

The Human Rights Situation of Nomadic Raute Community 2024



National Human Rights Commission of Nepal
Pulchowk, Lalitpur, Nepal



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राष्ट्रिय मानव अधिकार आयोग

National Human Rights Commission of Nepal

केन्द्रीय कार्यालय (Central Office)

पुल्चोक, ललितपुर, नेपाल (Pulchowk, Lalitpur, Nepal)



Reflections

In accordance with the Article 249 of the Constitution of Nepal, it is the responsibility of the National Human Rights Commission to ensure respect, protection, promotion and effective implementation of human rights. The National Human Rights Commission Act, 2012 mandates the Commission to monitor the implementation of existing laws related to human rights and make recommendations to the Government for their effective execution in compliance with Nepali and international laws and established human rights friendly practices.

This report has been prepared by the Commission regarding the human rights situation of the vulnerable and endangered indigenous people called Raute, who live a nomadic traditional life in various districts of Karnali Province and nearby Provinces. According to the national census of 2021, the total population of Raute is 566 with 289 males and 277 females. There are 419 Raute people in Sudurpaschim Province and 147 in Karnali Province. During the spot survey of this study, 137 people including 74 women and 63 men were found to be persistently living in a nomadic lifestyle.

The Raute community, which practices self-governance based on the traditional chief (*Mukhiya*) system, uses traditional knowledge and skills to regulate hunting wild animals, manufactures based on forest resources and exchange food with them to earn a living. In recent times, it seems food purchased from cash received under social security scheme as allowances and food received under relief scheme has become an alternative system of livelihood. However, they say that this system has not been fully followed.

It has been observed in the study that the population of the nomadic Raute community, who frequently change their place of residence when a member of the community dies, has been decreasing in recent years. Lack of reproductive health, climate-friendly clothing, sanitation, clean drinking water, nutrition, quality food and housing have been found to be adversely affecting the health of Rautes, especially senior citizens, single women and children. Birth registration, marriage registration, death registration etc. have not been recorded yet. It seems, they are like the stateless citizens. Due to environmental and climate change, their life system becomes more difficult and miserable.

Thus, it is essential to minimize the encroachment and negative influence of outsiders on their surviving culture and self-governance practices. The support of the state and NHRC, together with CSOs could help facilitate the realization of the protection and promotion of their human rights. It is very important to have a unified practice of arrangements and programs developed by the federal, provincial and local level governments and other development partners. Effective implementation of the Indigenous Peoples Convention, 1989 (International Labor Organization Convention No. 169) is needed much more in this community than any other else.



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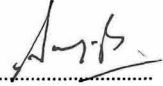


Finally, on behalf of the National Human Rights Commission of Nepal, I would like to express my gratitude to the three tiers of government entities, Raute Mukhiyas, human rights defenders, journalists, and civil society for their support in studying the human rights situation of the Raute community, the only nomadic tribe still surviving in Nepal. I would also like to express my appreciations to Secretary Murari Prasad Kharel for managerial works, Promotion Department Head Joint Secretary Nava Raj Sapkota and Joint Secretary Buddha Narayan Sahani Kewat for editing and designing this report and also thanks go to Under Secretary Loknath Bastola, Under Secretary Hari Prasad Gyawali, Human Rights Officers Dhanraj Shahi, Kumari Sharana Urau and Narendra Khatri for their ideas and engagements during the study. I would like to provide special thanks to Executive Director of SOSEC Nepal Hira Singh Thapa who was responsible for the financial and technical management of this study, to Human Rights Officer Kiran Kumar Baram for the overall work of the project, and Dr. Lal Bahadur Pun from Kathmandu University for report writing.

I believe that this study will be very helpful to further mobilize, support and effectively establish and execute the human rights of the targeted community in the days to come. At the end, I would also like to assure that NHRCN always prefers to stand in the forefront to protect and promote human rights of the marginalized group of the society like Rautes.

Thank you.

August 27, 2024


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Prof. Dr. Surya Dhungel
Member

Executive Summary

According to the Article 249 of the Constitution of Nepal, it is the constitutional responsibility of the National Human Rights Commission to ensure respect, protection, promotion and effective implementation of human rights. In relation to the human rights situation of the endangered indigenous people Raute living in traditional nomadic lifestyles in various districts of Karnali Province, the commission conducted on-site monitoring, survey, keynote interviews, detailed study of daily activities, lifestyle, livelihood, tradition customs, practices, skills, etc., as well as consultation with relevant stakeholders to prepare this report.

Rautes have been roaming and living around rivers and forests since since time immemorial. The Raute community, which practices self-governance based on the traditional Chief (*Mukhiya*) system, uses its own original skills and arts to make utensils out of wild wood and exchange it with food in nearby human settlements, hunt wild animals, monkeys, etc., and keep moving. In recent times, it seems that there is an alternative system of earning a living by buying food from the cash received as social security allowance and food received as relief.

The influence of the external society and their association has gradually started to change in the diet and livelihood behavior of the Rautes. Both women and men seem to be addicted too much of alcohol. Uploading their content to social media were found to have done without taking their free, prior informed consent.

The Rautes are found to have been travelling to Acham district of Sudurpaschim Province, Jajarkot, Dailekh, Salyan and Surkhet of Karnali Province and Dang district of Lumbini Province. From June 2018 to June 2022, the Rautes have been found to be roaming in 78 places. During this process, it has been found that they have reached Surkhet, Dailekh, Jajarkot and Salyan districts collectively. According to this transfer, the locations of Surkhet and Dailekh districts seem to have been preferred more.

According to the National Census of 2021, the total population of Raute is 566 with 289 males and 277 females. There are 419 Raute people in Sudurpaschim Province and 147 in Karnali Province. During the site survey of this study, 137 Raute nomads including 74 women and 63 men are found to have been living a nomadic life. It has been found that there are 16 single women in Raute community. Studies have shown that their population is decreasing in recent years. Premature deaths are seen in the community due to lack of proper attention of the state, poor public health, malnutrition, lack of access to treatment, lack of reproductive health, living in poor quality traditional housing, lack of weather-appropriate clothing, lack of clean drinking water and sanitation.

The Rautes are practicing self-governance by using their right to self-determination. They prefer the continuation of their customary practice without any restriction. According to the Indigenous and Tribal Peoples Convention, 1989 (International Labor Organization Convention No. 169), the obligation of the state to pay special attention to the condition of nomadic citizen did not seem to be effective. According to the International Covenant on Economic, Social and Cultural Rights, 1966, the provisions to provide comprehensive protection and assistance as far as possible are not being implemented to the children since the state is responsible for the care and education of children. The right to social security for women in cases of other inability provisioned by the Convention on the Elimination of All Forms of Discrimination against Women, 1979 has been found to have completely neglected.

It is necessary to determine and implement the method of providing quality housing, food, nutrition, clothing, health and education of their voluntary choice. It is advisable to obtain free, prior informed consent to any decision, program, entry to the place where they are concerned, etc. with them. In order to protect, respect, guarantee and promote the human rights of the Raute community, there is a need for integrated approach of arrangements of functions and programs for the Raute by the federal, provincial and local levels.

Table of Contents

Contents	Page
Chapter One: Background	1
1.1. Introduction of the Study	1
1.2. Statement of the Problem	3
1.3. Objectives of the Study	4
1.4. Importance of Study	5
1.5. Theoretical basis of the Study	5
1.6. Methodology	6
1.7. Study Team	8
1.8. Limitation of the Study	8
Chapter Two:	9
National and International Practice and Legal Arrangements	9
2.1. International Practice	9
2.1.1. The Situation of Nomads in the Asian Continent and the Role of States	10
2.1.2. The Situation of Nomads in the European Continent and the Role of States	13
2.1.3. The Situation of Nomads in the African Continent and the Role of the States	14
2.1.4. The Situation of Nomads in the South American Continent and the Role of States	17
2.2. International Legal Provisions	18
2.2.1. International Covenant on Civil and Political Rights, 1966	18
2.2.2. International Covenant on Economic, Social and Cultural Rights, 1966	19
2.2.3. Convention on the Elimination of All Forms of Discrimination against Women, 1979	19
2.2.4. United Nations Convention on the Rights of the Child, 1989	20
2.2.5. International Labor Organization Convention No. 169	20
2.2.6. United Nations Declaration on the Rights of Indigenous Peoples, 2007	22
2.3. National legal arrangements	23
2.3.1. The Constitution of Nepal	23
2.3.2. Right to Housing Act, 2018	25
2.3.3. Public Health Act, 2018	25
2.3.4. Social Security Act, 2017	25

2.3.5. The Act Relating to Compulsory and Free Education, 2018	25
2.2.6. Fifth National Human Rights Action Plan	26
2.2.7. Universal Periodic Review	27
2.2.8. Sustainable Development Goals	27
Chapter Three:	29
Initiatives by the Commission for the Protection and Promotion of Indigenous Rights	29
3.1. Regarding the Indigenous and Tribal Peoples Convention, 1989	29
3.2. On-site monitoring of the incident of sexual violence against a Raute young girl	29
3.3. Monitoring of the Human Rights Situation of Indigenous People Affected by Development Projects and Conservation Areas	30
Chapter Four:	31
Facts and Information Received and Analysis of the Study	31
4.1. Demographic Situation of Nomadic Rautes	31
4.2. The Right to Identity	32
4.3. Status of Women, Single Women, Persons with Disabilities and Children	33
4.4. Decreasing Number of Population	36
4.5. Rautes' Access to Natural Resources	37
4.6. Rights to Quality Food, Health and Sanitation	40
4.7. Right to Quality Housing	40
4.8. The Settlements of Nomadic Raute Communities Chhedagad M., Thalaha Bazar	42
4.9. Behaviour of Raute and External Influences	45
Chapter Five:	48
Conclusion and Recommendation	48
5.1. Conclusion	48
5.2. Recommendation	50
(a) Federal Government	50
(b) Provincial Governments and Local Governments	50
(c) Local Government	51
(d) Non Governmental Organizations	51
Schedule 1	52
Press Release on the Sexual Violence Incident on Raute Girls	53
Photographs during study/ monitoring	60
References	57

Chapter One: Background

1.1. Introduction of the Study

Raute is the only nomadic community in Nepal. It is believed that they have been living in Nepal's forests and human settlements for about 900 years. One of the 60 ethnic tribes listed in Nepal is Raute. Raute is placed in the endangered community. Social Security Allowance is being provided by the Government of Nepal to the people of Raute community.

The Government of Nepal has also listed Raute as a minority group. According to the national census of 2078, the total population of Raute is 566 with 289 males and 277 females. There are 419 people in Sudurpaschim Province and 147 people in Karnali Province. Two groups of permanent residents and nomads are found in the Raute community. There are Raute communities who have settled permanently in Dadeldhura district in Sudurpaschim Province, while Raute communities live in traditional nomadic lifestyle in the hilly districts of Karnali province. This study focuses on the Raute community in Karnali province who live a nomadic lifestyle. During this study, it was found that 137 people with 74 women and 63 men are living a nomadic lifestyle.

There are three clans in the Raute community, an endangered ethnic clan. They are classified into Kalayan, Raskoti and Suryavanshi. Their kinship family is only within these three clans.

Self-governance based on the traditional chief (*Mukhiya*) system is practiced by the Raute community. Traditionally, hunting using traditional knowledge and skills, without using iron or nails, making wooden goods and exchanging them for food is the main source of livelihood of the Raute group. They take the wooden utensils they have prepared to the village and exchange them with food, but nowadays

they have started selling such items. It is the specialty of Rautes that they do not stay permanently in one place but move from one place to another from time to time. Especially on the basis of religious, social, cultural and weather condition, they migrate from one place to another.

