

**Human Rights Council  
Expert Mechanism on the Rights of Indigenous Peoples,  
Sixth session, 8 – 12 July 2013  
United Nations Office, Geneva, Switzerland**

***Agenda Item 5: Study on the access to justice in the promotion and protection of the rights of indigenous peoples***

Mr. Chair, high level government delegates, expert members and all the indigenous sisters and brothers.

National Indigenous Women Federation (NIWF) Nepal welcomes the study on access to justice in the protection and promotion of the rights of indigenous peoples. In the current study (paragraph 62, 63 and 64) we, indigenous women of Nepal appreciate the containing the issues and facts related to indigenous women access to justice as specific groups. We agree on the advices number 7 and 15 of the Report of Expert Mechanism in regards to direct partnership of state with indigenous women and ensure the indigenous women free from all forms of discriminations.

According to census 2011, indigenous women comprise the total 35.5 percent in the total women populations but only 0.2% indigenous women have participation in the bureaucracy and decision making. Indigenous women are subjected to widespread discrimination by the state, non-indigenous community and even among the indigenous community in Nepal due to the discriminatory laws and century long patriarchal cultural system.

Access to justice of indigenous women is a serious concern in Nepal especially in relation to the access to resources at national to local levels, enhance their capacity on the human rights instruments, proportional participation and promote the women rights. However, we indigenous women are being behind by local self government act 1995 and other discriminatory laws and policies.

We just started to document the cases of indigenous women rights violation and documented 64 cases during a year from 15 districts out of 75 districts. Among the 64 cases, 15 are related with bonded labour (Kamlahari), which means that Tharu indigenous women are working free of cost or minimal cost as being a Tharu indigenous women.

Indigenous women have poor access to justice to the formal and informal justice system due to issues/problems related to education, geographical coverage, language, legal awareness, gender sensitivity and attitude. So we request to UN agencies which working in Nepal, especially with UN women to highlight indigenous women rights including access to justice and support their activities in line with the UNDRIP article 22 sub-article 2, UN Security Council resolution 1325, 1820 and CEDAW.

Thank you.

**Laxmi Gurung**  
**National Indigenous Women Federation (NIWF)**