

International Disability Alliance (IDA)

Member Organisations:

Disabled Peoples' International, Down Syndrome International, Inclusion International, International Federation of Hard of Hearing People, World Blind Union, World Federation of the Deaf, World Federation of the DeafBlind, World Network of Users and Survivors of Psychiatry, Arab Organization of Disabled People, European Disability Forum, Red Latinoamericana de Organizaciones no Gubernamentales de Personas con Discapacidad y sus familias (RIADIS), Pacific Disability Forum

Suggestions for disability-relevant recommendations to be included in the Concluding Observations CEDAW Committee 49th Session (11-29 July 2011)

The International Disability Alliance (IDA) has prepared the following suggestions for the Concluding Observations, based on references to persons with disabilities to be found in the State Report, List of Issues, and Replies.

NEPAL

Nepal ratified the Convention on the Rights of Persons with Disabilities and its Optional Protocol on 7 May 2010.

Selected references to persons with disabilities in the state report, list of issues and replies:

State report

4. The NPA covering various sectors such as education, health, women empowerment, anti-human trafficking, child protection and development, **persons with disability** and senior citizens are being formulated with wider consultation and participation of the stakeholders. Moreover, the National Human Rights Commission (NHRC), the National Dalit Commission (NDC), and the National Foundation for the Development of Indigenous Nationalities (NFDIN) are all striving for the protection and promotion of the rights of marginalized citizens. Furthermore, the National Women's Commission (NWC) is committed for the protection and promotion of human rights of women in Nepal.

13. Following Jan Andolan II, the Government formulated the Three Year Interim Plan' (TYIP) (2007/082009/10) with the broad objective of building a Prosperous, Modern and Just Nepal. TYIP has incorporated special programmes for the women and the disadvantaged groups including **persons with disability**, Dalits, Adibasis Janajatis, Madhesis, Muslim community, and disadvantaged geographical regions. Major focus is given to the most remote areas including the Karnali region (in mid-western part of the country), which, so far, have been left behind in the regional development process and getting increasingly marginalized as a result. Under the heading of "Gender Mainstreaming and Inclusion", the TYIP includes programmes relating to "Empowerment of Women and Gender Equality". Some of the important activities being carried out under this programme are: policy and legal reform; better coordination of regional entities and NGOs engaged in gender related fields; leadership development; participation of women in conflict resolution and the peace process,

preparation of a national action plan for the social rehabilitation of women affected by the conflict and its implementation; psycho-social counselling service for transformation of emotional disturbances; legal aid; and gender awareness and advocacy.

29. The Flash Report of 2007 provides detailed information about students, schools, teachers including the monitoring and evaluation system of education since 2004. Its main propose is to furnish national as well as district level current educational status in terms of access, efficiency, quality and equity indicators of the Education For All (EFA) by 2015 (as mentioned in the previous report) and particularly regarding Gross Enrolment Rate (GER) and Net Enrolment Rate (NER) of pre-primary, primary, lower secondary and secondary education by gender and ecological region, ratios etc. Some of the relevant information is as follows:

- The GPI for ECD/PPC children's enrolment (in percentage) is 0.91 for Dalit, 0.88 for Janajati and 0.82 for others. It gives a clear picture of the diminishing gap in the participation of Janajati and Dalit girls and boys in the ECD/PPC programme. Out of total 48,399 students, **22,141 are girls with different types of disabilities**

49. As mentioned in the previous reports, Nepal has already initiated actions on recommendations adopted by United Nations conferences, declarations and resolutions such as BPFA including its review meetings, Security Council resolutions 1325 (2000) and 1820 (2008). The details are given in Parts II and III of the present report. The issues of the rights of single women, **women with disability**, migrant woman worker, detainees, prisoner women etc. have been dealt with under the heading "emerging issues" in Part IV of the present report.

60. The cultural, religious and traditional values often tend to perpetuate gender discriminations and violations of women's rights. Insufficient political commitment, weak institutional capabilities of delivery and regulatory mechanisms and lack of awareness of information technology in rural areas have contributed to women's deprivation of their rights. Despite a lot of initiatives taken for the protection and promotion of human rights of women, the rights of Dalit women, **women with disabilities**, ethnic minorities and the ones infected with HIV/AIDS are yet to be fully realized. Considering these challenges, the Government has taken legislative and other appropriate equity measures for the social inclusion of these vulnerable and marginalized women.

