

## Open Letter to the Constitutional Committee and the High Level Taskforce

Dear Members of the Constitutional Committee and High Level Taskforce,

We write as international human rights law experts and Dalit rights advocates to respectfully urge you to seize this extraordinary opportunity in Nepal's history to protect the inherent dignity and human rights of all people living in Nepal, regardless of caste, by drafting a timely, human rights-compliant Constitution.

Today, on Human Rights Day, we honor the United Nations General Assembly's 1948 adoption of the Universal Declaration of Human Rights (UDHR). As a State Party to many major human rights treaties, including the International Convention on the Elimination of All Forms of Racial Discrimination, Nepal has a legal obligation to respect, protect, and fulfill the rights of Dalits in Nepal.

As members of the Constituent Assembly with great influence in drafting the Constitution, you have the opportunity and obligation to ensure that the Constitution conforms to Nepal's international human rights obligations. We commend your efforts to protect Dalit rights thus far. To ensure substantive equality for Dalits and other marginalized groups in Nepal, the new Constitution needs stronger rights provisions. Specifically, the Constitutional Committee and High Level Taskforce should help ensure the following:

\*\* The Constitution should establish effective legal remedies for rights violations. The Constitution should clearly provide that all fundamental rights, including economic, social and cultural rights, are fully justiciable.

\*\* The National Dalit Commission should be made a constitutional body with full authority to investigate Dalit rights violations.

\*\* The Constitution should explicitly prohibit the imposition of certain occupations on the basis of caste and provide freedom of choice of occupation.

\*\* The Constitution should provide for special measures to help secure substantive equality for Dalits and other members of disadvantaged groups, especially Dalit women, who face multiple forms of discrimination.

There are a number of additional steps that the government should take to bolster human rights. We urge you to review the recommendations made by a number of human rights advocates, including those contained in a 2009 report by the Center for Human Rights and Global Justice entitled [Rights Within Reach: Securing Equality and Human Rights in Nepal's Constitution](#). Further, we urge the government to promote the [draft UN Principles and Guidelines for Effective Elimination of Discrimination based on Work and Descent](#) and co-sponsor a resolution for their endorsement by the UN Human Rights Council.

On this Human Rights Day, Nepal has the opportunity to become a regional and global leader in the struggle against caste discrimination. We hope that by carefully considering Nepal's human rights obligations, you will do your utmost to turn this opportunity into reality.

Respectfully Yours,

Center for Human Rights and Global Justice, New York University School of Law (CHRGJ)  
Lawyers' National Campaign for Elimination of Caste Discrimination (LANCAU)  
Dalit Studies and Development Centre (DSDC)  
International Dalit Solidarity Network (IDSN)  
Feminist Dalit Organization (FEDO)  
Dalit NGO Federation (DNF)