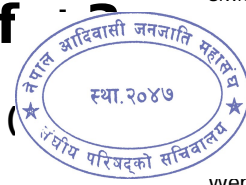


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Nepal Federation of Indigenous Nationalities (NEFIN)
Secretariat of Federal Council



14th Session of United Nations Permanent Forum on Indigenous Issues
UN Headquarters, New York
April 27 to May 1, 2015

Statement of Nepal Federation of Indigenous Nationalities (NEFIN)

Agenda Item 7 (a): Implementation of United Nations Declaration on Rights of Indigenous Peoples.

Thank You Madam Chair,

First of all

I, on behalf of Nepal Federation of Indigenous Nationalities, would like to draw the Permanent Forum's attention to the following issues in relation to human rights situation of indigenous nationalities of Nepal in relation to the statement made by the Government of Nepal earlier in this 14th Session of the Permanent Forum.

1. Nepal is of course multi-ethnic, multi-lingual, multi-religious and multi-cultural country. There are more than 125 different communities but not all are indigenous communities. The Government of Nepal has listed 59 communities as indigenous nationalities but many indigenous communities are yet to be officially recognized **though they share similar characteristics as officially listed Indigenous nationalities**. On the other hand, there are efforts ongoing to recognize non-indigenous dominant Hindu caste groups as indigenous.
2. The census 2011 shows that indigenous peoples about 35% of the total population – a decrease from earlier share of 37% in 2001. We have always contested that the census and claim that we account for at least half of the national population. Nonetheless, for such a significant proportion of population, the Government of Nepal allocates only around 0.001% of the total National Budget through National Foundation for Development of Indigenous Nationalities. Only 30% of total budget is local development budget which is lumped together for the population of marginalized groups including indigenous peoples, Dalits ('untouchable' caste groups), Muslims, women and persons with disabilities. By doing so, the proportion of budget that goes to the indigenous peoples will then be too little. Most of the budget is distributed through decisions of local steering committee constituting of political parties where indigenous peoples' access or control is not effective. As a result, such development budget is spent on general infrastructural development works.
3. The Interim Constitution of Nepal 2007 recognizes all mother tongues as national languages of Nepal. More than 125 languages are spoken in Nepal but the State denies adoption and implementation of a multilingual education and governance system. Indigenous persons and their children are forced to acquire education in (Khas) Nepali language, which is not our mother tongue. That is despite adoption of multilingual education policy as the Government has failed to allocate adequate resources for effective implementation of multilingual education. This is one of the major factors that cause high drop out rates for indigenous children. Only (Khas) Nepali language is recognized as official language while mother tongues are only allowed in local government agencies. The Government has failed to promote the use of mother tongues in local agencies, let alone adoption of multilingual system at all levels of the State. For example, civil service examinations and court processes are only undertaken in (Khas) Nepali language. Thus, indigenous peoples are denied their fundamental human rights to education in mother tongue and development of their languages and face severe disadvantage than dominant groups that speak Nepali as their first language.

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4. The Interim Constitution of Nepal ensures participation of indigenous nationalities on the basis of the principle of inclusion and proportional representation at all possible levels. However, as a result of historical exclusion and discrimination, indigenous peoples continue to be underrepresented in all levels of State agencies. That is despite the adoption of quota (reservation) system in civil/public service and security agencies – which has not been effectively implemented and filled with flaws. On the other hand, political appointments to significant State positions and institutions fail to respect the inclusion of indigenous peoples as in the case of recent appointment of commissioners in Nepal Human Rights Commission and National Women Commission.
5. The Interim Constitution has declared Nepal as a Secular state but the previous imposition of Hinduism as one religion of the country continues to have discriminatory effects on indigenous peoples. For example, slaughtering of cow, holy animal of Hindus and considered as national animal of Nepal, is still legally prohibited though many indigenous communities traditionally relief on cows for their subsistence and religious practices. Scores of indigenous persons are jailed every year for as many as 12 years for killing cow. This violates the fundamental human rights of indigenous peoples to religious freedom and cultural rights.
6. Nepal adopted ILO Convention 169 in 2007 but is yet to adopt a national action plan for implementation of the Convention. The Government has done little to raise awareness about the UN Declaration on the Rights of Indigenous Peoples that it voted in favor of, let alone implementation of any concrete measure for realization of the goals of the Declaration. Most development and conservation projects – often funded by international financial and development institutions – have failed to consult and take their particular concerns into consideration. Respect of right to free, prior and informed consent of indigenous peoples is a distant dream. This is true even for specific programmes targeted for indigenous peoples.
7. Indigenous women in Nepal continue to face multiple layers of discrimination including on the grounds of ethnicity, gender and social status. They continue to be severely underrepresented in decision-making positions and all levels of State as well as in informal sectors. On the other hand, they are disproportionately overrepresented in number of victims of human trafficking and sexual exploitation and other forms of violence. Poverty and migration due to loss of lands are some of the reasons for stark discrepancy.
8. Finally, and most importantly, Nepal is currently in the process of drafting a new constitution. Indigenous peoples seek to ensure their right to self-determination, including autonomy and self-governance in their ancestral domain within the new federal structure to be provided in the constitution. However, traditional conservative political parties that emerged as biggest political parties, with the support of major mainstream media, have wrongfully labeled such rightful claims as ethnically divisive through generation of fears of communal conflicts. Indigenous peoples have not been provided full and effective participation in the constitution drafting process through representatives chosen by their own procedures despite recommendations of several human rights mechanisms to the Government of Nepal to do so.
9. Therefore, we call on the Permanent Forum to address the above human rights challenges of indigenous peoples in Nepal in its report and recommendations while we recall the relevant recommendations made by the Special Rapporteur on the Rights of Indigenous Peoples following his country visit to Nepal in 2009.

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Dandu Sherpa



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