUTH-LED INITIATIVES FOR HUMAN RIGHTS

In the dynamic landscape of Madhesh, the potential of its youth is a force to reckon with, capable of steering the region toward a future rooted in human rights, social justice, and positive change. This section delves into the transformative power of youth-led initiatives, the impact of their campaigns for social justice, and the significance of intergenerational dialogue in nurturing a culture of human rights.

The Madheshi youths embody a wellspring of energy, innovation, and determination. Their capacity to drive change is exemplified through a myriad of initiatives that transcend conventional boundaries. Madheshi youth are showcasing their initiative in advancing human rights and driving sustainable development by establishing grassroots organisations and leading community projects.

The youth of Mithila Municipality in Dhanusha discussed the organisation of children and young people through the formation of children and youth groups. The registered youth groups empowered the children and youth through their participation in open theater, poem and quiz competitions, and others so that the children and youth can have multidimensional growth. A girl from the youth group shared that being the part of the children's group and then the youth group built her confidence to speak and face

large crowds. She shares that now she is not afraid of speaking in front of any audience. It was also through her participation in youth groups that she made friends and expanded her network which inspired her to focus on her education. By initiating local campaigns focused on environmental conservation, gender equality, and access to education, these young individuals are illustrating that change begins at the grassroots level.

SHOWCASING YOUTH-DRIVEN CAMPAIGNS FOR SOCIAL JUSTICE AND POSITIVE CHANGE

The youth mentioned their participation in environmental conservation campaigns and tree planting initiatives. They also highlighted the tragic incident involving Dilip Mahato in Mithila Municipality, Dhanusha district, where he was fatally crushed by tippers while protesting against the illegal extraction of riverbed materials. The youth in Mithila Municipality are now advocating for justice in Dilip Mahato's case. The tangible outcomes of their endeavors underscore the pivotal role of youth in shaping a society that values and upholds human rights. In Madhesh, youth-driven campaigns have become instrumental in amplifying voices and issues that would otherwise go unheard. The incident involving Dilip Mahato has drawn media and government attention to the illegal extraction of riverbed materials, highlighting the role that youths play in amplifying voices and issues.

During the FGD with the Dalit youths of Haripur-2, they expressed their active opposition to caste-based discrimination and their efforts to raise awareness about it among their older family members. They also mentioned boycotting social events which are based on discrimination based on caste. These campaigns rally support around matters of social justice, equality, and human rights. Through innovative use of social media, creative arts, and community engagement, Madheshi youth have been able to mobilise communities and raise awareness on pressing challenges. Whether advocating for gender equality, combating discrimination, or addressing environmental concerns, their campaigns have garnered attention, resonated with diverse audiences, and sparked conversations that drive change. These initiatives stand as powerful examples of how the passion

42 PEI Centre, 'Manika Jha', Accessed September 19, 2023, <https://pei.center/manika-jha>

and commitment of youth can lead to meaningful transformation.

ENCOURAGING INTERGENERATIONAL DIALOGUE TO FOSTER A CULTURE OF HUMAN RIGHTS

While the vigour of youth-led initiatives is undeniable, the value of intergenerational dialogue cannot be understated. Bridging the gap between generations fosters a holistic understanding of human rights and provides a platform for sharing experiences, wisdom, and insights. Madheshi youth have recognised the importance of engaging with older generations, not as passive recipients of knowledge, but as active partners in building a culture of human rights. The focus group discussion with youth groups from all the four districts mention the value of intergenerational dialogue on the diverse range of topics like caste-based discrimination, human rights, political activism and more. Such dialogues facilitate the exchange of diverse perspectives, enable the collective development of innovative solutions, and ensure that the fight for human rights is a shared endeavour that spans generations.

In conclusion, the potential of Madheshi youth to shape a society entrenched in human rights is undeniable. Their initiatives, campaigns, and intergenerational dialogues stand as testaments to their capacity for change. By harnessing the dynamism of youth-led initiatives, showcasing the impact of their campaigns for social justice, and promoting intergenerational dialogue, Madhesh province can nurture a culture that upholds human rights values. The journey toward a more equitable and rights-respecting society is a collaborative effort, where the enthusiasm and innovation of youth meet the wisdom and experience of older generations, resulting in a transformative force that paves the way for lasting change.