102. The second amendment (Aug. 2007) in the Civil Service Act, 1993 (2049 BS) and changes in the Civil Service Regulation, 1994 (2050 BS) include special inclusive measures in the recruitment process. Under this, 45 per cent seats are reserved for women, indigenous and ethnic communities, Madhesis, Dalits, **persons with disability** and marginalized groups. Out of this 45 per cent, 20 per cent is solely reserved for women. The provision requires conducting separate competitions among each of the category mentioned above. The amendment also provides that if any civil servant is killed in conflict while discharging service, the husband or wife of the deceased shall get pension throughout his/her life, adding further remaining tenure if the deceased's service tenure would be less than 20 years. However, as compared to the significant number of women elected in CA, the participation of women in different areas of public services is relatively low.

103. The Government has adopted policies to ensure active participation and empowerment of women from disadvantaged groups, Adibasi Janajatis, Madhesis, Muslims, single women, **women with disability** and the marginalized in the social economic and political spheres. Women are encouraged to actively participate in institutionalization of democracy and the electoral process. Gender based information system (GBIS) is being established to closely monitor and evaluate the policy implementation.

109. Remarkable achievements have been made in education in order to meet the commitment towards 'Education for All' (EFA) by 2015' (as reported in the previous report). Department of Education has mainly concentrated on producing educational information of school activities in terms of number of schools – community and institutional; student participation and their representation to gender, Dalit, Janajati and **disables**; number of teachers and their training status; GER and NER of pre-primary, primary, lower secondary and secondary education by gender and ecological region, ratios, etc.

136. The TYIP targets the integrated development of skills, capital and market in order to promote self-employment to the unemployed women and men in the informal and unorganized sectors. According to the TYIP, support will be provided through education, training and skill development to increase the access of low income groups such as, Dalits, women, Adibasi Janajatis, Madhesis, minorities, backward classes, conflict affected and **disabled people**, in domestic and foreign employment. The Interim Plan makes clear provision for vocational and skill development programme for women followed by quantitative targets for three years (fiscal year 07–09) as 7,500, 11,000, and 16,000 respectively.

181. The Government's programme is targeted for the welfare of suppressed, extremely poor, landless Dalit, marginalized and Madhesi women. The economic empowerment programme will be implemented in 40 districts. The budget allocation for the fiscal year 2007/08 also includes this programme as a specially prioritized programme. The social security arrangements have been made effective from 17 September 2008 as follows:

- Monthly Rs. 500 for all age groups of endangered ethnicities.
- Monthly Rs. 500 for Dalits, Single Women and people above 60 years of Karnali Zone.
- Monthly Rs. 500 for all other citizens above 70 years.
- Likewise, the Government also increased the monthly allowances for **blind person**. A monthly Rs. 1000 for **fully handicapped and disabled** and Rs. 300 for **partially handicapped and disabled** will be provided.
- Apart from single women, the budget is beneficial to women of old age, **endangered ethnicities and with disability**.

Women and armed conflict

227. Part IV of the Interim Constitution incorporates a range of provisions under State responsibility to :

- Make arrangements for appropriate relief, recognition and rehabilitation for the family of the deceased persons, **the disabled** and helpless persons due to injury during the course of armed conflict

247. The Nepal Press Council adopted a "Code of Journalistic Ethics" in 2003. It was amended and revised in 2008. The gender-related provision of the Code at Section 3 (10)

stipulates: “Journalists and media shall bear a special social responsibility to render special assistance, through the dissemination of information and opinions, **towards the upliftment and development of the disabled**, the helpless, the incapacitated, women, children and people from backward classes or sectors, nationalities and minority communities.”

