

Observations on the State of Indigenous Peoples' Rights in Nepal

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I. Executive Summary

Nepal, a Himalayan nation spanning 147,181 square kilometers between China and India, is home to 60 officially recognized Indigenous Peoples,¹ also known as Adibasi Janajati. They make up at least 35.08% of Nepal's total population of 29,856,962², according to the 2021 National Census. Despite constituting a significant portion of the population and recognized in the constitution, Indigenous Peoples have faced centuries of systematic discrimination. This discrimination stems from laws and policies that have been implemented without their Free, Prior and Informed Consent (FPIC), as well as their exclusion from decision-making processes. They have been marginalized across social, cultural, political, and economic spheres. Over the past 250 years, various state modernization efforts and infrastructure developments have significantly harmed Indigenous Peoples, eroding their traditional ways of life and increasing inequalities. Indigenous Peoples remain underrepresented in governance, education, and economic opportunities, and their voices are ignored in national development projects. The quota system, originally designed to ensure equity, is manipulated to favour dominant groups, further exacerbating disparities.³

Education in Nepal continues to exclude Indigenous Peoples' perspectives, failing to integrate their diverse cultures, which leads to poor educational outcomes for Indigenous children. Additionally, the dominance of Nepali and English in education and governance threatens Indigenous languages, despite constitutional commitments to linguistic diversity.

Indigenous traditions, such as alcohol production, are criminalized, with strict governmental regulations enforcing frequent raids and confiscations, undermining Indigenous Peoples' livelihoods and restricting their economic independence.

Indigenous Peoples also face exclusion in climate policy, development, and renewable energy projects. Governmental climate initiatives often overlook their specific vulnerabilities and fail to recognize their expertise in ecological knowledge, which could significantly contribute to climate adaptation and mitigation strategies. Similarly, large-scale development projects, especially hydropower and infrastructure, frequently disregard Indigenous Peoples' fundamental right to FPIC, leading to land dispossession and further marginalization.

II. Background

Nepal is party to over 24 human rights treaties and declarations, including the ILO Convention No. 169 and the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP), among others. Despite these legal commitments, there has been little

meaningful implementation of international human rights laws in Nepal, leaving marginalized communities, particularly Indigenous Peoples, without adequate protection. In a historic shift, in June 2025 Nepal's Supreme Court ruled that all levels of government must enforce these treaties, mandating Indigenous Peoples' rights to identity, land and FPIC⁴. To address ongoing challenges faced by Indigenous Peoples, the government of Nepal has, at different times, reached at least nine agreements with Indigenous Peoples Organizations. These agreements aim to resolve existing injustices through amendments to the Constitution, laws, and policies. However, the effective implementation of these agreements is uncertain, as systemic discrimination, exclusion, and political inertia continue to hinder meaningful change. The Court's binding order now compels authorities to act, although persistent gaps between legal frameworks and ground-level realities persist. Indigenous nationalities continue to struggle for their rights, recognition, and inclusion in national policies and governance structures without concrete actions to enforce these agreements and international human rights treaties.

III. Previous UPR Recommendations

In previous cycles, Nepal supported recommendations relevant to Indigenous Peoples. The level of implementation is unsatisfactory. Some examples:

- *Ensure the rights of indigenous communities regarding land use are upheld through legislative revision (Marshall Islands, Cycle 3).* Implementation remains weak, with no major legislative reforms enacted.
- *Fully enforce the law and strengthen policy measures to eliminate harmful traditional practices. (Bahamas, Cycle 3).* Some policies exist, but enforcement remains inconsistent.
- *Take all necessary measures to ensure full inclusion and improve learning results for all children belonging to the Dalit community, underrepresented castes and indigenous peoples, including children with disabilities, at all levels of education, and to ensure the representation of these groups, especially women, in teaching positions (Finland, Cycle 3).* There have been marginal improvements in enrollment, but representation in teaching roles remains low.
- *Continue to pursue policies that will increase enrolment in schools of school-going aged children, in particular girls, and children from indigenous communities and minorities (Singapore, Cycle 2).* Enrollment rates improved, but dropout rates remained high.
- *Put in place an effective mechanism for addressing the reported multiple forms of discrimination against indigenous women in Nepal (Uganda, Cycle 2).* No dedicated mechanism has been established.