5.3 Marginalised Groups

CLAIMING RIGHTS, SHAPING FUTURES: MARGINALISED COMMUNITIES IN ACTION

The marginalised communities of Madhesh have long grappled with discrimination and exclusion,

but their resilience and determination to assert their rights have brought about instances of inspiring change. This section delves into the narratives that illustrate how marginalised groups have asserted their rights, the collaborative efforts between these communities and civil society organisations, and the significance of preserving and recognising their cultural heritage.

ILLUSTRATING INSTANCES OF MARGINALISED COMMUNITIES ASSERTING THEIR RIGHTS

The stories of marginalised communities rising against injustice and claiming their rights have emerged. A woman member of Dalit community of Sahidnagar Municipality explains an incident where a lower caste man was taken into police custody on the false charge of stealing fish from a pond. She further mentioned that she went to the police station, directly spoke to the inspector, and demanded the release of the innocent man. She also warned the policeman that she would use her umbrella to defend herself if necessary. She also said that locally elected representatives are scared to talk to her as she is outspoken and vocal about right and wrong.

The narratives showcase instances where individuals and groups from Dalit, indigenous, and other marginalised backgrounds have confronted systemic inequalities. From advocating for land rights and access to education to demanding representation in local governance, these communities have challenged deeply-ingrained prejudices and fought for their rightful place in society. Raj Dev Bin, the chair of the Haruwa Charuwa group in Dhanusha and a resident of Sahidnagar Municipality, has expressed his intention to mobilise landless people from all eight districts of Terai in protest if the concerns of the Haruwa Charuwa community are not addressed by the Government.

These stories illustrate the tenacity of marginalised individuals in breaking free from the shackles of discrimination and carving out paths of empowerment.

HIGHLIGHTING COLLABORATIONS BETWEEN MARGINALISED GROUPS AND CIVIL SOCIETY ORGANISATIONS

The collaboration between marginalised communities and civil society organisations has been instrumental in magnifying voices of the marginalised and bringing about significant change. Grassroots movements led by these communities have found support and advocacy from organisations that share their vision of social justice. Through strategic partnerships, capacity-building initiatives, and awareness campaigns, civil society organisations have provided marginalised groups with tools and platforms to amplify their demands for rights and equality.

Manju Khadka of National Human Rights Commission in Madhesh province, appreciates the role of civil society organisations in supporting, guiding and fighting for the rights of the marginalised and women. After a woman is abandoned from her husband's home with false extra marital allegations and violence, the NGOs have supported such women and those belonging to the marginalised community. Organisations like Women's' Rehabilitation Centre (WOREC), are providing safehouses for victims of domestic violence or gender-based violence. These collaborations underscore the power of collective action and advocacy in challenging systems of oppression.

EMPHASISING THE IMPORTANCE OF CULTURAL PRESERVATION AND RECOGNITION

For marginalised communities, cultural preservation and recognition are integral aspects of asserting their identity and rights. The rich cultural heritage of these groups often faces erasure and assimilation in the face of dominant narratives. Poonam Maithili, a language expert focuses on the aspect of empowerment relating it to the perspective of language.

She mentioned that the language Maithili is a language of the Dalit, of poor people and of the marginalised. The local language of the people needs to be the working language of the province and that was her focus as she shared during the KII in Dhanusha.

The use of local language as the official language of work would add a sense of self-respect and dignity among the poor, vulnerable and the marginalised

community. Recognising the importance of cultural preservation, these communities are actively engaged in efforts to reclaim their heritage, language, and traditions. This cultural resurgence not only empowers marginalised individuals by reinforcing their sense of identity, but also challenges the marginalisation perpetuated by cultural erasure.

In conclusion, the stories of marginalised communities in Madhesh serve as powerful examples of resilience, collaboration, and cultural revival. Through asserting their rights, engaging with civil society organisations, and preserving their cultural heritage, these communities are rewriting the narratives of marginalisation. Their journey towards empowerment is a testament to the transformative impact of collective action and the indomitable spirit of those who refuse to be silenced. By highlighting these instances, emphasising collaborative efforts, and recognising the value of cultural heritage, Madhesh can pave the way for a more inclusive and just society where the rights of all its members are upheld.



