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National Dalit Commission, Government of Nepal National Human Rights Commission, Nepal Office of the UN High Commissioner for Human Rights, Nepal

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NDC, NHRC and OHCHR welcome verdict on caste-based discrimination and urge swift implementation

21 March, Kathmandu.

Describing it as an important step forward in the fight against discrimination in Nepal, the National Dalit Commission (NDC), the National Human Rights Commission (NHRC) and the Office of the High Commissioner for Human Rights in Nepal (OHCHR-Nepal) welcome an important judgment in a case involving discrimination on the ground of caste.

In a recent case, decision made public on 9 March 2010, the Baitadi District Court found that, in July 2009, the main defendant physically assaulted the father of a groom during a wedding ceremony for practicing “rituals reserved for high- caste communities”. The District Court sentenced the accused to one year imprisonment to a fine of five thousand rupees. We note the judgment of Baitadi District Court and welcome the Court initiative.

This verdict follows one issued in January 2009 by the same District Court in a similar case. In October 2007, 12 Dalits were physically assaulted and some of their belongings were after they refused to follow discriminatory rituals at Uddayadev temple in Baitadi district during *Dasain* and *Tihar* festival. In this case, the main perpetrator was sentenced to two years imprisonment and a fine of rupees twenty five thousand. The decision was upheld by the Kanchanpur Appellate Court on 23 August 2009.

The verdicts are in accordance with international law and article 14 of the Interim Constitution of Nepal, which states that acts of racial discrimination and untouchability “shall be liable to punishment and the victim shall be liable to compensation (...)”. Referring to the Universal Declaration of Human Rights and the Convention on the Elimination of All Forms of Racial Discrimination, the court emphasized that “Discrimination based on the principle of caste supremacy is [...] morally unacceptable, socially unjust and dangerous.”

For further information contact

Jiwan Pariyar - Member Secretary, National Dalit Commission
Tel: 9841-385211, Email: info@ndc.gov.np Website: <http://www.ndc.gov.np/>

Bhanubhakta Acharya - Communication and Promotion Officer,
National Human Rights Commission, Nepal Tel : 5010015, Ext 161;
Email: acharya@nhrcnepal.org, Website: www.nhrcnepal.org

Chun B. Gurung, United Nations Human Rights Office, Tel: 4280164, Ext 320; 98510 16937 ,
Email: cgurung@ohchr.org OHCHR, Website: <http://nepal.ohchr.org>

However, the three organizations are deeply concerned by the fact that the culprit in the earlier case was nominated for a public position subsequent to his conviction. On 22 September 2009, he was nominated by the Building and Residence Section of the Ministry of Physical Planning and Works to the Town Development Committee in Mahendranagar, Kanchanpur.

The NDC, NHRC and OHCHR urge the authorities to to abide by the verdict regarding the above appointment, to enforce both sentences without delay and to undertake specific measures to promote social awareness on the issue of caste-base discrimination.

For further information contact

Jiwan Pariyar - Member Secretary, National Dalit Commission
Tel: 9841-385211, Email: info@ndc.gov.np **Website:** <http://www.ndc.gov.np/>

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