

**Convention on the Rights
of Persons with Disabilities**

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Committee on the Rights of Persons with Disabilities

**Combined second to fourth reports submitted by
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* The present document is being issued without formal editing.

Acronyms

CRPD – Convention on the Rights of Persons with Disabilities

MoWCSC – Ministry of Women, Children and Senior Citizens

NFDN – National Federation of the Disabled, Nepal

OPDs– Organizations of Persons with Disabilities

ARRPD – Act Relating to the Rights of Persons with Disabilities

MoHP – Ministry of Health and Population

DIMS – Disability Information Management System

INGOs – International Non-Governmental Organizations

NSL – Nepali Sign Language

NGOs – Non-Governmental Organizations

CRC – Convention on the Rights of the Child

ICCPR - International Covenant on the Civil and Political Rights

EMIS – Education Management Information System

HMIS – Health Management Information System

LCDMS - Leprosy Control and Disability Management Section

ECN – Election Commission, Nepal

NPC - National Paralympic Committee

GESI – Gender and Social Inclusion

Chapter 1: Introduction

Introduction

1. In 2010, Nepal became a state party to the Convention on the Rights of Persons with Disabilities (the “CRPD”) along with its Optional Protocol. Subsequent to ratifying the CRPD, the Government of Nepal (the “GoN”) submitted its initial report in 2014 in accordance with Article 35 paragraph 1 of the CRPD, which outlined the progress and advancements made in implementing the Convention until 2014. Addressing the list of issues requested by the Committee on the Rights of Persons with Disabilities (the ‘CRPD Committee’), the GoN provided updates on significant developments in 2017. The CRPD Committee conducted review of the initial report during the plenary session of the UN General Assembly on the 20th February 2018.

2. The Secretary of the Ministry of Women, Children and Social Welfare represented the GoN during the review session and presented the report. The Secretary also clarified all the inquiries raised by the members of the plenary session. Based on the outcomes of the review session, in March 2018, the CRPD Committee issued Concluding Observations containing various recommendations to be implemented by the GoN.

3. Pursuant to Article 35 of the CRPD, the GoN was expected to submit two additional periodic reports by 2023. However, these reports could not be submitted within the given time-frame due to the adoption of the federal system of governance in the country. At that time, the primary focus was directed towards massive restructuring of the governance system, formulating new federal laws and policies, and establishing and functioning of provincial and local governments. Moreover, during the years of 2020 and 2022, the government's attention and actions had been considerably diverted towards responding to, and controlling, the COVID-19 pandemic.

4. This report has covered the progress and outcomes that Nepal has achieved in the implementation of CRPD during the period of 2015 to 2023 along with the recommendations provided by the CRPD committee after the review session held in February 2018.

Methodology

5. This report is prepared based on the ‘Guidelines on periodic reporting to the CRPD Committee, under the simplified reporting procedure’ adopted by its sixteenth session in 2016.

6. The Ministry of Women, Children and Senior Citizens (the “MoWCSC”) formed a country report drafting committee on implementation of the CRPD, chaired by the Secretary of the MoWCSC. The committee comprised of the representatives from the concerned ministries, experts on the rights of persons with disability, and members from the National Federation of the Disabled, Nepal (the “NFDN”), an umbrella body representing more than 400 Organizations of Persons with Disabilities (the “OPDs”). Under the country report drafting committee, a seven membered technical sub-committee was formed. This sub-committee was entrusted with mandate to collect and analyze necessary data and information, and also prepare a preliminary report. The sub-committee collected primary data and information from relevant federal and provincial ministries, along with other central level institutions, scrutinized all tiers of government and civil societies’ progress reports and resources, and conducted interviews with key government officials together with representatives from organizations of persons with disabilities (the “OPDs”). Throughout the process, the sub-committee conducted a number of consultative meetings with the OPDs and government entities to make report comprehensive and authentic.

Chapter Two: Progress on the Implementation of the CRPD

Purpose

Article 1

7. The firm commitment of the GoN was reflected with its legal instruments such as the Protection and Welfare of Disabled Persons Act, 1983, and the Protection and Welfare of the Disabled Persons Rules, 1994. With these legal instruments, the GoN introduced Disability Identity Card to the persons with disabilities in 1994 in order to bring them under the GoN's social welfare scheme. However, the implementation of this provision only began in 1999, since the preparatory formalities took longer than expected. In 2007, the GoN revised the definition and categories of disabilities in consultation with the NFDN that addressed the concerns of the persons with disabilities. The revised definition acknowledged the environmental barriers and participation restrictions as the major disabling factors, aligning with social model of disability. Additionally, impairments were classified into seven distinct categories.

8. In 2007, the MoWCSC updated the guidelines for distributing disability ID cards in close and constructive consultations with the NFDN, OPDs and other independent disability rights advocates. These guidelines changed the types of impairments into four different categories based on the severity of disability i.e. Profound, Severe, Moderate, and Mild Disabilities. Red, Blue, Yellow, and White disability ID cards were assigned to respective categories. The purpose behind the categorizations was to provide services and facilities based on the severity and to prioritize assistance accordingly.

9. Nepal ratified the CRPD in 2010. Following the ratification, new legal instrument compatible with the convention, namely the Act Relating to the Rights of Persons with Disabilities, 2017 (the "ARRPD") was promulgated. This legal document was the outcome of extensive consultations with the NFDN, OPDs and relevant experts. This new legislation incorporated a rights-based approach to disability. The ARRPD redefined the term 'persons with disabilities' aligning with Article 1 of the CRPD. The law has classified disabilities into ten different type's i.e. Physical disability, Disability relating to vision, Disability relating to hearing, Disability relating to Deaf-Blind, Disability relating to voice and speech, Mental or psycho-social disability, Intellectual disability, Disability associated with hemophilia, Disability associated with Autism and Multiple disability.

10. The disability ID card provided pursuant to Section 4 of ARRPD serves as the means for the persons with disabilities to access disability-specific services and entitlements, such as scholarships, disability allowances, assistive devices, special discounts, therapeutic services, and other facilities. The ARRPD has authorized the local levels to accept application and to issue disability ID cards and to maintain a database.

11. The GoN aims to consolidate nationwide data of disability ID card distribution through appropriate Management Information System (MIS) at the federal level. The MoWCSC has developed a system for Social Information Management System (SIMS) which has a separate module for issuing disability ID cards and is being piloted in 36 local levels.

12. The Constitution of Nepal (the "Constitution") and the ARRPD explicitly prohibit, criminalize and penalize any form of discrimination based on disabilities¹. The usage of derogatory terms or language that undermines the capacities, dignity and respect of the persons with disabilities is strictly prohibited by ARRPD. The federal, provincial and local levels have launched various coordinated awareness campaigns and initiatives in partnership with OPDs to discourage the use of such language in written documents, media, literature, reports, and conversations. In addition, emphasis has been given on using appropriate and respectful terminologies. These efforts and initiatives are also promoted by the international non-governmental organizations (the "INGOs") and other civil society organizations.

¹ Article 18 of the Constitution of Nepal and Section 8 of ARRPD and Chapter-12 of ARRPD

Further, the police, the National Human Rights Commission and other authorities take prompt actions upon receiving complaints regarding the use of offensive terminology.

Definition

Article 2

13. The definitions of terms as 'persons with disabilities,' 'communication,' 'reasonable accommodation,' and 'language' used in ARRPD are fully compatible with the concept of CRPD. The term 'language' and 'communication' has been defined on chapter 1, Section 2 of the ARRPD. 'Language' encompasses spoken or sign language, as well as other non-verbal forms. 'Communication' encompasses various modes of language, text display, Braille, tactile communication, large print, accessible multimedia, written, audio, plain-language, human-reader, and augmentative and alternative modes, means and formats of communication, including accessible information and communication technology.

14. Chapter 3, Section 8 of the ARRPD ensures the right against discrimination and defines 'discrimination on the basis of disability.' It refers to any distinction, exclusion, or restriction based on disability that hinders or intends to hinder the equal enjoyment of human rights and fundamental freedoms in political, economic, social, cultural, civil, or any other field. It also refers to the denial of reasonable accommodation. The GoN recognizes assistive devices as personal necessities for persons with disabilities and ensures availability of such devices free of cost and in hassle free manner. The GoN respects the principle of universal design of assistive devices that includes all particular groups of persons with disabilities.

15. The GoN has not just adopted the concepts defined in Article 2 of the CRPD into domestic laws but has also actively promoted and implemented these concepts. For instance, Nepali Sign Language (NSL) has gained recognition and is being utilized in schools and colleges for the education of deaf students and increased the public engagement of persons with hearing disability. The Ministry of Education, Science and Technology and other relevant authorities have allocated funds to ensure the availability of audio books and Braille materials in schools and colleges. In addition, collaborations with OPDs and I/NGOs have been established as to advance accessible information and communication resources, including videos incorporating sign language, closed captioning, subtitles, and tactile language. The GoN is proactively employing these accessible materials and information technologies as an ongoing learning process.

Principles

Article 3

16. The existing laws and policies of Nepal diligently uphold the principles outlined in the CRPD. Both the Constitution of Nepal and the ARRPD respect non-discrimination principle and explicitly prohibit all forms of discriminatory practices based on disability. The preamble of the ARRPD acknowledges the comprehensive human rights of individuals with disabilities, encompassing with civil, political, social, cultural, and economic rights, which are safeguarded in Chapter 3 of the ARRPD.

17. The fundamental right as provisioned in Article 16 and Article 18 of the Constitution ensures inherent dignity and equality of the persons with disabilities. Article 16 guarantees the right of every person to live with dignity and Article 18 ensures that all citizens shall be equal before law. However, the Constitution allows the state to make special provision by law for the protection, empowerment, or development of socially or culturally marginalized groups, including persons with disabilities. Sections 3 and 4 of the ARRPD clearly spells out the classifications of disabilities based on severity and issuance of Identity Cards based on such classifications. It incorporates provisions for participation and acceptability in cultural life and service, facilities and justice under Sections 14 and 15. Similarly, Section 19 and 20 are dedicated to protecting and empowering women with disabilities and promoting the rights and evolving capacities of children with disabilities in compliance with the provision of the CRPD.

