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**Address at the Dalit Welfare Organization
Consultation Workshop on Ensuring Dalit Representation in the Upcoming
Constituent Assembly**

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Distinguished Guests, Members of the Dalit Welfare Organization, Friends,

I would like to thank the Dalit Welfare Organization for inviting me to join you here today as Chief Guest, and to congratulate you on this initiative to bring together Dalit, human rights defenders and political actors to discuss and highlight the issue of representation of Dalit people in the context of the Constituent Assembly.

The issue of representation is at the centre of efforts to end centuries-long discrimination against Dalit people in Nepal. Eradicating this discrimination is essential to ending the crushing poverty that most Dalit people live in. Whether at the national or local level, it is virtually impossible in Nepal to find a person of Dalit background in a position of authority in State institutions or government. There has only ever been one Dalit member of the House of Representatives in Nepal. There are very few Dalit senior members of political parties. There are no Dalit judges. And yet people of Dalit background make up at least 13 per cent of the population of Nepal, and I know that some say as high as 20 to 25 per cent of the population.

This lack of representation in State bodies is both a symptom and cause of discrimination. It results in a systematic exclusion of Dalit people from the State which is in itself a major obstacle to developing a solution to this discrimination. Dalit people must be part of the solution to ending discrimination in Nepal, and they can only play this role if they are properly represented at all levels in State decision-making bodies.

The 11-year conflict in Nepal had a terrible impact on the human rights of millions of Nepalese people. Dalits, being among the most vulnerable of Nepal's people due to the widespread discrimination against them, often found themselves caught in the middle of the conflict and abused by both sides. The Jana Aandalon last year brought new hope to millions of Nepalese people, especially those who have been discriminated against and excluded from the State. The commitment in the Comprehensive Peace Agreement of 21 November to end discrimination and address its consequences offers hope that the State will act to fulfill its legal obligations in this regard.

Nepal's legal obligations derive from both national and international law. The 1990 Constitution guaranteed the equality of all citizens; the Interim Constitution soon to come into force does likewise. The Nepal Treaty Act of 1990 provides that international human rights treaties ratified by Nepal shall prevail over national laws that are inconsistent with them. Perhaps the most important international treaty in this regard is the Convention on the Elimination of Racial Discrimination (CERD).

It is worth highlighting some of the provisions of the CERD, and some of the recommendations to Nepal of the UN Committee responsible for interpreting it, which relate especially to issues of representation. In 2004, the UN Committee made a series of Concluding Recommendations to the Government of Nepal calling for action. These include that the Government enforce special measures to guarantee to members of disadvantaged groups the right to participate in elections, to vote and stand for election, and to have due representation in government, legislative bodies and the judiciary; and that the Government consider introducing special measures to ensure due representation in the mass media of members of disadvantaged groups, including Dalits.

In relation to the Constituent Assembly, given the key role of political parties in the election of seats, it is essential that they take seriously the issue of Dalit representation when they select candidates to put forward.

Nepal has an historic opportunity to end discrimination that has blighted its society for centuries. Dalits, indigenous peoples, people of the madhesh, women, and many others from minorities who have traditionally been excluded in Nepal, rightfully expect that now is the time for them to enjoy an equal place at all levels of Nepalese society. This can only be achieved if these peoples, including Dalits, are in fact directly represented in all stages, and at all levels, of this process. This opportunity must not be missed. On this note, I would like to appeal to you as Dalit activists to redouble your efforts to address discrimination within Dalit communities. The discrimination suffered by Dalit women and girls, even discrimination by Dalit men, is a major problem especially in rural communities. When OHCHR-Nepal works with Dalit communities in the terai, we are often told that Madhesi Dalits suffer an especially high level of discrimination, even by Dalit people from the hill areas. I know these are sensitive issues in Dalit communities, but it is essential that Dalit communities work actively to eradicate discrimination within their own communities.

To conclude, I would like to emphasise that ending discrimination and its consequences are among OHCHR-Nepal's highest priorities in this period ahead. This will take the concerted efforts of the State and Government, political parties, civil society and communities across the country, and will require the representation and participation of Dalit people in decision-making bodies at all levels of society. OHCHR-Nepal will work with you to help achieve this.

Thank you.