Elderly and **disabled women**

263. Articles 13 (3) and 35 (14) of the Interim Constitution clearly makes provisions of positive discrimination for the aging people, **persons with disability and those who are physically or mentally handicapped**. Further, article 18 (2) furnishes fundamental guarantee stating “Women, labourers, the aged, **disabled** as well as incapacitated and helpless citizens shall have the right to social security ...” (Emphasis added), followed by state policies under article 35 (9). Article 33 (p) additionally, makes provision for the relief and rehabilitation of conflict-ridden **disabled persons**. More importantly, article 154 of the Interim Constitution renders scope for the formation of a Commission for the **persons with disability**. The Chapter on ‘Rape’ in the Country Code carries the provision of additional punishment to the rapist of a **woman with disability**.

264. **A Disability Service National Coordination Committee** has been set up with the adoption of the National Policy and Action Plan, 2007. Trainings like special education classes and **disabled rehabilitation skills orientation programmes** are being run. Monthly social security allowance has been provided (as mentioned above). According to a quota system, scholarship for **students with disabilities** is being provided. Efforts are underway to make the government buildings and **physical infrastructure disabled-friendly**. More such reforms and improvements are underway.

265. Apart from the legal provisions, National Plan and Policies, the SC has also taken up the issues related to the protection of rights and welfare of the disabled persons. In the case of Prakashmani Sharma and Tek Tamrakar v. MoWCSW and the Council of Ministers decided on 8 May 2007 (2064/1/25), the SC has issued the mandamus for the adequate implementation of ‘**Disabled Protection and Welfare Act**’ and the Constitutional provisions. The SC specifically ordered the Government to form a committee and submit its bi-annual progress report on different physically-challenged groups. MoWCSW has been conducting trainings and other various programmes through Government and NGOs specifically working in the area for five years in 54 districts of Nepal. Similarly, the Government is providing grants to old age homes and daytime services. A High Level Senior Citizen Coordination Committee has been formed, committed to the service of the old citizens. Old people left out and the helpless are being placed in old age homes. Elderly women have been given priority in rehabilitation. Model old age homes are to be established in all the five development regions. A Senior Citizen Welfare Fund has been established accordingly. (Source: Interim Plan 2007–09)

266. As **women with disability** and old age are more susceptible to sufferings, the Government has considered this as a cross-connecting issue for their advancement, empowerment and welfare. MoWCSW, in collaboration with ‘**Nepal Disabled Women Organization**’, is providing housing and shelter facilitates along with women/girls hostel for the **homeless women with different kinds of disability**. The WDOs, who will be involved in providing orientation and skill development training to VDC level officers, are also being trained on the issues of ‘**disability**’.

Women detainees and prisoners

269. Protection and promotion of the rights of detainee and prisoner women is another emerging issue that the Government is seriously concerned about. Accordingly, programmes are mainly focused on the following three areas:

- **Mental and Psychic issues**
- Reproductive health issues
- Dependent children's (below 5 years) accommodation with their mothers

270. MoWCSW is taking initiatives in these areas and has made the following allocations: Rs. 5,000 per **woman for treatment of mentally/psychologically retarded**, ..

[List of Issues](#)

27. Please indicate whether education on sexual and reproductive health and rights is included in the school curricula and at which levels. Please further indicate what services are in place to reach out to and educate women and girls, including those with disabilities, about sexual and reproductive health and HIV/AIDS.

30. The State party recognizes that Dalit women, **women with disabilities**, ethnic minorities and women infected with HIV/AIDS are still vulnerable to discrimination and are not treated as equal members of Nepalese society. Please explain in greater detail legislative and other types of action that the State party has taken to address these challenges. What specific initiatives, including national awareness-raising campaigns, have been implemented to protect these marginalized women and promote their inherent rights?

31. Please provide information on laws and policies that ensure **accessibility of women with disabilities to the labour market** and in terms of safe and easy access to their workplaces.

[Replies to List of Issues](#)

14. Impact of the conflict on women and girls

...Efforts are being made for a comprehensive study to assess the impacts of conflict on women and girls. Similarly, a range of regular programs are also being implemented, targeting women and girls. Such programs include financial support to the families of deceased in the conflict, scholarships to the children of deceased, financial support against the loss of personal property during the conflict, financial support to abducted persons, the **disabled**, displaced and widow due to conflict and livelihood allowance to the families of the deceased and the wounded.

