

**Observations on the Human Rights Situation of Indigenous People in Nepal in Light of the
UN Declaration on the Rights of Indigenous Peoples
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National Coalition Against Racial Discrimination (NCARD) is Kathmandu-based national-level alliance of organizations of indigenous peoples and minorities in Nepal. Registered as an NGO in Nepal in 2003, it was formed in follow up to the 2001 World Conference Against Racism and has Special Consultative Status with ECOSOC. It advocates for elimination of all forms of racial discrimination in Nepal. www.ncard.org.np

INTRODUCTION

This joint submission has been prepared second Universal Periodic Review of Nepal in November 2015. The human rights situation of indigenous peoples in Nepal has seen little improvement since its first UPR in 2011.

According to the 2011 census, indigenous nationalities (Adivasi Janajati), as they are known in Nepal, comprise 35.81% of the total national population of about 26.5 million, although indigenous peoples' organizations claim a larger figure of more than 50%. The 2011 census, like earlier census, came under strong criticisms from indigenous peoples for inaccurate reporting. The census reported decrease in indigenous population from 37% to 35% while completely omitted a number of identified indigenous groups and presented contradictory data, such as greater number of an indigenous language speakers than respective indigenous people. Further, while government agencies have begun disaggregation of data by ethnicity and gender since 1991 census, there is need for greater disaggregation of all relevant national data.

Currently, 59 groups are recognized as indigenous nationalities but the official list is contested. The Committee on Economic, Social and Cultural Rights expressed concern in 2008 about the "lack of clarification about the criteria used by" National Foundation for Development of Indigenous Nationalities (NFDIN), the indigenous development agency of the Government of Nepal, to recognize indigenous peoples and the implications of this recognition. The Government formed a taskforce, including indigenous representatives, to re-examine the official list that submitted its report to the Prime Minister in 2011 with recommendations for inclusion of further groups. However, the Government is yet to take any action on the report.

Discrimination, based on historical oppression and exclusion, against indigenous peoples remains deeply rooted in Nepal. Land and forest-related practices and laws of Nepal have hindered the development of indigenous communities leading to a litany of human rights issues, including in the name of 'development'. Even though they constitute a significant proportion of the population, throughout the history of Nepal indigenous peoples have been marginalized in terms of socio-economic conditions, including cultural and language rights and political participation. Demands for rights of indigenous peoples, particularly in relation to lands and resources and political participation, have been met with violence and criminal persecution.

In 2007, Nepal became the first country in Asia to ratify the Indigenous and Tribal Peoples Convention (C169) of International Labor Organization (ILO) but is yet to adopt a national action plan for implementation of the Convention despite consistent lobbying by indigenous peoples and human rights organizations. There are concerns that Nepal may denounce the Convention in 2017 as per its Article 39. The current Interim Three-Year Plan (2013-16) of the Government of Nepal, like previous plans, has included in the main programmes to identify and amend legal and policy provisions that contradict with the Convention 169 and a number of targeted socio-economic development programmes for indigenous peoples. However, any such legal and policy reform is yet to take place and there has been lack of effective monitoring of implementation of the targeted programmes while specific local budget allocated for those programmes were often used for general development programmes in the past.

Further, Nepal's government in 2007 voted in favor of the UN Declaration on the Rights of Indigenous Peoples (UNDRIP). Despite the progressive nature of recent legislations, Nepalese law and custom continues to violate many of the Articles set forth in the Declaration.

RIGHTS TO LANDS, TERRITORIES AND RESOURCES AND TRADITIONAL SUBSISTENCE (Articles 20, 26, 27, 28 and 32 of UNDRIP)

Articles 26, 27 and 28 of UNDRIP work together to ensure the rights of indigenous peoples to the lands, territories and resources that they have traditionally owned or used. States should give legal recognition and protection to those lands, territories and resources, including indigenous peoples' land tenure systems. Indigenous peoples have the right to redress, which can include restitution, for their lands, territories and resources that have been confiscated, taken or used without their consent. If restitution is not possible, adequate compensation must be garnered. Those rights have been clearly violated as it pertains to the traditional lands and resources of indigenous peoples in Nepal.

