



Remarks by Jyoti Sanghera, OHCHR-Nepal, Dy. Representative

**Delivered at an interaction program on Haliyas organized by
Nepal National Dalit Social Welfare Organization (NDSWO)**

&

Rastriya Haliya Mukti Samaj Federation (RHMSF)

03 September 2008, Lalitpur

Namaskar !

Chair of the Interaction Program, NHRC Commissioner Mr Gauri Pradhan, President of the Federation of Nepalese Journalists Mr Dharmendra Jha, Former Speaker and civil society leader, Mr Daman Nath Dhungana, distinguished guests, representatives from the media, ladies and gentlemen.

I would like to thank Nepal National Dalit Social Welfare Organization (NDSWO) & Rastriya Haliya Mukti Samaj Federation (RHMSF) for this invitation today, allowing OHCHR-Nepal to be part of this important interaction.

It is such an irony that today we are talking about freeing the haliyas – the very person who with the 'hal', or his plough and his labour provides the very basic sustenance i.e. food, and thereby enables humankind to sustain itself and consequently enjoy every other right and freedom that human beings are entitled to or aspire to. This person who is at the core of furnishing us with our very basic right, right to food and hence the right to life, is today so enslaved and unfree himself. The 'hal' has become a tool of bondage for the haliyas and a tool of freedom for the rest of us. What a paradox and what a tragedy!

My office is cognizant of your concerns. In fact, these are concerns that have been highlighted for some time now. Interestingly, the Supreme Court, on 16 April 2007, ordered the Government to provide equal treatment and facilities to Haliyas within the framework of Kamaiya Labor (Prohibition) Act 2058. But still there are some provisions that needs to be incorporated in Kamaiya Labor Act through its amendment in order to address concerns that are specific to the Haliyas. Although the Haliyas were freed at the same time as the Kamaiyas, they are required to undertake an additional measure not required of the Kamiya that is, the measure of legally registering their application at the District Administration Office to confirm their debt-free status.

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OHCHR-Nepal is aware of problems facing the Haliyas such as denial of economic, social and cultural rights which includes access to land, food and shelter, restricted access to water, sanitation, health and education. They face discrimination in being successful in gaining employment in professions seen traditionally as the domain of upper castes even though they are qualified.

I am reassured to note that there is a growing awareness of the problems and a number of NGOs have been actively taking up the cause. Several UN agencies and INGOs are also making efforts with regards to the issue of bonded-labour. However, the coordination among all these various bodies and institutions could be improved.

My Office has a team working on ESCR rights. I would like to take this opportunity to share with you some of the work that my office has undertaken or is currently undertaking on the Haliyas issue in particular. OHCHR Office in Dhangadi organized a round-table in July 2008 discussing with district agencies including the donor and non-state actors (including your organizations) to identify concrete local level initiatives for the liberation and rehabilitation and agree and implement a plan of action. We also conducted case studies on Haliya issues in Dadeldhura and Kanchanpur in Aug 2008 to get an in-depth understanding of the situation in order to feed into the district as well as national level Programming and advocacy strategies.

OHCHR-Nepal calls upon the district authorities to implement or support initiatives for the liberation and rehabilitation of Haliya and to use the experience to feed into a national rehabilitation strategy. My office would also like to encourage the formation of robust civil-society network working in this area. OHCHR-Nepal is willing to support the national authorities to develop a comprehensive national rights-based Haliya strategy to fulfill the State's obligations under Article 11 (right to an adequate standard of living) of the International Convention of ESCR and will continue to do so until their equality is achieved, whether or not we have a field presence in Nepal. My office would also be willing to advocate and liaise with the UNCT, INGO and the various civil society organizations to ensure a joint efforts to address the key problems facing the Haliyas. To conclude, I would like to remind all present here today of Articles 1 and 4 of the UDHR.

I wish this program a very successful outcome.

Thank you !

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