- *Strengthen the legislative and institutional framework for the promotion and protection of rights of indigenous peoples, in particular to ensure their full participation in society\$ (Mexico, Cycle 2).* Legal gaps persist and participation remains limited.
- *Review and adopt relevant legislation and policies, including bills related to caste-based discrimination, the Women's Commission, the Dalit Commission, the rights of indigenous peoples and the rights of the child, to ensure full compliance with international human rights standards (Norway, Cycle 1).* Partial reforms enacted, but full compliance is lacking.
- *Take more effective measures to increase the involvement of the indigenous peoples, minorities and vulnerable groups in the civil service, law enforcement agencies and local authorities (Malaysia, Cycle 1).* There has been minimal progress in representation within state institutions.

IV. Rights Violations

A. Lack of Participation in Decision-making and Governmental Bodies

UNDRIP arts. 3, 5, 18, 19 and 20 (1)

Nepal's 2015 Constitution assures inclusion and proportional representation in the state structure as fundamental rights for all sections of society, including Indigenous Peoples, who have the right to participate in state bodies. However, in practice, exclusion persists. High-level political appointments and the recruitment of federal and local bureaucrats routinely ignore proportional requirements. The current system of proportional representation fails to ensure meaningful representation for Indigenous Peoples. Instead, it has become a tool for political parties to place their cadres, even those from Indigenous communities, into positions where they remain bound to party loyalty rather than advocating for their communities. Meanwhile, the Khas-Arya group (a collective group of Bahun, Chhetri, Thakuri and Sanyasi/Dashnami communities) which constitutes only 27.74% of Nepal's total population, maintains dominance over legislative, executive, and judicial bodies, holding the majority of key positions in governments.

This systematic exclusion is evident in the composition of Nepal's 24-member Council of Ministers. Indigenous Peoples, despite constituting a significant portion of Nepal's population, hold only five ministerial seats (20.8%), while Dalits are relegated to just 1 (4.2%) and women to a mere 2 (8.3%). In contrast, Khas Arya communities, historically overrepresented in the power structure, dominate with 15 Ministers (62.5%), further exposing deep-rooted discrimination and inequality in political representation.⁵ 95.5% of all the 38 Prime Ministers of Nepal have been Khas Arya men.⁶

This imbalance extends beyond the executive branch. The Constitution mandates a mixed electoral system for the House of Representatives (HoR) and Provincial Assemblies. While this system has marginally increased Indigenous Peoples' participation, securing 66 seats (24%) in the HoR, Khas

Arya representatives still dominated with 130 seats (47.27%) in the general election held in 2022.⁷ Similarly, in Provincial Assemblies, Indigenous Peoples hold only 81 seats (27.09%) of the total 550 seats, while Khas Arya members occupy 235 (42.73%) seats.⁸

At the local level, the exclusionary dynamics persist. In the 2022 local elections Khas Arya candidates secured 8356 (32.97%) seats, while Indigenous Peoples held only 657 (26.06%) and Dalits slightly improved representation with 865 (21.99%) seats as the quota requires Dalit women to be elected as ward members.⁹ This indicates that, despite constitutional provisions for inclusion, political parties continue to prioritize their interests over equitable representation, thereby reinforcing systemic disparities.

The judiciary reflects the same entrenched exclusion. Out of 17 Supreme Court Justices, the Khas Arya justice holds 14 seats, constituting an overwhelming 82.35% of the bench. In contrast, Indigenous Newars have only two Justices, representing just 11.76% of the total. Muslims have a single Justice, while the Madhesi and Dalit communities remain entirely unrepresented. Women, too, are severely marginalized, holding only two seats.¹⁰

This exclusion extends to the high Courts, where Indigenous Peoples constitute just 16.79% of the judges and Dalits are nearly invisible at just 1.53%. Women remain underrepresented, holding just 17.56%. Meanwhile, Khas Arya judges dominate with an overwhelming 80.92% majority.¹¹ At the District Court Level, the disparity worsens. These features reveal a judiciary that fails to reflect Nepal's diversity, perpetuating the exclusion of Indigenous Peoples, Dalits, Madhesis, and women from equal access to justice and representation.

