

Report on violence against indigenous women and girls in Nepal

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Violation Against to women has to curtails The right of women to live with dignity through violence, the right to be free from torture, freedom and the right to protection of the individual, the right to equal protection in the eyes of the law, equality within the family, the right to the highest level of physical and mental health care, the right to work in a fair and conducive environment is denied, religious, social, cultural traditions against women, violence through physical, mental, sexual, psychological methods is still prevalent or any other basis on the situation is happening. The existing discrimination and conservative social in the society domestic violence, polygamy, witchcraft, beatings, sexual abuse, dowry Causal violence, marital rape, conservative practices, violence, sexual abuse, forced sex Systematic violence such as exploitation, trafficking and exploitation of women has been taking place against to women .

Nepal is not only inhabited by a particular caste but also by various tribes. According to the 2011 census, the indigenous population in Nepal is 92,67,870 or 34.97 percent. Violence against women is not limited to any one caste but is a major problem of all human beings.

Indigenous women, who are also discriminated against. Indigenous women are also facing problems such as patriarchal mentality, discriminatory structural behavior and gender discrimination. All the rights enshrined in the International Human Rights Convention also apply to Indigenous women. All human rights and fundamental freedoms must be exercised without hindrance or without discrimination, and the provisions of the Convention on Human Rights apply to women members of indigenous peoples without discrimination.

Article 249 of the Constitution of Nepal 2072 BS stipulates the duty of the National Human Rights Commission to ensure respect, protection and promotion of human rights and its effective implementation.

It is the commission's job to receive, monitor and investigate complaints of human rights violations and abuses, and to review human rights laws. It is the responsibility of the Commission to make necessary suggestions and recommendations to the Government of Nepal for the respect, protection and promotion of human rights.

The Commission had implemented a Strategic Plan (2015-2020) to reach its destination by identifying human rights priorities to carry out its responsibilities. The strategic plan has four objectives. Objective no. 3 to ensure the rights of the deprived, marginalized and backward classes and objective no. In Article 4, the Commission aims to expand access, strengthen effectiveness and institutional development. Currently, the Commission's Strategic Plan (2020-2026) has been implemented.

In line with the objective of the Commission's Strategic Plan (2015-2020), a strategic program was decided to review the existing laws and draft necessary new policies and rules to ensure the rights of the deprived, marginalized and backward classes.

The Commission's strategic plan has identified the following problems in violence and human rights violations against Janajati, especially Janajati women, adolescents and girls:

1. Issues of Indigenous Women:

- According to National Human Rights Commission of Nepal's National Report on Trafficking in person 2018, which shows that 49 percent, a majority of trafficked women survivors are Indigenous nationalities, followed by Dalit at 15 percent. Madhesis account for 6 percent and other ethnicities constitute the remaining 29 percent. Indigenous Peoples, Dalits, and Madhesis are the most socially, politically, and economically marginalized and excluded communities in Nepal. women and girls from minority groups including Indigenous Peoples are vulnerable to trafficking as they belong to socially, politically, and economically marginalized communities.
- Women migrant workers, especially tribal women, are found to be facing special problems. Mainly polygamy, family breakdown, deprivation of proper maintenance of dependent children etc. Similarly, the husbands and their relatives who have gone into exile have been found to be victims of domestic violence and economic violence.
- A study report published by the National Human Rights Commission on the "Accountability of Nepal Police in Access to Human Rights and Justice for Women in Violence Against Women" 2076. According to the report, 24 percent of the victims are women, 15 percent are Dalits, 14 percent are Brahmins, 5 percent are Muslims and 9 percent are Madhesis. And the most affected are tribal women and adolescents.
- Due to the fact that the constitution of Nepal mentions indigenous women in the national law and the presence of women in law making is good but there is no mention of indigenous women in the policy, it seems that there is a problem in exercising the rights of women.
- Indigenous women, like other women, seem to have problems in accessing the state budget, resources and resources like other women.
- Similarly, the Commission has received various complaints regarding the human rights violations of the indigenous tribes and is in the process of monitoring and investigation.
- The incidents include arson in the home and the right to housing, extrajudicial killings, aboriginal occupational rights (non-renewal of fishing licenses, and the rights of other communities, including aboriginal tribes). The rights of indigenous women and adolescents have been directly and indirectly involved in these incidents.

2 Some recommendations and achievements of the Commission to the Government of Nepal in the course of protection of human rights:

- The Commission had recommended to the Government of Nepal to investigate the Killing of a Janajati woman and six others by the police security personnel during the armed conflict (dated 2055-12-05). In its decision, the commission stated that "the warring parties should treat their captives humanely without any discrimination, based on their gender, race, nationality, religion, political ideology or any other criteria."
- A Study report on Nepal Police's Accountability for Human Rights and Access to Justice for Women in Violence Against Women, published by the National Human Rights Commission . NHRCN has to Nepal Government for policy recommendation that : to eradicate violence and ensuring the effective participation and equal opportunities of women for leadership in all crucial aspects of political, economic and public life, and adopting policies and laws to promote gender equality and the empowerment of women and adolescents at all levels. ”
- In the case of sexual violence in the forms of temptation by the people including the young man who described the indigenous girls who are adopting a nomadic lifestyle as a YouTube journalist, Following the monitoring by the National Human Rights Commission, the Nepal Police was immediately called upon to investigate the incident and draw the attention of the victims for the protection of human rights.
- The National Human Rights Commission has published the status report 2075 on the implementation of Indigenous and Tribal Peoples Convention, 1989 (ILO Convention No. 169 . The ILO Convention 169 and other human rights conventions recommended to the National Human Rights Commission Nepal, the Government of Nepal, the judiciary, civil society, international bodies and donor bodies for the protection, enhancement, fulfillment and respect of the human rights guaranteed by the Indigenous Peoples.

3. Action taken by the Commission in the second wave of the COVID–19 epidemic:

Following the outbreak of the second wave of the COVID-19 epidemic, the Commission has been conducting regular monitoring of the human rights situation of persons with disabilities, including indigenous peoples and migrant Nepali workers, from high-level, central, state and state offices. A press release was issued on July 20, 2078, urging to ensure access to health care for persons with disabilities, indigenous peoples and migrant Nepali workers. The statement made the following recommendations:

- Free PCR testing for marginalized, minorities, endangered communities, poor, destitute, persons with disabilities, women, senior citizens, children, tribals living in rural areas as soon as possible.
- To provide easy access to vaccines against covid–19, access to hospitals and healthcare, and announce and distribute immediate relief packages.

- To make the treatment and health insurance of Covid-19 free from the state, to provide interpreters in hospitals and health posts in densely populated areas to facilitate the exchange of information through mother tongue.
- To conduct publicity and awareness programs in the language understood by the Adivasi Janajatis by emphasizing on coordination, cooperation and facilitation with the concerned bodies.
- As the program seems to be low even in the budget, the fragmented data should be collected and made public immediately.
- To make arrangements to involve the organizations working in the field of rights in the process and activities for the prevention and treatment of COVID-19.
- To make arrangements for the promotion and encouragement of the traditional knowledge and skills possessed by the indigenous peoples to prevent epidemics such as diphtheria. To make arrangements to carry out development projects in consultation and discussion with the indigenous tribes and local communities while conducting development projects even during the time of COVID-19.