



Government Policies and Right of Disabilities and Its Understanding and Practices in Nepal

By

Tara Kumari Karki

Ph.D. Student of Department of Social Work
Tribhuvan University (TU) in Kritipur, Nepal
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Abstract

This study has described the government policies on disabilities and their understandings and practices among the implementing agencies and disabled people. The method of this study is to review all government policies and programs related to the disabilities and concerns about the related stakeholders. The major respondents of this study are the authorities of implementing agencies and the disabled people. The study found that there are sufficient policies and rights of programs for disabled people but the implementation is very weak.

Keywords: Disabilities, Government policies, International Convention.

Chapter I

1.1 Background

It is defined that disability is a disabled person as one who is mentally, physically cognitive, intellectual, and developing an individual's ability to unable to lead a normal life. Disability means understanding the relationship between the way people function and how they participate in society and making sure everybody has the same opportunities to participate in every aspect of life to the best of their abilities and desires.

The world is not apart from disabilities, every country has some cases of disabilities. It is estimated that around one billion people or around 15 percent of the world population have some form or cases of disability. Disability is more common in low- and middle-income countries than in high-income countries, and among older age groups. Disability is something everyone is likely to experience, either permanently or temporarily, at some point in their life (WHO & World Bank, 2011).

Disable people have suffered from every aspect of their lives in terms of social and economic exclusion. People with disabilities face discrimination and barriers every day that restrict them from participating in society on an equal basis with others. They are commonly denied their rights to be included in school and the workplace, to live independently in the community, to vote, to participate in sport and cultural activities, to enjoy social protection, to access justice, to consent or refuse medical treatment, or to enter freely into legal commitments such as opening a bank account, and inheriting or buying property. The Convention on the Rights of Persons with Disabilities,(CRPD) which was adopted in 2006 and entered into force in 2008, signaled a 'paradigm shift' from traditional charity-oriented, medical-based approaches to disability to one based on human rights. It calls for the inclusion and participation of persons with disabilities across the human rights, development, and humanitarian agendas and highlights the rights and empowerment of women with disabilities and children with disabilities as groups that face multiple and intersecting forms of discrimination (Bachelet, 2018)

Nepal has been also facing disability problems. According to the census (2011) near about 1.49 percent population facing some forms of disabilities. To address their problems, the government of Nepal formulated and issued the policies and programs. The paper aims to describe that to review the various government policies on disabilities and the every implementing agencies and stakeholders should understand about their rights and implementation strategies.

1.2 Research Problem Statement

Near about a dozen of government acts and policies are formulated on disabilities by the government of Nepal. Likewise, there are many international conventions and laws are formulated about disabilities. **The Census Report of Nepal (2011)** classified that there are nine kinds of disabilities have found which are physical disability, vision-related disability, hearing-related disability, deaf and blind, voice and speech-related disability, mental and intellectual disabilities, and multiple disabilities. The question is that the formulated laws and government policies of Nepal as well as international conventions and laws are sufficient to address the problems of all forms of disabilities. How the implementing parties and agencies are implementing those policies to address the problems of disabled people. What is the understanding of disabled people about the different policies, laws, and conventions to address their problems? There is not sufficient study and research in these areas, which creates a major gap between the policies and implementing parties and implementing parties to direct beneficiaries. This study is therefore designed to fulfill this gap to address the real problem of disability.

1.3 Research Objectives /Questions

The study has been set up with the following objectives

General objective

- To review the government policies and programs and their understanding and practices in Nepal.

Specific objectives

- To find out disabilities people status in the society in Nepal
- To find the status of social and cultural participation of people with disabilities.

1.4 Signification of the study

The findings of this study are reviewed the various government policies and programs which is very significant for researchers, policymakers, planners, international and national organizations who are

working in the disability sectors in Nepal, The findings will contribute to disabling people to understanding their rights and it will further contribute to these organizations who are working in the field of disabilities to practice as their practical organizational life.

1.5 Methodology

The source of data of this study is both primary as well as secondary. The international conventions laws, treaties, and national government policies and programs are reviewed from secondary sources of information derived from various books and government official webpage. The major respondents of this study are the authorities of implementing agencies and the disabled people. Direct interviews with the authorities of implementing agencies and disabled people have been done with the help of the telephone to collect information about understanding and practices. After collecting the data, the information has analyzed to address the objectives and research questions.