FGD, Youth, Haripur Municipality-2, Hattisar, Sarlahi



Civic Space and Participatory Governance

6.1 Civic Space and Governance

Civic space is the environment that enables people and groups – or ‘civic space actors’ – to participate meaningfully in the political, economic, social and cultural life in their societies. Vibrant civic space requires an open, secure and safe environment that is free from all acts of intimidation, harassment and reprisals, whether online or offline (UN Guidance Note on Protection and Promotion of Civic Space). A thriving civic space that enables freedom of expression and opinion as well as freedom of peaceful assembly and association, sets a foundation for democracy and participatory governance. It enables civil society and a wide range of civic actors to fulfil their roles and act autonomously in pursuit of democracy, inclusive participation, good governance, and human rights. Participatory governance is, likewise, based upon individuals having a voice in decision making and benefit sharing that affect them. It is designed to lead to effective participation in decision making that unites constituencies, produces an improved citizen space, and draws upon the strength of diversity engendering an inclusive society that guarantees protection and promotion of human rights and fundamental freedom.

At a time when South Asia is experiencing a closing of civic space, Nepal has resisted the trend.⁴³ However, the CIVICUS monitor mentioned that the civic space situation is obstructed.⁴⁴ The V-DEM (Varieties of Democracies) Institute of the University of Gothenburg, in its Democracy Report 2023⁴⁵, found that a worldwide decline in

43 Das, Ajay, O'Donnell, Carolyn., Ma, Stephanie., ‘Nepal Gains Ground in Civic Space Efforts’, September 22, 2023 <https://asiafoundation.org/2023/06/28/nepal-gains-ground-in-civic-space-efforts/>

44 My Republica, CIVICUS rates Nepal's civil space as 'obstructed', Accessed September 19, 2023, <https://myrepublica.nagariknetwork.com/news/civicus-rates-nepal-s-civil-space-as-obstructed/>

45 V-Dem Institute, ‘Democracy 2023 Report’, Accessed September 19, 2023, <https://shorturl.at/fgAV6>

democracy was most pronounced in the Asia-Pacific region, which has reverted to levels last recorded in 1978, but that Nepal had progressed from the status of 'electoral autocracy' in 2012 to 'electoral democracy' in 2022, earning a place among the top 10 democratising countries of the last decade. The 2023 report ranked Nepal 62nd of 179 countries on their Liberal Democracy Index⁴⁶. However, there are substantial cases in Nepal that threaten the broadening civic space. Restricting free media, intimidation by authority, misuse of power, prosecution of people for exercising their freedom of expression, peaceful assembly and association^{47,48} have been some of the many looming threats to protection and promotion of fundamental rights and freedom.

In the research areas the media sector has been accused of being biased and discriminatory. The Chair of FNJ in Sarlahi conveyed that journalism is currently unable to represent the interests of marginalised and excluded groups or serve as a voice for the voiceless. He mentioned that some of the local newspapers is accused of being a mouthpiece of certain political parties or individuals. There are many papers at local level that work to promote the Mayor or political parties and hence reports are biased. Similarly, he also relayed that authorities at the local level intimidate oppositional voices.

Federation of Nepali Journalists, Rautahat-Chair echoed the same. He suggested that media self-censorship is prevalent due to affiliation of journalists with certain political parties. Moreover, most media personnel have political association, and have their personal political motive so that self-censorship is at play. The media often doesn't adequately represent the voices of farmers, and journalists may not fully grasp their responsibility to society. As a result, the general public holds negative opinions about the media. Likewise, Dalits, marginalised communities affected by floods, landless individuals, and Haruwa Charuwa in the research areas mentioned facing limitations on their freedom of expression.