Article 4: General Obligations

18. In 2017, the GoN introduced the ARRPD in compliance with the CRPD and ensure the effective execution of the rights outlined in it. This Act comprehensively covers various rights of persons with disabilities, including specific provisions for women and children with disabilities. It covers various rights relating to non-discrimination, participation in community life, protection, political participation, participation in policymaking, forming associations, cultural participation, access to services and justice, security, information, mobility, education, health, rehabilitation, and employment. Further, the Rules relating to the Rights of Persons with Disabilities, 2020 has provisioned mechanisms, structures and processes necessary for the services and facilities to be provided to the persons with disabilities.

19. Following the promulgation of the Constitution and the transition to a federal system, numerous laws, Acts, and Rules have been formulated, revised and amended in the country. During this discourse, the rights of the persons with disabilities are sensibly taken care. The Free and Compulsory Education Act, 2020, Local Governments Operation Act, 2017, Public Health Service Act, 2018 and Social Security Act, 2018 have integrated provisions related to right of person with disabilities. The Local Governments Operation Act, 2017 recognizes the availability of disability friendly infrastructure at the local level as one of the criteria for classification of municipalities². The Act assigns local levels with the responsibility of addressing both general and disability-specific needs of persons with disabilities³. This includes disability assessment, managing disability-related data and issuing disability identity cards. This Act also emphasizes the necessity of ensuring accessibility for persons with disabilities in public places and transportation services.

20. The Free and Compulsory Education Act, 2018 ensures universal education for all, including children with disabilities. Section 8 of the Act stipulates that every child has the right to acquire education up to the basic or secondary level, from the school which is convenient and from the place of residence of his or her guardian. Section 3 ensures that citizens with disabilities are entitled to have free basic and higher education through inclusive or specialized educational approaches. Furthermore, the Act makes local levels responsible for collecting data on out-of-school children with disabilities, ensuring their enrollment in suitable educational institutions, providing necessary supports, and fostering an inclusive learning environment alongside other children.

21. The Social Security Act, 2018 acknowledges persons with disabilities as prioritized beneficiaries for social security and protection. Section 8 of this Act guarantees that citizens with profound and severe disabilities shall be entitled to receive a social security allowance.

22. The Public Health Service Act, 2018 ensures equitable healthcare access to all citizens, including the persons with disabilities. The Act has integrated various rehabilitative services as part of basic health services, guaranteeing ten specific free health services to all citizens⁴, including those with disabilities. It mandates that each health facility secures informed consent from service recipients and delivers treatment with comprehensive information conveyed in a language understandable to the service recipient. Section 12 of the Act directs all health institutions to treat every service recipient equally and respectfully, explicitly prohibiting any form of discrimination based on disability or any other status.

23. The National Education Policy, 2018, National Health Policy, 2018 and the Fifteenth Plan have integrated provisions and initiatives related to disabilities. The MoWCSC issued a National Policy. The MoWCSC is planning to issue a Plan of Action through a process covering wider consultation. This National Policy and Plan of Action aim to mainstream disability agendas within the programs and planning of agencies at federal, provincial and local levels.

24. The GoN provides major twenty types of assistive devices such as White Canes, wheelchairs, orthoses, prostheses, crutches, walkers, and basic therapeutic services to the

² Section 8

³ Section 11

⁴ Section 5

persons with disabilities free of charge. In addition, there is a specific tax exemption on purchase of four-wheeled scooters for the persons with physical disabilities. Section 37 of ARRPD provides full or partial exemption of custom duties, excise duties, local tax or other fees on the assistive devices, equipment or tools to be used by the persons with disabilities. Disability friendly motor vehicles and goods, machines, spare parts and raw materials that are used for education, training or self-employment of the persons with disabilities are also exempted from tax. The MoHP has set standard guidelines for these assistive devices, equipment, and technological aids along with personalized technical measurements. These devices are provided through local levels in close collaboration with local health institutions and the OPDs.

25. The persons with profound and severe disabilities are entitled to a monthly social security allowance of Rs. 4000 and Rs. 2100 per month, respectively. In the year 2023, a total of 47,880 persons with profound disabilities and 25,536 persons with severe disabilities received the allowance that costs USD 1,436,400 and 408,576 respectively. Children with disabilities receive scholarships ranging Rs. 1000 to Rs. 40,000 per year to support them getting access to education. The recipients of scholarship can spend the amount for residential facilities, transportation and additional necessary aid according to their specific needs.

26. The MoWCSC annually allocates a disability-specific budget for diverse purposes such as disability awareness, legal education, vocational and leadership training, income-generating activities, addressing gender-based violence and offering rehabilitation services to women with disabilities. This budget is utilized in the programs designed for the persons with disabilities through OPDs, disability federations, and other organizations dedicated to their welfare. Though the MoHP is primarily responsible to provide rehabilitation services, manage assistive devices and equipment in large scale, the MoWCSC has also been mobilizing certain amount of budget each year to provide assistive devices and various rehabilitation services to the persons with disabilities in need through National Disabled Fund and certain rehabilitation service centers operated by NGOs. The total budget allocated to the persons with disabilities during last five years is USD 3,915,908 which has been mobilized through OPDs or concerned organizations. In addition, the total expenditure on assistive devices and rehabilitation during last five years is USD 435,606 and 759,090, respectively⁵.

Table 1: Year-wise data of the budget mobilized from MoWCSC through OPDs.

<i>SN</i>	<i>Fiscal Year</i>	<i>Amount USD</i>
1	2019/020	507,576
2	2020/021	711,363
3	2021/022	918,939
4	2022/023	1,128,030
5	2023/024	650,000
Total		3,915,908

Table 2: Year-wise data of the budget spent by MoWCSC for assistive devices

<i>Fiscal Year</i>	<i>Budget Allocated USD</i>	<i>No. of beneficiaries</i>
2019/020	56061	1616
2020/021	52273	2043
2021/022	62121	2448
2022/023	113636	3086
2023/024	151515	4041
Total	435606	13234

⁵ All the related budgets are mentioned based on the information provided by the Disability Rights Promotion Section under the Ministry of Women Children and Senior Citizen.

Table 3: Year-wise budget spent by the MoWCSC for rehabilitation services.

Fiscal Year	Budget Allocated USD	No. of beneficiaries
2019/020	130303	231
2020/021	106061	242
2021/022	117424	213
2022/023	200757	285
2023/024	204545	280
Total	759090	1251

27. Each provincial government allocates a budget for assistive devices, rehabilitation services, disability awareness initiatives, income-generating projects and skill enhancement through vocational training to the persons with disabilities. This budget is channeled through local levels, OPDs, and organizations working with disability rights. Moreover, the GoN encourages domestic and international development partners to invest mostly in hardware but also in software requirements for the advancement of disability rights.

The Koshi Province, one of the provinces out of Seven of Nepal has issued Disability Prevention and Rehabilitation Program Directives 2076 committing itself to reach all persons with disabilities of the province in cost-sharing modalities with federal, provincial governments, local levels, and development partners. It aims to reach 112,000 persons with disabilities, child-wishing couples, 112,000 pregnant mothers and 86, 000 live births each year in all 137 Municipalities. The total cost estimated is 1,86,00,00,000 (5,400,000 USD).

The Ministry of Women, Children and Senior Citizens has encouraged other provinces to replicate the Koshi model in their territories.

Equality and Non-discrimination

Article 5

28. The GoN has adopted and implemented various legal and administrative measures to guarantee equality and prevent discrimination against persons with disabilities. Article 18, clause (1) of the Constitution guarantees the right to equality, stating that all citizens are equal before law and no one shall be denied equal protection of law. Article 18, clause (2) explicitly prohibits any discrimination based on disabilities, while Article 18, clause (3) allows state to make positive discrimination (specific measures) for protection, empowerment or development of socially and culturally marginalized groups, including the persons with disabilities. Article 24, of the Constitution guarantees every citizen, including the persons with disabilities, the right against discrimination.

29. Section 7 of the ARRPD ensures that every person with disability has the right to enjoy all the rights and privileges ensured by existing laws on an equal basis. Meanwhile, Section 8 protects right against discrimination based on disability. This Section defines discrimination as any action that purposefully or effectively limits or abolishes the acknowledgment, enjoyment or exercise of human rights and fundamental freedoms in various fields such as political, economic, social, cultural, civil matters, or otherwise on an equal basis. Section 8, Clause (2) prohibits discrimination based on disability in various aspects of public life, including enrollment in educational institutions, employment selection, and public utilities services. Section 8, Clause (3) prohibits discrimination based on disability in maintenance, care, nourishment, and partition of properties. Section 8, Clause (3) also

prohibits any discrimination, restrictions, or barriers preventing entry or use of public buildings or spaces available to the general public.

30. Section 53 of the ARRPD prohibits any form of hate, neglect or disregard towards the persons with disabilities. It prohibits deliberate actions that undermine dignity of the persons with disabilities, hinder the use of assistive devices or commit in disrupting or damaging such aids. The ARRPD also prescribes punishments for discriminatory conduct and mistreatment against the persons with disabilities and misuse of disability identification cards. Furthermore, Section 45 specifies the responsibilities of the GoN, provincial government and local levels, educational institutions⁶, family members⁷ and medical doctors⁸ to accord equal and dignified treatment to the persons with disabilities while delivering services.

31. Chapter 3 of the National Civil Code, 2017 (the “Code”) has laid down the provisions on civil rights. The amendment made to the Code in 2018 has prohibited all forms of discrimination on the basis of disability. Similarly, Section 17 of the Code ensures that all citizens shall be equal before law and no one shall be denied the equal protection of law. Section 19 of the Code allows the state to make positive discrimination (special measures) for the protection, development and empowerment of marginalized and poor including the persons with disabilities.