As the nomadic Raute community prefers to live in secluded places, they rarely appear in villages. These nomadic Rautes mainly live in Acham district of Sudurpaschim province, Jajarkot of Karnali province, Dailekh, Salyan, Kalikot, Surkhet and Dang of Lumbini province. Looking at the records so far, it seems that they stayed in one place for at least three days and in many cases for one hundred and fifteen days. The Raute communities, who are not so attracted to the modern way of life, use the Khamchi language. The Raute community has not yet been able to accept the modern agricultural system, permanent residence and teaching, but due to the influence of outsiders, it seems that there has been a negative change in their lifestyle, food and customs. This change has been raising questions about their existence (Sahu, 2019; Yasin, 2017). Some national and international researchers and organizations have also conducted studies and researches on the common issues of the Raute. Some researchers are still studying.

There has not been enough study and research in the policy aspect for the Raute community. Although some efforts have been made, no solid policy has been made. The Karnali state government is trying to address the issues of the endangered Raute community through its policies, programs and budget. Various related programs are being conducted by the federal, provincial and local government agencies. In addition, non-governmental organizations are also doing activities for the benefit of the residents according to their resources and capabilities. However, the expected results could not be achieved. Despite the efforts of the federal government, the provincial government and the local government, the expected improvement in the protection of the Raute community does not seem to have been achieved.

The Constitution of Nepal provides mandates to the National Human Rights Commission to monitor the implementation of international treaties or agreements to which Nepal has become a party, and if found not to be implemented, to recommend to the Government of Nepal for its implementation. Also, in accordance with the legal provisions of the National Human Rights Commission Act, 2012, the Commission is to monitor the implementation status of existing laws related to human rights and to report to the Government of Nepal for their effective implementation, study, survey, on-site monitoring, and consultation with stakeholders of related national and international documents of the Raute community. As the community's traditional tribal practices, traditional self-governance, ethnic knowledge, skills, cultural heritage, etc. are declining, it is seen that policy decisions should be made to make concrete programs to protect and promote the traditional way of life in Raute, so this study has been concluded in collaboration with the Commission and SESOC, Nepal.

1.2. Statement of the Problem

Some national and international researchers, experts and academics have conducted studies about the Raute community, such as Bista (1978), Gurung (1980), Gurung (2000), Gurung, Rawal and Bist (2014), Khadka (2017), Rana (2010)), Reinhard (1974), Sahu (2019), Yasin (2017) etc. and have exposed various aspects of the research on Raute through their research. These studies have shed light on the nomadic life, culture, customs, living conditions, knowledge and skills, livelihood style, education and health condition of the Rautes through research articles. But the situation of the Raute community has not been studied from the point of view of human rights.

There seems to be a lack of clear perception of the government, non-governmental organizations, civil society and common citizens about the nomadic Raute. In addition, practically, it seems that there is less willingness to protect and promote the good practices in the Raute community. It seems that this community has received some short-term support for the time being, although long-term plans and

programs have not been formulated and implemented. Therefore, this study monitoring report is expected to set the base in the long term. The following questions can be derived from this statement of problem:

1. What are their opinions about the practical problems experienced by the Raute community? Are the problems created by them or are government policies, modern communities, private sector, non-governmental etc. also responsible?
2. What are the tribal practices, original culture, original heritage, customary knowledge, skills and arts of the Raute and what are their thoughts? How can it be sustained?
3. Are the problems in the Raute community created only by them or by outsiders, society, non-governmental organizations, government policies and rules? Is there any party other than the Raute community responsible? What policies are necessary for their effective protection?

1.3. Objectives of the Study

The aim of the study/ monitoring of the endangered minority tribal people, Raute who are nomadic in Karnali province is as follows:

1. To study the general situation of the Raute tribal people living a nomadic lifestyle in Karnali province from the perspective of human rights.
2. To identify what policy deficiencies and problems exist for the respect, protection and promotion of their human rights.
3. To understand the efforts and initiatives of the federal, provincial and local governments.
4. Since the rights of the tribal people are subject of human rights, finding appropriate measures for their respect, protection, promotion and effective implementation.

1.4. Importance of Study

This study can serve as a guide for policy making regarding the indigenous tribes Raute in Nepal. For them, government, society, private and non-governmental organizations contribute to the implementation of clear policies, plans and programs. Raute is outside the scope of every activity of modern society. It may also contribute to the continuation of a separate tribal practice of nomadic Rautes. This can help in designing community-based policy plans for nomadic groups. By studying the knowledge and skills of Raute, it can also be revealed what role they can play in their development and social development. Overall, by implementing the policy recommendations of the study, the human rights of an endangered tribal tribe can be protected and enhanced.

1.5. Theoretical basis of the Study

Looking at various information, there are different opinions about when people started to form houses, families, communities and societies, but many believe that the ancestors of modern humans were around 4000 to 5000 thousand years ago, and more than 95 percent of them were nomads. What this shows is that human change is inevitable. Therefore, considering this matter and to analyze the current situation of Raute, the Narrative Approach presented by Nigel (2020) has been used. The main goal of this theory is to change the culture of a community without spoiling it. According to this theory, the loss of the customs of a community means the decline of its existence. There have been many discussions about Raute community. In the consultation with the experts, it has been found that some experts say Raute should be left as they are; the other experts say that Raute should make permanent residents and be provided with citizenship and identity card so that their identity is revealed.

Some experts say that they will gradually be provided with some services and brought to permanent residence with long-term planning, but save their culture. Looking at the history of modern people

in the world, it is confirmed by the fact that they became modern through nomadic life. Change is an inevitable condition. Therefore, the Narrative Approach of Nigelb (2020) is a suitable theory. On the other hand, there are three bases for policy making. The first theory is the institutional theory, which states that policy can be made based on the experience, knowledge, skills, etc. of people who have worked in an organization for a long time, and the second is social campaign, which states that policy can be made or changes can be brought about through suggestions provided by the non-governmental and other organizations as well as movements. The third is policy research, policy can be made or changes can be made from the results or conclusions that come from the basis of its in-depth study. The third principle has been accepted for the formulation of the Raute policy. Study monitoring findings can be implemented by making policy arrangements.

1.6. Methodology

Various methods have been adopted for this study/ monitoring. In order to make the study factual and reliable, the study documents, research articles and compositions, national and international laws, policies, plans, and programs, etc., have been reviewed. Under this, documents prepared by various governmental and non-governmental organizations and facts have also been reviewed. Appropriate opinions of experts and learnings of facts have been incorporated in this research. In the third cycle of the Universal Period Review, the recommendations received by Nepal and the implementation status of the targets of the Sustainable Development Goals have also been compared. Both qualitative and quantitative aspects have been studied in a mixed manner. Primary and secondary data have been used in the study report.

In addition, the necessary information has been collected based on the study monitoring schedule prepared for the research. Ethnographic method of study has been applied. Because as Halst and his colleagues (2015) said, ethnography gives a detailed explanation and information

about a situation and facts and meaning can be extracted according to a place or situation. In this study, it is tried to get detailed information about the Raute and their condition. An effort has been made to reveal what is the daily life of the Rautes, what are their ways of living and what kind of activities they do. Similarly, according to Merlijn (2020) ethnography interprets the words of people. According to this, the statement and understanding of Raute is also considered as the basis in this study. Behrenshausen (2019) writes that the better the words of the people, the more they reveal the truth. As many subjects as are presented in the study, the main basis of that is the statement and understanding of the Raute.

Especially this process is done informally because it has become easy and simple to collect information. The study monitoring team also conducted on-site study monitoring which has helped in the detailed study of the daily activities of the Raute community. Through on-site study and observation, information has been obtained about their lifestyle, work, customs and cultural practices. In addition, discussion and consultation methods have also been adopted. Under this method, information and suggestions have been collected by discussing with people who know about the nomadic Raute and permanent residents, non-governmental organizations, human rights defenders, etc. The relevant agencies of the federal government, representatives of provincial governments and local governments have been consulted. Also, discussions and consultations with national and international experts have been done, which has helped to achieve the truth.

To some extent, an attempt has been made to study and analyze the Raute from the ethnic point of view in order to know what the traditional knowledge and skills of the Raute are. The basis of ethnic studies methods of Chilisa (2012) has also been adopted. An attempt has been made to use their knowledge and skills for the study purpose. An attempt has been made to include what they think.

On the other hand, under the data collection method, a statistical method has been adopted to take the population of the entire Raute community. Since the number of this community is small, the census method has been used which is easier to use due to small population.

This study of Raute community is basically based on qualitative study method, but since this study is carried out in a small community, numbers are also used, which also gives a glimpse of quantitative study method. This means that both methods have been tried to be mixed to some extent.

1.7. Study Team

The study of the human rights situation in Raute has been done by the National Human Rights Commission in collaboration with the Social Services Center (SOSEC), Dailekh. In the study team, under the coordination of Joint Secretary Nava Raj Sapkota, Under Secretary Buddha Narayan Sahni Kewat, Human Rights Officer Kumari Sharana Urau and Human Rights Officer Kiran Kumar Baram, Dr. Purna Bahadur Nepali and Dr. Lal Bahadur Pun from Kathmandu University and Executive Director of Social Services Center (SOSEC), Dailekh Hira Singh Thapa participated. Under Secretary Loknath Bastola, Human Rights Officer Dhanraj Shahi and Human Rights Officer Narendra Khatri from Commission's Karnali Province Office, Surkhet were also participated in the study. In writing the study report, Human Rights Officer Kiran Kumar Baram and Dr. Lal Bahadur Pun were involved.

1.8. Limitation of the Study

The study team has studied various aspects about Raute. The study has been conducted on the broad human rights aspect of Raute. What is the general human rights situation of Raute? What is the role of the federal government, Karnali province government and related local levels in the effective protection and promotion of their human rights? What policies and laws have been adopted by all the three governments? What is the status of their implementation? What kinds of policy and legal problems have been seen during the implementation? The study is focused on what measures can be adopted for effective protection of Raute. This study is not about the Rautes who have settled permanently in different places in Nepal, but only the Rautes who live a nomadic lifestyle in Karnali province.

Chapter Two

National and International Practice and Legal Arrangements

2.1. International Practice

In this chapter, the study of nomadic groups in Asia, Europe, Africa and South American countries is presented. During the research, some information about the nomads of the world and the practices done about them has been taken and an attempt has been made to compare them with the situation of the Raute. Attempts have been made to expose the condition of the Raute. From these studies, an attempt has been made to understand the similarities and differences with the situation of Raute of our country as well as an attempt has been made to present the situation of the nomads of different countries.

Human history has shown that the ancestors of modern humans were also in a nomadic state. Gradually, they started to live permanently in different places of the geography, while some of them are still in a nomadic state. In this context, Orlando (2019) has written that looking at human history, before the development of agriculture, the ancestors of modern humans also lived a nomadic life, but now only a few nomadic groups roam the earth. They also walk with animals for livelihood. They have to work hard to keep their ancient cultural beliefs and practices alive. Therefore, it is important to respect and protect such nomadic communities because if they disappear, our ancient oratory history, beautiful arts and languages will be lost. Because of these communities, sustainable tourism has developed and economic and lifestyle changes have come. Tourists make the world aware of how important the livelihood of nomads is, but tourists have also had a negative impact on the lifestyle of nomads. Therefore, it is important to know whether the problem of nomads is a problem of modern human society or their only problem.