Chapter Two-II

2.1 Literature Review

Many researchers have conducted much research work in the field of government policies and programs and its gap about the implementing agencies and stakeholders. (Alexandra Kay2019,) mention that the right levels of support, people with disabilities make highly effective development workers. Many people with disabilities possess attributes that are actively sought in the sector: They are natural problem solvers, dynamic thinkers, extremely adaptable and resilient, and able to work effectively with limited resources. "Development organizations must be inclusive of people with disabilities if they are to enable the positive social change that benefits all members of the community and fulfill the Sustainable Development Goals.

The social model of disability was created as one explanation for the exclusion of disabled people from society. It has been developed as a powerful tool to analyze discriminatory and oppressive structures of society. Hence, disability according to the social model is all the things that impose restrictions on disabled people, ranging from individual prejudice to institutional discrimination, from inaccessible public buildings to unusable transport systems, from segregated education to excluding work arrangements, and so on. Further, the consequences of this failure do not simply and randomly fall on individuals but systematically upon disabled people as a group who experience this failure to discrimination institutionalized throughout society. (Oliver1996)

The human rights model of disability as based on the existing canon of core human rights treaties considers different layers of identity. It acknowledges that disabled persons may be male or female, non-whites, disabled, children, or migrants. It is clear that there are more layers of identity to be considered in international human rights law and that the issue of inter-sectionalize of discrimination has yet to be solved (Degener, et.al..2000).

The official census data of Nepal (2011) reports a 1.94% disability rate, however, several organizations suggest that the actual figure far higher. Further, it is tedious to obtain accurate data on the prevalence of disability in Nepal due to cultural rituals, a lack of understanding of how to define disability, and other socioeconomic factors. Cultural and religious Hindu rituals posit that the privileges and deficits of our current life are attributed to the sins in one's past life (Gabel & Danforth, 2008). The 2011 Census Report of Nepal (CRN) has classified disability in different distinct groups whereas Physical disability, Vision-related disability, Hearing-related disability, Deaf-Blind, Mental Disability, Where an individual unable

to carry out activities relative to their age or the environment due to an absence of intellectual development before the age of 18 years, (Thapaliya,2016)

More than two-thirds of the total population of people with disabilities live in low and middle-income countries and are one of the poorest and most marginalized groups in society. However, due to the dearth of data, research on disabilities and poverty is rare. He also found that persons with disabilities having at least 10 years of schooling are found to be not poor, justifying the greater need for investment in the education of individuals with disabilities. Additionally, males without disabilities are poorer than their female counterparts. This is not the case for females with disabilities who are poorer than their male counterparts, suggesting the likelihood of women with disabilities facing dual discrimination—both as a woman and a person with disabilities. Likewise, regardless of disability status, persons living in rural areas, having lower levels of education, less land, and deprived of access to various facilities are found to be poorer. People classified to be in a low caste are the poorest among all groups (Lamichhane, et.al.2014)

2.2 Research data of disabled people in Nepal

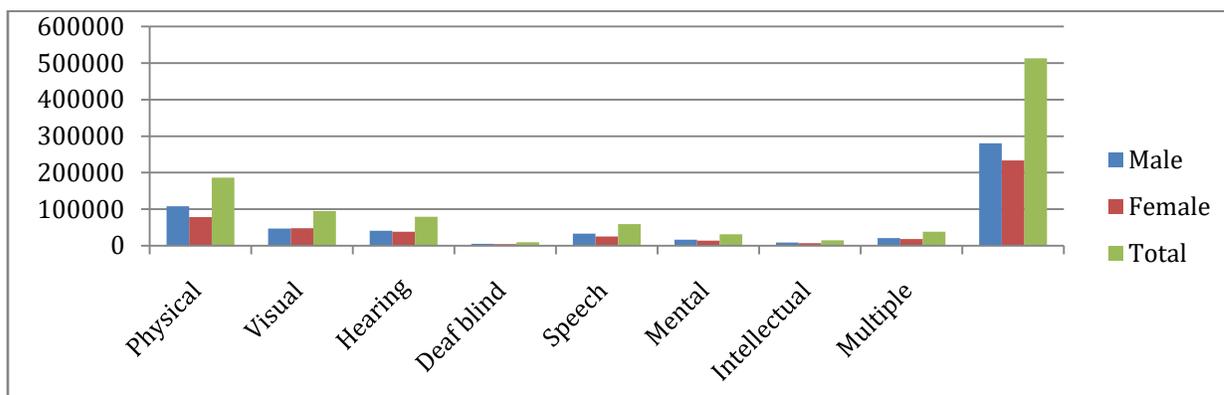
This study is brought from secondary resources. Here is mention that some kinds of disabling in Nepal which is Physical, Visual, Hearing, Deafblind, Speech, Mental, Intellectual, and Multiple. According to the total disabled population of Nepal was 513,321 within Male is 2, 80,086 and Female is 2, 33,235.