32. The District Administrative Offices, District and Local Police Offices as well as Judicial Committees are entrusted with the responsibility of promptly addressing discriminatory actions, offenses, abuse, and misconduct committed against the persons with disabilities. Whenever complaints are lodged, those authorities are required to promptly intervene and take actions against any discriminatory acts or offenses based on disability.

33. The MoWCSC has been advancing awareness and education initiatives aimed at duty bearers, and the persons with disabilities and their families. These awareness campaigns cover various aspects such as disability rights, specific legal provisions concerning disabilities, anti-discriminatory laws, accessibility, reasonable accommodations, and so on. The MoWCSC annually allocates funds to the OPDs and different federations of disabled persons for the awareness campaigns. The GoN also encourages I/NGOs and development partners to invest in these campaigns.

34. The GoN is gradually implementing a system to maintain records and disaggregated data of reported cases of discrimination, abuse and violence based on disability. The NHRC, the Nepal Police and other authorities have initiated the process of documenting such cases. In 2022 and 2023, the NHRC received forty-seven complaints concerning human rights violation against the persons with disabilities and out of which forty-Four complaints were resolved.

Women with Disabilities

Article 6

35. The National Census Report, 2021 indicates that around 2% of Nepal's female population is experiencing disabilities, which constitutes approximately 45.8% of the total disabled population. After the implementation of the federal system, the state has brought various laws and policies aimed at ensuring gender equality and eliminating gender-based discrimination across all sectors. Special measures have been put in place to protect the rights of women and girls. These measures are equally applicable to women and girls with disabilities. Moreover, the GoN has established dedicated provisions for women with disabilities as provided for in Section 19 of the ARRPD. This Section mandates the GoN to provide necessary measures for protecting the rights of women with disabilities and creating an environment that enables them to utilize their knowledge, skills and potential to the fullest extent. It also provides for that the GoN shall make necessary provisions for the protection

⁶ Section 46

⁷ Section 47

⁸ Section 48

of their health and the reproductive right taking into account the unique situation of the women with disabilities.

36. The MoWCSC has allocated fund to organizations that serve women with disabilities. The fund is intended to support programs that empower women with disabilities and provide rehabilitation services to those who have experienced sexual and gender-based violence. The MoWCSC has encouraged involvement of women with disabilities in decision-making processes and mechanisms. According to the ARRPD, the National Disability Steering Committee, Provincial Disability Coordination Committee and Local Level Disability Coordination Committee are obliged to ensure participation of women with disabilities. This provision has been effectively implemented.

37. In 2023, the MoHP introduced the Disability Inclusive Reproductive Health and Safe Motherhood Service Guidelines for ensuring reproductive health and safe motherhood services for the women and girls with disabilities into account of their disability specific needs. The Guidelines was formulated in close consultations with the OPDs. The Guidelines has provided clear definitions of disability, persons with disabilities, reasonable accommodation, accessibility, tactile sign and tactile communication. It also includes providing specialized training to healthcare providers, delivering services with respect, equity, and privacy, prioritizing women with disabilities in service delivery, offering additional or disability-specific services based on the severity of impairment, establishing disability help desks, making healthcare facilities accessible to women with disabilities and providing relevant information in accessible means to all.

Children with Disabilities

Article 7

38. According to the National Census Report, 2021 out of the total populations of the persons with disabilities, 121,498 are children which are 19% of the total population of the persons with disabilities. Among such children, 71.6% reside with their parents, 16% with their mothers, 2.6% with their fathers, 4.5% with their fathers and stepmothers and 3.4% with their relatives. Among children with disabilities under the age of 5 years, 76.9% have their birth registration.

39. The GoN upholds the rights of children as stipulated by the Convention on the Rights of the Child (the “CRC”), with emphasis on prioritizing the rights of children from marginalized communities and those with disabilities. Article 39 of the Constitution guarantees the right of every child to education, health, nutrition, protection, care and ensures that children with disabilities receive special protection from the state.

40. The Act Relating to the Rights of Children, 2018 has ensured the comprehensive rights of each child in accordance with the CRC. Every child, regardless of disability, is equally entitled to avail themselves of all the provisions and entitlements guaranteed in the legislations, encompassing rights to health, education, protection, livelihood, name, nationality and identity. Moreover, Section 5 of the Act prohibits any form of discrimination against children with disabilities. In accordance with the Act, no child shall be separated from their parents without their consent, except in cases where the Juvenile Court issues order for separation in the best interest of the child and grants their custody to a guardian.

41. Section 12 of the Act Relating to the Right of Children and Section 20 of the ARRPD provide for distinctive rights for children with disabilities. In accordance with the provisions outlined in this Section, every child with disability is entitled to determine their own honor and prestige, foster their independence, actively participate in society and lead dignified life. It also ensures the right to receive special care, integrate into society, and have access to opportunities for education, training, healthcare, rehabilitation services, employment preparation and entertainment to facilitate their personality development. This Section further ensures the right to equitable access and utilization of public services and facilities for children with disabilities. In addition, under Section 25, Clause (f), the right to receive free services from a translator, sign language expert or interpreter is guaranteed if the victim lacks comprehension of the language used by the investigating authority or the Juvenile Court

42. Section 20 of the ARRPD further ensures the right for children with disabilities to express their views on all matters that affect them, and due consideration shall be given to their opinions in alignment with their age and level of maturity. Unless a court order is issued in the best interests of a child with a disability, they shall not be separated from their home or family on the grounds of disability. The GoN is mandated to make appropriate provisions regarding curricula, course materials, and teaching and learning methodologies to address the learning needs of children with disabilities.

Awareness Raising

Article 8

43. The GoN has carried on disability awareness campaigns as a fundamental aspect of its overarching disability initiatives. Since 1993, the GoN has consistently organized disability awareness programs in conjunction with the celebration of the International Day of the Persons with Disability. Subsequently, the MoWCSC is promoting celebration of this day by organizing programs at federal, provincial and local levels. The MoWCSC has broadened the scope of these programs to encompass education on disability-specific legal provisions, awareness on the causes, definition and classification of disabilities and the development of disability-friendly infrastructure, among other aspects. Throughout its inception, the government has diligently executed disability awareness programs in close cooperation and partnership with the OPDs and different federations of disabled persons. This awareness initiative stands as a principal component of the financial support of the GoN to the OPDs and their federations for over 15 years.

44. Following the ratification of the CRPD, the GoN has intensified its collaboration with the OPDs to enhance the content, quality and structure of disability awareness programs. The OPDs actively participate in the conception, development and execution of disability awareness programs spanning all provinces and local levels. The primary recipients of these programs include persons with disabilities, local-level disability stakeholders, OPDs and the general public. The core content integrated into these awareness programs includes disability-specific legal provisions, the definition and classification of disability, appropriate terminologies for addressing disabilities, distribution of disability identification cards, rights-based approach to disability, CRPD provisions, and accessibility of the persons with disabilities to the service delivery and inclusive education among other pertinent topics.

45. The GoN consistently encourages I/NGOs, development partners, and private sectors to initiate disability awareness programs, adhering to the principles outlined in Article 8 of the CRPD. The GoN has incorporated disability-related content into school and college textbooks, including essays, stories and examples that promote awareness of disability rights and portray positive images of the persons with disabilities. The Ministry of Education, Science and Technology, in collaboration with the NFDN, undertook a comprehensive review of numerous textbooks and teachers' guides used in schools. This collaborative effort, spanning the years 2018 to 2022, focused on a disability perspective, leading to the identification.

46. The Press Council Nepal, in collaboration with organizations working on rights of the persons with disabilities, formulated and put into effect a distinct media code namely Disability Friendly Communication Guidelines, 2016. The guidelines serve as a directive for both print and electronic media, offering appropriate interpretation of disability and portrayal of the persons with disabilities and their images in the media. In addition, the guidelines prohibit the use of any terms that undermines the dignity and respect of the persons with disabilities. It has provisioned for registering complaints and the council is empowered to take requisite actions against the media outlets involved.

Accessibility

Article 9

47. Following the ratification of the CRPD, the GoN introduced Accessible Physical Infrastructure, Information and Communication Directives, 2013 with a set of criteria and

specifications to ensure accessibility of the persons with disabilities to public physical structures, information and communication services. The MoWCSC has been collaborating with concerned authorities to facilitate the effective implementation of these guidelines and to conduct awareness campaigns also.

48. The GoN has introduced Accessibility Standards in government offices and public buildings. In the newly built government offices and public buildings/places, important accessibility requirements such as wider doors, providing accessible ramps, accessible Water, Sanitation and Hygiene (WASH) facilities, accessible lifts, information with sign and appropriate color contrast, tactile blocks on footpath etc. are given due consideration in the design and implementation phase.

49. Since 2022, the MoWCSC has initiated an Accessibility Audit of government office buildings at the federal level, employing comprehensive accessibility checklist containing required indicators and standards to be fulfilled. These checklists were developed collaboratively with the OPDs, experts in disability rights, accessibility architecture and engineers. In the period of 2022 to 2023, the audits were conducted on the office infrastructures of eight ministries. Subsequent recommendations were provided to the relevant ministries for necessary improvements.

50. At the federal level, the GoN has embarked on promoting accessible transportation. *Sajha Transport*, a public company, has taken the initiative to install accessible buses in Kathmandu Metropolitan City, addressing the needs of all passengers, including the persons with disabilities.

51. In 2023, the Ministry of Urban Development conducted a review of its National Urban Policy, 2007 from accessibility perspective, in consultation with OPDs. The recommendations from this review report will be integrated into the policy as soon as possible. A Number of capacity development trainings on building of accessible infrastructures have been conducted to the engineers through Nepal Engineers Association. Engineers at local levels are also trained on accessible infrastructures.

52. To increase the access of the persons with hearing disabilities to communication, the federal, provincial and local levels have initiated to provide sign language services at government offices. So far 52 sign language interpreters are appointed in various government offices to facilitate persons with hearing disabilities in communication.