B. Violation of Indigenous Peoples' Right to Land and Resources

UNDRIP arts. 3, 8, 10, 11(1), 12(1), 25, 26 and 32

The Constitution of Nepal guarantees religious freedom and cultural preservation, ensuring that every religious denomination has the right to manage and protect its sacred sites. However, state-backed development projects are mining these rights, particularly in the case of the Pathibhara Cable Car Project, which threatens the Indigenous Yakthung (Limbu) peoples' ancestral and spiritual traditions.

Mukumlung, a sacred site for the Yakthung (Limbu) People in Taplejung district, eastern Nepal, has long been central to their religious and cultural identity. However, the site was renamed Pathibhara in Khas Nepali, and the construction of the Pathibhara Devi Temple (dedicated to a Hindu goddess) has long enforced assimilation of Indigenous traditions.¹² Under the guise of a national pride project, the Yakthung (Limbu) People's sacred spaces are appropriated and their culture is being actively erased.¹³

In 2018, the government approved the Pathibhara Cable Car Project. The project, spearheaded by IME Group, a private conglomerate, aims to facilitate access to the Pathibhara Devi Temple. Indigenous Yakthung communities argue that it disregards their right to FPIC. Moreover, the project's environmental impact is severe. In December 2018, Nepal's cabinet authorized the logging of 10,231 trees, but activists estimate that nearly 60,000 trees will be felled by the time construction is complete,¹⁴ including 3,000 Rhododendron trees, directly impacting Indigenous practices.¹⁵ Since January 2023, through the Mukkumlung Struggle Committee and the Cable Car Cancellation Joint Struggle Committee, Indigenous Yakthung (Limbu) communities have been opposing the project.¹⁶ In January 2025, protests in Taplejung intensified, leading to violent clashes with armed police. Security forces used excessive force, leaving two activists wounded by gunfire.¹⁷ Another confrontation on February 20 resulted in 12 injured persons.¹⁸ For the time being, the Supreme Court has issued an order to temporarily halt the construction of the Pathibhara Cable Car.¹⁹

C. Violation of Indigenous Women's Rights

UNDRIP arts. 7(1), 18, 21 and 22

While the Nepalese government has taken some steps towards gender equality, such as adopting the Gender Equality and Social Inclusion (GESI) strategies and appointing focal persons, these measures often remain superficial and under-implemented. The government's commitment to gender equality is undermined by a lack of political will, inadequate resource allocation, and systemic discrimination. Women—especially from marginalized communities—continue to face widespread gender-based violence, discrimination, and limited access to justice and opportunities. Indigenous women, in particular, face intersecting forms of discrimination based on both their gender and their ethnicity, exacerbating more vulnerability and marginalization.

There are widespread protection concerns, including human trafficking, child marriage, gender-based violence, and structural, systemic, and indirect discrimination that often remain unreported and undocumented. These issues disproportionately affect women from marginalized groups, such as Indigenous, disabled, and so-called lower-caste groups, who often reside in remote areas and face systemic barriers to accessing basic services and opportunities.²⁰ Indigenous women in Nepal are often broadly classified as "minorities," "marginalized women," or "culturally backward women," erasing their distinct identity and collective rights. This lack of recognition has far-reaching consequences, including their invisibility in national census data and their exclusion from decision-making processes. This omission is evident in key documents, including the National Gender Equality Policy 2020, the GESI Strategy 2021-2023, provincial GESI guidelines, and the Gender Equality and Social Inclusion Policy 2021 of the National Human Rights Council.

The National Human Rights Commission (NHRC) of Nepal has highlighted the lack of specific mention of Indigenous women in national policies, raising concerns about their ability to fully exercise their rights.²¹ A recent study emphasized the "invisibility" of Indigenous women as a

major obstacle to their participation and representation in decision-making processes. This invisibility stems from the failure of the Constitution, laws, and policies to recognize the diversity among women, often favoring women from dominant castes while neglecting the specific needs and rights of Indigenous women, Dalit women, Indigenous women with disabilities, Madhesi women, and Muslim women. Compared to women from dominant groups, Indigenous women encounter greater obstacles in accessing public and social services, justice, education, and productive resources such as land, water, forests, and other natural resources. Furthermore, their traditional knowledge, skills, and practices, which are vital to their livelihoods and cultural identity, have been devalued and even criminalized.²²

