

Delivered by: Rup Sunar, General Secretary, Dignity Initiative, Nepal

1. Good morning/afternoon ladies and gentlemen. It is my pleasure to having been invited here to speak before a rather august audience. My name is Rup Sunar and I represent Dignity Initiative, Nepal as its general secretary. Dignity Initiative is a Kathmandu based organization, which exclusively works for the empowerment of the Dalit community by generating knowledge, academic activism, and policy advocacy. The organization has recently been accredited with the special consultative status by the United Nations Economic and Social Council. I am concurrently senior minority fellow, Office of the United Nations High Commissioner for Human Rights in Nepal. I stand before you today to apprise you about caste-based discrimination and untouchability in Nepal particularly, in light to the UN declaration on minorities.
2. The UN Declaration on the rights of persons belonging to national, ethnic, religious, and linguistic minorities is essentially a human rights framework for the protection of minority rights. It promises to protect and promote the socio-economic and political rights of minorities across the world. In the context of Nepal, in line with this declaration, there are formative frameworks in place. The Nepalese constitution is committed to eliminate all forms of discrimination and oppression. Rights of the Dalit community have been ensured as fundamental rights under Articles 24 and 40 of the constitution. The government has also enacted the Caste-based Discrimination and Untouchability (Offence and Punishment) Act, 2011 and further strengthened it by enacting the National Civil (Code), 2017. Despite the promulgation of such laws, which have provisions for penal punishment against untouchability-based discrimination and violence of the Dalit community; crimes against them are rampant and the perpetrators continue to enjoy impunity.
3. Article 40 of the constitution has ensured Dalit participation in the state mechanism through a proportional inclusion system. It has also brought some Dalits to the political forefront. Particularly, Dalit women's participation in governance at local level is encouraging. However, their participation in the decision-making positions continues to decrease since the constituent assembly elections.
4. The constitution of Nepal envisions seven inclusion commissions to advocate the rights of marginalized and deprived communities. Surprisingly, one such commission – the national inclusion commission – submitted a report to the government to end the reservation system. This report is widely considered to be regressive and in the eventuality of its recommendations being accepted, it will decrease the participation of the marginalized groups in state mechanisms by a considerable extent.
5. Among the Dalits in Nepal, Dalit women and Madhesi Dalits have been experiencing severe forms of caste-based discrimination and untouchability. Cases of rape and sexual assault against them have been surging dramatically in the recent times. It is particularly disappointing that most of the youth dying in police custody are from Dalit and marginalized social backgrounds.

In consideration to continuing caste-based discrimination and untouchability against the Dalit community Nepal, we would like to urge the government to:

- a) Ensure meaningful representation of the Dalit community in the state mechanisms by amending existing electoral laws and by ensuring increased inclusion of decision-making bodies.

- b) Enforce the enactment of all national and international anti-discrimination laws to protect and promote Dalit human rights and maintain rule of law, political and social stability in Nepal.
- c) Implement the National Human Rights Action Plan incorporating recommendations received from several human rights instruments in relation to the Dalit community of Nepal.
- d) Diversity within the Dalit community, particularly among Dalit women, Madheshi Dalits and those living in remote areas must be accorded high priority while allocating resources and opportunities.

Thank you for your time.