According to some experts, there are still 30 to 40 million nomads in the world. Nomads are classified into three groups: hunter-gatherers, herding nomads and trading nomads. According to Toirkens (2011), nomads' integration with nature is stronger because they are closer to nature. But they are dealing with modernization and industrialization along with environmental changes and are attracted towards modern technology. They are found to have been suffering from distinct types of diseases, changes in diet and addicted to alcohol. Likewise, Toirkens (2011) further adds that nomads struggle with addiction to alcohol and identity. The problem of overuse of alcohol must have come from somewhere. New changes in life may also have brought this problem. Their culture is disappearing day by day. Especially the young generation is struggling with the addiction to alcohol. Now is the time to decide whether to continue their traditional way of life or to rely on modern world. According to on-site studies, the statements of Raute experts, eyewitnesses, research documents and various media, the Raute in Nepal are also becoming addicted to drinking and smoking due to the influence of modern society. In this context, the situation of the nomads in Africa and South America and the role of the states have been explained, and the learning has been compared with the situation of the Raute.

2.1.1. The Situation of Nomads in the Asian Continent and the Role of States

Nomads are found in various countries of the Asian continent. Their situation in India, China, Mongolia, Afghanistan, Israel, and Iran has been explained. The Gaddi community living in the villages of Himachal Pradesh, a neighboring country of Nepal, is also a semi-nomadic group. They go down to the lower villages in the winter, and in the summer, they go back and forth from the high mountains to graze their sheep, and goats. They wear all handmade clothes and jewelry made by them. Likewise, Nepal's Rautes also have their own lifestyle. They also use things they have made themselves. The area of migration of these Muslim semi-nomads is limited and their future is uncertain. After the Government of India enacted the Indian Forest

Act in 1865, they faced threat. After the implementation of the Act, the nomads could not easily use the forests, and places they were using. They wear all handmade clothes and jewelry. Like them, Rautes in Nepal also have their own lifestyle. They also use things they have made themselves.

Even today, between three and six million Mongols live in the northern border of China, Russia and the inner valleys of Mongolia. Among them, a large group of Mongolians are living a completely nomadic life. Those who have herds of sheep, yaks, goats, horses, camels and dogs live in temporary houses. Similarly, there is a small group of Tsaatan reindeer herders in the northern region of Mongolia. There are 40 families of them and their estimated population is 130 whose occupation is rearing animals and moving from one place to another up to 10 times a year. These are also endangered groups. They live in dry grasslands, which are rich in natural resources. Gradually, some nomadic groups have entered the city and they have tasted the modern technology. Like driving motorbikes, using mobile phones and consuming modern things. Despite that, they are trying hard to save their customs and culture.

According to some documents, there are Kochi nomads in the south-eastern region of Afghanistan. To be truly nomadic, who are not and do not come into contact with other human beings. There are other types of semi-nomads who travel around with their animals in different places when the environment is favourable. The third type is the nomadic traders, who exchange the meat, milk and wool of their animals for grains and vegetables and return to the village. But due to modern roads, there is a change in the traditional lifestyle of the nomads. Kerr and Locke (2010) about Afghan nomads have said that part 14 of Afghanistan's constitution prescribes the formulation of effective economic, social and livelihood programs for the Kuchi nomads, their accommodation and bringing them to the forefront of the state. It seems that the state has made some legal provisions regarding Kuchi nomads. Although the government has not brought any concrete policies for the Raute community of Nepal, it has been doing some short-term programs.

On the other hand, the semi-nomadic Bedouins of the Negev desert in Israel on the continent of Asia used to roam in that area before the origin of Israel. Even now, some of them are practicing traditional lifestyles and occupations such as animal husbandry and general agriculture. The government is trying to make them live permanently, but they want to live a nomadic life according to their tradition. Also, around 1960, the Israeli government introduced a policy of giving the Bedouin nomadic groups a place to settle and provide them with a permanent settlement to prevent them from wandering around. However, they struggled to live and roamed in the traditional way, and so the government considered this matter. Even today, the population of the Bedouin community is 260,000 (Medzini, 2012). Mihler (2011) has written about the Bedouin that the Israeli government seems to be trying to make a plan for the semi-nomadic Bedouin to settle permanently, but it seems that the Bedouin group does not accept it when making plans and making policies without discussing with them in a participatory manner. There seems to be a disagreement between the government and the Bedouins. The Bedouin community seems to suffer from high levels of poverty, unemployment and poor education (Mihler, 2011). In this way, looking at this, it seems that it would be better if the Government of Nepal makes any policy, plan and program related to the Raute in a participatory manner.

Bodon (2016) has written about Iran's nomads in Asia that modernization seems to have affected the nomadic Qashqai of Iran. Bodon (2016) further explained that these nomads were ancient nomads earlier and modern nomads at present. Qashqai are a traditional nomadic community, while the other modern nomadic community follow an old lifestyle and move around for economic and political reasons. According to Bodon (2016) traditional education gives Qashqai knowledge and skills on how to use natural resources, while education itself brings economic prosperity to Qashqai (Bodon, 2016).

Qashqai is a herding nomadic community in Iran while there are some other nomadic groups as well. For a long time, Qashqai has

developed methods to deal with environmental changes and how to avoid droughts, floods and landslides. The Qashqai nomads live in southwestern Iran, raising a variety of livestock including sheep, goats, camels, donkeys, and horses. Not only do they know how to hunt animals in their place, they also know about the signs of drought and its preparation because they have been enjoying the beauty of nomadic life for hundreds of years. Today, most of the Qashqai nomadic groups are settled in villages rather than wandering as nomads. The carpet woven by them is famous. In the similar manner, the wood materials made by Rautes of Nepal are valuable.

2.1.2. The Situation of Nomads in the European Continent and the Role of States

There are some nomadic groups in Europe as well. In Scandinavian countries like Finland, Norway and Sweden and in Russia there are still about one hundred thousands semi-nomadic Sami. Although the semi-nomadic Sami living in these countries have the same language, their behavior is different. They earn their livelihood by rearing animals called reindeers. These states have made policies and laws to preserve and protect their way of life, but due to development, their way of life has been encroached upon. Norway has built a Sami culture park in its city of Karasjok, in which it is shown how the semi-nomadic Sami people sit next to each other for eating meals, how they use dogs as a means of transport, how do they sing traditional songs. You can also see how they sleep in their small cottage. Norway has supported the Sami to live in their own way rather than to modernize them in state policy. It seems that this country is working in a planned way for Sami and it is also trying to participate politically.

Norway, under the Ministry of Local Government and Modernization, through the Sami Act, 1987, created the Sami Parliament in 1989 for the rights to self-determination for the Sami, in which only the Sami participate. All the members are elected through democratic process and they also choose their own leader. They make all the decisions about what policy to make and how to implement. Under the Swedish

Ministry of Culture, the Swedish government has also envisioned a Sami parliament in 1993, in which Sami parliaments are elected using a fully democratic system. The Swedish government has also made a cultural policy for independent living and promotion of cultural heritage. Also, this policy has taken into consideration that cultural heritage can be protected, used and developed.

In addition, the Sami Parliament Sweden is envisioned under the Swedish Ministry of Justice. This provision is made in Sami Act (1992-1433). In 1989, the Finnish Sami Parliament was also established under the Ministry of Justice of Finland. The Finnish Sami Parliament was established based on the recommendations of the 1949-1951 and 1971-1873 parliamentary Committees. Sami can make their own decisions. In the same way, in 1910, a Kola Sami Assembly was formed in Russia's Kola Peninsula, which is like the Russian Sami Parliament, in which the Sami choose their representatives and work for their own existence.

The Irish nomads of the European continent are hated like criminals, they are also called picky, pinkers or tinkers. But the United Nations Human Rights Council (2022) has strongly raised the issue of such offensive use. They always move in groups and stay in groups. They are highly disciplined from a gender point of view that men rear animals and women do housework. They are an example of commercial nomads. What can learn from this is that the nomads have their own way of living according to the geographical structure.

2.1.3. The Situation of Nomads in the African Continent and the Role of the States

Among the 14 indigenous peoples of Kenya and Tanzania on the continent of Africa, the pastoral Maasai are a nomadic community who work as cattle ranchers in the Serengeti valley. When the government introduced a policy of grain production in that place to produce foreign beer their settlement was threatened. Their semi-nomadic way of life was in crisis. They were forced to leave their place. In the

same way, safari tourism in the Maasai Mara brought a crisis to the culture of the Maasai. However, semi-nomadic Maasai are struggling to preserve their culture, language and religion. What this shows is that everyone loves their culture. In this context, James (1939) wrote about the policy of the Maasai nomadic group in Kenya that dividing the grazing rights by mixing the policy announced by the Provincial Commissioner is unnecessary and unequal, it made difficult for some tribes. The Maasai chose to live a traditional nomadic life. The current Maasai administration became a problem due to the gradual decline in grazing conditions. The local tribal council of 1923 motivated the Maasai for their welfare. In 1928, the council arranged the water facility for Maasai.

James (1939) further explained that an educational policy was also formulated for the Maasai nomads and under this a school was built in 1917. A veterinary school was opened in 1933 but it did not produce the desired results among the Maasai group as they showed their disinterest. In 1934 by developing scientific animal breeding, he talks about continuing the animal husbandry business on a suitable economic basis. James (1939) in the conclusion of his article said that their ability to use the land given to the Maasai in a proper way is to be enhanced and also, they should be supported in animal husbandry.

The Bushmen of South Africa are the oldest nomadic group. They are considered skilled in hunting, but there are other similar nomadic groups under the Bushmen. They have lived in Botswana, Angola, South Africa, Zimbabwe, Zambia and Namibia for about 20,000 years. They are also known as San. Colonization has damaged their traditional way of life. The peasants of those countries enslaved some of the San and killed some. Kalahari Game Reserve has set aside some places to hunt them, but after 1990, the reserve also started to drive them away from that place. In addition, Bushmen nomadic groups use scorpion claws and spider webs or snake venom and cactus juice in their bows to hunt. They look for footsteps of animals or grasses they have cut while walking for following and killing the animals. They eat meat to survive. For this, they hunt deer, zebra, rabbit, lion, wolf, snakes, and even insects but now the government has banned them from doing

this. The next concern is that this government decision will lead to the loss of traditional knowledge and skills that have been used for thousands of years.

The Amazigh are a nomadic group of people in North Africa, also known as Berbers. They seem to be attacked by other groups from time to time. The Amazigh nomadic group has been exploited and oppressed by other people. Despite that, they have preserved their culture and they reach the top of the mountain and then return to the foot of the mountain or the Sahara Desert. In 1988, they had 410 families, now they have only 15 families. It is easy to see that the Amazigh nomadic group is in an existential crisis.

The Gabra are a nomadic community of Kenya and Ethiopia in the African continent, who have been adopting their traditional way of life despite the development of technology and the influence of other populations. They are also known as camel nomadic group, whose population is estimated at 31,000. They are totally dependent on animal husbandry and they rear camels, cows, buffaloes, sheep and goats for their livelihood. Camel is a valuable animal. They have a very cooperative spirit, which is confirmed by one of their sayings that "one man being poor is a shame to us all." The Gabra nomadic group rears animals for milk and meat, but does not kill camels for free. They live in groups of 10 to 15 families. Wherever there is pasture for animals, they go there. The Gabra nomadic community migrates from Ethiopia to Kenya while constantly traveling and reaching difficult places. Since they are going to Ethiopia again from Kenya, they are having a problem with their citizenship ID card. A serious problem is the armed conflict between the Gabra nomadic community and another Borana pastoralist group, which has resulted in the Gabra nomadic community moving out.