Right to Life

Article 10

53. In the Constitution of Nepal, the right to live with dignity has been safeguarded as the fundamental rights. The Constitution guarantees that no law shall be made providing for the death penalty to anyone. The Constitution also prohibits any form of physical or mental torture or other cruel inhuman or degrading treatment and exploitation on the grounds of race, gender, caste, ethnicity, disability or on other similar grounds. Article 29 of the Constitution guarantees that no person shall be subjected to exploitation on the grounds of religion, custom, tradition, usage, practice or on any other grounds. Furthermore, it also prohibits human trafficking as well as slavery or servitude in any form.

54. Section 9 of the ARRPD protects the rights of the persons with disabilities to live with his or her family or guardian or in a place of residence chosen by him or her. The family or parents are not allowed to abandon their children with disabilities and compel them to live in any specific place.

55. Section 3 of the Act Relating to Children, 2018 protects the rights of every child to live with dignity. This Section also makes provision that the federal, provincial and local levels shall, for the right to life and development, take necessary preventive and safety measures including prevention of possible accidents and minimization of potential risks.

Situations of risk and humanitarian emergencies

Article 11

56. From the experience of 10 years long armed conflicts, massive earthquake of 2015, COVID-19 pandemic and other types of natural disasters like floods and landslides occurring each year, the GoN has realized that poor, marginalized, the persons with disabilities, elderly people, women and children are disproportionately affected during such natural and humanitarian crises. The GoN has introduced Acts, policies, strategies, regulations and frameworks concerning disaster response, risk, reduction, rehabilitation and recovery also upon taking into account the disproportionate effects.

57. The Disaster Risk Reduction and Management Act, 2017, Disaster Risk Reduction and Management Regulation, 2019 and National Disaster Response Framework are the key legal instruments to address the situation of disaster and humanitarian crises. All these legal instruments place the persons with disabilities in top priority during the time of response and recovery. The Act, has the provision to conduct targeted programs for more vulnerable people such as the persons with disabilities, elderly people and other marginalized people to increase their participation in Disaster Risk Reduction (DRR) initiatives and enhance awareness and resilience.

58. Section 10, Sub-section (2) of the ARRPD has provision that the persons with disabilities shall have the right to security, rescue and protection with priority in the period of armed conflict, state of emergency or disaster.

59. In response to the significant challenges posed by the massive earthquake in 2015 and the COVID-19 pandemic in 2020 and 2021, the GoN worked in close collaboration with the NFDN, local OPDs and I/NGOs to enhance access of the persons with disabilities to immediate relief, rehabilitation, shelter management and recovery programs. The persons with disabilities were given high priority in health treatment, relief efforts, rescue operations and other protective measures to ensure their well-being and safety during these crises.

Equal recognition before the law

Article 12

60. Article 18 of the Constitution has guaranteed that all citizens shall be equal before law and no person shall be denied the equal protection of law. The Constitution further ensures that no discrimination shall be made in the application of general laws on grounds of origin, religion, race, caste, tribe, sex, physical condition, condition of health, marital status, pregnancy, economic condition, language or region, ideology or on other similar grounds. In addition, the Constitution allows state to make positive discrimination (special measures) for the protection, empowerment and development of citizens with disabilities, gender minorities and other socially or culturally marginalized groups.

61. The laws of Nepal fully recognize and protect the legal capacity of the persons with disabilities. There are no legal restrictions or barriers hindering their rights. The persons with disabilities have equal legal capacity in acquiring ownership or inheritance of property, managing financial and banking transactions. The GoN undertakes policy to provide 25 per cent discount to the persons with disabilities on the land registration fee⁹.

62. Rule 9 of the Regulations Relating to the Rights of Persons with Disabilities, 2020, has made a provision of community help services for the persons with profound and severe disabilities. Any kind of denial or restriction of legal capacity of the persons with disabilities and rejection in providing relevant services are subject to punishment according to the law.

63. Section 8 of the ARRPD ensures that no discrimination shall be made against the persons with disabilities in the enrollment process of educational institutions, lending of loans by banks or financial institutions or in any other financial transactions. In addition, discrimination is prohibited in employment selection processes and in the provision of public

⁹ As reported by the Ministry of Land Management, Cooperatives and Poverty Alleviation.

utility services. Furthermore, the Act prevents the family members or guardians from discriminating the persons with disabilities regarding care, food or property.

Access to justice

Article 13

64. The ARRPD includes special provisions to ensure the persons with disabilities have access to justice. Section 15 of the ARRPD states that the person with disabilities has the right to free legal aid.

65. The GoN has been providing funds to the OPDs to organize training and orientation sessions for court staffs, police personnels, and lawyers, focusing on the specific needs of individuals with various impairments to ensure access to justice. In addition, the Supreme Court of Nepal has improved its website with several accessibility features for visually impaired people and issued an order mandating all district and high courts to make their websites accessible too. In the recently enacted National Policy on Disability, priority has been given to enhancing disability-inclusive complaint mechanisms and improving individualized support and reasonable accommodation measures.

Liberty and security of person

Article 14

66. The Constitution fully respects the personal liberty of every citizen including the persons with disabilities. It ensures the right of every citizen to freedom of opinion and expression, freedom to assemble peacefully and without arms, freedom to form political parties, freedom to form unions and associations, freedom to move and reside in any part of Nepal, freedom to practice any profession and occupation, and establish and operate any industry, trade, and business in any part of Nepal¹⁰. Further, no person shall be deprived of such freedom based on disability. In addition, the persons with disabilities are provided with special support and protection by laws to ensure that they can enjoy such freedom on an equal basis.

67. According to the provisions of the ARRPD, the persons with disabilities shall not be forced to stay in an institution or rehabilitation center. Any kind of forced treatment to force institutionalization or act without their free consent is subject to punishment. Section 9 of the ARRPD emphasizes that the person with disabilities shall have the right to live with his or her family or guardian or in a place of residence chosen by him or her, on an equal basis like others, and he or she shall not be compelled to live in any specific place.

Freedom from torture or cruel, inhuman, or degrading treatment or punishment

Article 15

68. Article 22 of the Constitution prohibits any form of physical or mental torture or other cruel inhuman or degrading treatment. According to this provision, such treatments shall be punishable by law and any person who is the victim of such treatment shall have the right to obtain compensation as per law.

69. Section 10 of the ARRPD has ensured that persons with disabilities have the right to obtain protection against any kind of inhuman or degrading treatment, physical or mental violence, gender-based violence, domestic violence, sexual harassment, and exploitation by family members, guardians, or other persons. In addition to this, Section 167 of the National Penal Code prohibits physical or mental torture or cruel, brutal, inhuman, or degrading treatment against any person, and a person who commits such acts shall be liable to a sentence

¹⁰ Constitution of Nepal, Article 17

of imprisonment for a term not exceeding five years or a fine not exceeding fifty thousand rupees or both the sentences, according to the gravity of the offense.

Freedom from exploitation, violence, and abuse

Article 16

70. The GoN has adopted legal measures to protect persons with disabilities from all forms of violence, exploitation, and abuse. Section 10 of the ARRPD has ensured the right to have protection from physical or mental violence, gender-based violence, domestic violence, sexual harassment, and exploitation. Moreover, according to the ARRPD, persons with disabilities shall have the right to have security, rescue and protection with priority in times of armed conflict, state of emergency, or disaster. Additionally, the laws have mandated the GoN to make the following provisions:

- *Obtain information on incidents of exploitation, violence, harassment, gender-based and sexual violence committed against the persons with disabilities, and maintain records thereof,*
- *Take effective legal action by this Act and the prevailing law against exploitation, violence, and other similar incidents,*
- *Immediately and effectively provide security to, rescue, protect and rehabilitate, the victims from such incidents,*
- *Make proper arrangements for preventing such incidents,*
- *Launch awareness and counseling programs at the community level against such incidents.*

Protecting the integrity of the person

Article 17

71. The Constitution and other related laws fully respect the physical and mental integrity of every person, including the persons with disabilities on an equal basis. Medical treatment without the informed consent of a person is against the provisions outlined in the Public Health Act, 2018. Similarly, involuntary institutionalization, forced sterilization and forced abortions are completely prohibited by the law and are considered crimes. The GoN takes necessary action against such actions upon receipt of a complaint or notice.

Liberty of movement and nationality

Article 18

72. The GoN is fully committed to ensuring the human rights of every citizen including the persons with disabilities. Being a state party to the International Covenant on Civil and Political Rights (ICCPR), the GoN respects the right to nationality of every citizen of Nepal. According to the Constitution, no citizen of Nepal shall be deprived of the right to obtain citizenship¹¹. The laws further ensure that every person with disabilities has equal rights of nationality and any act of preventing them from this right is considered as discrimination based on disability and such discrimination is punishable by law.

73. The Constitution ensures that every citizen has the right to freedom of opinion and expression, freedom to assemble peacefully and without arms, freedom to form political parties, freedom to form unions and associations, freedom to move and reside in any part of the country, freedom to practice any profession, carry on any occupation, and establish and operate any industry, trade and business in any part of Nepal¹². All these rights are equally applied to the persons with disabilities without any discrimination. The Constitution further

¹¹ Article 10

¹² Article 17

emphasizes taking special measures and provisions in laws to empower the persons with disabilities and other marginalized communities to enjoy such rights.

Living independently and being included in the community

Article 19

74. Section 9 of the ARRPD guarantees that every person with disability has the right to reside with their family, guardian, or in a residence of their choice, on an equal basis like others. The persons with disabilities shall not be compelled to live in any specified location or place. In addition, to facilitate their active participation in family and community life, the Act ensures their right to have access to assistive materials and all necessary community services according to their requirements.