As a result of numerous discriminatory laws including Nepal Lands Act and practices, indigenous peoples are historically deprived of land and natural resources. Discriminatory land tenure systems such as Jagir (taxable private land assigned to government employees in lieu of salaries; abolished 1952) and Birta (land grants made by the state to individuals usually on an inheritable and tax-exempt basis; abolished in 1959) allowed people of dominant caste groups – Bahun and Chhetri – to own and control lands of indigenous peoples. People from the dominant groups have expropriated land, habitats, water and other natural resources that were once communally owned by the indigenous peoples, such as under Kipat system. The most important characteristic of this form of land tenure is the inalienability of the land: as Kipat lands were tied to the social groups, they could not, given its nature, be sold. According to the Land Evictions of the Country Code (1963), Kipat that lacks official documents is equivalent to Raikar lands on which taxes can be levied. This has led to the loss of indigenous based communal ownership i.e. transforming Kipat land into Raikar that can be used, transferred, and disposed of by anyone.

Loss of indigenous communal lands continues till today. For example, last year, a Nepali private company unlawfully acquired Guthi (land endowment made for a religious or philanthropic purpose) lands of 76,000 sq. ft. area of indigenous Pradhan Newar community of Kathmandu for construction of a mega business complex called Chhaya Center. The lands were converted into individually owned lands through a series of abuses of law and authority. As a result, religious and cultural customs and traditions of Pradhan Newars based on the lands, which in the past was a pond, have been devastated. Despite strong lobbying and ongoing challenge in the courts, the Government of Nepal has allowed continuation of construction of the complex.

Recent news reports suggest that the Ministry of Land Reforms and Management has started preparing a comprehensive National Land Policy to clarify the State's policy on ownership, use and overall management of land. The proposed policy is expected to provide a consolidated outlook of the Government on the varieties of land issues as land-related policies have so far been introduced in bits and pieces. However, there has not been any meaningful participation of indigenous peoples or their representatives in the process while even the information regarding the process is scarce.

Further, government-owned forests, national parks and conservation areas, leasehold and community forests and hydropower and other development projects have continued to negatively impact indigenous peoples. Among them, the most endangered and highly marginalized groups such as Kusunda, Bankariya, Raute, Chepang, Sonaha and Majhi, have particularly been affected. Participation of indigenous peoples in decision-making processes remains low, particularly regarding the management of government-owned or community forests, national parks and neighboring buffer zones.

A case in point is of semi-nomadic Chepang community mainly inhabiting the forest hills of central Nepal. Under the Private Forest Nationalization Act 1957, all the forests that had been used from the past under the traditional rights were included under the government ownership. This put a restriction in the hunting and gathering activities, thereby negatively affecting the traditional livelihoods of the Chepangs. They had no legal ownership of land and most of them still lack the citizenship certificates required for land ownership. They have been given no compensation for the loss of these lands.

65% of ancestral land of indigenous peoples has now reportedly been occupied by national parks and reserves causing loss of their traditional livelihoods and forcing majority of them relocate elsewhere. The case of Sonahas – one of the most endangered indigenous groups in Nepal – provides a good example of this. Sonahas lead semi-nomadic lifestyle and their livelihood mainly depends on fishing and gold panning. Since the establishment of Bardiya National Park in 1975, the livelihood of the Sonahas has significantly been weakened, as they do not have free and unhindered access, as they used to enjoy in the past, to fishing, gold panning, and forest resources. The stricter regulations and limited access to the park and river have drastically reduced their earning. Most Sonaha women who were skilled at gold panning were forced to abandon their original occupation, without any alternative arrangement in place. While establishing the national park, no consultation was done with them.

Under Article 20 of UNDRIP, “[i]ndigenous peoples have the right to be secure in the enjoyment of their own means of subsistence and development, and to engage freely in all their traditional and other economic activities.” As mentioned above, the restrictions imposed on the Chepangs and Sonahas and other communities living in and around forests and national parks in Nepal have negatively impacted these indigenous communities access to traditional foods and economic harvesting activities.

Furthermore, under the first-ever pilot Forest Carbon Trust Fund in Nepal, representatives from three watersheds in Dolakha, Gorkha and Chitwan districts received a total of USD 95,000 on behalf of community forest user groups at a ceremony organized at the International Centre for Integrated Mountain Development (ICIMOD) in 2011. ICIMOD and its partners, the Federation of Community Forestry Users, Nepal (FECOFUN) and the Asia Network for Sustainable Agriculture and Bio resources (ANSAB), are implementing this initiative. Both FECOFUN and ANSAB are non-indigenous organizations, and most of the beneficiaries were non-indigenous peoples. This indicates that, in general, there is still a long way to go to ensure full and effective participation of indigenous peoples in community forestry and REDD in Nepal.