Adujna (2014) wrote in his study of the Ethiopian Gabra nomadic group that when looking at the history of the Gabra nomadic group, they used to choose a place or land where there is plenty of grazing and water rather than their own. Their main occupation was rearing camels and for that they needed pasture and water. Land is now more important than pasture and water for them because identity crisis

and state-based resource politics. Now the Gabra group has started to think and discuss about their land and their district. Gradually, there have been transformations in economic, social and livelihood system. The number of animals kept by individuals is decreasing. Their dependence on relief food, education and health centers is increasing. These things have helped the nomadic Gabra group to live permanently, and because of this, large villages have developed in Ethiopia.

A nomadic community of the Sahara Desert is the Tuareg. In this group, women wear blue and men wear clothes that cover the whole body. They are pastoral nomads who roam the Sahara Desert. Among them there are elite and common class. The main source of livelihood of this community is animal husbandry, trade and agriculture, but in the 20th century, continuous droughts, rebellions and political strife have brought about extensive changes.

The president of Botswana, Seretse Khama, said in 2008 that the position of his government was that their art, culture and heritage were their national pride (Nyati Ramahobo, 2009). So, they could truly celebrate unity in diversity. In Botswana, out of 46 minority groups, 8 groups have received government recognition from the state, while the language and culture of 38 minority groups have disappeared and they are also deprived of state services.

2.1.4. The Situation of Nomads in the South American Continent and the Role of States

There is one last nomadic group in Colombia, South America which is called Nukak. No one knew about Nukak until 1980, but it is estimated that the population of this group has decreased by half due to contact with outsiders and various diseases. Traditionally, they lived in the northwest of the Amazon basin, where there is dense forest. In that place, they used to move from one area to another to gather food. Their main food is hunting of wild animals, fish, turtles, insects, fruits, vegetables and honey. Little by little, the Nukaks are being driven from their places by Colombian farmers and Farc fighters. At present, this nomadic group is forced to survive on government allowances. Now the Nukaks are malnourished not only because of food different than

they used to consume, but due to contact with other large population. Fever, cough, respiratory problems and skin diseases are also increasing in them. Some Nukaks came out of the forest by themselves, while some were forced to leave. Some are still in the forest, who do not care about money, state and permanent settlements. Bringing them out of the forest is an encroachment on their culture, but it is not possible to bring them back to the forest.

Looking at the situation of nomadic groups in different continents, these groups are seemed to have been struggling to save their culture. Some countries seem to work a little more for the nomadic groups, while in some countries there is not much work for them.

2.2. International Legal Provisions

2.2.1. International Covenant on Civil and Political Rights, 1966

The International Covenant on Civil and Political Rights, 1966 has guaranteed the right of self-determination to all peoples. It has provided for the right to freely develop ones economic, social and cultural development. Citizens can enjoy their natural assets and resources freely. The State cannot under any circumstances deprive any citizen of the means of sustaining their life. The The Covenant undertakes to respect and to ensure to all individuals the rights recognized in the present Covenant, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.

Every person who is legally present within the territory of a country has the freedom of movement within that territory. There is right to freedom of choice of residence. Every person should be registered immediately after birth. Every person has the right to acquire nationality. Every citizen has the right to vote and be elected.

Persons belonging to social, religious or linguistic minorities have the right to enjoy, practice and use their own culture and language together with their group or other members.¹

¹ Article 1, 2, 12, 18, 24, 25 and 27 of the International Covenant on Civil and Political Rights, 1966.

2.2.2. International Covenant on Economic, Social and Cultural Rights, 1966

In the International Covenant on Economic, Social and Cultural Rights, 1966, the Covenant undertake to guarantee that the rights enunciated in the Covenant will be exercised without discrimination of any kind as to race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.

Similarly, the Covenant provides every person the right to the opportunity to gain his living by work which he freely chooses or accepts. Since the State is responsible for the care and education of children, it should be given comprehensive protection and assistance as far as possible. Every person has the right to participate in cultural life.²

2.2.3. Convention on the Elimination of All Forms of Discrimination against Women, 1979

The Convention on the Elimination of All Forms of Discrimination against Women, 1979 provides women to social security in cases of other disabilities. Women have the right to directly be benefitted from social security programs.³

The United Nations has issued **General recommendation No. 39 (2022) on the rights of Indigenous women and girls** and makes clear the obligation of the States Parties in relation to the implementation of the provisions of the Convention on the Elimination of All Forms of Discrimination against Women, 1979. The general recommendation establishes the protection against gender discrimination among indigenous women and girls, their effective participation in political and public life, the right to education, employment, health, culture,

2 Article 2, 6, 10 and 15 of the International Covenant on Economic, Social and Cultural Rights, 1966.

The provisions of Article 11 and 14 of the Convention on the Elimination of All Forms of Discrimination against Women, 1979.

3

land and natural resources, the right to food, and the right to a sustainable and clean environment. Indigenous women and girls have been facing discrimination due to inter-sectoral characteristics such as indigenous origin, identity, caste, disability, age, language, economic and social status and HIV AIDS infection.

Through this general recommendation, for the implementation of Article 7, Article 8 and Article 14 of the Convention, it is the responsibility of the State Party to make and promote the meaningful, real and prior informed mandatory participation of indigenous women and girls in all decision-making processes including reservation, political and public life.

2.2.4. United Nations Convention on the Rights of the Child, 1989

The United Nations Convention on the Rights of the Child, 1989 provides every child the inherent right to life. From birth, Children have the right to be registered, named and have a nationality. Mass media should be encouraged to pay special attention to the linguistic needs of children from minority groups or indigenous children. Children whose best interests cannot be served in a family environment have the right to receive special protection and assistance provided by the state. Alternative care should be provided for such children. It is mentioned that primary education is compulsory and free for children.⁴

It is also mentioned that children will be protected from diseases and malnutrition by providing nutritious food and clean drinking water. There is a system to ensure proper prenatal and postnatal services for mothers. It is mentioned to provide material support including nutrition, clothing, and housing.

2.2.5. International Labor Organization Convention No. 169

The Indigenous and Tribal Peoples Convention, 1989 is also called as International Labor Organization Convention No 169. It is considered

⁴ Article 6, 7, 17, 20, 24, 27 and 28 of the United Nations Convention on the Rights of the Child 1989.

as the main convention to protect the human rights of indigenous peoples. Nepal has ratified this Convention on 22 August, 2007 and has become a party state.

This Convention provides that the indigenous peoples shall enjoy all the human rights and fundamental freedoms without any discrimination. Indigenous people have the right to determine their priorities for development processes affecting their lives, beliefs, institutions and spiritual well-being and the land they occupy or otherwise use and to maintain control over their economic, social and cultural development to the extent possible. The indigenous people should participate in the formulation, implementation and evaluation of national and regional development plans and programs that can have a direct impact. While implementing national laws and regulations, due consideration should be given to their customary or traditional laws. They have the right to maintain their traditional rights.

For the cultural and spiritual values of the indigenous people, the government should give special importance to their relationship with the land or territory or both, which they have occupied or used in any other way, and especially the collective aspect of this relationship. Their ownership and possessory rights that have been occupied traditionally should be recognized. Indigenous people should be allowed to adopt measures in appropriate situations to protect their rights to use land that they do not exclusively own but have traditionally gained access to for livelihood and traditional activities. Special attention should be paid to the condition of the nomadic citizens and nomadic farmers.

Governments should take necessary steps to identify the land traditionally occupied by the concerned people to guarantee the effective protection of their ownership and possessory rights. Adequate procedures should be provisioned in the national legal system to resolve land related claims. The rights of natural resources related to land should be specially protected. Such rights also include the rights of these people to participate in the use, management and protection of such resources.

In cases where the relocation of indigenous groups is deemed necessary, such relocation should be done only with the free and informed consent of them. If it is not possible to obtain the consent of the indigenous peoples, provision should be made to give a chance for the effective representation of the people concerned, and if appropriate, public inquiry should also be arranged by adopting the appropriate procedures established by the national laws and regulations. They have the right to return to their traditional lands. Adequate punishment should be provided by law for unauthorized encroachment or encroachment on indigenous lands. Governments should take measures to prevent such offences.⁵

2.2.6. United Nations Declaration on the Rights of Indigenous Peoples, 2007

Indigenous peoples are collectively or individually as free and equal as other people and individuals. They have the right to be free from any kind of discrimination while enjoying their rights based on their origin or identity. Indigenous peoples have the right to self-determination. They also have the right to self-governance. Every indigenous person has the right to nationality. As a separate human being, there is a collective right to live in freedom, peace and security. There is right of culture not to be destroyed. They cannot be forcibly removed from their land or territory.

The political, economic and social structure of indigenous people and their culture, spiritual tradition, history and philosophy, especially their rights over their land, territory and resources, should be respected and promoted. Indigenous people have the right to be free from any kind of discrimination while enjoying their rights based on their origin or identity.

They have the right to maintain and strengthen the spiritual relationship with the land, region, water, etc. that they have owned or used since tradition, as well as bear the responsibility towards future

⁵ The provisions of Articles (3), (7), (13), (14) and (16) of the Indigenous and Tribal Peoples Convention, 1989 (International Labor Organization Convention No. 169)

generations. There is the right to own, use, develop and control those lands, regions and resources. If those resources are acquired, taken, used or destroyed without free, prior and informed consent, they have the right to fair and just compensation.

They have the right to participate in the decision-making process of issues that affect their rights through their chosen representatives. The State should obtain their free, prior and informed consent through their representative bodies.

The indigenous people deprived of means of livelihood and development have the right to fair and just compensation. They have the right to maintain traditional practices related to health, including the protection of traditional medicines and medicinal plants, animals and minerals. The State should pay special attention to the rights and special needs of indigenous senior citizens, children, women and persons with disabilities.⁶

2.3. National legal arrangements

2.3.1. The Constitution of Nepal

The Constitution of Nepal itself provides recognition to multi-ethnic, multilingual, multi-religious, multi-cultural, socio-cultural protection and promotion. It has resolved to build an egalitarian society based on the principles of proportional inclusion and participation principles in order to to ensure economic equality, prosperity and social justice by eliminating linguistic and caste-based discrimination.

Article 10 of the Constitution guarantees the right of every Nepali citizen to obtain citizenship. Article 16 to 46 of the Constitution of Nepal provides for fundamental rights. It has provided fundamental rights including citizen's right to live with dignity, right to freedom, right to equality, right to privacy, right to education, right to language and culture, right to health, right to food, right to housing, right of

⁶ Article 2, 3, 4, 6, 7, 8, 10, 11, 12, 18, 20 and 21 of the United Nations Declaration on the Rights of Indigenous Peoples, 2007

women, right of children, right of senior citizens, right to social justice and the right to security. Every Nepali community living in Nepal has a fundamental system to get education in their mother tongue according to the law. Every individual and community is free to use their own language, participate in the cultural life of the community, and promote and protect their language, script, culture, cultural civilization and heritage. Citizens belonging to endangered species have a fundamental right to social security.

