



**Statement by Richard Bennett  
Representative of the United Nations High Commissioner for Human Rights in Nepal  
Delivered at an Interaction Programme on Democracy, Dignity and Peace  
Regarding Dalit Emancipation in Nepal  
5 December 2007, Kathmandu**

Honourable Minister, distinguished guests, participants, and friends:

I would first like to thank the organizer, the Convener of the World Dignity Forum, South Asia, for inviting me to speak today, World Dignity Day. I was immediately struck by the title of this programme – *Democracy, Dignity and Peace Regarding Dalit Emancipation in Nepal*. The theme for this year's Human Rights Day, which we will celebrate on Monday, 10 December, is *Dignity and Justice for all of us*. In fact, this is the theme for the entire coming year, which marks the 60<sup>th</sup> anniversary of the UN Universal Declaration of Human Rights, one of the cornerstones of human rights law.

Dignity is, of course, not one of the human rights laid out in the Declaration, nor in the human rights instruments that have come into force in the past 60 years. However, it is difficult to imagine living a life of dignity without that life including protection of one's human rights. But that has been the case for Nepal's Dalit communities and for the other historically marginalized groups in this country – their human rights have not been promoted and protected equally with those of other Nepalis.

This, of course, is one of the major challenges of the peace process. The new Nepal that was envisaged in the interim Constitution and the Comprehensive Peace Agreement is described as a country where the human rights of all will be equally promoted and respected. In particular, Dalits, Madheshis, Janajatis/Adivasis, disabled persons, those belonging to sexual minorities and people living in remote areas will see their right to participate realized in upcoming elections, in the permanent Constitution that still needs to be drafted and in other State and non-State institutions.

The current challenge to the peace process is thus not only political but also one of promoting and protecting the human rights of Dalits and members of all other marginalized groups, who have very legitimate demands and grievances on issues of effective participation and non-discrimination in the process, including in the constituent assembly and in the future structure of the state. Unless all voices are heard and these principles respected, the sustainability of the peace process itself could come into question.

OHCHR-Nepal has been urging the Government of Nepal to develop a more comprehensive approach to dialogue on issues of participation and non-discrimination with Dalits, other marginalized groups and women. The international human rights treaties are not only obligations for the government but can serve as a guiding framework on how this process of comprehensive dialogue can be undertaken. For example, the principles of non-discrimination, right to representation and participation are enshrined in the: ICCPR, ICESCR, CERD, CRC and CEDAW, which the Government has signed and ratified. These treaties can guide its dialogue with Madheshi, Dalit, women, and other groups. OHCHR can provide technical support on the key principles and standards related to this.

My Office has also noted that voices of Dalits in remote regions of the country have not been genuinely reflected in the national dialogue and that Dalit groups are the least represented in decision making and state structures. Any discussions on the future of the state must also see that participation and non-discrimination of Dalits must be ensured in discussions of Adivasi/Janajati and Madheshi issues.

Finally, I would like to note that OHCHR-Nepal is now preparing a report on access to justice for Dalits, based on investigations that our Human Rights Officers have undertaken over the past two years in various districts in the hills and Tarai. Preliminary findings include that much more needs to be done to ensure that law enforcement agencies enforce existing legislation, including by filing First Information Reports (FIRs). Communities must also be educated about their existing rights to justice.

I hope to be able to speak to you in more detail about our findings fairly early in the new year. In the meantime, please do not hesitate to approach my Office, in Kathmandu and the five regions, for further support. Again, thank you for inviting me here today and for keeping the public's ears and eyes tuned to these important issues.