Personal Mobility

Article 20

75. Section 18 of the ARRPD has ensured that every person with disabilities has the right to move with their assistive devices or materials and with the assistance of persons of their choice. To enhance their mobility the GoN has been emphasizing the implementation of Accessibility Standards and encouraging programs such as mobility training, and the distribution of assistive devices and orthopedic appliances through rehabilitation centers, hospitals, I/NGOs, OPDs, and local levels. The GoN has been allocating budget for assistive devices at the federal, provincial, and local levels.

Freedom of expression and opinion, and access to information

Article 21

76. According to the Constitution, every citizen shall have the fundamental right to freedom of expression, opinion, and access to information, and these rights are automatically extended to the persons with disabilities¹³. Section 17 of the ARRPD specifically safeguards the right to information for the persons with disabilities, including the right to have access to information through public communication media in disability-friendly and accessible formats. The Act also mandates electronic broadcasting institutions to disseminate news and other programs in sign language in such a number as specified by the GoN. Furthermore, the Act ensures that the persons with disabilities receive public information in accessible formats and with appropriate technology without any additional charges. Communication service providers, including telephone and internet services, are obligated to make their services available to the persons with disabilities in accessible formats and usable manner within the time specified by the GoN.

Respect for Privacy

Article 22

77. The GoN respects the privacy of everyone including the persons with disabilities and takes all appropriate measures to protect them from violation of this right. The Privacy Act, 2018 has provisioned to protect the privacy of body and personal life, family privacy, privacy relating to reproductive health and pregnancy, the privacy of residence, the privacy of property, documents, data, correspondence, character, etc., and also ensures not to search body without consent.

¹³ Constitution of Nepal, Article 17

Respect for Home and the Family

Article 23

78. National Civil Code, 2017 has ensured the freedom of marriage and family life to every citizen¹⁴. In addition, the GoN is promoting civil society organizations, OPDs, and other I/NGOs to work for changing traditional and biased attitudes of society creating barriers to the persons with disabilities in exercising such rights.

79. As per the National Census Report 2021, among individuals with disabilities aged 10 and above, 57.6% are married, whereas in the total population of the country within the same age group, 61.8% are married. In the married population of individuals with disabilities, the ratio of males to females is 62% to 52.5%, respectively.

Education

Article 24

80. According to the National Census Report 2021, 50.1% of the persons with disabilities above the age of 5 years are literate. Within this group, 60% are male, indicating a lower literacy rate among women with disabilities. Among the literate persons with disabilities, 4.4% have received informal education, 34.3% have completed primary education and 27.9% have completed secondary education. The proportion of individuals with disabilities pursuing higher education stands at 13.7%. The total number of the persons with disabilities between the age of 5 to 25 years is 134,316. Out of this, 55.3% are currently studying in school or college, 21.6% have attended in the past, and 23% have never attended.

81. The Constitution ensures the right to education for all citizens with free basic education. Additionally, the persons with disabilities are entitled to have free higher education. The Constitution has also protected the right to education in sign language and braille for the persons with hearing and visual impairment respectively.¹⁵

82. Since 2018, the government has enforced the Free and Compulsory Basic Education Act, prioritizing access to education for marginalized communities, including children with disabilities. Both the Prevailing Education Act and the National Education Policy have advocated for inclusive education for children with disabilities, in compliance with Article 24 of the CRPD. Nevertheless, these instruments also endorse traditional special education until mainstream schools are fully transitioned to be inclusive for children with disabilities.

83. Sections 21, 22 and 23 of the ARRPD have outlined several provisions for the right to education of the persons with disabilities. These sections ensure the following key provisions to create conducive environments for them in exercising the right to education:

- *The educational institutes operated by the GoN or Local Level or that receive grants from the Government to provide free higher education to the persons with disabilities.*
- *The educational institutes as prescribed by the Government of Nepal to provide free higher education to the persons with disabilities.*
- *No fee of any kind shall be collected from a person with disability for getting admission to an educational institute.*
- *The vocational and technical education as prescribed shall be freely provided to the persons with disabilities.*
- *No educational institute shall discriminate against the persons with disabilities with regard to extra-activities, distribution and access to educational materials.*
- *The government shall make provisions to provide education to the persons with disabilities through more than one means such as braille, alternative scripts, sign language, and means of information technology and peer learning.*

¹⁴ Chapter 3, section 68 and 69

¹⁵ Article 13

- *The government shall make provisions to provide education as prescribed through accessible means of information technology, including appropriate language, methods, scripts, curricula, course book, to the persons with visual impairment, hearing impairment, and deaf-blindness.*
- *The government may make necessary arrangements for the provision of education to such persons with disabilities who are in need of such facilities due to the severity of disability and geographical remoteness.*
- *The government shall make a flexible evaluation system to address the limitations imposed by impairment or as per the learning need of students with disabilities.*
- *The educational institutions shall make educational materials accessible and according to the need of persons with disabilities.*
- *Educational institutions shall build school buildings and facilities accessible by the standards adopted by the government.*

84. The Ministry of Education, Science and Technology has mandates to make all public schools accessible for the children with disabilities. The Ministry has implemented certain standards and guidelines to make the school buildings and facilities accessible to the children with disabilities.

85. Initially, education for the children with disabilities was primarily focused on special education. However, since 1993, the GoN has been gradually integrating the children with disabilities into mainstream schools by introducing the concept of resource classes. These resource classes serve as a gateway to inclusive education, providing additional resources, training, information, and skills to prepare children with disabilities for mainstream classrooms. Currently, 380 resource classes are operating nationwide within the premises of public schools. In addition, the local levels have also supported to conducting resource classes.

86. The government has allocated NPR 940000000/- (Approx. 7.1 million USD) for the education of the children with disabilities in the current fiscal year. Under the Inclusive Education Program, the GoN has established various types of scholarships, including Residential Scholarships, Assistance Scholarships, Transportation Scholarships, specifically aimed at enhancing access to education for the children with disabilities. The scholarship amounts vary between NPR 1000 to 40000 per year per student, depending on the type of scholarship. According to the provisions, every child with disabilities enrolled in a public school is eligible to receive any of these scholarships based on their individual needs and preferences.

In the current fiscal year, additionally, 8900 children with disabilities are receiving different types of scholarships. The budget utilized during the last four years in some important headings for the education of the children with disabilities is presented below.

Table 4: Budget utilized in some important headings for the education of the children with disabilities.

SN	Headings	Year-wise Budget NPR & USD (in 000)			
		2020	2021	2022	2023
1	Scholarship	477306 (\$3616)	50088 (\$380)	47853 (\$363)	503762 (\$3816)
2	Resource Class Management	74000 (\$560)	74000 (\$560)	76875 (\$582)	84600 (\$641)
3	Making school inclusive and accessible	122500 (\$928)	147500 (\$1117)	138500 (\$1049)	130500 (\$989)

Source: Ministry of Education, Science and Technology

The Ministry of Education, Science and Technology has established the disability sub-system of the Education Management Information System. The system provides necessary

information about learning need, status of the children with disability and policies for this group of children.

Health

Article 25

87. The Constitution ensures an equal right to receive basic health services from the state, including equal access to clean drinking water and information about medical treatment.¹⁶ The Constitution also ensures that no one shall be deprived of emergency health services.¹⁷ The Public Health Services Act, 2018 has integrated Rehabilitation Services into the basic health services. According to the Public Health Services Act, 2018 access to and assurance of health services, including free services related to physical disabilities, is mandated.

88. The ARRPD has outlined specific measures to ensure that the persons with disabilities have equal access to disability-specific and other essential health services as and when needed. Section 28 of the Act requires the GoN to provide free health services, including essential therapeutic services like physiotherapy, speech therapy, and occupational therapy, to the persons with disabilities whose annual income falls below a specified threshold or who are admitted to governmental hospitals for the treatment of prescribed diseases. The Act includes the following provisions beyond these:

- *Provide free medicines that need to be taken due to the disability and such factor as may be necessary for the persons with disabilities related to hemophilia on such basis as prescribed.*
- *Make necessary provisions to remove the barriers that exist to the access of the persons with disabilities to hospitals for treatment.*
- *The health workers of hospitals to provide quality treatment service to the extent of availability to the persons with disabilities with priority.*
- *A hospital that has more than twenty-five beds operated by the government and private sector has to reserve at least two beds for the persons with disabilities.*
- *Make necessary provisions for the prevention of the causes of impairment that can be prevented or abolished and for the discovery of the factors that cause impairments etc.*

89. Section 42 of the Public Health Service Act, 2018 emphasizes the significance of developing residences, public transport, and road infrastructure that are conducive to public health, including the provision of disability-friendly infrastructure. The Act guarantees every citizen, including the persons with disabilities, the right to have access to quality health services in a simple and convenient manner on an equal basis. It also affirms the right to get free basic health services under the following specified categories:

- *Vaccination service*
- *Motherhood, infant, and pediatric health service such as integrated infant and pediatric disease management, nutrition service, pregnancy, labor and childbirth service, family planning, abortion and reproductive health,*
- *Service relating to communicable disease,*
- *Service relating to non-communicable disease and physical disability,*
- *Service relating to mental disease,*
- *Service relating to elderly citizen's health,*
- *Service of general emergency condition,*
- *Health promotion service,*

¹⁶ Constitution of Nepal, Article 35

¹⁷ Ibid.

- *Ayurveda and other accredited alternative health service, and*
- *Other services prescribed by Government of Nepal by notification in the Nepal Gazette.*

90. Government hospitals provide free health check-ups and treatment services to the persons with disabilities experiencing severe impairments. Moreover, the persons with profound disability are enjoying free health insurance services. Individuals who suffer spinal cord injuries for various reasons receive one-time support, with an amount of NPR 100,000 allocated for their treatment.

91. The MoHP has been allocating a specific budget for rehabilitation and other health-related services for the persons with disabilities through the Leprosy Control and Disability Management Section (LCDMS). This budget is drawn from federal, provincial, and local levels. In fiscal year of 2024, the Ministry has allocated NPR 97,665,000/- (approximately \$739,866) for those services. In addition, provincial and local level governments are also allocating funds from their own resources.