46 Das, Ajay., O'Donnell, Carolyn., Ma, Stephanie., 'Nepal Gains Ground in Civic Space Efforts', June 28, 2023, <https://asiafoundation.org/2023/06/28/nepal-gains-ground-in-civic-space-efforts/>

47 Amnesty International, "Nepal 2022", Accessed September 5, 2023, <https://shorturl.at/eBCS2>

48 Khatiwada, Nishan., 'Nepali State's Commitment To Free Speech In Doubt', The Kathmandu Post, March 24, 2023, <https://shorturl.at/iqBQ1>

6.2 Role of Civil Society Organisations in Promoting and Protecting Rights

Formal organisations and informal groups of individuals have been instrumental to the major social movements since the 19th century. In recent years they are termed Civil Society Organisations (CSOs) and are characterised as non-state actors whose aims are neither to generate profits nor seek governing power. CSOs unite people to advance shared goals and interests. At the international and local levels, CSOs tenaciously move toward having greater influence on decision making, governance, and actions that directly affect people's daily lives and well-being. Specifically, in Asia and the Pacific region, most governments have recognized the role of civil society in their respective country's development processes. Their actual engagements, though, vary within and across countries.⁴⁹

Civil society organisations (CSOs) employ various strategies to advocate for the preservation of civic space. They work on multiple fronts and engage with various levels of power, utilising formal CSOs and informal platforms such as alliances, networks, coalitions, campaigns, and movements. They also assist the government in introducing and implementing participatory approaches in various development projects⁵⁰. Civil society has a crucial role in defending democracy⁵¹. CSOs also perform important research to help the government identify needs on the ground and understand and respond to problems. They assist individuals with legal support to ensure their voices are heard and the rights of all are respected.

49 Successful Engagement with Civil Society Organisations, Accessed September 23, 2023, <https://www.adb.org/sites/default/files/evaluation-document/35836/files/II-cso.pdf>

50 Islam, Rabiul, 'Collaboration Between Government and Civil Society: Evidence from the Implementation of Land Reform Program in Bangladesh', Journal Of Humanities And Social Science, Accessed September 5, 2023, <https://shorturl.at/fuDZ3>

51 Supriadi, Ichal., 'The Will of Civil Society to Promote and Defend Democracy in Asia', CIVICUS, Accessed September 5, 2023, <https://shorturl.at/hxMST>

They can empower community members by informing them of the laws and legal provisions that aim to protect the environment, prevent corruption, and uphold human rights. Civil society actors spread knowledge and promote new tools in their work to promote human rights and ensure sustainable development, to empower women and young people, to eradicate poverty, and to maintain peace and security, all under the rule of law.⁵²

In Nepal, much like the rest of the world, CSOs have played an important role in development since the 1990s. Apart from contributing to improved health, education, infrastructure, CSOs have substantially helped improve the status of democracy, civic space, and human rights. CSOs have played an important role in promoting democracy, inclusivity, and protection of fundamental rights- sometimes under threats.⁵³ In the research sites, human rights defenders like Rambha Jha of Sarlahi mention their work in protecting the rights of other women sometimes bring threats to her physical and mental wellbeing. However, as a human right defender she accompanies the police when they investigate the murder, suicide, or human rights violation of a woman. Likewise, women and marginalised communities shared that although a lot needs to be done in terms of protection of fundamental rights, there is a general improvement in terms of practices against the discriminatory behaviour, awareness of rights of women and marginalised communities.

6.3 Successful Civic Engagement Leading or Participating Women, Youth and Marginalised Groups

Civic engagement in general has resulted in a wide range of socio-legal transformation, the most prominent being the citizenship amendment bill and the case of 'Metre Byaj'.

Women, individuals, and formal and informal organisations were able to pressure the government to endorse the citizenship amendment bill resulting in provision for children to acquire citizenship through their mothers. Similarly, the Metre interest practice, which loosely translates to 'compound interest' in English, refers to the practice of charging excessive or exploitative interest rates on loans and financial transactions.

This violent and extremely usurious practice is widely prevalent in Madhesh, especially in the most impoverished and vulnerable communities. The victims, together with the help of CSOs are fighting against the loan sharks through peaceful and legal means despite insurmountable pressure from loan sharks.

In the research area, Raj Dev Bin of Sahid Nagar Municipality mentions that Community Self Reliance Centre (CSRC), has played a vital role in helping the Haruwa Charuwa understand their rights. It was also observed that in areas where democratic practices, such as the ward-level plan selection process, were followed, where associations of women and disabled individuals existed, and where NGOs were active, women in those places were more vocal compared to remote areas. This contrast was observed in the Sahidnagar Municipality and Dhanauji municipality.

