



Speech by Lena Sundh

**Representative of the United Nations High Commissioner for Human Rights
in Nepal**

On the Occasion of the International Day for the Elimination of Racial Discrimination
Dhangadi, 21 March 2007

Dear Friends,

I am delighted to be here today in Dhangadi, on my first trip to the Far Western Region, to commemorate with you the International Day for the Elimination of Racial Discrimination and to celebrate the opening of our fifth field office in Nepal. On behalf of Ai and her team, I would like to say that OHCHR-Nepal looks forward to working closely with all of you in the future.

Nepal has changed enormously since we marked this Day last year. The ceasefire, Comprehensive Peace Agreement and Interim Parliament are huge achievements. These successes, following on the heels of the Janaandolan, have helped to fuel expectations among many Nepalese people about the opportunities that will be available to them in the post-conflict society.

Since OHCHR-Nepal opened its doors in May 2005, it has increasingly focused its work on addressing the longstanding issue of discrimination, including discrimination based on caste and ethnicity. People here, of course, will recall the incidents last August and September when Dalit worshippers in Doti were prevented from entering a Shiva temple, the second time despite the District Administration Office issuing a notice that they had the right to enter the temple and that those who violated that right would be prosecuted.

Article 1 of the Convention on the Elimination of All Forms of Racial Discrimination, to which Nepal is a party, reaffirms that discrimination based on “descent” includes discrimination against members of communities based on forms of social stratification such as caste. Also, under the International Convention on the Elimination of All Forms of Racial Discrimination, the Government has an obligation to guarantee the right to equality and nondiscrimination including, in Article 5 (b), the right to security and protection against violence or bodily harm, whether inflicted by Government officials or by any individual group or institution.

Our Office was pleased to see that after intensive negotiations an agreement was reached between Dalits and non-Dalits in Doti, which included free access to temples for all worshippers. However, we also noted subsequent protests of the

agreement and warnings from all stakeholders that much more effort would be required to address the deep-seated issue behind these incidents. Notably, all those involved requested OHCHR's continued interest in the case.

Discrimination is not just a major concern for our office in Nepal, but for the entire UN human rights system. In 2002, the Office of the High Commissioner for Human Rights established an Anti-Discrimination Unit that is responsible for following up the Declaration and Programme of Action from the 2001 World Conference Against Racism. The Unit also helps States to develop and implement anti-discrimination policies and laws.

In its most recent report in 2004, the UN Committee on the Elimination of Racial Discrimination called for action based on the Government of Nepal's Report of the same year. The Committee made recommendations on 13 areas of concern, including that the Government enforce special measures to guarantee to members of historically marginalized 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.

Legislation prohibiting discrimination based on "untouchability" and ongoing distribution of citizenship certificates are positive steps in responding to such concerns. Ensuring fair representation of Dalits, Madheshis and Janajatis in the upcoming Constituent Assembly elections would be an important signal that the State is serious about making way for all Nepalese to exercise their rights as full citizens, and partners, in this country.

However, achieving even this will require further effort, political will and co-operation between historically marginalized groups and the Government. Experiences from all over the world show that long standing, deeply rooted discrimination cannot be undone over night. However, by acknowledging the problem in the Comprehensive Peace Agreement, the parties have opened the way to change. It has also been widely recognized that it is essential that the membership of the Constituent Assembly reflects the diversity of Nepalese society. It is now important that the Interim Legislature and -- as soon as it is set up -- the Interim government, implement concrete measures which will lead to greater representation and participation of all sectors of Nepalese society, including the most marginalized.

Thank you