21. Educational programs available for girls and women who have left school before school leaving age and graduation

The TYIP focuses on literacy, post literacy, income oriented and informal education useful for living and aims to conduct as a campaign focusing on the targeted groups, in particular, the women, Dalits, Adibasi Janajatis, Madhesi community, **person with disability** and those affected by the conflict. Working policy of the TYIP is to integrate learning and achievements obtained from formal and informal ways with constructive and reformative evaluation and

certification. Open general and technical/vocational education system is in the process of adoption. Main programs of TYIP includes the “Education for all”, under which a range of literary programs have been launched, focusing on targeted groups and areas including disadvantaged communities, Dalits, indigenous peoples and women.

31. Laws and policies to ensure accessibility of **women with disability** in labour market Nepal has become a party to the **Convention on Rights of Persons with Disability (PWD)** and its Protocol in 2010. The GoN is implementing the **National Policy and Plan of Action on Disabilities**, 2006, in tune with the Extended Decade Work Plan for Asia Pacific Region PWDs 2003-2012. Legislative reforms, promotion of awareness on **disability prevention**, free education and medical care, family and community based rehabilitation and employment are major areas of intervention. Required resources are being channeled to the Local Bodies for the development and empowerment of PWD and their enhanced participation in development plans. The right based and inclusive approach is the bedrock of the GoN's policies and plans in this field. Privileges in relation to education, health, skills-based training and transport services, among others, are some examples of positive discrimination in favour of PWDs. A National Coordination Committee oversees and coordinates activities in this field, also in collaboration with the civil society.

The Protection and Welfare of Persons with Disability Act, 1983 and Regulation, 1994 are major legal measures to give effect to the Convention. The GoN is working out for timely improvements in the policy and legal regimes in the field of **rights of PWDs**. It has also framed building codes requiring public buildings to be **PWD friendly**. The Labour and Employment Policy, 2006 has taken policy of creating appropriate employment opportunities through the adoption of positive discrimination and the concept of developing work friendly places

Recommendations from IDA

- Collect adequate data on women and girls with disabilities and use disaggregated data and results of studies to develop policies and programmes to promote equal opportunities for them in society.
- Adopt measures to ensure that women with disabilities are consulted and participate in leadership roles in policy development.
- Raise awareness and provide more information about women and girls with disabilities, who are often subjected to multiple forms of discrimination, especially with regard to access to education, employment, access to health care and violence.
- Take steps to address multiple forms of discrimination that girls and women face on account of their disability, and belonging to an ethnic minority, and/or disadvantaged group, such as the Dalits, Adibasi Janajatis, Madhesis.
- Address the heightened risk for girls and women with disabilities of becoming victims of domestic violence and abuse, and adopt urgent measures to ensure that both services and information for victims are made accessible to women and girls with disabilities living in institutions and the community.

- Introduce measures to ensure that all children with disabilities, can live and be raised in family environments in the community by increasing support to families of children with disabilities.
- Adopt measures to ensure that all health care and services, provided to persons with disabilities, including all mental health care and services, is based on the free and informed consent of the person concerned, and that involuntary treatment and confinement are not permitted by law in accordance with the latest international standards.
- Adopt measures to ensure that all information, healthcare and services relating to sexual and reproductive health are made accessible to women and girls with disabilities, and that they are respectful of the dignity and integrity of persons with disabilities based on the free and informed consent of the individual concerned, and that consensual treatment such as the administration of contraception, or fertility treatments are not denied, while all non-consensual treatment, including that for which consent is given by a third party, is not permitted by law (including *inter alia* forced abortions, forced contraception, and forced sterilisation).
- Adopt measures in the law to ensure the implementation of inclusive education of children with disabilities, such as the obligatory training of all teachers (beyond special education teachers), to require individual education plans for all students, ensure the availability of assistive devices and support in classrooms, educational materials and curricula, ensure the accessibility of physical school environments, encourage the teaching of sign language and disability culture, allocate budget for all of the above.
- Ensure that the law on social security includes recognition of persons with psychosocial disabilities as “handicapped” in order to ensure that they are eligible to receive for social welfare benefits (see para 181 of State report).