

National Human Rights Commission

Harihar Bhawan, Lalitpur

Nepal

Human Rights Council, UNO
Expert Mechanism on the Rights of Indigenous Peoples (EMRIP)

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Madam Chair,

Thank you very much for allowing me to share the best practices on behalf of the National Human Rights Commission (NHRC), Nepal representing the NHRIs from Asia.

As a Constitutional body, the NHRC, Nepal has a broad mandate to ensure protection, promotion of human rights and its effective implementation. NHRC has been working closely for the protection and promotion of the human rights and fundamental freedoms of the people including Indigenous Peoples (IPs) in Nepal.

Madam Chair and distinguished delegates, here I would like to share some of our works and experiences in this regard. IPs are legally and constitutionally recognized as "*Adivasi Janajatis*" in Nepal. There are 35 percent of the total population in Nepal are from Indigenous community. The new Constitution of 2015 has ensured the right to life with identity and dignity. The special provision for the opportunity and benefits; participation in decision making process that concerned to IPs and to protect and promote their traditional knowledge, identity, skills, cultures, social tradition and experiences. The Constitution has provisioned separate two commissions on Indigenous Peoples and Tharu People.

In Nepal, as in the other Asian Nations there are many IPs who have been basically deprived from wider consultation on the issues of Land, environment, natural resources and development in their territory. NHRC Nepal facilitated to hold a constructive dialogue between representatives of IPs and members of Parliaments as well as other stakeholders on the draft laws of these commissions which was prepared by the government of Nepal so that the concerns and interests of the IPs are better reflected as prescribed by the Constitution; the ILO Convention No. 169 and the UNDRIP. After continuous dialogue among Govt. authorities, IPs, HR defenders and victims of hydropower projects, the NHRC Nepal has become able to settle the issue of indigenous peoples.

The ratification of the ILO Convention No. 169 was a significant step of the Nepal Government to recognize IPs rights over the lands, territories, natural resources, environment and development for SDGs. It was expected that the meaningful participation of the IPs would be respected in the Constitution and law making processes that affect to their life and future. However, IPs are continuously demanding to exercise the rights guaranteed under the Convention No. 169 and UNDRIP in practice. In relation to this, NHRC has been consistently recommending to the government to

adopt the National Action Plan on implementation of the Convention No. 169. Importantly, the ratification will be 10 years in 2018, so NHRC urges the GoN to remain committed as a party to the Convention, since the implementation is pending in first 10 years. In the process of peace making and constitution drafting, GoN and IPs have reached to 20 and 9 points and other several agreements with the IPs communities that still need to be incorporated in ongoing discussions for constitution amendment and law reform process, NHRC continues monitoring the progress in this regard.

IPs in Nepal continue to face serious threat to their lives and properties in development activities such as protected areas, hunting reserve, hydro project, road expansion and constructions and proper management of graveyard sites, mining and urbanizations. They often face intimidation, tortures, displacement, force eviction that result negative consequences toward their identity, life and security. The NHRC has been closely monitoring these situations as well as taking action to resolve issues in amicable manners.

Madam Chair and distinguished delegates,

During this period NHRC Nepal has intervened on Hydropower project and 220 KV Transmission Line constructed by the GoN, and facilitated to address the concerns of IPs and locals in amicable manners and follow the UN Declaration roadmap. The GoN had provided compensation of 190 Million Rupees to the indigenous peoples affected by the Project. Under the UN Declaration to respect the Cultural Rights of the IPs, NHRC Nepal had recommended for national holidays on the festivals like Christmas, Lhosar of IPs. Likewise, NHRC Nepal has published and distributed Human Rights Must Know Books and Comprehensive Peace Agreements booklets in at least five local languages of IPs.

Beside that NHRC Nepal has engaged in several high-level policy dialogues on the rights of the IPs collaborating prominent Civil Society Organizations supported by UN Permanent Forum on Indigenous Issues (UNPFII). For the better realization and enjoyment of human rights of the IPs, NHRC Nepal wishes to work with ILO, EMRIP, UNPFII and other international human rights organizations in a collaborative and collective manners to ensure the rights of the Indigenous Peoples in Nepal.

I Thank You Madam Chair and the distinguished delegates!

Mohna Ansari
Hon. Commissioner
NHRC Nepal
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