However, many locals and informants in the research area are not satisfied with the civic engagement in Madhesh. Often accused of being biased and corrupt, the people are losing their faith in CSOs. Some individuals shared that Madhesh has seen the presence of hundreds of CSOs and their involvement, but the situation for WYM has seen the least improvement or transformation. Women and marginalised communities are yet to loosen up the traditional shackles that restrict their human rights and fundamental freedom. The engagement of youth in private and public spaces are negligible. And this is despite the wide presence of CSOs since the 1990s.

52 UNODC, 'Act 4 Rule of Law', Accessed September 5, 2023, <https://shorturl.at/qHKMV>

53 Civil Society in a Federal Nepal: A Landscape Study, Accessed September 23, 2023, https://www.britishcouncil.org.np/sites/default/files/nepal_cso_landscape_study_final_report.pdf



FGD, Marginalise Group (Laboures working brick industry)
Gujara Municipality-7, Aaurahidi, Rauthat



Recommendations

7.1 Policy Recommendations

- Make continuous efforts to spread awareness on fundamental rights of WYM communities at the municipal and settlement level.
- Effective implementation of the existing laws and policies including laws prohibiting domestic violence through establishing appropriate mechanisms or advancing the existing mechanisms at the provincial and local level to ensure the rights of WYM groups. Effectively enforce comprehensive legislations that explicitly prohibit discrimination based on gender, caste, and other identities, and ensure equal rights and opportunities for all citizens.
- Raise awareness through the partnership with the mass media, civil society and private sector and launch social media campaigns on the provision of existing laws and policies and mandate of the existing mechanism so that WYM communities can access these provisions, and whom to approach.
- Emphasize the importance of ensuring that the 'Rule of Law' as per which law must be understandable and accessible to all and there must be equality before law should take precedence over any individual, caste identity, or political affiliation
- Establish a mechanism for regular post-legislative scrutiny to assess the effectiveness of enacted laws and their impact on marginalised groups. The municipal level judicial committee's decision-making processes and its performance in providing justice to the victims can be an example. Create a mechanism for post-policy assessment to determine the impact of such policies on enhancing civic engagement and addressing the concerns of

the WYM community.

- Promote meaningful representation of WYM communities, particularly single women, Dalits, Haruwa Charuwa, and victims, in decision-making bodies at the provincial and local government levels, in accordance with the affirmative action principle.
- Facilitate regular dialogues between government officials and representatives of marginalised communities to gather insights and feedback on fundamental freedoms and their engagement, contributing to informed policy-making that addresses their unique challenges. Develop policies that facilitate open dialogue between citizens and authorities.
- Establish specialised courts or mechanisms to address cases of gender-based violence, caste-based discrimination, and other human rights violations, ensuring swift and fair justice.
- Introduce a post-resolution assessment process to evaluate the effectiveness of judicial interventions and identify any shortcomings in the delivery of justice. This interactive approach will enhance the accountability and responsiveness of the justice system.
- Safeguard and promote civic space by protecting the rights to freedom of expression, peaceful assembly, and association.
- Regular monitoring and evaluation of social service programmes are essential to assess their effectiveness and make necessary adjustments.
- Collecting feedback from community members and beneficiaries can guide programme enhancements and guarantee that services reach those who require them the most.

7.2 Recommendation of Strategies for Local Government to Empower WYM

- Develop targeted initiatives to ensure quality education for WYM communities.
- Establish scholarship programmes, vocational training, and mentorship opportunities to enhance their skills and knowledge, enabling them to actively participate in social and economic spheres.
- Introduce technology in enhancing traditional skills and crafts, and encourage grassroots entrepreneurship.
- Facilitate community-led programmes that empower marginalised groups through awareness campaigns, workshops, and skills-building sessions.
- Empower marginalised groups to actively participate in local government interactions and advocate for their rights through well-informed and organised campaigns.
- Promote digital literacy and facilitate access to information for WYM, especially in remote areas.
- Equip WYM with the tools to make informed decisions, engage in online platforms, and amplify their voices.
- Provide space for WYM groups who are at the bottom in planning, monitoring and benefit sharing of local resources.
- Develop policy framework to address landlessness amongst marginalised communities.
- Ensure disaster and flood-safe homes and shelters.
- Focus on [6C] approach to engage youths:
 - ▶ Connection: safe and trustworthy environment for them,
 - ▶ Confidence: in their own skills and abilities,

- ▶ Competence: giving training and exposure,
- ▶ Caring: making them realise their commitment to society,
- ▶ Character: developing their sense of responsibility,
- ▶ Contribution: participation for becoming leaders.