2.2.1 Table of types of disabilities

Sex	Types of Disabilities								Total
	Physical	Visual	Hearing	Deafblind	Speech	Mental	Intellectual	Multiple	
Male	108279	47041	41204	4803	33190	16787	8280	20502	280086
Female	78178	47724	38103	4633	25665	14210	6608	18114	233235
Total	186457	94765	79307	9436	58855	30997	14888	38616	513321

Census Report of Nepal (CRN) 2011

Fig. 1 Chart of Disability in Nepal according to CRN2011



Chapter III

Policies and Rights of Disabled People

3.1 National Government Policies and Right in Nepal

The Nepalese government has endorsed a variety of acts, policies, and legislation to secure their right to ensure that disabled children. There are several policies and Acts in Nepal which provide additional layers of protection for the disabled including:

Right to free education 1971,

The Special National Council (MoE) was established to facilitate special education programs in the country while 1982 Disabled and Welfare Act of Nepal worked to promote and protect the rights to equality and free education for disabled persons. Regulation No. 5 of 1982 Disabled and Welfare Act of Nepal has advocated the right to equality stating that there should not be any discrimination against the disabled concerning their physical status. The regulation denotes that disabled persons have equal rights to education, employment, politics, and dignity.

Public services at the Children's Act (1992)

Which identifies that the rights of the child to survival, protection, and development.

Nepalese Labor Act (1992)

Which prohibits employment of children under the age of 14

Nepalese Disabled Person Protection and Welfare Rule (1994),

It addresses the issue of accessibility for the disabled in public places such as transportation, buildings, employment, and other services.

Special Education Policy (1996),

The Basic and Primary Education Plan (BPEP) (1991-2001) integrated the special needs of children within the general classroom.

Local Self-Governance Act (1999)

Enabled the creation of educational environments to educate the disabled

The Ninth Five-Year Plan (1997-2002),

Defined disability and rehabilitation issues associated with the Ministries of Health, Education, Child Development, and Social Welfare.

Tenth Five-Year Plan (2002-2007)

The plan aims to provide equal rights and a barrier-free environment for the development of the disabled. It seeks to empower and involve disabled persons in sporting activities, as well as to provide prevention and rehabilitation to facilitate educational opportunities for primary through to post-graduation levels (UNICEF, 2003).

Thirteen Five-Year Plans (2013-2014)

There was an increase in the primary-school enrollment rate due to school orientation and scholarship programs. However, achieving the goal of national primary education for all by 2015 was seen as impossible due to class repetition rates, poor classroom structure, widespread poverty, the difficulty in accessing remote communities.

Nepalese Constitution 2015 was a significant step as it promulgated that there shall be no discrimination in the application of general laws on the grounds of religion, race, origin, caste, tribe, gender, sexual orientation, physical conditions, health conditions, physical impairment/conditions, and matrimonial status, pregnancy, economic condition, and language or geographical region.

In Nepalese constitution respect to education, outlined the following:

1. The physically impaired and economically poor shall have the right to free higher education, as provided for in law.
2. The visually impaired shall have the right to free education with the assistance of a brail script.
3. Hearing and speech impairments shall have the right to free education with the use of sign language.
4. Children who are helpless, orphaned, physically impaired, victims of conflict or vulnerable, shall have the right to special protection and facilities from the state.

Overall Nepal's disability policies, acts, and regulations indicate that there are nine main areas that the government has granted facilities and rights for the disabled:

1. Identity cards: Disabled persons are issued with identity cards, which are categorized according to the nature of disability (red, blue, yellow, and white). Cards can be obtained from the district office.
2. Free education: Educational institutions are prohibited from charge fees for disabled students and certain educational allowances are also made such as permitting the use of an assistant during examinations for students with visual impairments.
3. Scholarships: The Government is determined to ensure that a variety of scholarships are available for disabled children, including vocational and technical training. The Government provides scholarships according to the type and severity of an individual's disabilities with a 2% reserved scholarship for disabled students completing their higher studies.
4. Medical care: Free medical examination facilities in hospitals for the disabled and free medical treatment for disabled people above the age of 65.
5. Workforce: The government of Nepal has reserved 5% of all jobs in the civil service industry for disable persons.
6. Transportation: A 50% discount for transportation applies to disabled persons. Additionally, seats are to be reserved for disabled persons where the vehicle has a capacity of 15 or more.

7. **Accessibility:** Every public building and place should be differently able friendly for example, hospitals, schools, campuses, buses, etc.
8. **Income tax and customs:** An income tax exemption applies to disabled persons in Nepal. The Government has also held that there should be custom-free means of transportation for disabled persons, including four-wheel scooters.
9. **Social welfare and Shelter:** NPR. 1000 per month as social welfare allowances for those with complete disabilities with nature-dependent allowances for other disabilities.