This systematic neglect is further exacerbated by the near-total absence of Indigenous women in Nepal's census data, government plans, and policy frameworks. Without disaggregated data across gender, disability, caste, and ethnicity, Indigenous women remain excluded from participation and representation in key decision-making and from addressing the inequality and discrimination they face. The disaggregated data of women across gender, disability, caste, ethnic groups, and Indigenous Peoples must be included in the state's plans, policies, and programs. Based on the exclusion of Indigenous women from the data, there are no programs directly reaching out to them²³ and, compared to other women, Indigenous women face problems in accessing state budget and resources, including receiving essential public and social services such as justice, healthcare, education, and wages.²⁴ The state does not effectively communicate and make information about their rights and entitlements accessible.

This marginalization has dire consequences, particularly in the context of human trafficking. Media reports and available data on rescue, relief, and rehabilitation efforts of civil society organizations dedicated to trafficking show that among human trafficking victims, Indigenous women and women from other marginalized groups make up the majority.²⁵ 54 women and girls are being trafficked from Nepal to India or Gulf countries every day as they seek to find jobs as domestic workers.²⁶ Between 12,000 to 15,000 Nepalese girls between the ages of 6 and 16 are tragically subjected to human trafficking yearly.²⁷ A national report on trafficking in persons in Nepal states that the adult entertainment sector is one of the emerging destinations for trafficking.²⁸ Although there is no exact data on the ethnicity of Nepali girls trafficked to other countries, the percentage of women and girls rescued by various NGOs in Nepal shows that seven out of ten victims of trafficking in persons are women or girls from Indigenous communities.²⁹ The figure produced by Shakti Samuha, the first and only organization run by women survivors of trafficking in India, shows that 76% of survivors part of their program are Indigenous women.

This vulnerability stems from a complex interplay of factors, including historical injustices, systemic discrimination, poverty, a lack of education, and limited access to information. These factors make them easy targets for traffickers who exploit their trust and desperation with false promises of employment and a better life. The historical trauma of forced servitude, coupled with

ongoing marginalization, leaves Indigenous women and girls particularly susceptible to exploitation, highlighting the urgent need for targeted interventions and support systems to protect their rights, raise awareness, and ensure their safety and well-being. The government of Nepal has the Human Trafficking and Transportation (Control) Act, 2007, in place, but the Act does not criminalize all forms of labor and sex trafficking. Moreover, the government of Nepal has not yet created or endorsed any guidelines or Standard Operating Procedures (SOPs) for identifying trafficking victims.

D. Violation of the Right to Education in their Mother Tongue for Indigenous Children

UNDRIP arts. 14 and 15, and ILO C. 169, Art. 28

Since the introduction of formal, classroom-based education in Nepal, the government has imposed a monocultural curriculum centered on Hindu values, emphasizing Khas Nepali as the language of instruction, excluding the diverse Indigenous cultures, knowledge, and worldviews of Nepal, leading to poor educational outcomes for many Indigenous children, a trend that persists today. Through its constitution, the government recognizes that all languages spoken as mother tongues in Nepal are the nation's languages. Still, Khas Nepali in the Devanagari script is Nepal's official language.³⁰ Besides Nepali, states in Nepal can officially recognize other languages spoken by their majority populations.³¹ The constitution also provides that every community in Nepal has the legal right to establish and run schools that teach in their mother tongue, ensuring education that reflects their cultural identity.³² Although Nepal's Constitution champions multilingualism in education and governance, recognizing all mother tongues as national languages and mandating mother-tongue instruction in schools still faces significant challenges. While the government has developed curriculum materials in 26 languages, resource constraints, limited stakeholder engagement, and ideological barriers hinder progress.³³