The right to participate in state bodies based on the principle of proportional inclusion for indigenous and other peoples remains as a fundamental right. Article 51 (c) of the Constitution of Nepal has policy related to social and cultural transformation, Article 51 (f) policy related to development, Article 51 (h) policy related to basic needs of citizens and Article 51 (j) State policy related to social justice and inclusion. The policy of the state is to protect and promote the traditional knowledge, skills, culture, social traditions and experience of the indigenous people and local communities. Article 56 (5) of the Constitution of Nepal provides that special, protected or autonomous areas can be established for socio-cultural protection or economic development in accordance with the federal law. According to the Constitution 56 (6), the responsibility of protecting human rights, fundamental rights, an egalitarian society based on equality, inclusive representation and identity lies with the federal, provincial and local levels.

Article 248 and 249 of the Constitution has provisioned for the National Human Rights Commission to ensure the respect, protection and promotion of human rights and their effective implementation. Article 258 and Article 259 of the Constitution provide for the National Inclusion Commission and Article 261 for the Indigenous Nationalities Commission for the protection, proper representation, empowerment and development of the marginalized communities, minorities and indigenous communities.

2.3.2. Right to Housing Act, 2018

According to the Right to Housing Act, 2017, every citizen has the right to appropriate housing. Citizens should be protected from life-threatening situations due to lack of housing. Respecting, promoting, protecting, fulfilling and implementing the right to housing is the responsibility of the federal, the provincial and the local government. Citizens should be allowed to use their homes peacefully.

2.3.3. Public Health Act, 2018

According to Section 46 of the Public Health Act, 2017, the federal, provincial and local levels may adopt necessary measures to control social and cultural superstitions that adversely affect public health. According to Section 47, the local level and provincial governments shall make necessary arrangements to implement special social security programs for the targeted groups.

2.3.4. Social Security Act, 2018

Section 3 of the Social Security Act, 2018 has classified the groups that will receive social security allowance. Section 4 provides for senior citizen allowance, Section 7 for helpless single women allowance, Section 8 for disability allowance, Section 9 for child nutrition allowance and Section 10 for endangered ethnic group allowance.

2.3.5. The Act Relating to Compulsory and Free Education, 2018

In the preamble of the Act Relating to Compulsory and Free Education, 2018, mentions that whereas, it is expedient to make legal provisions relating to compulsory and free education, in order to ensure easy and equal access and continuity of all to education, and to make education universal, useful for life, competitive and qualitative, while focusing education on the building of nation, being committed to socialism based on democratic values and norms, by implementing, on the ground, the basic human rights of every person to acquire education and the fundamental right conferred by the Constitution; It is the

responsibility of the State to ensure citizens' access to education and every citizen has the right to equitable access to quality education. No one will be discriminated on any basis to get education. Every Nepali community living in Nepal will have the right to receive education in their mother tongue. There is also a system where children have to be admitted, alternative education can be arranged, informal and open education can be provided, and traditional education can be provided. In relation to providing mother tongue education, there is also a provision that the provincial government or the local level can make additional arrangements according to local characteristics and needs. Special arrangements have been made for children with disabilities, economically disadvantaged or Dalit community. Section 34 of the Act provides that the Government of Nepal may establish and operate a model school, specialized school or mobile school or similar other special kind of school.

2.2.6. Fifth National Human Rights Action Plan

The Fifth National Human Rights Action Plan: is formulated by the Government of Nepal to ensure respect, protect and promotion the human rights of the Nepali people. Among them, various topics have been covered to respect, protect and promote the rights related to Raute indigenous community, which is an endangered community belonging to the indigenous group.

is the NHRAP mentions to provide equitable opportunities for technical and professional education and skill development for citizens who are in the area of multi-faceted poverty, who are under multiple deprivation, excluded, minorities and endangered, economically and socially backward, persons with disabilities and deprived of the opportunity to acquire formal education. In the basic level teaching and learning, there is a provision for teaching and learning by preparing textbooks even in the mother tongue based on the interests and needs of the students. It has been mentioned that social protection should be arranged by identifying those who do not have a source of income to live on, the persons with disabilities and destitute who

cannot work, single women, children, people who cannot take care of themselves and citizens of endangered groups. Income generation, capacity development and empowerment of helpless women and adolescent girls of all deprived communities such as poverty and underprivileged Dalits, indigenous people, single and women with disabilities, Badi (Hill Dalit community), Kamalari (the hard-working women, especially a girl child who is consigned to work in the landowners' house as a 'Domestic worker), Chepagan (an Indigenous Community) etc. Activities have been mentioned to implement this purpose of protecting the history, language, script, cultural heritage, music, historical and religious places of the indigenous people.

2.2.7. Universal Periodic Review

Some of the recommendations accepted by Nepal in the third cycle of the Universal Periodic Review are also related to the minority Raute community. It seems that the suggestions as per the details are directly related to the endangered minority Raute.

- Ensure safe drinking water and sanitation.
- Provide housing to the people.
- To further promote the rights of women, children and other vulnerable groups.
- Expand government programs on the right to food for the most vulnerable populations in terms of access to food.
- Ensure the rights of tribal communities to use their land in relevant laws.
- To adopt policies to protect and provide justice to women and girls of minority communities.
- To protect the rights of vulnerable groups, especially women and children, ethnic minorities in law and in practice.

2.2.8. Sustainable Development Goals

Sustainable development goals have been set until the year 2030. Many of the targets have direct and indirect links with the endangered

minority Raute community. Among them, some of the consequential goals of Target 1, Target 6, Target 11 and Target 16 are more concerned with the endangered minority Raute community.

Goal No.	SDG Goals	Quantitative Targets
1	End poverty in all its forms everywhere	1.3. Nationally adopt appropriate social protection systems that significantly include vulnerable/ vulnerable people by 2030
		1.5. Building resilience and reducing vulnerability of people in crisis situations
6	Ensure availability and sustainable management of water and sanitation for all	6.1. Achieve universal access to safe drinking water for all by 2030
11	Make cities and human settlements inclusive, safe, resilient and sustainable	11.1. Upgrading huts to ensure access to safe housing for all by 2030
16	Promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels	16.9. By the year 2030, providing birth certificates and other legal identification to everyone

Chapter Three:

Initiatives by the Commission for the Protection and Promotion of Indigenous Rights

3.1. Regarding the Indigenous and Tribal Peoples Convention, 1989

The Commission has published a report on the status of implementation on the Indigenous and Tribal Peoples Convention, 1989 (ILO Convention No. 169) and has recommended 15 points to the Government of Nepal on date 18 March, 2019. The following recommendations were made through the report:

- Make necessary arrangements to implement the **Indigenous and Tribal Peoples Convention, 1989** (ILO Convention No. 169) by amending or modifying the existing legal provisions that are contrary to the Convention and to formulate new laws as necessary for the implementation of the Convention to implement equally at the federal, provincial and local levels.

To create and implement appropriate structures to embrace the concept of free, prior, informed consent while planning or implementing the development and construction of physical structures, by adopting a process appropriate to the culture of the local community as adopted by the United Nations Declaration on Indigenous Peoples, 2007 and the **Indigenous and Tribal Peoples Convention, 1989** (ILO Convention No. 169) to ensure the protection of the rights of the indigenous peoples or local communities of the respective area. and.

To approve and implement the National Action Plan for the implementation of the Convention on Tribal and Indigenous Peoples, 1989 (ILO Convention No. 169) as soon as possible.

3.2. On-site monitoring of the incident of sexual violence against a Raute young girl

After receiving information about the incident of rape by persuading the two teenage girls from the nomadic Raute community that took

place on 4 June, 2021, the action was taken forward. NHRC Jumla office immediately coordinated with Nepal Police Karnali Provincial Office, District Administration Office, Surkhet, Ministry of Social Development, Surkhet and others. Besides, Karnali Province Branch Office of the Commission, Jumla, conducted on-site monitoring. In connection with the incident, the Commission also issued a press release on 6 June, 2021 calling for justice to be provided to the victims and legal proceedings against the accused. The victims got justice from the court, in which Commission also intervened, while the perpetrators are currently serving their sentences in prison.

3.3. Monitoring of the Human Rights Situation of Indigenous People Affected by Development Projects and Conservation Areas

There has been an increase in complaints to the Commission that the rights guaranteed by ILO Convention 169 and the United Nations Declaration on the Rights of Indigenous Peoples, 2007 have been adversely impacted by the development projects. The Commission has carried out on-site monitoring of the human rights situation of the citizens affected by the East-West Electric Railway, Marsyangdi Corridor, Lapsipedi Bozeni Substation of Upper Tamakoshi, Tanahun Hydroelectric Project, Arun 3 Hydroelectric Project, Bhotekoshi 1 Hydroelectric Project.

Monitoring of the human rights situation of citizens affected by Dhorpatan Hunting Reserve, Bardia National Park, Chitwan National Park and Koshi Tappu Wildlife Reserve has been carried out. In the case of Naveena Chaudhary's death due to security personnel's bullet during the movement while going to cut grass in the forest inside Bardia National Park on 6 June, 2023, the Commission investigated and recommended to the Government of Nepal in accordance with the decision of the Commission made on 30 April, 2023.

The human rights situation of Chepang, Tamang and other communities affected by the mining industry in Makwanpur's Raksirang Rural Municipality has also been monitored. Various activities are being carried out including monitoring the implementation of ILO Convention 169 in collaboration with the human rights-related organizations that are representative organizations of the indigenous peoples.

Chapter Four: Facts and Information Received and Analysis of the Study

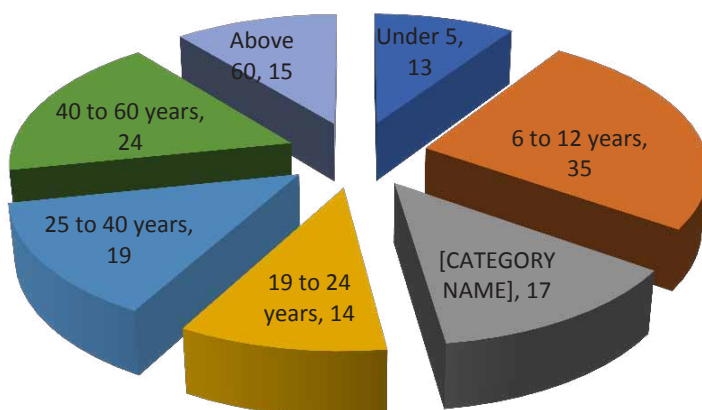
4.1. Demographic Situation of Nomadic Rautes

The team carried out the study of demographic situation of the Raute nomadic community which is far from the modern human society and life style, who sustain their lives by forest foods, and hunting monkeys, and live most of their lives with self labour producing goods out of woods and enjoying their own traditional knowledge and skill making a live history of the development of human civilization. Total 143 Raute nomads were found including 80 women and 63 men during period of on-site survey carried out at the mid of August 2023. This figure shows that there are 9 more Raute women than Raute men. There are 44 households in the Raute community NHRCN has studied.

Table 1: Population of Nomadic Raute

Family	Women	Percentage	Male	Percentage	Population	Percentage
44	74	54	63	46	137	100

(Source: On-site survey, 29 January, 2024)



There are a total of 13 children under 5 years of age in the Raute community with 3 male children and 10 female children making 9 percent of the total population. There are 35 children of age from 6 to 12 making 26 percent of the total population with 19 boys and 16 girls. There are 9 boys and 8 girls of age group 13 to 18 making 12 percent of the total population. There is 10 percent population of age group 19 to 24 including 6 males and 8 females making a total of 14. Similarly, 25 to 40 age group makes 14 percent of the total population with a total of 19 including 9 males and 10 females.

Similarly, in the age group of 41 to 60 years there are 8 men and 16 women, 24 people, i.e. 18 percent, and above 60 years, 9 men and 6 women, making a total of 15 people, i.e. 11 percent of the total population.