Habilitation and Rehabilitation

Article 26

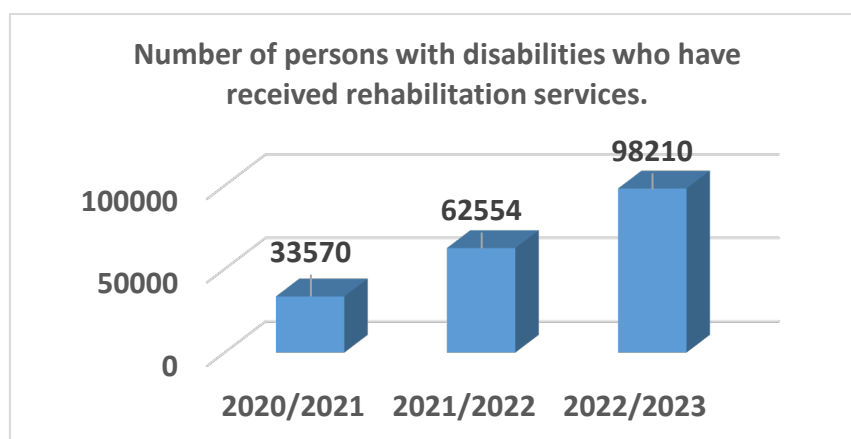
92. The Public Health Services Act, 2018 has incorporated rehabilitation services into the fundamental components of basic health services. As defined by the Act the "basic health service" encompasses promotional, retributive, diagnostic, remedial and rehabilitative services readily and freely accessible from the state to meet the health needs of citizens at large.

93. Section 29 of the ARRPD specifies special measures for habilitation and rehabilitation services for the persons with disabilities. The focus is on prioritizing rehabilitation services for those with profound and severe disabilities, individuals who are helpless, or those with mental or psycho-social disabilities. The Act defines "rehabilitation" as treatment, life useful skill-oriented and vocational training, regular consultative services, assistive materials, medicines, educational and financial programs to be so provided as to enable the persons with disabilities and housing programs for the settlement of the persons with disabilities. The objective is to enable the persons with disabilities to lead active lives and participate fully in society. The Act also has provisioned to establish and operate rehabilitation centers as needed.

94. The MoHP delivers health-related rehabilitation services to the persons with disabilities through various local health institutions, hospitals, and the rehabilitation centers promoted by the government at the province and district level. In addition, the MoHP, in collaboration with the MoWCSC, financially supports some I/NGO-operated rehabilitation centers to provide therapeutic services, prosthesis, orthosis, and assistive devices. Currently available rehabilitation services include physiotherapy, counseling, hospital-based rehabilitation, corrective surgery, psychosocial counseling, psychiatric services, occupational therapy, assistive devices, orthosis, prosthesis, and referral services, among others.

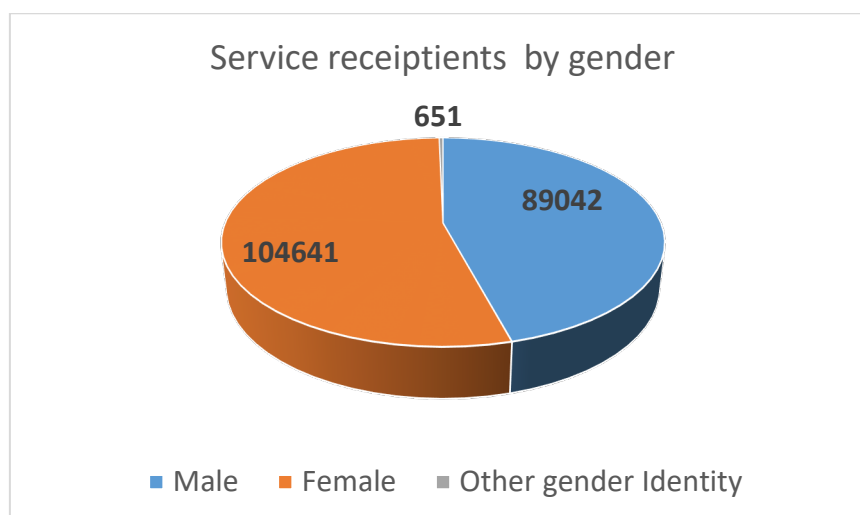
95. Since 2019, MoHP has incorporated detailed data of the persons with disabilities who have been provided with rehabilitation services and assistive devices. This data is disaggregated by gender, caste, ethnicity, types of disabilities, geographical location, and severity of disability, and it is recorded in the federal Health Information Management System (HMIS). Analysis of the data over the past three years indicates a consistent upward trend in the accessibility of rehabilitation services. The accumulated number of individuals who have accessed these services during the three years in the diagram 1 is 194,334, comprising 89,042 males, 104,641 females, and 651 from other gender identities.

Diagram 1: Number of persons with disabilities who have received rehabilitation services during the period of 2020 to 2023.



Source: Ministry of Health and Population, Health Information Management System (HMIS)

Diagram 2: Number of persons with disabilities who have received rehabilitation services during the period of 2020 to 2023 indicating gender identities.



Source: Ministry of Health and Population, Health Information Management System (HMIS)

96. Similarly, the government has been actively supplying assistive devices such as wheelchairs, white canes, hearing aids, artificial limbs, calipers, crutches, sticks, and special chairs through various channels like the National Disabled Fund, local level, and organizations of the persons with disabilities, rehabilitation centers, hospitals, and local health institutions. HMIS has been regularly updating data on the persons with disabilities who have received different types of assistive devices through government-supported distribution outlets.

97. The recorded data from 2020 to 2023 reveals that a total of 12,267 persons with disabilities have received various assistive devices through different government channels. This figure represents approximately 78% of the total demand registered during the period. The government is actively working towards meeting 100% of the demands from registered applications. Furthermore, the MoWCSC has distributed different types of assistive devices through the National Disabled Fund. Additionally, I/NGOs and the OPDs are contributing to the government's efforts in this regard.

98. To regulate the distribution of assistive devices and ensure their quality, the MoHP has recently developed guidelines for assistive device distribution. These guidelines outline the types of assistive devices to be distributed free of cost, the application process, technical measurements for service receivers, and the quality assurance standards for the devices.

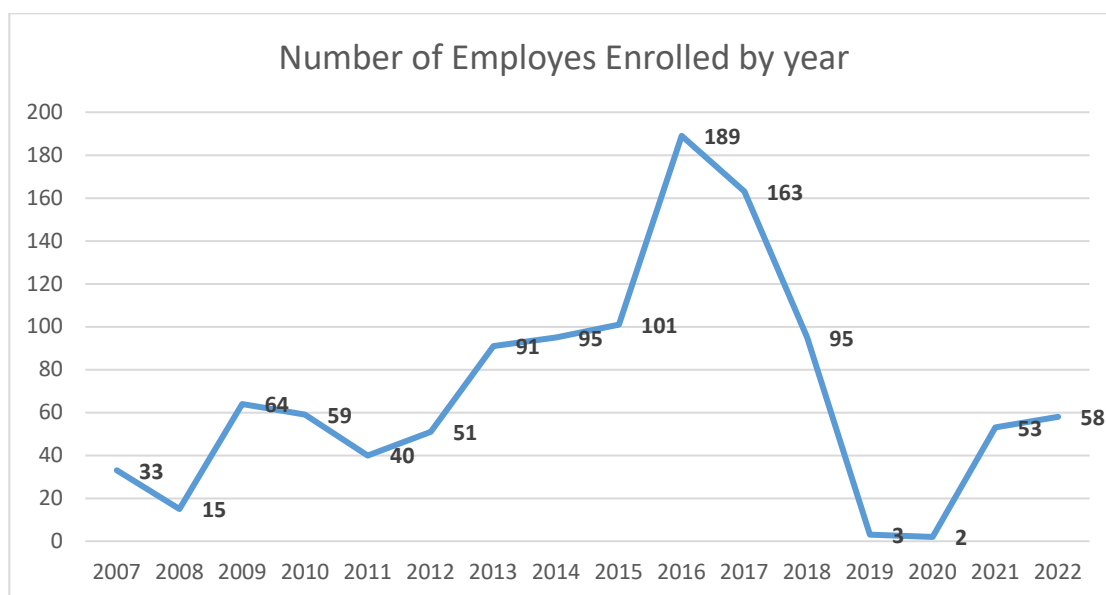
Work and Employment

Article 27

99. As per the National Census Report of 2022, the total number of economically active persons with disabilities is 317,762. Among them, 189,950 persons with disabilities representing 59.8% of the total population are economically active, out of this economically active population of the persons with disabilities, 174,448 individuals are employed in various sectors such as government, non-government, financial and non-financial, private, self-employment, household activities etc.

100. GoN has implemented specific legal provisions to ensure equal opportunities for the persons with disabilities in the workforce. The Civil Service Act, 1993 reserves 45% quota for various groups, and considering that 45% as 100%, 5% quota out of that 100% has been reserved for the persons with disabilities. Since 2007, 1,112 persons with disabilities have been benefited from this reservation and are currently employed in various government positions. Similar provisions are included in the Education Service Rules 2000, resulting in many persons with disabilities currently employed in the teaching profession in government schools. Furthermore, other semi-public, semi-governmental, private organizations, as well as NGOs and INGOs, have also made such reservation to facilitate the inclusion of the persons with disabilities in employment opportunities.

Diagram 3: Number of Persons with disabilities enrolled in civil service by year of enrollment.



Source: Public Service Commission, annual reports 2015 to 2023

101. The Public Service Commission Rules, 2022 offers special facilities for the persons with disabilities to participate in the written examinations for public service. As per an outlined provision, candidates with disabilities who has difficulties in writing exams due to their impairments are permitted to receive assistance from others. However, candidates must apply for this assistance at least 10 days prior to the examination date. Additionally, the Rules specify that visually impaired candidates shall not be asked questions related to abstract or pictorial reasoning during the psychosocial reasoning test. Instead, alternative questions are provided to ensure fair assessment.