At the same time, in course of implementation of ‘development’ projects – often funded by international agencies and donors – indifferent parts of Nepal, rights of indigenous peoples including to the Free Prior and Informed Consent have been violated. Indigenous communities’ opposition against such projects have been met with deployment of security forces that often use excessive forces leading in detentions, torture and serious injuries to the people. World Bank funded Nepal Power Development Project and violations of indigenous rights in Sindhuli district for construction of Khimti-Dhalkebar High-Voltage Transmission Lines under the project is a recent case in point. As per Article 32 of UNDRIP, States should obtain free and informed consent of indigenous peoples prior to the approval of any project affecting their lands or territories and other resources.

RIGHTS TO EDUCATION, HEALTH AND CULTURE (Articles 14 and 24 of UNDRIP)

Article 14 of UNDRIP states in part that “States shall, in conjunction with indigenous peoples, take effective measures, in order for indigenous individuals, particularly children...to have access, when possible, to an education in their own culture and provided in their own language.”

The Government of Nepal has formed Multilingual Education Implementation Guidelines in 2009, which aim to implement multilingual education in 7,500 schools by 2015. However, such education has reportedly been implemented in only 24 schools so far citing lack of resources. Further, the Government’s Multilingual Education programme also includes language education as Multilingual Education rather than education provided using native languages as medium of instruction. Further, Nepali language is still the only official medium of instruction and the language education a compulsory subject in higher education in public education system, which create obstacles for indigenous peoples in accessing education and disadvantages them and other communities that do not speak Nepali as their first language.

At the same time, highly marginalized indigenous groups such as the Chepang, experience extreme educational discrimination contributing to low literacy levels. As the Nepal Chepang Association (NCA) has reported that less than 25% Chepangs are literate while the national adult literacy rate stands at 57%. In addition, only 1% of Chepang women know how to read and write, well below the national average of around 50%.

Indigenous peoples under Article 24 are also afforded the right to the “enjoyment of the highest attainable standard of physical and mental health” however that is not the reality for many indigenous communities in Nepal. In fact, malnutrition rates in Nepal are some of the highest in the world. Causes of hunger are firmly rooted in historical exclusion of and discrimination against indigenous communities who are denied equal access to resources and income-generating opportunities.

On the other hand, indigenous peoples, who have a culture of beef eating, are prohibited from eating beef, although the restaurants of star hotels in Kathmandu are allowed to import beef to cater to Western tourism. Based on value and philosophies of Nepal’s majority religion – Hinduism, slaughtering or intended slaughtering of cow, an animal considered holy as per Hindu beliefs and recognized as national animal, is punishable by law with up to 12 years in prison. This law has led to detention and prosecution of many indigenous, mostly non-Hindus,

individuals who have traditionally relied on cows for their subsistence or religious practices. Legal prohibition on cow slaughter has been used for consolidation of Nepal as Hindu Kingdom in the past and as a tool of forced cultural assimilation with discriminatory impacts on indigenous peoples. The law threatens secularity of Nepal guaranteed under its current constitution. Further, this violates article 1 of UNDRIP, under which indigenous peoples are due the full measure of human rights promised to all peoples under international human rights law—including the rights to freedom of religion, equality before the law and minority rights to cultural expression as protected respectively in Articles 18, 26 and 27 of ICCPR.

The Government provides annual grant to NFDIN to initiate and implement programmes of protection, preservation and promotion of the cultures, languages, institutions, traditional knowledge and skills of indigenous peoples, among others. However, the annual grant provided to NFDIN has been significantly decreased lately.

RIGHTS TO POLITICAL PARTICIPATION AND SELF-GOVERNANCE (Article 3, 4, 5 & 18 of UNDRIP)

Participation in constitution writing

Under Article 3 of UNDRIP, “[i]ndigenous peoples have the right to self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development.” The International Convention on the Elimination of all forms of Racial Discrimination (ICERD) Article 5(c) guarantees the right, without discrimination of any kind to participate in election and to take part in government, and the conduct of public affairs, at any level. Further, Article 18 of UNDRIP states “[i]ndigenous peoples have the right to participate in decision-making in matters which would affect their rights, through representatives chosen by themselves in accordance with their own procedures ...”

According to the Nepal Federation of Indigenous Nationalities (NEFIN) and Indigenous Peoples’ National Movement of Nepal (IPNMN), indigenous peoples are being ignored in the constitution writing process currently underway in Nepal. The Committee on the Elimination of Racial Discrimination (CERD), in its communications to the Government of Nepal in March and September 2009, had recommended establishing mechanisms to ensure indigenous peoples’ free, prior and informed consent in relation to constitutional preparation process and setting up an indigenous peoples’ thematic committee to guarantee representation and participation of indigenous peoples in political life through representatives freely chosen by the peoples concerned according to their own processes.