Table 2: Population of Nomadic Raute according to age-group

S.N.	Age group	Male	Female	Total
1	Children under 5	3	10	13
2	6 to 12 years	19	16	35
3	13 to 18 years	9	8	17
4	19 to 24 years	6	8	14
5	25 to 40 years	9	10	19
6	41 to 60 years	8	16	24
7	Above 60	9	6	15
Total		63	74	137

4.2. The Right to Identity

Based on the identity card provided by the Gurans Rural Municipality of Dailekh district, the people of the nomadic Raute community are receiving social security allowance through the rural municipality. It was found that there is no registration including birth registration, marriage registration, and death registration of the Raute People. None of these nomadic Raute communities have received citizenship certificates. Because of nonwillingness of the Raute People to get the citizenship certificate, they are not getting this, and there is no

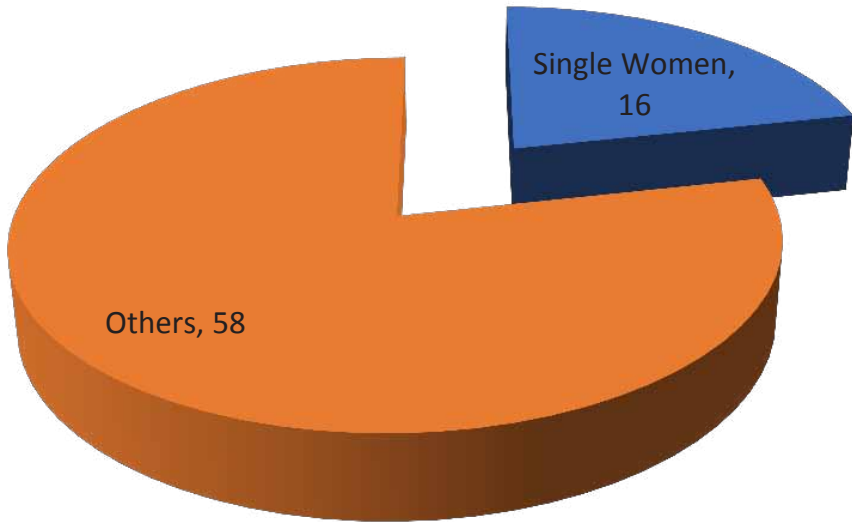
effective initiative from the state to provide them citizenship. The Raute community who do not even have a voter ID card; therefore, they cannot participate in any election process.

According to the target no 16.9 of the Sustainable Development Goals, it has been decided to provide birth registration and other legal identification to everyone. The International Covenant on Civil and Political Rights, 1966 stipulates that every person should be registered immediately after the birth and every person has the right to acquire nationality, the right to vote and to be elected. Article 10 of the Constitution of Nepal has guaranteed every Nepali citizen the right to obtain citizenship. These arrangements have not been implemented in the nomadic Raute community.

4.3. Status of Women, Single Women, Persons with Disabilities and Children

There are 74 women in the nomadic Raute community. The women of this community, which has a patriarchal social system, do not want to mix up with the outside society. They have not received any reproductive health care from the State. Women are severely undernourished.

Due to the intervention of the external community and the Raute community coming into contact with the external community, it has been found that some young women have experienced sexual violence. On 4 June, 2021, two girls from the nomadic Raute community were lured to a hotel in Surkhet and the incident of rape was made public. The Commission's Karnali Province Branch Office, Jumla immediately drew attention and conducted on-site monitoring. Regarding the incident, the Commission also issued a statement on 6 June 2021 and drew the attention of all concerned. The incident was investigated by the Nepal Police and a case was filed in the District Court, Surkhet through the District Public Prosecutor's Office, Surkhet. The District Court made decision on the case no 079-CS-0110 and no. 78-078 077-01103 dated 27 June, 2023.



It has been found that there are 3 persons with disabilities in the nomadic Raute community in the study area. There are 16 single women in the community according to which, it has been found that 18 (16 in 74 should be 22 %) percent of Raute women are single women. It has also been found that women are single at a young age. This community highly respects single women. They are not deprived of their social work, but earlier it was a practice to build the house of a single woman facing the opposite direction to other houses in the community, but now this practice has disappeared.

The Persons with disabilities from Raute Community were not found to have received disability identity cards. Also, 16 single women were not found to have received identity cards. Women with disability and single women have not been able to get social security based on that identity. The Convention on the Elimination of all Forms of Discrimination against Women, 1979 states that women cannot be treated or acted in a discriminatory manner on the basis of disabilities. But it was found that persons with disability and single women of the nomadic Raute community were completely neglected in Karnali

Province. The rights of women to benefit directly from other social security programs did not seem to have been guaranteed.

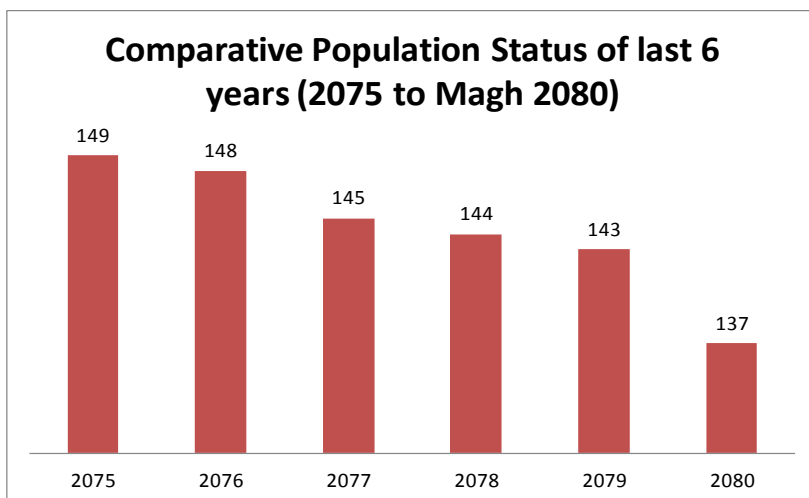
Forty seven percentages of people in the Raute community, i.e. 65 people are under the age of 18. None of the children were found to have access to formal or non-formal education. SOSEC, Dailekh was found to have informally taught some children to recognize the alphabets and even write their names. In other cases, the presence of the State was not seen through any means for providing education. When observing the physical condition, nutritional problems are seen in most of the children. It seems that more than half of the children of Raute community have problems of malnutrition. Looking at their physical condition, they look a little different in terms of height, thickness and appearance. Mothers also seem to have less aware that they should breastfeed their babies continuously. It seems that the women of Rauté do not seem to have been providing newborn babies with constant care. They have not been able to get enough clothing according to the weather. Neither the clothes wore were clean. The minimum standards of child rights were not met.

According to the International Covenant on Economic, Social and Cultural Rights, 1966, since the state is responsible for the care and education of children, it should be given comprehensive protection and assistance as far as possible. The Convention on the Rights of the Child, 1989 provides every child the inherent right to life. After the birth, children have the right to registration, naming and nationality. Mass media should be encouraged to pay special attention to the linguistic needs of children from minority communities or indigenous children. The State has the right to receive special protection and assistance in cases where the best interests cannot be achieved while living in a family environment. The State should arrange alternative care for such children. It is mentioned that children shall be protected from diseases and malnutrition by providing nutritious food and clean drinking water. The Convention obliged to provide material support in nutrition, clothing, and housing. According to the Act Relating to Compulsory and Free Education, 2018, alternative education can be arranged, informal

and open education can be provided, and traditional education can also be provided. In relation to providing mother tongue education, there is also a provision that the provincial government or the local level can make additional arrangements according to local characteristics and needs. Special provision has been made for the children with disabilities and economically disadvantaged communities. These provisions were not found to have been implemented in the nomadic Raute community of the studied area.

4.4. Decreasing Number of Population

It has been observed that the population of the nomadic Raute is decreasing every year. The comparative study of the last 5 years shows that their population was 149 in 2017. In 2018, there were 148 people. In 2019 it decreased to 145 and in 2020 there were 144 people. In 2021, this number has been reduced to 143. By 29 January, 2024, the population of nomadic Rautes has decreased to 137. It has been found that there is a long gap in new births in this community. In two and a half years, two babies (girls) have been born in July-August, 2023.

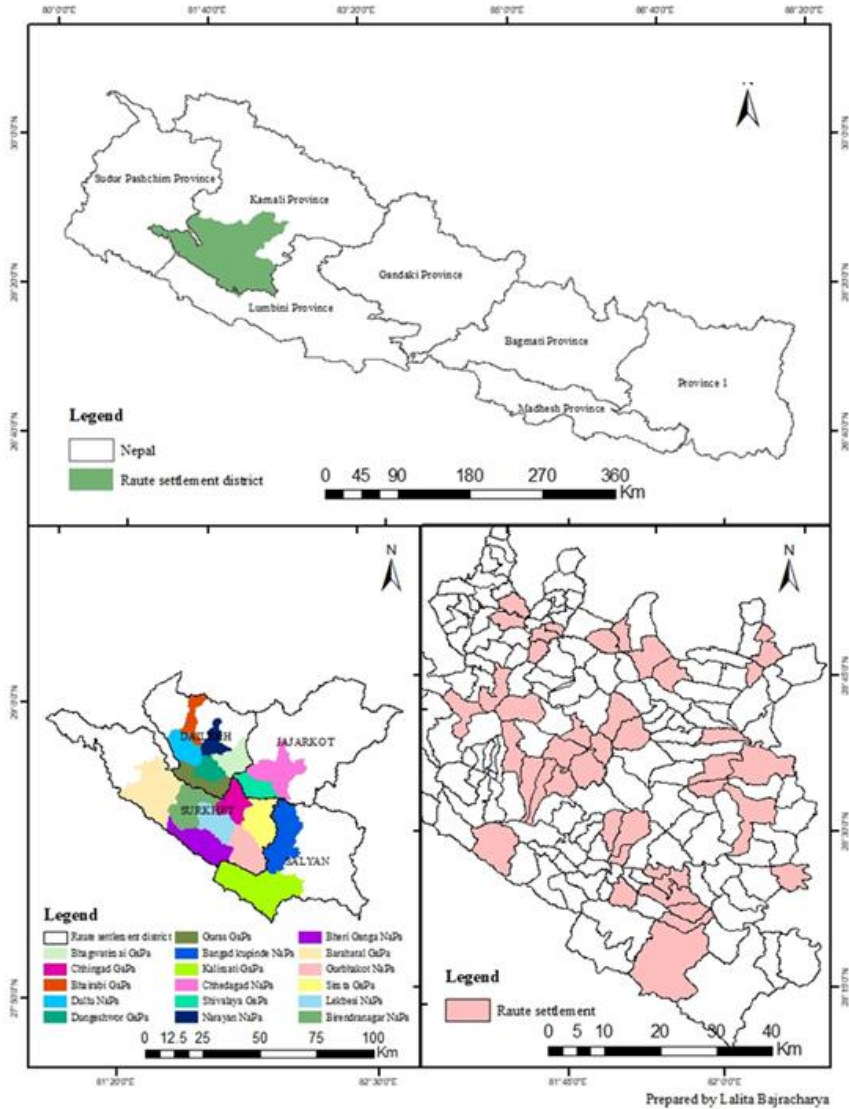


Premature deaths occur due to lack of adequate attention from the state, poor public health, malnutrition, lack of access to treatment,

lack of reproductive health, living in poor quality traditional housing, lack of weather-appropriate clothing, lack of clean drinking water and sanitation. According to the International Covenant on Civil and Political Rights, 1966, the State cannot under any circumstances deprive any citizen of the means of sustaining his/her life. The Indigenous and Tribal Peoples Convention, 1989, 1989 (ILO Convention No. 169) also stipulates that it is the responsibility of the State to pay special attention to the condition of nomadic citizens and nomadic farmers. It can be claimed that the failure to implement these rights is proved to be a factor in the decrease in their population. Listed as an endangered ethnic indigenous group by the Nepali government, if the responsibility of the State towards this community is not strengthened, there is a strong possibility that a unique community with distinct tradition will be in the verge of extinction from the earth.