3.2 International policies on disability

There are so many international policies on disabilities. Especially after the Second World War, the concerns on disabilities over disability grew stronger. It sought to reach and release the potentials of disabled persons, especially following the signing of the United Nations (UN) Charter (1945):

The Universal Declaration of Human Rights (1948) and the Declaration of Rights for Disabled people in 1975 declared that persons with a disability had their right to respect, dignity, and civil, political-economic, and social security. UN also declared the period between 1983 -1992 as the decade for disabled persons where the world programmer of the main objective was to enhance the prevention and rehabilitation of disabilities, as well as equalization of opportunities.

The first international understanding and commitment towards inclusive education were the 1989 UN Convention on the Rights of the Child: Article 23 of the Convention states that mentally or physically disabled children should enjoy a full life concerning education, social inclusion, and individual development. Articles 3, 6, 12, 24, 28, and 29 of the Convention provide further support for the development of inclusive education mechanisms for all students with special educational needs.

In 1990, the World Conference on Education for All (WCEFA): Objective of the conference: to promote education and learning for all. Significantly, the conference reaffirmed education as a fundamental right for all people and acknowledged that education was a key factor to help ensure a safer, healthier, more prosperous, and environmentally sound world. In 1992, the Economic and Social Commission for Asia and the Pacific (ESCAP) declared the period between 1993-2002 the Asia-Pacific Decade of Disabled Persons. UN Convention for the Right of Persons with Disabilities (2006), which endorsed that disabled persons are not to be excluded from the general education system based on their disability.

3.3 Practices by implementing agencies

In Hinduism, the fate of bad spirits is believed to be the causes behind disability, Because of the deep interconnection of disability to religious beliefs, many families even attempt to hide the existence of their child's disability because there are afraid of what society people think.

Women are much worse than men in Nepali society. Most women are dominated toward the perception of people or attitudes towards disability negative. They are struggling much more than the expert. Each in every step of their life is so difficult.

In a country of Nepal, disabled people have more policies but ignore what disable people like, and don't like. We belong to a country where our religion talks about the rebirth and karma of our

past lives. So that if someone said out loud that disability was the very fault of the person, some may think people with disabilities shouldn't have access to affordable transport options, health care, education, and training for sustainable careers.

I found that disability leading to inaccurate blanket assumptions resulted in discrimination, rejection, exclusion, and violence against women with disabilities inside and outside their homes. Some of said that misconception, in culture, tradition, and social religion about disability were found to be deeply rooted and often cited as the basis for individual beliefs and attitudes.

3.4 Understanding and Practice of Disable People in Nepal

The disabled people do not quite understand all the government policies and programs and international law and practices although they are very much familiar with their needs. This study concerned the disabled people about their needs, which founds that the following issues are very urgent and need for them.

- The government should provide the community housing facilities, along with the safety and health services,
- The government should provide housing for the helpless children and for the persons with disabilities who have been abandoned by the family,
- The government should ensure the life insurance, health insurance, and accident insurance,
- The government should provide medicines and other necessary assistive materials,
- The government should provide unemployment allowance, livelihood allowance, and elderly citizens' allowance on the prescribed basis,
- The government should provide allowances to the attendants of the persons with disabilities who are in the prescribed situations,
- The government should support the development and use of universal design for the development of persons with disabilities. The universal design means the design of products, physical structures, programs, and services to be usable by all persons, to the greatest extent possible, and this term also includes assistive devices for particular groups of persons with disabilities.

Conclusion and Recommendation

This study found that the government of Nepal is formulated many policies to address the different forms of disabilities. The international practices, laws, and conventions are ratified and adopted in the Nepalese government programs and policies. But the implementing mechanism of related parties is not sufficient and the direct beneficiaries have less understanding about their rights. Therefore, this study is strongly recommended to the related government and nongovernment implementing agencies including the local and provincial governments to launch the awareness programs to educate the disabled people and they should be developed the strong implementing mechanism including social security programs like housing, health education, and cultural facilities and services, and opportunities to address all forms of disabilities.

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Annex-1

Key questions to Implementing agencies

- How do you implement the government policies and programs?
- Do you feel that the current implanting plans are sufficient to address the problems for disabled people?

Key questions to stakeholders (disable people)

- Do you understand the government programs and policies related to your lives?
- What kinds of facilities and services do you need?
- What are your suggestions for implementing agencies to provide quality and effective delivery mechanisms?