The Special Rapporteur on the Rights of Indigenous Peoples has also made similar recommendations in relation to indigenous peoples’ participation in constitution making in his 2009 report on Nepal and following communication to the Government in January 2010. In April 2013, Nepal’s Supreme Court issued a directive order to the Government to amend Constituent Assembly related to address those recommendations in new constitution drafting process. However, the Government has turned deaf ear to the recommendation of the CERD and Special Rapporteur as well as the Supreme Court order.

Further, with regards to the content of the new constitution being drafted, indigenous peoples in Nepal are currently undertaking protests to secure their right to self-determination in the proposals for the design of a new federal structure of Nepal. In exercising their right to self-determination, the indigenous peoples demand right to autonomy or self-government in relation to their own affairs, right to participate in decision-making at all levels of authority in relation to all matters affecting them and rights over territory and natural resources in accordance with customary patterns, among others.

The demands of indigenous peoples are in line with the recommendations of the Special Rapporteur on the Rights of Indigenous Peoples in his 2009 report. One of the thematic committees within the former Constituent Assembly, the Committee on State Restructuring and Power Redistribution, had presented a proposal for division of Nepal into 14 states and 23 “autonomous regions” or “special protected areas”. The states would be named based on ethnic identity while the autonomous regions provided for recognitions of self-governance rights to smaller-numbered indigenous peoples within larger states. However, Nepal’s political parties continue to disagree the organization of the Nepali state under a federal structure defined along such ethnic lines, which has stalled the constitution writing process.

In course of disagreements over the nature of the federal structure, incidents of violence and criminal persecution of indigenous leaders have occurred. On 10 May 2012, members of the Tharu and other indigenous groups were travelling to the city of Kandasot in central Nepal to participate in a peaceful demonstration protesting the destruction of the Tharu National Museum, which was burned down the day before by a group of Brahmin-Chhetri people. The police intercepted indigenous demonstrators and then threw fifteen rounds of tear gas and opened five rounds of fire at them, leaving 11 indigenous demonstrators and several police officers injured. Four Tharu indigenous persons were shot, and one of them, Mr. Dhan Bahadur Thanet, subsequently died. Mr. Thanet, age 49, was the sole breadwinner of his family. The Government has provided 1 million Nepali Rupees for compensation of death of Mr. Thanet and around 650,000 Nepali Rupees for compensation to the Tharu National Museum; however, no action has been taken for legal actions against the perpetrators in the incidents of violence.

Another incident occurred on 11 May 2012 during a large assembly of Tharu indigenous people that was organized in the city of Dhangadhi in western Nepal in order to rally support for the 14-state model proposed within the Constituent Assembly. Members of the Undivided Far West Struggle Committee intercepted the Tharus demonstrators. The group is composed of members of the Brahmin and Chhetri caste who opposed the identity-based federal structure proposed for the far western region of Nepal. It is alleged that the Tharus demonstrators were also blocked off by police officers who subsequently threw tear gas at them and allowed members of the Undivided Far West Struggle Committee to beat them with sticks, saws and stones. This attack left 35 people injured and seven people hospitalized in critical condition. Other Tharus people who were coming to join the meetings were also attacked and forced to turn back.

On the other hand, in course of their opposition to “ethnic” or “identity-based federalism” in 2012, members of Brahmin and Chhetri caste groups – not included in the proposed list of indigenous groups of the taskforce formed to examine the official list of indigenous peoples – have actively sought recognition as indigenous peoples. In some cases, they have claimed

that their presence in Nepal predates that of some groups that have been recognized as indigenous peoples. The relevant Government ministries have given initial consideration to these demands and the recognition of the Brahmin and Chhetri groups as indigenous seems likely. The efforts of these high-caste groups for recognition as indigenous peoples would undermine the legal and political demands of indigenous groups who have been historically suppressed by these same high-caste groups for centuries. Consequently, there are concerns that recognition of these groups would aggravate ethnic tensions in Nepal to the detriment of indigenous peoples.