102. Section 24 of the ARRPD ensures the access and participation of the persons with disabilities in vocational and skill development training and provides loans to run self-employment projects at a subsidized rate of interest. The Act prohibits discrimination in salary, promotion, other benefits and finding job based on disabilities. According to the provision of the Act, any person shall not be dismissed from job on the basis of disabilities and every institution should ensure a comfortable and accessible working environment for employees with disabilities.

103. Section 25 of the ARRPD ensures that the GoN may, based on the physical capacity, training, qualifications, and experience of the persons with disabilities, prescribes regulations requiring a specific number of the persons with disabilities to be appointed in any enterprise, subject to the availability of suitable work. Section 26 of the Act requires that each institution must maintain and regularly update records of employees with disabilities. These records should include details of the number of employees with disabilities, the facilities provided to them and any other prescribed information. Moreover, the institutions are required to make these records available for inspection by government authorities.

Adequate Standards of Living and Social Protection

Article 28

104. As per the National Census Report 2021, there are 559,109 households of persons with disabilities. Among these, 92.8% own their residential units, while 6% reside in rented accommodations. A minor percentage, 0.4%, live in institutional setups provided by others, and the remaining 0.8% are in various other residential arrangements. Regarding housing materials, 73.9% have concrete houses, 18.1% semi-concrete houses, and the remaining 8% houses made of other materials. Access to water supply varies: 59% have piped water, 28.6% use underground water from tube-wells or hand pumps, 2.4% rely on covered wells, and 0.6% on rivers or small waterfalls. Regarding access to fuel and electricity, 63% of households of persons with disabilities use wood and 32.4% are using LP gas to cook food. The remaining 4.6% rely on other types of sources. Similarly, 88.4% households have access to electricity for light whereas the remaining 9.4% rely on solar power, kerosene, biogas and other local sources. The report further shows that 94.8% of the households of people with disabilities have access to some forms of toilets.

105. The Constitution acknowledges social protection as a fundamental right for citizens, with a particular emphasis on addressing the needs of disadvantaged and marginalized groups. Article 45 of the Constitution mandates the state to ensure social protection for the persons with disabilities, along with other marginalized groups, in accordance with the law. The objectives of the Constitution are reflected in the Social Security Act, 2018. Section 3 of this Act recognizes the persons with disabilities as key beneficiaries of the government's social security schemes and programs. In addition, according to Section 8, citizens with profound and severe disabilities are entitled to receive a disability allowance as determined by the GoN as part of the social security allowance.

106. Section 16 of the ARRPD has a provision of Right to social security for the persons with disabilities and ensures right to obtain economic assistance or social security as prescribed by the GoN, the persons with disabilities shall receive reimbursement for additional expenses incurred in the assistive services that they use in obtaining and enjoying any opportunity. Section 32 of the ARRPD has made the GoN responsible for implementing the following social security schemes/programs for the persons with disabilities.

- *To develop the community housing facilities, along with the safety and health services,*
- *To provide housing for the helpless children and for the persons with disabilities who have been abandoned by the family,*
- *To make life insurance, health insurance and accident insurance,*
- *To provide medicines and other necessary assistive materials,*
- *To provide unemployment allowance, livelihood allowance and elderly citizens' allowance on the prescribed basis,*
- *To provide allowances to the attendants of the persons with disabilities in the special situations,*
- *To support the development and use of universal design.*

107. Based on the provisions of laws, the GoN has implemented the following social security programs and schemes for the protection and development of the persons with disabilities.

(a) *The social security allowance for the persons with disabilities is one of the popular and effective schemes of GoN. It was initiated in 1996 and further enhanced by making appropriate laws and policies after the ratification of CRPD.*

(b) *Monthly social security allowance is provided to the persons with profound (red ID card holders) and severe (blue ID card holders) disabilities. Each person with profound and severe disabilities gets NPR 3990 and NPR 2128 respectively per month through the local levels. According to the data provided by the Department of National ID and Civil Registration by the end of fiscal year 2022/2023 the total number of the persons with disabilities enrolled in this scheme and enjoying the allowance is 137716. In the fiscal year 2021/022 the total expenditure for disability allowance was NPR. 5760000000 (approximately \$43,636,000) ¹⁸.*

(c) *The persons with disabilities are provided with 50% discount on the fare of public transport at land and domestic airlines.*

(d) *The persons with disabilities are provided with 50% tax exemption in annual income tax.*

(e) *25% registration charge will be off to register land in the name of the persons with disabilities.*

(f) *The custom duty will be off by 100% to purchase and import a four wheeled special scooter for the persons with physical disability.*

Participation in Political and Public Life

Article 29

108. The Constitution prohibits any kinds of discrimination and denial of citizen's participation in public and political life. Moreover, it has adequately created space to empower people with disabilities. Article 42, under right to social justice, guarantees for the persons with disabilities including other various marginalized communities, the right to participate in the State bodies on the basis of principle of proportional inclusion. The Constitution guarantees the representation of the persons with disabilities in the House of Representatives, National Assembly and Provincial Assembly through proportional electoral system. Because of this provision, the persons with disabilities are exercising political power and contributing in policy making process.

109. The ARRPD outlines the specific rights of the persons with disabilities regarding public and political participation. Section 11 of the Act guarantees, the persons with disabilities, the right to stand as candidates in the general elections in a conducive environment free from fear. It also ensures their right to cast votes independently with or without assistance from others. Moreover, the Act mandates the implementation of appropriate measures to make the voting process and facilities accessible to the persons with disabilities, ensuring that related materials are easily understandable and accessible to them.

110. Electoral laws and policies also include provisions to ensure the participation of the persons with disabilities in the electoral process. According to section 29 of the Local Level Election Act, 2017 the Returning Officer may transfer a polling center, with pre-approval of the Election Commission Nepal (the "ECN"), to a more accessible location. As mentioned in section 41 (6) and 42 of House of Representative Election Act, 2017, Section 41 (6) and 42 of Provincial Assembly Election Act, 2017 and section 36 and 38 of Local Level Election Act, 2017 voters with a disability in need may request permission to be accompanied into the polling compartment and be assisted to vote by a family member of their choice.

111. After the promulgation of the Constitution which introduced the federal governance system, two general elections covering federal, provincial and local level's assembly were held. In both types of elections people with disabilities exercised their rights both as voters

¹⁸ The number of persons with disabilities receiving social security allowance and budget is based on the information provided by the Social Security Section of the Department of the National ID and Civil Registration.

and candidates as nominees from different political parties or independently. Currently three persons with disabilities are representing in different legislative structures: 1 in the House of Representatives, 1 in national assembly and 1 provincial assembly of Bagmati Province.

112. In each election, the ECN has strengthened the measures to promote more participation of the persons with disabilities in electoral process by implementing accessibility standards in polling stations and, providing special care and support to the persons with disabilities during voting time and promoting them in the voter registration. In local and national election, the ECN has promoted a separate and independent Election Access Observation from disability perspective through the OPDs and welcomed the recommendations drawn from such observations¹⁹.

Participation in Cultural life, recreation, leisure, and sports

Article 30

113. For over twenty years, the GoN has been actively working to promote the engagement of the persons with disabilities in sports and entertainment. Since the establishment of the National Sports Council, it has been fostering the involvement of the persons with disabilities in international para and special sports events. Some athletes with disability have even achieved gold medals in international special Olympic competitions. The Council ensures that the persons with disabilities have representation on its executive board. To promote para and special sports on a national level, a dedicated National Paralympic Committee (the “NPC”) has been established, with meaningful participation from the athletes with disabilities. Annually, the GoN allocates a budget to sports-related OPDs through the NPC to facilitate the organization of para and special sports events and provide sports training for the persons with disabilities.

114. Sections 33 and 34 of the ARRPD guarantee the rights to cultural activities and entertainment, as well as participation in sports, respectively. Section 33 has provisions of (a) providing necessary scholarships, facilities, and support to the person with disabilities for the development of skills and talents particularly in literature; (b) developing technology and art to make services, facilities, and infrastructure accessible to the persons with disabilities; (c) supporting entertainment centers and organizations that cater services to the persons with disabilities; (d) encouraging the persons with disabilities to engage in extracurricular activities; and (e) undertaking other prescribed actions to promote these rights.

115. As per Section 34, the GoN is required to make necessary provisions to ensure the equal participation of the persons with disabilities in sports activities, incorporating special measures for this purpose. This Section includes provisions to promote the involvement of the persons with disabilities in sports, such as (a) reviewing sports curricula and programs to facilitate inclusive participation of the persons with disabilities, (b) redesigning sports grounds and physical infrastructures to ensure accessibility for the persons with disabilities, (c) utilizing essential technologies to enhance the skills and competency of the persons with disabilities in sports, (d) organizing sports competitions that include the persons with disabilities, (e) ensuring effective representation of the persons with disabilities in sports-related mechanisms in international, national, provincial, and local levels, and (f) involving the children with disabilities on an equal basis like other in sports and extracurricular activities at the school level.

116. Every year, the NPC, in collaboration with sports related OPDs, coordinates and hosts diverse para and special games at both the national and provincial levels. Furthermore, certain provincial sports councils have initiated the allocation of funds to sports-related OPDs, enabling the organization of para and special sports events at the provincial level.

¹⁹ The Election Access Monitoring from disability perspective was carried out by National Federation of the Disabled Nepal (NFDN) in the general election of 2017 and by Blind Youth Association Nepal (BYAN) in the general election of 2022.

In 2022, the Bagmati Province Sports Council commenced budget allocations for para sports, starting with NPR 3,000,000 (approximately \$23,000). In the following year, 2023, the Council allocated NPR 2,000,000 (approximately \$16,000) for the same purpose. Additionally, in 2023, the government earmarked NPR 1,000,000 (around \$7,500) to initiate the promotion of accessible tourism as well²⁰.

