

Item 3. Special Theme: Peace, justice and strong institutions: the role of indigenous peoples in implementing Sustainable Development Goal 16”

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Indigenous Peoples in Nepal comprise of 36 percentage of the total population and more than half of the populations are Indigenous Women. The Constitution of Nepal, 2015 declares Nepal as multi-ethnic, multilingual, multi-religious, multi-cultural and with diverse regional characteristics and recognises 59 Indigenous Nationalities as ‘Adivasi Janajati’. Despite this, 11 articles of the Constitution are against the rights of IPs, 23 articles are discriminatory to the IPs, 49 articles are exclusionary to them and 5 articles tend to establish the supremacy of ruling caste groups . This clearly shows that there is lack of effective and meaningful inclusion of Indigenous Peoples, Indigenous Women, and Indigenous Women with Disability in state structures and decision-making processes which lead to further exclusion, discrimination, marginalisation, and subjugation to various forms of violation.

Besides, the Global Covid-19 pandemic has increased the vulnerability and has impacted Indigenous communities disproportionately, particularly Indigenous women, women with Disability.

Nepal is the signatory of UNDRIP, ILO 169 and UNCRPD which provide a clear human rights framework for the inclusion of Indigenous Peoples and Person with disabilities with respect for both individual and collective rights. Article 5 of the UNDRIP asserted the rights of Indigenous Peoples to maintain and strengthen their distinct political, legal, economic, social, and cultural institutions, and that article 34 stressed the right of IPs to promote, develop and maintain their institutional structures and their juridical systems or customs, in accordance with international human rights standards. But at the implementation level, the state has ignored Indigenous Peoples rights to self-determination.

In the other hand, in the name of development, State is prioritizing industrialization & infrastructure development projects i.e. construction of hydropower, dams, expansions of roads mostly initiated in the IPs’ land and territories disregarding their rights to information and Free, Prior and Informed Consent (FPIC). Consequently, Indigenous Peoples are losing their ancestral lands, territories, language, cultural heritages including political & economic opportunities. As an outset of the campaigns and movement against violation of rights, IPs and IWHRDs face intimidation, harassments, and arbitrary detentions.

Human trafficking is another big issue in Nepal. Among others, Indigenous Women are the most vulnerable and at risks to trafficking as they belong to socially, politically, and economically backward social community. The National Review of SDGs published by National Planning Commission, Nepal, 2020 states that the trafficking of children abroad has dropped from 64-23 (per 100,000). This shows a big progress but does not provide a disaggregated data based on ethnicity and gender. It is important to address the violence and discrimination against IW & IWDs to promote peaceful and inclusive societies for sustainable development. They pave the way for the provision of access to justice for all and for building effective, accountable institutions at all levels. The principle of “Leave no one behind” is at the center of the 2030 Agenda for Sustainable Development, which cannot be achieved by excluding key constituencies which are Indigenous Peoples, Indigenous Women and Women with Disability.

We call upon state to

- reform and enact laws and policies of Nepal that fully recognise the rights of the Indigenous Peoples enshrined under the UNDRIP and ILO C169 and the Concluding Observations of the CEDAW and UNCRPD including other international Human rights instruments and recognize Indigenous Peoples' rights to self-determination autonomy and self-government
- recognise the rights of Indigenous Peoples over their customary lands and to traditional institutions and practices to promote their livelihoods and health conditions
- ensure effective and meaningful participation of Indigenous Peoples, Indigenous Women, Indigenous Women with Disability in all levels of the decision-making process as well as establish FPIC mechanism in planning, implementation, and monitoring process of development projects - create efficient and transparent regulations put in place and comprehensive, realistic government budgets to tackle the challenges and build a more peaceful, inclusive societies
- ensure generating data based on ethnicity, gender, age, disability, and socio-economic status

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