Furthermore, the dominance of Nepali and English in education poses a significant threat to preserving and promoting Indigenous languages despite the constitutional commitment to linguistic diversity. This systemic disadvantage stems from historical policies that have marginalized and discriminated against Indigenous communities. Despite the government's claims of numerous education reforms, marginalized children in Nepal still face significant hurdles in accessing quality primary and secondary education, including an enabling intercultural environment. A staggering 18% of primary school-aged children have not completed school, with the situation worsening at the lower secondary level (27%) and escalating to a concerning 73% at the upper secondary level. Across all levels of education, the poorest children, including those from Indigenous nationalities, face higher out-of-school rates.³⁴ This disparity stems from various factors, including accessibility, the use of accessible formats, the language used for instruction, the children's language background, the curriculum content, and cultural differences. A lack of inclusive curricula, remedial teaching, and other support systems further contributes to this challenge.³⁵ These barriers not only hinder access to education but also contribute to high dropout

rates, perpetuating a cycle of marginalization and lost potential. This dire situation highlights the urgent need for targeted interventions to address the unique challenges faced by Indigenous children, ensuring their fundamental rights and creating a more inclusive society.

E. Criminalization of Indigenous Traditions and Livelihoods

UNDRIP arts. 3, 8, 11, 12, 20 and 31

Indigenous knowledge, skills, and traditional practices have been undermined and devalued as "inferior knowledge," leading to their criminalization. Indigenous groups in Nepal, including the Majhi, Sunuwar, Newar, Tamang, Chepang, and Bankaria, hold valuable Indigenous knowledge and serve as educators of these traditions to future generations. Their practices encompass the production of yeast, alcohol, and cuisines used in socio-cultural and religious traditions, as well as during social gatherings such as festivals and significant life events, including births and deaths. However, their traditional practices, particularly the Indigenous knowledge of alcohol production, have been criminalized. The government considers the production and sale of home-brewed alcohol without a license illegal.³⁶ For Indigenous communities in Nepal, alcohol is an essential part of life, integral to marriage ceremonies, funeral rites, worship, agricultural harvest seasons, and festivals. Many rituals remain incomplete without the use of alcoholic beverages. This traditional alcohol production has developed over time as a significant livelihood skill and remains a primary source of income for many Indigenous households. Indigenous women are typically responsible for preparing these alcoholic beverages, utilizing knowledge and skills passed down from older female family members. The criminalization of this practice has limited their knowledge-based income, adversely affecting their livelihoods, children's education, and overall family income.

Additionally, this situation has diminished Indigenous Peoples'-especially women's- self-confidence, further perpetuating harmful stereotypes about their knowledge. The government's strict regulations involve frequent house raids in which they confiscate and dispose of large quantities of home-brewed liquor.³⁷ The Liquor Act of 2031 prohibits individuals or families from selling alcohol, effectively preventing communities in Nepal from brewing alcohol for commercial purposes under legal sanctions.

Nepal boasts a rich tradition of crafting diverse alcoholic beverages, deeply intertwined with its cultural, religious, and social fabric. These Indigenous drinks, like Chhyang, Aeylaa, and Tongba, represent a vibrant cultural heritage and provide crucial livelihoods, particularly for women. As the primary producers of these beverages, women gain direct economic empowerment, control over household finances, and the ability to invest in their families' well-being and children's futures. This income is especially vital in the absence of alternative employment opportunities. Despite its cultural and economic significance, the current legal framework criminalizes this traditional practice, jeopardizing livelihoods and dismissing invaluable Indigenous knowledge.

Rather than banning this activity, a more sustainable and just approach would be to legalize and regulate it. This would empower communities, preserve cultural heritage, and provide economic opportunities, particularly for women. By supporting the development of this industry through appropriate policies and programs, Nepal can ensure the sustainable production and consumption of these traditional beverages while promoting economic growth and social equity.

F. Climate Change

UNDRIP arts. 29 and 32

Nepal, with its fragile topography and climate-sensitive livelihoods, is highly susceptible to the impacts of climate change. Recognizing this vulnerability, the Government of Nepal has formulated various plans to address climate change. These include the National Adaptation Program of Action to Climate Change 2010,³⁸ the Climate Change and Gender Action Plan 2019³⁹, and the Nationally Determined Contribution (NDC) 2020.⁴⁰ However, these plans often overlook the specific vulnerabilities and needs of Indigenous Peoples, and they frequently lack the intersectional approach that considers the compounding effects of gender, caste, and ethnicity. This omission overlooks the role of Indigenous Peoples as key stakeholders and agents of change in climate action.

