

## **UPR Pre-Session Statement on Nepal**

*Delivered on behalf of the Lawyers' Association for Human Rights of Nepalese Indigenous Peoples (LAHURNIP) and the UPR Coalition of Indigenous Peoples*

*Advocate Amrita Thebe*

*Date: 28 November 2025*

### **Respected Delegates, Member States**

This joint statement submitted by 12 national and international organizations<sup>1</sup> highlights gross human rights violation of Indigenous Peoples (IPs) in Nepal. Militarization, encroachment of sacred sites, cultural genocide, land dispossession, environment and climate injustices, inhumane treatment to Indigenous women, girls, Indigenous Peoples with disabilities are major concern it highlights.

### **Issue 1: Customary Lands, development aggression and business activities**

The gross human rights violations of IPs are rampant across Nepal. Development aggression taking place in IPs lands and territories without their Free Prior and Informed Consent (FPIC), such as hydropower generation, transmission lines installation, infrastructure constructions, and declaration of protected areas cause massive human rights violations of Indigenous Peoples. Such projects causing land dispossession, forced evictions, cultural genocide, criminalization, and militarization.<sup>2</sup>

Another instance is the Cable car installation project by a private company in Mukkumlung, the Limbu sacred and spiritual site in the eastern part of Nepal, Taplejung district. Security forces, including the Armed Police Force (APF) was deployed to oppress the peaceful protests of justice seeking Limbu community leaders and environmental defenders. Twenty people were critically injured in gunshot and dozens have been injured to date. Further, fake cases against 39 community leaders and human rights defender has been filed by the government

Government's such activities are clearly violate human rights provisioned in UNDRIP, ILO Convention No. 169, CEDAW, CERD, and the United Nations Guiding Principle on Business and Human Rights ( UNGP).<sup>3</sup> Further it is clearly non-compliance to those instruments, Nepal is party to those international obligations.

### **Recommendations**

- 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.
- 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.

---

<sup>1</sup> LAHURNIP, IWGIA, KIOS, NIWF, IMF, NIDA, INOWLAG, NIDA, INWOLAG, NIDWAN, NCWA, NIWF, FIWNA, NID SEWA, Nepal, NIDYA

<sup>2</sup> <https://debatesindigenas.org/en/2025/05/01/the-unseen-cost-of-a-just-transition-indigenous-rights-at-risk-in-nepals-renewable-energy-projects/>

<sup>3</sup> ibid 3

## **Issue 2: Non-Implementation of Obligations**

Nepal continues to disregard constitutional commitments, Supreme Court directives, and UN recommendations concerning Indigenous Peoples' rights.

- Article 56(5) mandates the creation of Special, Autonomous, and Protected Regions for the Indigenous Peoples -not implemented to date.<sup>4</sup>
- In 2025, the Supreme Court ordered all levels of government to make laws, and policies in line with UNDRIP and ILO 169 is fully ignored.<sup>5</sup>
- CEDAW, CERD, CRPD, and the OHCHR, repeatedly call for implementation of FPIC, meaningful participation, and protection of Indigenous cultural heritage - but violations persist.<sup>6</sup>

As a result, Indigenous Peoples are denied of self-determination, facing forced evictions, cultural erosion, and dispossession, forms of modern colonization .

The recommendation is:-

- 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: Indigenous Women, Girls, and Indigenous Persons with Disabilities)**

Indigenous Women and Girls and Indigenous Persons with Disabilities experience multiple and intersecting layers of discrimination-as Indigenous, as women, and as persons with disabilities. They are put in the same basket where there is monopoly of the ruling caste groups.

There is no legal recognition of Indigenous Women, and Girls, Indigenous Peoples with Disabilities and their specific rights in the Constitution, and Nepal has ignored key recommendations—particularly the CEDAW Committee's 2018 and 2025 recommendations to amend the Constitution to explicitly recognize the rights of indigenous women, in particular their right to self-determination, in line with the (UNDRIP)United Nations Declaration on the Rights of Indigenous Peoples.<sup>7</sup>

## **Recommendations**

- Amend the constitution to recognize the rights of Indigenous women, including their right to self determination, in line with the UNDRIP and the CEDAW Concluding Observation 2018.

---

<sup>4</sup> CONSTITUTION OF NEPAL, 2072 (2015),

<[https://giwmscdnone.gov.np/media/pdf\\_upload/%E0%A4%A8%E0%A5%87%E0%A4%AA%E0%A4%BE%E0%A4%B2%E0%A4%95%E0%A5%8B%20%E0%A4%B8\\_%E0%A4%82%E0%A4%B5%E0%A4%BF%E0%A4%A7%E0%A4%BE%E0%A4%A8%20unicode%20%E0%A4%AD%E0%A4%BE%E0%A4%A6%E0%A5%8D%E0%A4%B0%20%E0%A5%A8%E0%A5%A6%E0%A5%AE%E0%A5%A7\\_mtbuyjt.pdf](https://giwmscdnone.gov.np/media/pdf_upload/%E0%A4%A8%E0%A5%87%E0%A4%AA%E0%A4%BE%E0%A4%B2%E0%A4%95%E0%A5%8B%20%E0%A4%B8_%E0%A4%82%E0%A4%B5%E0%A4%BF%E0%A4%A7%E0%A4%BE%E0%A4%A8%20unicode%20%E0%A4%AD%E0%A4%BE%E0%A4%A6%E0%A5%8D%E0%A4%B0%20%E0%A5%A8%E0%A5%A6%E0%A5%AE%E0%A5%A7_mtbuyjt.pdf)>

<sup>5</sup> Nepal's Supreme Court mandates federal, provincial, and local governments to comply with ILO 169 and UNDRIP, LAHURNIP, <<https://www.lahurnip.org/news/155>>

<sup>6</sup> Concluding Observations of the Committee on the elimination of Racial Discrimination to Nepal on Indigenous Peoples Issue, LAHURNIP, <<https://www.lahurnip.org/uploads/publication/file/cerd-c-o.pdf>>

<sup>7</sup> Supra 1

- 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.

Thank you for your attention.

### **Concluding remarks**

In conclusion, Indigenous Peoples of Nepal are still facing gross human rights violations caused by development projects. Lands dispossession, displacement, and the criminalization of their cultures are the major concerns.

Thus, we urge the government of Nepal to respect Indigenous Peoples' rights, including FPIC, implement the ILO Convention 169, and the UNDRIP as directed by the Supreme Court of Nepal.

Thank you for your attention !