7.3 Recommendations for Civil Society Organisations, International Bodies, and the Private Sector:

- Encourage civil society organisations to form networks, alliances, and coalitions to collectively advocate for the rights of WYM groups.
- Collaborate with provincial and local government on projects that aim to address specific issues of WYM and ensure marginalised voices are amplified.
- Engage international bodies to support and fund initiatives that focus on gender equality, non-discrimination, youth empowerment, and fundamental rights of marginalised groups.
- Foster partnerships to bring global expertise and resources to address local challenges.
- Urge private sector entities to invest in social initiatives focusing on WYM groups that align with the principles of corporate social responsibility.
- Promote partnerships with WYM groups through financial institutions and vocational institutions that provide skills development, entrepreneurship, employment opportunities, and mentorship for marginalised individuals.
- Develop pro-poor policy in the financial institutions and business sectors where bottom level WYM knowledge and expertise can be utilised.



FGD, Youth, Haripur Municipality-2, Hattisar, Sarlahi



Conclusion

The journey through the complexities of human rights, fundamental freedoms, and civic space in the context of Madhesh has shed light on the profound challenges faced by women, youth, and marginalised groups. Drawing insights from extensive research, this study culminates in a comprehensive understanding of the crucial role these elements play in fostering an inclusive and just society. As we recapitulate the main findings, reiterate their significance, and issue an urgent call for action, it becomes apparent that the path to societal progress is paved with collective effort, policy reforms, and a shared commitment to human rights.

The narratives that have emerged from the empirical research and dialogues conducted throughout this study underscore the pivotal roles of women, youth, and marginalised groups in the socio-cultural landscape of Madhesh. Their experiences, struggles, and aspirations have been laid bare, revealing the stark realities of pervasive inequalities, gender biases, and limited opportunities. The narratives of women reflect an arduous journey toward gender equity, fraught with systemic challenges. Youth, on the other hand, yearn for platforms that would unleash their untapped potentials through meaningful engagements, quality education, and suitable employment. Marginalised communities, having shouldered the weight of historical discrimination, emphasise the urgency of inclusive policies and cultural recognition to break free from the chains of marginalisation. These findings collectively emphasise the intricate dynamics that govern the interrelationship between human rights, fundamental freedoms, and civic space in Madhesh.

The findings underscore, with utmost clarity, the indispensable roles that human rights, fundamental freedoms, and civic space play in cultivating inclusive and just societies. These aren't merely theoretical principles; they are the bedrock upon which equitable communities are built. The empowerment of women, the active participation of youth, and the acknowledgment of the rights of marginalised

Conclusion

communities are not optional endeavours; they are fundamental tenets of a thriving society. These elements breathe life into aspirations, dismantle barriers, and establish an environment conducive to the flourishing of diverse individuals.

The complexities of Madhesh's societal fabric necessitate more than passive observation; they demand active intervention. The moment for deliberation and contemplation has passed; the present juncture requires resolute actions that transform the recommendations presented in this discourse into tangible realities.

Governments must strengthen legal frameworks to ensure the safeguarding of rights and the establishment of justice. Civil society organisations must channel their efforts into potent advocacy, holding authorities accountable and driving progress. International bodies possess the capacity to provide support, leveraging their resources and expertise. The private sector holds the key to fulfilling its social responsibility by investing in initiatives that elevate the most marginalised. Individual citizens must become catalysts for change, engaging in meaningful dialogue, advocating for progress, and fostering a culture of inclusion.





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Landless families recently settled in the government land, Sabaila Municipality-13, Dholbazar Dhanusha