Indigenous Peoples are often viewed as passive beneficiaries rather than active participants and decision-makers in climate action initiatives. The government's approach often fails to recognize the valuable knowledge and experiences of Indigenous Peoples in addressing climate change impacts. Their traditional Indigenous ecological knowledge and practices can offer crucial insights into climate change adaptation and mitigation strategies. As a result, the representation and participation of Indigenous Peoples in climate action remain significantly limited, undermining the effectiveness and equity of climate change initiatives in Nepal.

Nepal is also reeling from devastating floods of the record-breaking rainfall from 26-29 September 2024, the heaviest ever recorded in Kathmandu, which caused widespread damage, claiming the lives of at least 246 people, including 32 children. Over 10,000 households were displaced,⁴¹ primarily in Kathmandu, Lalitpur, and its surrounding districts. 78 people have died in the Kavre district alone following the floods and landslides.⁴²

The destruction of infrastructure and essential services, such as healthcare and sanitation, disproportionately affects Indigenous people, hindering their access to critical support and opportunities. In the aftermath of this disaster, as Nepal grapples with the long-term consequences of such disasters, it is crucial to prioritize the needs of Indigenous Peoples and ensure their meaningful participation in recovery and rebuilding efforts.

G. Violation of Indigenous Peoples' Rights in the name of Energy Projects

UNDRIP arts. 3, 7, 8, 10, 25, 26, 32

Under the National Energy Crisis Reduction and Electricity Development Decade Plan (2016-2026), the government of Nepal has prioritized several large-scale hydropower projects that have adversely affected Indigenous Peoples. These projects, which are often funded by multilateral development banks and private sector investors, are developed on the lands and territories of Indigenous Peoples without obtaining their FPIC, holding public hearings, or providing adequate compensation. As a result, there have been numerous human rights violations, including forced displacements, conflicts, and environmental degradation. Those who resist these projects often face violence and a lack of justice.

Currently, Nepal has 81 operational hydropower projects, 180 under construction, and 311 more in the licensing phase.⁴³ These projects disproportionately affect Indigenous lands, territories, and resources. For Indigenous communities, rivers are not merely sources of water but the foundation of life, critical for food, cultural practices, and spiritual identity. Yet, hydropower expansion has led to forced displacement, severed access to vital resources, and the erosion of traditional ways of life. Most dam sites overlap with ancestral territories, where Indigenous communities rely entirely on rivers for survival. The failure to uphold FPIC in these projects has made hydropower development one of the most widespread drivers of human rights violations against Indigenous Peoples.⁴⁴

Examples include the construction of seven hydropower projects along the Likhu River, which holds vital resources for the Sunuwar Indigenous Peoples, and has profoundly impacted their lives, livelihoods, and socio-cultural rituals linked to the river. The increasing influence of hydropower projects has had a detrimental impact on their traditional livelihoods and cultural practices. The loss of access to natural resources, such as forests and rivers, has eroded their economic security and socio-cultural rituals on the Likhu River.

Similarly, the Sunkoshi Marine Diversion Multipurpose Project, implemented by the Government of Nepal, further exemplifies this disregard for the rights of Indigenous Peoples. Launched without environmental impact assessment or community consultations, this project threatens to submerge the lands and cultural heritage and settlement of Majhi Indigenous Peoples, jeopardizing their very existence.⁴⁵

The disregard for Indigenous Peoples' rights extends beyond dams. The Asian Development Bank financed the Tamakoshi-Kathmandu 200/400 KV Transmission line and substation project implemented by Nepal Electricity Authority (NEA), a government-owned utility. Under construction since 2015 in Dunghyul Bhoda, in the Shankharapur municipality, northeast of Kathmandu, this project has disproportionately impacted Tamang Indigenous Peoples, as it operates in their ancestral lands without FPIC. The substation is being built in the middle of their settlement, while the transmission line crosses their homes, lands, and sacred sites. Tamang Indigenous communities are demanding the fulfillment of their FPIC rights and have filed

complaints in multiple grievance mechanisms, including the National Human Rights Commission and the Asian Development Bank Nepal Resident Mission, yet their concerns have been ignored. On January 1, Nepal Electricity Authority deployed security forces to forcefully begin survey work, sparking protests and leading to the detention of 7 Tamang leaders, including women and minors.⁴⁶ Tensions escalated further when the government established an Armed Police force camp at the site. The use of security forces to suppress the Tamang Indigenous People's protests has become a troubling pattern. Police have been deployed to intimidate and arrest community members. On January 16, 2025, 17 protesters were brutally beaten and arrested, with six detained for nine days and coerced into signing agreements to halt their protests, effectively criminalizing their resistance.⁴⁷