Participation in public service sectors

Under Article 5 of UNDRIP, “[i]ndigenous peoples have the right to...participate fully, if they so choose, in the political, economic, social and cultural life of the State.” Historical exclusion coupled with ongoing legal and practical weaknesses have continued to hinder full participation of indigenous peoples in public service sectors though noteworthy efforts have been made to increase representation of indigenous peoples and other under-represented groups in those sectors. In 2007, the Civil Service Act was amended to include a quota (reservation) system that provides that out of the 45 per cent of new recruitments reserved for various under-represented groups, 27 per cent are allocated to “ethnic groups”. Similar amendments were also made in 2007 to the Police Regulation and to the Armed Police Regulation, in order to make the police force more inclusive. The Ordinance on Inclusion in Public Service likewise demonstrates attention to the problem of under-representation by providing for a quota system that benefits indigenous peoples, but it has been criticized for not adequately differentiating among groups.

Nonetheless, number of limitations, in terms of legal weaknesses and practical deficiencies, has been reported with regards to above laws. For example, sub-section 10 of Section 7 of Civil Service Act states that: “In the (reservation) positions categorized according to the Sub-section 7, if appropriate candidate cannot be available through an advertisement in the year of the advertisement, the position shall be included in the advertisement of the following year. If appropriate candidate cannot be available even through such advertisement, the position shall be included for appointment through open competition the same year” [unofficial translation]. The provision is inconsistent with the Article 21 of the Interim Constitution of Nepal that provides for proportional representation in all state structure. That is also against the principle of inclusion and systematically marginalizes the indigenous peoples and other excluded groups.

At the same time, in practice, the examination system for civil service firstly publishes the results of reservation seats followed by the results of open seats. This prohibits the selection of indigenous peoples and other excluded groups under open seats that are mainly provided to candidates of dominant caste groups. At the same time, the appointments are firstly provided to those successful under the open seats thus providing them seniority than those successful under reservation seats. Additionally, the civil service examinations conducted only in official Nepali language benefits dominant Nepali native speaking groups than indigenous communities that do not use Nepali as their first language. The curriculum for civil service examination also needs significant revisions from its age-old content to be more representative of knowledge of all Nepali communities.

Recent political appointments of members for National Human Rights Commission (NHRC), a

constitutional body responsible to protect the human rights of all Nepali citizens, provides a good case for practical deficiency in ensuring lack of full participation of indigenous peoples in such sectors. Of the five commissioners, four belong to dominant caste groups while none from an indigenous community though the NHRC Act requires diversity while making appointment of its Commissioners. This also holds true for political appointments made to other constitutional bodies, including National Planning Commission and Public Service Commission, among others. NHRC, in its strategic plan 2011-14, has also identified inclusiveness in its staff structure as one of the priorities while it has been working on the rights of indigenous peoples through its Collective Rights and Gender and Social Inclusion Divisions.

RIGHT OF INDIGENOUS WOMEN(Article 22 of UNDRIP)

Indigenous women in Nepal face multiple-layered discrimination on the grounds of gender, ethnicity and in many cases poverty, and are disproportionately subjected to various forms of violence. A case in point is the trafficking of indigenous women. As per 2004 National Human Development Report of the United Nations Development Programme, some 12,000 girls and women are trafficked annually, of whom a fifth are under the age of 16. As recognized in Nepal's State Report to Committee on Elimination of Discrimination Against Women, indigenous women and girls are disproportionately involved in trafficking: "During 2006- 07, of the 233 children rescued, 217 were girls. Of this total number, 78.55% are from ethnic groups and 12.5% from the Dalit community." The discrepancy here is stark; indigenous women and girls make up almost 80% of the total of these trafficked individuals although indigenous peoples in Nepal only make up 35% of population. Thus, it is necessary for measures introduced to combat the sexual exploitation of women and girls to specifically address the causal factors that disproportionately impact on indigenous women and girls.

CEDAW has urged Nepal "to intensify its efforts to address trafficking in women and girls. It recommends that its anti- trafficking strategy should include measures of prevention, the prosecution and punishment of perpetrators and increased international, regional and bilateral cooperation." While this recommendation goes some way to addressing the complex issues in Nepal that lead to, and may be used to address, the problem of human trafficking, the ethnicity of the overwhelming majority of victims goes unaddressed.

Further, women from indigenous groups that suffered extreme abuses in the past continue to face vivid severe legacy of those abuses. For example, it is often reported that extremely limited life chances and hardships have led indigenous Tharus, who in the past were exacted as bonded agricultural laborers (Kamaiyas), to recourse to some moderate form of bonded labour while their daughter continue to serve as Kamalaris (bonded housemaids) though in less coerced form. Both Kamaiya and Kamalari system are now illegal and the Government had reportedly increased vigilance against Kamalari system in 2008-9 as some cases were reported from mid-west and far-west Tarai and inner-Tarai districts and drawn attention of the concerned agencies to intensify targeted and affirmative action programmes in the areas where such incidents are frequently reported. However, there have been recent reports of Kamalari system existing in Tarai as well as Kathmandu.