4.5. Rautes' Access to Natural Resources

Rautes have been roaming and living around rivers and forests since time being. In relation to the use of forest resources, the Forest Directorate of Karnali Province dated 10 April, 2019 has written correspondence with the Division Forest Office Surkhet, Salyan, Jajarkot, Dailekh and Kalikot regarding the inclusion of the endangered Raute caste in the community forest user committee. It seems that there are issues in the correspondence such as an arrangement that allows Raute to easily obtain forest product, allowing the frugal use of woods that make materials for Raute's construction. In addition, if the Raute is found to be living temporarily in a forest area, it seems that Rautes should be treated as the users should be included in the action plan of the Community Forest Consumer Committee without chasing away the Raute from that area, petrify with fear, or neglecting them. It has also been reported that some community forests have implemented the contents of the circular.



According to the Raute chiefs (*Mukhiya*), the local management related to the forest is trying to prevent people from living around the forest in various ways. There is also a fear that there will be a crisis in the livelihood of those communities due to obstacles in forest production and traditional practices who are dependent on woods.

They definitely want the continuation of customary practice. There has not been much policy discussion between forest-related state agencies and communities concerned with community forests regarding the residence of the Rautes.

The International Covenant on Civil and Political Rights, 1966 has guaranteed the right of self-determination to all peoples. It has provided for the right to freely advance its economic, social and cultural development. They can enjoy their natural assets and resources freely. Every person who is legally present within the territory of a country has the right to freedom of movement within that territory and the right to choose their residence.

In accordance with the Indigenous and Tribal Peoples Convention, 1989 (ILO Convention No. 169), the indigenous people are to maintain control over social and cultural development by determining their priorities for development processes which affects the lives, beliefs, institutions and spiritual well-being of indigenous peoples and the lands occupied or otherwise used by them and, to the extent possible, and especially the collective aspect of this relationship. Their ownership and possessory rights that have been occupied traditionally should be recognized. State should adopt appropriate measures in appropriate situations to protect their rights to use land that is not exclusively owned by them but has been traditionally possessed for livelihood and traditional activities. Governments should take necessary steps to identify the land traditionally occupied by the concerned people to guarantee the effective protection of their ownership and possessory rights. According to the United Nations Declaration on Indigenous Peoples, 2007, they have the right to own, use, develop and control land, territory and resources. Although there have been some attempts to obstruct the enjoyment of these rights, it has not been found that there has been any obstruction.

The Karnali Province Forest Directorate has been taking initiatives for building and equitable access of Raute to natural resources,

however, the implementation status is poor. It is the necessity that the government should set up the special protected area for Raute as provisioned by the Article 56 (5) of the Constitution of Nepal. Through the set up, it seems that there can be effective protection and promotion of collective rights of Raute community.

4.6. Rights to Quality Food, Health and Sanitation

The Rautes, who live in the forest far away from human settlements, use their own original skills and arts to make goods and utensils from wild wood and exchange them for food in the nearby human settlements, hunt wild animals such as monkeys, or use natural product from the forest etc. But they have started to come into contact with the influence of the external society. As a result, it has been found that the use of food obtained from outside society has increased.

It has been found that the use of food from relief and food aid has increased. However, there is no on-site monitoring of the quality of food that is received as relief by the responsible agencies. In case of injury or illness, traditional herbal treatment is being practiced. However, the habit of using medicine has developed in the modern time. It has been found that the water of river or spring is used directly. Target no 6.1 of the Sustainable Development Goal mentions achieving universal access to safe drinking water for all by the year 2030 but it can not be seen within the reach of the Raute community.

4.7. Right to Quality Housing

The Raute community is living in a traditional way by making a temporary house covered with a special type of fabric made up of bamboo leaves. It has been found that they sleep on the ground by using cloth or leaves. The silver aluminum, wooden items and leaves are used for cooking and collecting water.

The International Covenant on Civil and Political Rights, 1966, ensures that every person can freely enjoy their natural assets and resources. Article 37 of the Constitution of Nepal guarantees the right to an appropriate housing as a fundamental right.

The Right to Housing Act, 2018, ensures every citizen has the right to appropriate housing. According to the constitutional and legal provisions, the citizens should be protected from the situation where their lives are at risk due to lack of housing. However, these communities have not been able to enjoy the right to quality housing. Customarily they don't want modern housing. The State does not seem to be able to make effective efforts to improve the quality and management of their customary housing practice. It seems to have a direct impact on the health of the community. It has been found that risky housing practices have been continued and their health is adversely affected due to the lack of seasonal clothing, cleanliness, clean drinking water, quality food and quality housing. The Sustainable Development Goals of ensuring everyone's access to a safe house by the year 2030 and upgrading the huts to appropriate housing has not been implemented in case of the nomadic Raute community.

The Rautes are also the rights holders of the right to housing. The State can arrange appropriate housing as per the need while implementing this right. Since the Raute is nomadic in nature, the accommodation they need cannot be of a permanent nature. Safe and quality temporary housing that can even be easily relocated should be arranged. So far, the government has not paid enough attention to the housing of the Raute people. It is a violation of human rights that the three levels of the government have not been able to pay sufficient attention to the implementation of the fundamental rights ensured by the Constitution, even though the necessary laws and regulations have been in place. In this situation, the SDG goal cannot be achieved.

4.8. The Settlements of Nomadic Raute Communities

Raute people have been roaming around and living in various districts of Sudurpaschim and Karnali Provinces of Nepal. It has been found that the Raute go to and fro Acham district of Southwestern province, Jajarkot, Dailekh, Salyan and Surkhet of Karnali Province and Dang district of Lumbini Province.

The green line indicates the route taken by the Raute while the red point indicates where they stay. Rautes mainly travel in and around Dailekh district. Since around 900 years, they have been traveling around these districts as a base. They do not leave this area and go to other districts and long distances. The emotional attachment of Raute seems to be intertwined in these districts and places.

From June 2018 to the end of June 2022, these Rautes have been found to be roaming in 78 places. During this process, it has been found that they have reached Surkhet, Dailekh, Jajarkot and Salyan districts collectively. The latest details on the places inhabited by the nomadic Raute community has been presented in the following table:

Table no. 3: Nomadic Raute and place of migration and settlement

S.N.	Rural Municipality/Municipality	Ward no.	District	Remarks
1	Gurans R.M., Gachokhola	8	Dailekh	
2	Gurans R.M., Jhyaje	8	Dailekh	
3	Birendranagar M., Maheli	16	Surkhet	
4	Birendranagar M., Sirani Khola	16	Surkhet	
5	Birendranagar M., Thapabadi	16	Surkhet	
6	Lekbeshi M., Gochekhola	8	Surkhet	
7	Lekbeshi M., Chaurase	8	Surkhet	
8	Lekbeshi M., Gangatte	9	Surkhet	
9	Lekbeshi M., Jyamire	9	Surkhet	

10	Lekbeshi M., Lamidanda	10	Surkhet	
11	Lekbeshi M., Ratekhola	1	Surkhet	
12	Lekbeshi M., Raute Dhara	1	Surkhet	
13	Lekbeshi M., Bheri Kinar	1	Surkhet	
14	Lekbeshi M., Chiple	1	Surkhet	
15	Gurbhakot M., Latadhara	13	Surkhet	
16	Gurbhakot M., Gumikhola	13	Surkhet	
17	Gurbhakot M., Pani Khola	13	Surkhet	
18	Gurbhakot M., Shivalaya Danda	6	Surkhet	
19	Gurbhakot M., Beteni Khola	14	Surkhet	
20	Gurans R.M., Nigalpani	5	Dailekh	
21	Gurans R.M., Kanchhi Bazar	5	Dailekh	
22	Gurans R.M., Satuwa Chaur	5	Dailekh	
23	Birendranagar M., Raute Galchhena	13	Surkhet	
24	Barahataal R. M., Sotkhola	9	Surkhet	
25	Birendranagar M., Nalkhola	13	Surkhet	
26	Birendranagar M., Solighopte	13	Surkhet	
27	Birendranagar M., Ratedanda	13	Surkhet	
28	Bheriganga M., Bheri Kinar	2	Surkhet	
29	Bheriganga M., Pateni	2	Surkhet	
30	Bheriganga M., Chinchu Khola	2	Surkhet	
31	Bheriganga M., Bheri Kinar	2	Surkhet	
32	Birendranagar M., Jhuprakhola	16	Surkhet	
33	Birendranagar M., Bhangghari	16	Surkhet	
34	Birendranagar M., Chandanpur	16	Surkhet	
35	Birendranagar M., Surpadanda	16	Surkhet	
36	Gurans R. M., Nigalapani Burairakhe	5	Dailekh	
37	Gurans R. M., Nigalapani	5	Dailekh	
38	Gurans R. M., Dharampokhara	8	Dailekh	
39	Chinggaad R. M., Gham Tapne	3	Surkhet	

40	Gurans R. M., Ghyupokhari	8	Dailekh	
41	Chinggad R. M., Salleridanda	3	Surkhet	
42	Chinggad R. M., Dhadhket	4	Surkhet	
43	Chinggad R. M., Chihanghat	4	Surkhet	
44	Chinggad R. M., Haled	6	Surkhet	
45	Chinggad R. M., Purna	6	Surkhet	
46	Lekbeshi R.M., Gangatte, Chisapani	9	Surkhet	
47	Gurbhakot R.M., Vetenikhola	14	Surkhet	
48	Gurbhakot R.M., Larakeht	14	Surkhet	
49	Gurbhakot R.M., Aapsoti	10	Surkhet	
50	Gurbhakot R.M., Chisapani Pul	9	Surkhet	
51	Kalimati R. M., Kalche	5	Salyan	
52	Kalimati R.M., Jikarikhola	5	Salyan	
53	Gurbhakot R.M.	1	Sukhet	
54	Gurbhakot R.M.	2	Surkhet	
55	Gurbhakot R.M.	4	Surkhet	
56	Bangaad Kupinde M., Baluwasangrahi	9	Salyan	
57	Bangaad Kupinde M., Chhatgau	1	Salyan	
58	gaad Kupinde M., Naama Gau	2	Salyan	
59	Bangaad Kupinde R., Kagai Gau	2	Salyan	
60	Simta R. M., Kalekhola	4	Surkhet	
61	Simta R. M., Bankharka	3	Surkhet	
62	Shivalaya R. M., Morka	1	Jajarkot	
63	Chhedagad M., Thalaha Bazar	5	Jajarkot	
64	Chhedagad R. M., Thalaha Ghumnegau	9	Jajarkot	
65	Chhedagad R. M., Thalaha Baka	5	Jajarkot	
66	Chhedagad M., Sopada	2	Jajarkot	
67	Bhagwatimai R. M., Mangharchaur	4	Dailekh	

68	Bhagwatimai R. M., Manghar Gau	4	Dailekh	
69	Bhagwatimai R. M., Khopa Khola	2	Dailekh	
70	Bhagwatimai R. M., Babiyatada	1	Dailekh	
71	Narayan M., Lohore	8	Dailekh	
72	Narayan M., Chupra	9	Dailekh	
73	Narayan M., Kotila	9	Dailekh	
74	Bhagwatimai R. M., Hulak Takura	1	Dailekh	
75	Dungeshwor R. M., Chupra	1	Dailekh	
76	Bahirawi R. M., Navisthan	1	Dailekh	
77	Dullu M., Gabhaudi (Navisthan)	10	Dailekh	
78	Bhairabi R. M. Jaljale (Dauddhara)	1	Dailekh	

(Source: SOCEC, Nepal)

According to table no. 3, from June 2018 to the end of June 2022i.e. in a period of 5 years, it is seen that the Raute lived in 78 places. It seems that they have moved to Surkhet district 46 times, Dailekh 21 times, Salyan 6 times and Jajarkot district 5 times. According to the situation of this transfer, the locations of Surkhet and Dailekh districts seem to be more preferred.