117. At the federal level, the National Sports Council, in collaboration with OPDs, has actively promoted various sports tailored for the persons with disabilities. This includes cricket for the visually impaired, wheelchair basketball, table tennis for the persons with physical disabilities, weightlifting for the persons with physical disabilities, *Boccia* game for those with intellectual and multiple disabilities, wheelchair races, and other events. In 2018, the NPC partnered with 15 sports related OPDs to conduct a month-long National Para Sports Competition, featuring the enthusiastic participation of 749 persons with disabilities from diverse impairment categories across the country. For this national event, the government allocated approximately NPR 8,000,000 (around \$60,500). In the previous year, the NPC had disbursed NPR 4,233,000 (approximately \$32,000) to various sports related OPDs to facilitate the organization of para and special games. To enhance the regulation and effectiveness of special and para sports, the National Sports Council issued separate guidelines specifically for para sports in 2022.

Statistics and Data Collection

Article 31

118. The government has considered disaggregated disability data as one of the key prerequisites of disability specific policy formulation and planning. The inadequacy of disability data has created several challenges basically in disability specific service delivery, programming and planning. Taking this issue into account the government has incorporated disability component in the national census that comes every 10 years. During the census 2021 the data of persons with disabilities has been collected by 12 disability categories as outlined in the ARRPD.

119. The National Census Report 2021 shows that total population of the country is 29164578 and 2.2% (647744) out of the total population are identified living with some forms of disabilities as classified in the ARRPD. The ratio of male and female with disabilities in the entire population of male and female is 2.5% and 2.0% respectively while the ratio of male and female in the total number of the persons with disabilities is 54.20% and 45.80% respectively. Out of total number of persons with disabilities, Physical disabilities occupy the highest 36.75%, Low vision 16.88%, Blind 5.37%, Deaf 7.85%, Hard of Hearing 7.87%, Deaf blindness 1.56%, Speech impairment 6.36%, Psychosocial disability 4.2%, Intellectual disabilities 1.73%, Hemophilia 0.75%, Autism 0.75%, Multiple Disability 8.78%, and not stated 1.07%. This disability data can also be filtered by other such as caste, ethnicity, geography, political regions and many other statuses based on health, education, employment and so on²¹.

120. Apart from the census data, at the federal level, various ministries have initiated maintaining disaggregated data of the persons with disabilities in their mainstreamed data-based system. In 2019, MoHP has developed a comprehensive Health Information Management System (HMIS) which incorporates the data of the persons with disabilities by their gender, caste, ethnicity, types of disabilities and many other variables. Similarly, the Ministry of Education, Science and Technology has been implementing Education Management Information System (EMIS). Since 2022, this system has incorporated the data

²⁰ Based on the data provided by Nepal Government, Bagmati Province Sports Council.

²¹ Nepal Statistics Office, Nepal Population and Housing Census 2021, <https://censusnepal.cbs.gov.np/results/downloads/national>

of children with disabilities by their grade in school, school they are associated with, types of disability and by other status. Since 2023, the MOWCSC has developed a system for Social Information Management System (SIMS) which has a separate module for issuing disability ID cards and is being piloted in 36 local levels.

121. The Department of National ID and Civil Registration has maintained the data of service holders under the social security allowance and other schemes. In this database system, the data of the persons with disabilities having social security allowance has been incorporated. Similarly, the GoN has started providing National ID in digital and smart forms to each citizen that includes all detailed demographic information of each individual including disability status.

122. The National Statistics Office (NSO) has recently published disaggregated data at the provincial and local levels, encompassing various social and economic variables. These includes categories of disabilities, household headship, gender distribution, literacy and education status, housing conditions, wealth quintiles, economic activities, employment status, child civil registration, and the living arrangements of children. Similarly, Nepal Health Demographic Survey 2022 has also incorporated disability issues as one of its components. Furthermore, the NSO has initiated dialogues with stakeholders of disability sectors including the NFDN to conduct a comprehensive disability survey using internationally accepted disability data collection tools and methods.

International Cooperation

Article 32

123. Through policy and action, the GoN actively embraces and encourages international cooperation to advance the rights of the persons with disabilities. This collaboration aims to enhance their access to services, opportunities, and entitlements on an equal footing, and empower them across various aspects of life, including participation in decision-making processes. While the GoN has been fostering international cooperation for over three decades, there has been an increase in efforts following the ratification of the CRPD. These collaborations predominantly focus on disability awareness, human rights education, accessibility promotion, inclusive education, rehabilitation, livelihood support, leadership development, provision of assistive devices, empowerment of women with disabilities, and bolstering local governance for disability inclusion and development.

124. The funds and technical support provided by international development partners and donors is channeled through OPDs and other entities working in this field. Moreover, various international organizations, such as USAID, Handicap International, World Education, and Save the Children, collaborate with the government to strengthen systems in education and health sectors. Key international organizations engaged in promoting disability rights in cooperation with GoN include Disabled People Organization Denmark (DPOD), FFO-Norway, Handicap International, CBM, Disability Rights Fund, Save the Children, Plan Nepal, The Asia Foundation, The Leprosy Mission Nepal, and the United Mission to Nepal. These cooperations play a vital role in advancing the rights and well-being of the persons with disabilities in the country.

National Implementation and Monitoring

Article 33

125. The GoN has established a National Disability Steering Committee as mandated by the ARRPD²², with the objective of spearheading the implementation of CRPD at the national level. The primary responsibilities of this steering committee include coordinating, monitoring, and advancing initiatives pertaining to the rights, opportunities, services, and safeguarding of persons with disabilities, as well as providing guidance in related activities. The steering committee comprises the Honorable Minister of the MoWCSC as a chairperson and senior representatives from various ministries, experts in disability rights, different

²² Section 38

federations of disabled people and OPDs as members. At the grassroots level, each local level has a Local Coordination Committee²³ chaired by the Vice-chair of the local government, with representatives from different departments of local governance and OPDs. Furthermore, the GoN has encouraged the establishment of similar Coordination Committee at the provincial level²⁴.

126. The GoN is advocating for the creation of dedicated Gender and Social Inclusion (GESI) sections within each ministry to enhance social inclusion across policies, programs, actions, and organizational practices. These GESI sections are also tasked with ensuring disability inclusion in policy and programs of the ministries in line with CRPD.

²³ Section 42 of ARRPD

²⁴ Section 41 of ARRPD

Source of Information

1. Information and progress reports on disability specific activities and programs provided by the Disability Rights Promotion Section under the Ministry of Women Children and Senior Citizen.
2. Information and progress report provided by Ministry of Social Development from provincial governments.
3. Progress report and information provided by CEHRD, Ministry of Education, Science and Technology.
4. Progress report and information provided by the LCDMS, Ministry of Health and Population.
5. Progress report and information provided by the Ministry of Youth and Sports.
6. Progress report and information provided by the Ministry of Law and Parliamentary Affairs.
7. Information and data provided by the Department of National ID and Civil Registration, Ministry of Home Affairs.
8. Information provided by the Civil Service Commission.
9. Reports provided by the National Human Rights Commission.
10. Information provided by the National Inclusive Commission.
11. Information provided by National Election Commission
12. Disability related reports published by National Federation of the Disabled Nepal (NFDN).
13. Information provided by National Planning Commission.
14. Information provided by Supreme Court and Nepal Police Headquarter.
15. Disability specific Information and data provided by the National Statistics Office.

List of documents accessed and consulted

1. Nepal Health Demographic Survey 2022, Ministry of Health and Population.
2. National Population and Housing Census Report 2021, Nepal Statistic Office.
3. Disability Specific Report of National Population and Housing Census 2021.
4. Constitution of Nepal 2015
5. Act Relating to the Rights of Persons with Disabilities 2017
6. Accessibility Standards and Guidelines 2013
7. Nepal Government, Disability ID Card Distribution Guidelines
8. National Civil Code – 2018
9. Free and Compulsory Basic Education Act - 2018
10. Local Governments Operation Act - 2017
11. Public Health Service Act - 2018
12. Social Security Act – 2018
13. National Health Policy – 2018
14. National Education Policy – 2018
15. Civil Service Act – 1992
16. National Policy and Plan of Action 2024
17. Disability Inclusive Reproductive Health and Safe Motherhood Service Guidelines
18. Act Relating to the Rights of Children 2018
19. Natural Calamity Act 1982,
20. The Disaster Risk Reduction and Management Act 2017,
21. Disaster Risk Reduction and Management Regulation 2019
22. National Disaster Response Frameworks
23. International Covenant on the Civil and Political Rights
24. The Privacy Act 2018
25. Nepal Statistics Office, Nepal Population and Housing Census Report 2021.
26. Statistical Report on Disability, Nepal Population and Housing Census Report 2021.

Annexes

Statistics of persons with disabilities in Nepal

Annex 1: Number of people with disabilities disability types of disability and province.

Disability Types	Whole Nepal	Population by Province						
		Koshi	Madhesh	Bagmati	Gandaki	Lumbini	Karnali	Sudur Paschim
Physical Disability	240609	40422	34486	43504	24282	45569	23901	28445
Low vision	110525	19239	15818	22329	12158	21277	7471	12233
Blind	35142	6367	7329	6751	2689	6066	2268	3672
Deaf	51373	9121	5920	9401	7741	9353	4809	5028
Hard of Hearing	51520	11106	3216	10703	7299	9653	4024	5519
Deaf blindness	10187	2025	1362	1889	1154	1869	822	1066
Speech disability	41676	8520	6362	7328	5369	7147	3215	3735
Psychosocial disability	28045	5518	3905	5660	3844	5182	1458	2478
Intellectual disability	11358	2252	1763	2254	1357	2249	530	953
Hemophilia	4937	857	980	1335	232	958	174	401
Autism	4886	901	780	1253	435	856	309	352
Multiple disability	57486	10891	9479	11693	5770	10235	3623	5795
Total	647744	117219	91400	124100	72330	120414	52604	69677

Source: Disability Statistical Report, National Census 2021, National Statistic Office.