RECOMMENDATIONS

We respectfully request that the UPR Working Group and the Human Rights Council urge the Government of Nepal to:

1. A comprehensive legal and policy reform programme should be undertaken to advance implementation of Nepal's commitments under UNDRIP and Convention 169, including immediate adoption of a national action plan drafted for implementation of the Convention
2. Full and effective participation of indigenous peoples should be ensured in census processes and national census data should be disaggregated by indigenous ethnicity or nationality, and gender, taking into account the criterion of self-identification.
3. NFDIN Act should be amended to ensure that its criteria for identification of indigenous peoples is consistent with international human rights as well as the official list of indigenous peoples elaborated to ensure inclusion of all the groups conforming such criteria
4. Monitoring and evaluation should be undertaken of implementation of targeted programmes and budget allocation for indigenous peoples with their full and effective participation.
5. Implement the World Conference on Indigenous Peoples Outcome Document, beginning with drafting a National Plan of Action to achieve the ends of UNDRIP.
6. Invite the Special Rapporteur on the Rights of Indigenous Peoples to make an official visit to Nepal.

Lands, territories and resources

7. Existing initiatives of land reforms and management should incorporate a specific focus on the rights of the indigenous peoples over the lands, territories and natural resources they have traditionally owned or used, either individually or collectively.
8. Legislative and administrative measures should be enacted to ensure these rights, including measures entailing a land demarcation and titling procedure.
9. Appropriate measures should be adopted to ensure that free, prior and informed consent of indigenous communities, through their own representative institutions, is obtained in the planning and undertaking of any development project, either private or public, which affects their traditional land or natural resources.
10. A mechanism should be developed to provide redress to indigenous communities and their members for their loss of land or access to natural resources incurred without their free, prior and informed consent, including when that loss has occurred by the establishment of protected areas, government-owned or community forests and development projects, among others. Redress should include, where possible, restoration of indigenous peoples' access to resources, or a return of their land, especially when the loss occurred by irregular conveyances.
11. The National Parks and Wildlife Conservation Act should be amended to include enhanced participation of indigenous peoples in the management of the parks and guarantee their access to natural resources on which they traditionally have depended for their subsistence, as well as provide them the opportunity to share justly in the financial and other benefits of the parks.
12. Food security for indigenous peoples should be improved, particularly for those impacted by national parks and development projects.

Education, Health and Culture

13. All indigenous children should have equal access to quality education as provided under Article 14 of UNDRIP.
14. Existing plans for bilingual education should be enforced as a matter of priority in order to promote the revitalization and development of Adivasi Janajati languages, including by allocating the required human and financial resources to allow for effective implementation of such programmes.

Constitution making

15. In order to provide the highest safeguards for the collective and individual rights of the indigenous peoples, those rights should be explicitly incorporated into the new constitution in accordance with the international standards to which Nepal has committed.
16. Special mechanisms should be developed for consultations with the indigenous peoples, through their own representative institutions, in relation to proposals for new constitutional provisions that affect them.
17. Proposals for the design of a new federal structure should advance the right to self-determination of the indigenous peoples. Irrespective of the final makeup of the federal system, specific measures should be devised to ensure that local Government bodies include effective participation by indigenous peoples.
18. The Government should take measures to investigate and sanction those responsible for the alleged incidents of violence against indigenous peoples during the May 2012 events and provide redress to the victims.

Public Service

19. Quota or reservation system should be strengthened or consolidated to ensure access by members of marginalized indigenous communities to employment in civil service and public institutions.
20. The National Human Rights Commission should in its structure ensure the inclusive representation and full participation of indigenous peoples' representatives and be given an explicit mandate to monitor indigenous peoples' individual and collective rights.

Indigenous women

21. Renewed efforts to promote the rights of indigenous women should be urgently put in place, including measures to eliminate all forms of discrimination and violence against them, with the active involvement of indigenous women and their organizations. Such measures should be specifically targeted to the most at risk populations addressing root causes such as poverty, economic marginalization, land loss and economic migration.
22. A plan of urgency should be developed in order to confront the social and economic conditions of Adivasi Janajati communities listed as endangered or highly marginalized indigenous groups, including the former bonded labourers such as the Kamaiyas and Kamalaris.