4.9. Behaviour of Raute and External Influences

It is believed that the Rautes have been living in the forests of Nepal for about 900 years. There are still about 7 herds wandering in different corners of the world beyond the contact of modern humans. About 10 herds are found in contact with modern humans, but their lifestyle seems to be nomadic. The Rautes of Nepal also belong to this group. They have mainly embraced traditional occupations. Passion for modern life has started to appear, however. The influence of outsiders and their association has gradually started to change in the diet and behavior of the Rautes. What the study has shown is that both women and men are addicted to excessive drinking. It is

seen that women smoke cigarettes and men eat tobacco. Although the Rautes are traditionally a hardworking caste, the habit of begging is gradually increasing. According to their values, it is a sin to take money, it is a sin to ask others to eat, but now it has been found that after seeing a new person, they ask for money, ask them to buy goods, ask them to buy vegetables.

However, those who live in the forest and around the forest far away from the human settlements use their own original skills and art to make wooden utensils such as plates, *madus/sanduks*, *pirkas*, and other items, reach the nearest human settlements to earn a living in exchange for food and hunt wild animals such as monkeys etc. It has been found that the traditional practice is still there. The contact with the external community and the contact and association with the policy makers of the State has started to change the way of life of the Rautes. In some cases, there is a positive change in them, while there are many adverse impacts. Alcohol addiction is an example of adverse impact. Raute seems to be moving towards change in habits and behavior. It has been found that some of them also take medicine when they get sick.

The Government of Nepal has been giving social security allowance since 2063 B.S. for the upliftment of the Raute community. Although this benefits them for the moment, in the long run, it increases their dependency. With this support, their customary practices and knowledge gradually become obsolete and they prefer to live in dependence.

Social networks such as Tiktok, Facebook, Twitor, Instagram, YouTube have also started recording and broadcasting the situation of the Raute. It may be right that such social networks are used to promote and preserve the traditional knowledge, skills, arts, etc. of the Rautes, but all of them are being done without the free, prior informed consent of the Rautes. Not only that, their right to privacy is also being violated. Content related to privacy has been uploaded

on social media to harm their self-esteem. The District Court Surkhet has also decided to take action against the culprit regarding uploading the incident of rape of Raute girl on YouTube.

It has been found that visitors enter the Raute community in their own way, take photos and videos, make Tiktok and explain in their own way. With the entry of new people, there has been a negative change in their habits and lifestyle. It has been found that it is helping them develop a negative lifestyle.

It has been found that there is a problem of marriage in the same age group because the Raute adolescent girls do not get married to outsider groups and only get married between different clans within their own caste. Due to age-eligible young men and women not being found in different clans within Raute, there is a problem in getting marriage. Due to this, it has been found that young men and women have to stay unmarried.

Chapter Five:

Conclusion and Recommendation

5.1. Conclusion

An attempt has been made to extract result and conclusion of the study through on-site observation of the nomadic Raute residence, study, monitoring and consultation, study of documents on nomadic groups of different continents and countries, experts' experience, review of governmental and non-governmental organization's reports, and the results of the study based on the review of national and international laws on human rights. The method and the theory used in it are also considered as the basis for the results and conclusions of the study. The study of Bedouin of Israel, the Scandinavian and the Sami of Russia, the Maasai of Kenya and Tanzania, the Gaddi of India, the Irish of Ireland, the Bushmen of South Africa, the Amazigh (Berbers) of North Africa, the Nukak of Colombia, the Kanya and the Gabra of Ethiopia and Iran's Kawasaki as that of Orlando (2019) have been reviewed and the efforts made about them are also considered as the basis for coming to conclusion of the study.

The Raute community, a nomadic and endangered minority ethnic indigenous of Nepal, has been living most oftenly in various districts of Karnali province. Rautes have also been found to have lived in Achham district of Sudurpaschim Province, Jajarkot, Dailekh, Salyan and Surkhet of Karnali Province and Dang district of Lumbini Province. It is believed that they have been roaming in this area for about 900 years. Their population is slowly decreasing. The population of Raute was 149 in 2018, 148 in 2019, 145 in 2020, 144 in 2021 and 143 in 2022. According to the on-site survey conducted till 29 January, 2024, it seems that the population of nomadic Rautes has reduced to 137 people, with 74 women and 63 men. The new birth rate in this community is very low. According to the Indigenous and Tribal Peoples Convention, 1989 (ILO Convention No. 169), the implementation status of the State's obligation to pay special attention to the condition of nomadic citizens was not

found to be effective. Therefore, this can be a reason for decrease in their population.

Fourty Seven percent of the citizens in this Raute community are under 18 years of age. In accordance with the International Covenant on Economic, Social and Cultural Rights, 1966, since the State is responsible for the care and education of children, the provisions to provide comprehensive protection and assistance as far as possible are not being implemented. It has been found that their health is adversely affected due to lack of weather-friendly clothing, cleanliness, clean drinking water, quality food and quality housing.

It has been found that there are 3 persons with disabilities and 16 single women in the nomadic Raute community. The provisions of the Convention on the Elimination of All Forms of Discrimination against Women, 1979 on social security for women in cases of other disabilities are found to have been completely neglected. General recommendation No.39 (2022) on the rights of Indigeneous women and Girls further defines the role of the State for indigenous women and girls. However, the role of the State in safeguarding the human rights of women and girls is not effective. It has not been found that any registration including birth registration, marriage registration, death registration etc. of Rautes has been done. There is problem in marriage due to age-eligible young men and women not being found in the Raute clans. With the entry of new people, there has been a negative change in their habits and lifestyle.

The recommendations accepted by Nepal through the Universal Periodic Review do not seem to have been implemented in case of the rights of the Raute community. Also, there has not been enough effort for the community from the State to achieve the targets set by Sustainable Development Goals.

The Rautes are practicing self-governance by using their right to self-determination. They want the continuation of their customary practice without any doubt. They can enjoy their natural assets and resources freely. As a whole, if there is an obstacle in the continuation of the traditional practice of the Rautes, it may lead to the end of a civilization

that they represent. It is necessary to decide and implement the method of providing quality housing, food, nutrition, clothing, and education to their healthy choices. It is essential to control the encroachment of the external modern society on their civilization and self-governance. This supports in the protection and promotion of their human rights. It is necessary to have a unified practice of arrangements and programs made by the federal, provincial and local levels. According to Article 56 (5) of the Constitution of Nepal, it is appropriate to maintain a protected area for socio-cultural protection or economic development in accordance with the federal law. A separate legal system seems necessary for them.

5.2. Recommendation

According to the on-site monitoring, study, review of the State's policies and programs, and the review of the implementation of national and international laws in Nepal, it seems appropriate to recommend the federal government, the provincial government and the local level for the implementation of the points followed in detail for the nomadic Raute:

(a) Federal Government

1. To set up and implement protected areas for social and cultural protection as per the Article 56 (5) of the Constitution of Nepal in accordance with federal law.
2. To make a separate legal arrangement for the protection, security and continuation of their traditional practices for the nomadic Raute by the Federal government, provincial government and local level.
3. To establish a mobile police station to be transferred along with the relocation of the settlement of the Raute.

(b) Provincial Governments and Local Governments

1. To establish Mobile (*Ghumti*) Integrated Service Centers for providing administration, registration, food, relief, health and other services to the citizens of Raute community which will be relocated along

with the relocation of the Raute settlement. Also, establish a Mobile Nutrition Home for providing the nutrition of Raute women and children.

2. To formulate and implement a unified periodic action plan for the upliftment, mobilization and empowerment of the Raute community by the Province and Local Level.
3. To assign responsibility to any/special body to work on Raute's issues.
4. To arrange quality accommodation that can be transferred along with the transfer of the Raute as per the self-identification of the Raute.
5. To regulate the production, collection and transmission of any audio-visual material without the free prior informed consent of the Raute community to protect the right to privacy of the Raute community.
6. To increase reproductive health awareness among Raute community women.

(c) Local Government

1. To immediately provide identity cards to senior citizens, single women and persons with disabilities by the Gurans Rural Municipality, Dailekh, which is providing social security allowance.
2. To regulate the sale of imported alcohol and tobacco products to the Raute community.
3. To promote education by developing specialized (practical, audio, visual etc.) curriculum including mother tongue education and establishing Mobile School (*Ghumti Vidyalaya* (Section 34 of Compulsory and Free Education Act, 2017)).
4. To increase public awareness of sanitation and availability of clean drinking water in Raute settlement.

(d) Non-Governmental Organizations

1. To provide service to the citizens of Raute community by implementing the distribution of relief materials distributed by the non-governmental sector through a one-door system.

Press Release on the Sexual Violence Incident on Raute Girls

Press Release

6 June, 2021

Commission monitored on the alleged sexual violence of young girl from the Raute Community reportedly occurred after enticing by alcohol Urgent appeal for bringing the culprit to justice through effective investigation

The Commission draws its attention seriously towards the news story received from various sources indicating that young men from Gurvakot Municipality-9 in Surkhet have been enticing girls from the local Raute community with alcohol and then sexually assaulting them. The Commission's Karnali Province Branch Office in Jumla has monitored the incident.

Three local youths lured two young women from the Raute community to a local hotel and forced them to commit sexual acts by enticing them with alcohol. Due to the incident, it was found that if the girls have rejected and their lives may be at risk. It has been reported that two young women who were subjected to sexual violence under the temptation had been imprisoned for 4 months by Raute chief (Mukhiya) earlier too.

Therefore, the Commission urges the Government of Nepal to immediately conduct medical examinations protecting the right to privacy of the victims, take necessary initiatives to protect their right to life by providing physical security and bring the culprits to justice through effective investigation.

Dr. Tikaram Pokharel
Joint Secretary/Spokesperson

Photographs During Study/ Monitoring



A Raute settlement in Aamsoti of Gurvakot Municipality, Surkhet



The Commission's monitoring team discussing with Raute chief Suryanarayan Shahi in Raute settlement



A joint monitoring team of the Commission and SOCEC monitoring the human rights situation in Raute community



A member of the joint monitoring team of the Commission and SOCEC conducting a keynote interview



The Commission's monitoring team holding a collective consultation on the human rights situation in Raute



Group photo of a program on the human rights situation in Raute organized by the Commission with Honorable Chairperson of Indigenous Nationalities Commission, Honorable Members of the Commission, Member Secretary of the National Foundation for Development of Indigenous Nationalities, Raute Chief (Mukhiya) and other stakeholders.



SOSEC, Dailekh staff giving first aid to Raute.



Key Informant Interview during monitoring visit.

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