Another controversial project is the 220 KV Marshyangdi Corridor transmission line project in the Lamjung district, financed by the European Investment Bank (EIB), which has also sparked serious concerns over Indigenous Peoples' rights.⁴⁸ With 95 million euros in funding, the project is part of a broader investment in Nepal's hydropower sector. However, it has failed to comply with the right to FPIC, violated the EIB's environmental safeguards, and breached its financing agreement with Nepal Electricity Authority. In 2018, affected communities filed a complaint with the EIB's accountability office, which published an investigation report in 2021.⁴⁹ The report confirmed grave human rights violations and recommended corrective measures, including suspending the Marshyangdi Corridor project until the issues were resolved.⁵⁰ While the EIB halted further disbursements, the NEA and the bank continue to advance the project, backed by security forces, without addressing the violations, whereas affected communities continue to demand the full implementation of the report's recommendations.

Similarly, the World Bank-funded Bharatpur-Bardaghat 220 kV power transmission line, a part of the Nepal-India Electricity Transmission and Trade Project, has also disregarded the rights of Indigenous Peoples. Currently, under construction in Binaya Tribeni Rural Municipality-2, Nawalparasi District, the project implemented by NEA has already caused significant adverse impacts on Indigenous communities, including damage to homes, schools, cultural sites, agricultural lands, and the environment, as well as health and safety risks. On October 18, 2021, affected communities filed a complaint with the World Bank's inspection panel, prompting an investigation approved by the Bank's Board on March 3, 2022. Although a Dispute Resolution Agreement was signed on April 11, 2023⁵¹, nine signatories later withdrew from the process, and those parties dissatisfied with the resolution filed a case against the project in the Supreme Court of Nepal.

Another example is cement factories operating near Indigenous territories, such as the one in Dhading district, impacting the Danuwar Indigenous People, which has had severe environmental and health consequences for them. The pollution from these factories contaminates crops, water sources, and grazing lands, posing significant health risks to communities, particularly women, children, and the elderly, who are more vulnerable to respiratory illnesses and other health

complications. The decline in agricultural productivity caused by the environmental degradation further exacerbates food insecurity and economic hardship, disproportionately affecting Indigenous Peoples, who often rely on subsistence farming for their livelihoods.⁵²

In a similar instance, Indigenous Newar communities in the southern region of Kathmandu continue to face imminent mass-scale displacement due to the ongoing construction of the Kathmandu-Tarai/Madhes fast-track expressway and other infrastructure projects planned in the historically significant towns of Khokana and Bungmati. For over a decade, these communities have engaged in legal battles, grassroots resistance, and international advocacy to protect their ancestral lands and cultural heritage. Despite their persistent opposition, the Nepal Army has continued construction and, as of early 2025, claims to have completed almost 37% of the construction.⁵³ Newar Indigenous communities in Khokana-Bungamati are opposing the project construction, citing that it would threaten their sacred sites and traditional livelihood, and demanding to shift the expressway's entry point outside of their settlement and sacred site.⁵⁴

H. Violations of Rights of Indigenous Peoples living with Disabilities

UNDRIP arts. 21(2) and 22(1)

The 2021 Nepal Census recorded that over 654,783 individuals, 2.2% of the total population, live with at least one type of disability.⁵⁵ However, the absence of disaggregated data by ethnicity makes it impossible to determine the exact number of Indigenous Peoples with disabilities. This lack of accurate statistics hinders efforts to assess their specific needs, leaving them invisible in national policies and programs. Indigenous Persons with Disabilities (IPWDs) experience multilayered discrimination, not only as persons with disabilities but also as Indigenous individuals. Over the past 40 years, census data indicated a sharp rise in disability prevalence among the general population.

