

HUMAN RIGHTS SITUATION OF INDIGENOUS PEOPLES IN NEPAL

PRE-SESSION 51 PROGRAMME

THEMATIC : INDIGENOUS RIGHTS
INDIGENOUS PERSONS WITH DISABILITIES, WOMEN
AND GIRLS

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**ON BEHALF OF THE LAWYERS' ASSOCIATION FOR
HUMAN RIGHTS OF NEPALESE INDIGENOUS PEOPLES
(LAHURNIP) AND THE UPR COALITION OF INDIGENOUS
PEOPLES**

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Context

- Lawyers' Association for Human Rights of Nepalese Indigenous Peoples (LAHURNIP) and the UPR Coalition of Indigenous Peoples.
- We highlight urgent human rights crises, including the destruction of sacred sites, land grabbing, climate injustice,
- failure to implement national and international obligations, including UNDRIP
- violation of Indigenous Peoples' right to self-determination over their lands, resources, culture, and self-determined development
- rights of Indigenous women, girls, and persons with disabilities.

Issue-1 : Cultural Genocide / Mukkumlung

- Mukkumlung, also known by its Hinduized name “Pathibhara,” the most sacred site of the Yakthung (Limbu) peoples. A cable car project, is being implemented without Free, Prior and Informed Consent (FPIC)
- Violation of the 1774 Limbuwan–Gorkhali Treaty, which guarantees Yakthung autonomy.
- Ancestral lands have been grabbed, and the area has been heavily militarized.
- State has criminalized Indigenous defenders and created an environment of fear.
- cultural genocide, severe environmental destruction

Recommendations Issues 1

- Amend the Constitution and laws to align with UNDRIP and ILO Convention 169, explicitly recognizing Indigenous Peoples' rights to self-determination, FPIC, and custodianship of their ancestral lands, territories, and resources.
- Withdraw all cases against rights defenders, halt the Mukkumlung cable car project, remove armed police, from the Indigenous sacred sites.

Issue-2 : Non-Implementation of Obligations

- Article 56(5) mandates the creation of Special, Autonomous, and Protected Regions for the socio-economic and cultural development of Indigenous Peoples - not implemented to date.
- In 2025, the Supreme Court ordered all levels of government to harmonize national laws and policies with UNDRIP and ILO Convention No. 169 - fully ignored.
- The CEDAW Committee (2018) urged Nepal to amend the Constitution to explicitly recognize the rights of Indigenous women, including their right to self-determination - no action taken.
- UN bodies, including CEDAW, CERD, CRPD, and the OHCHR, repeatedly call for implementation of FPIC, meaningful participation, and protection of Indigenous cultural heritage - but violations persist.

Recommendations Issues 2

- Implement the Supreme Court directive Order by all levels of government to harmonize laws and policies with UNDRIP and ILO 169, and establish Special, Autonomous, and Protected Regions under Article 56(5) of the Constitution, 2015.

Issue-3 : Land, aggressive envelopment and business activities

- Across Indigenous territories, aggressive development and business projects-hydropower, transmission lines, and state-led conservation are implemented without FPIC,
- Serious rights violations are documented, such as land grabbing, forced evictions, cultural destruction, and loss of livelihoods
- operate as green colonialism, excluding Indigenous Peoples from decision-making, climate finance, and carbon markets while targeting their territories for dams and conservation expansion.

Recommendations Issues 3

- Ensure direct representation and participation of IPs at all levels of decision-making relating to just transition, and ensure a mechanism and protocol to obtain FPIC from IPs.
- Establish a national FPIC mechanism with Indigenous direct representation.

Issue-4 : Indigenous Women, Girls, and Indigenous Persons with Disabilities

- Indigenous Women and Girls and Indigenous Persons with Disabilities experience multiple and intersecting layers of discrimination
- No legal recognition of their specific rights in the Constitution
- CEDAW Committee's 2018 and 2025 recommendation to amend the Constitution to explicitly recognize the right to self-determination of Indigenous Peoples and all rights of Indigenous Women and Girls under UNDRIP.

Recommendations Issues 4

- Amend the Constitution to explicitly recognize the rights of Indigenous women, including their right to self-determination, in line with the United Nations Declaration on the Rights of Indigenous Peoples and the CEDAW Concluding Observation 2018.

Recommendation- 4

- Take necessary measures to mainstream disability inclusion, engage and ensure meaningful participation of the IPs, and Indigenous Women with disabilities in policies, laws, plans, programs, and projects from the community to the federal level.
- Come up with a time-bound action plan for meaningful implementation of the CRPD with a focus on the recommendations made by the treaty bodies relating to the rights of IPs, and Indigenous Women, with disabilities.