Despite the Constitution guaranteeing fundamental rights for persons with disabilities⁵⁶, Indigenous individuals with disabilities remain excluded from state mechanisms and policymaking bodies. There is no recognition of Indigenous Peoples with disabilities in existing laws or government programs. Additionally, Nepal's Sustainable Development Goals Status and Roadmap 2016-2030 lacks plans and programs specifically addressing Indigenous Peoples with disabilities.⁵⁷ Women's participation in governance is highest in the Ministry of Women, Children and Senior Citizens, where they constitute 53% of the representatives. However, only 12% of them are Indigenous women, and none are women with disabilities.⁵⁸ This exclusion underscores the severe lack of representation and advocacy for Indigenous persons with disabilities in decision-making spaces.

A study by the World Food Program (WFP) Nepal highlights the severe restrictions Indigenous Peoples with Disabilities face in accessing ancestral and natural resources.⁵⁹ Land dispossession undermines their food sovereignty and decision-making power over resources. Nearly 80% of

Indigenous women and girls with disabilities do not own land, leaving them economically vulnerable. Research indicates that 75% of Indigenous women and girls with disabilities and 69% of Indigenous men with disabilities resort to coping mechanisms such as reducing meals portions, compromising culturally significant foods, mixing grains, or diluting meals with water to stave off hunger and starvation.⁶⁰ Moreover, Indigenous people with disabilities in Nepal face severe challenges due to climate change. The consequences include 58.2% experiencing livelihood disruptions, 55.2% environmental degradation, 50.7% social interaction difficulties, 47.8% health issues, 50.7% increased food insecurity, 52.2% mental health struggles, 43.2% forced displacement, and 11.9% other impacts.⁶¹ Despite these hardships, their needs remain unrecognized, and no rights-based approach or specific programs have been developed to address their concerns. They encounter multiple barriers in daily life, including attitudinal and psychological, environmental, institutional, multiple identities, and programmatic obstacles.

V. Recommendations

We urge UN Member States to make the following recommendations to Nepal:

- Enforce mandatory proportional representation for Indigenous Peoples and other marginalized communities across all state bodies at every level, backed by strict monitoring and penalties for non-compliance.
- Immediately suspend all energy and infrastructure projects that impact Indigenous Peoples until FPIC is fully obtained in accordance with UNDRIP in order to ensure all development projects on or near Indigenous lands respect their right to give or withhold consent.
- Ensure meaningful participation and consultation by forming a mechanisms or procedures to maintain FPIC in the drafting, amending and implementing laws, policies, and programs of state, or federal and local government, including in planning, implementing, monitoring and evaluating of development projects, just-transition initiatives undertaken in the lands, and territories of Indigenous Peoples.
- Recognize Indigenous Peoples' rights over lands, territories and natural resources that they have occupied customarily owned and used traditionally.
- Collect disaggregated data for ethnicity and disability in all national surveys and policies, and implement targeted programs for Indigenous Peoples, Indigenous women and Indigenous people with disabilities including dedicated funding for climate adaptation plans, social protection schemes and reserved seats in decision-making bodies.
- Amend the Human Trafficking and Transportation (Control) Act to align with international standards; develop and implement Standard Operating Procedures (SOPs) for identifying and helping trafficking victims; and allocate necessary resources for rehabilitation for survivors.
- Fully implement Nepal's constitutional commitment to multilingual and inclusive education by providing adequate resources and support for mother-tongue instruction and

ensuring equitable access to quality education for all children, especially those from marginalized Indigenous communities and ensure Indigenous children's right to education in their mother tongues by consulting with Indigenous Peoples on policies for multilingual education.

- Amend the Liquor Act of 2031 to decriminalize and regulate the production and sale of traditional home-brewed alcohol by Indigenous communities. This amendment should recognize the cultural significance of these beverages, acknowledge their role as a vital source of income for Indigenous women, and provide a legal framework for their sustainable production and sale, promoting economic empowerment and preserving cultural heritage.
- Revise climate change action laws and plans to ensure the full and effective participation of Indigenous Peoples in developing, implementing, and monitoring all climate change initiatives, recognizing their vital role as custodians of traditional knowledge and agents of change.

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