

# **Disability policy in Nepal**

## **Introduction**

This paper on disability policy in Nepal has been produced by DHRC as part of a European funded project. Section 1 describes the political and social context of Nepal and also the current disability policy context. Section 2 looks at the effectiveness of current legislation. This section is illustrated both by individual examples of good practice and also by the results of two questionnaires carried out by DHRC for the purpose of this paper. Section 3 concludes the paper by looking at what is needed now. This section was informed by bringing together the views of a range of different disability organisations and working with them to suggest a possible framework for future development.

## **Section 1 Political and social context**

### **Background**

Ecologically Nepal is a very diverse country with large areas of hilly and mountainous terrain. Due to this difficult terrain infrastructure tends to be very underdeveloped. Nepal is also one of the poorest countries in the world (In the UNDP HDI they are 136 out of 175 countries). In addition to this the population of Nepal includes many different ethnic groups and the majority of the population conform to very specific caste hierarchies. There are wide discrepancies between different caste and ethnic groups in terms of their relative wealth and also their access to education. All of these factors inevitably affect the situation of disabled people in Nepal.

### **Prevalence of disability**

It is difficult to ascertain precise numbers of disabled people in Nepal. Generic studies have often recorded low instances of disability – for example the National Census of 2001 recorded only 0.45% of the population as disabled while UNICEF's 2001 Situational Analysis of Disability in Nepal found that 1.63% of people were disabled. However, these figures are in sharp contrast to studies carried out by specific impairment groups – for example a survey carried out in five districts in 1991 stated that 16.6% of children aged over five were deaf while a study by a mental health organisation, Aasha Deep (2000) found that 10-12% of the population had experienced some form of mental health difficulties.

Gathering data on the prevalence of disability is notoriously difficult in all countries for reasons which include the lack of a common understanding of what constitutes a disability and also the embarrassment people may have in acknowledging an impairment. However, the WHO has estimated that around 10% of people in developing countries have some form of disability. Given Nepal's poverty, the difficulty of accessing health provision, the low level of anti-natal care, the high instance of accidents which occur in mountainous terrain and also the ten year situation of conflict which the country has been

experiencing, it is likely that the figures are far higher than those recorded in many of the studies.

### **Political context**

Nepal first achieved democracy in 1990. However, the benefits of democracy did not reach the vast masses of the population particularly in rural areas, a fact which led to the Maoists insurgency which began in 1996. In 2004 the fragile beginnings of democracy were clamped down by a royal take over with the king resuming absolute power. It is only very recently, in April 2006, that the people have won back their democratic rights. It is too early yet to say how successful this reclaimed democracy will be but hopes are high. One factor which is very important for this paper is the active role which disabled people played in demonstrating against royal autocracy. They clearly showed that they recognised that disability rights rested upon restoration of democratic rights and they, along with so many other Nepali people, gained political confidence and stature during the events of 2006 thus creating a positive context for the development of rights based disability policy.

### **Social context**

Family structures are still very strong in Nepal. In many ways this provides a structure of support for disabled people within the family which can at times be lacking in the West. However, there are also instances where extreme poverty combined with lack of awareness about the potential of disabled people can lead both to over protection and at times to abusive and discriminating treatment. Western commentators are often quick to blame such behaviour on traditional and unenlightened beliefs. However, it is important to continually bear in mind the effects which extreme poverty has in creating a negative environment for disabled people. For example, a recent article in a Nepali newspaper described a village family who had resorted to physically restraining their adult son who had mental health difficulties. The family said that he had, for a period of time, received appropriate medication which had greatly improved his situation. However, when the medication ended they were unable to afford to repeat the subscription hence his behaviour had greatly deteriorated.

Examples such as these show the urgent need for action at the levels of policy, of public awareness and of implementation. Certain actions have tried to address this situation. For instance the DHRC weekly radio programme '*Disability Voice*' on disability has done much to raise awareness. Individual organisations such as Aasha Deep (an organisation supporting people with mental health difficulties) have worked hard to provide support for its members to try to ensure they are not sent to jail as, in Nepal, many people with mental health difficulties still are. However it is very clear that far more needs to be done on a national level if disabled people throughout Nepal are to be allowed and supported to play an equal role in society.

### **The Disability Policy Context**

This section will look at the policy context in Nepal for disabled people. It will go briefly through the policy statements and legislation which exists at

international, regional and country level before examining in more detail the effectiveness of this policy in practice.

### **The International Context**

In 1975 the UN produced its Declaration of Rights for Disabled People followed in 1982 by the World Programme of Action Concerning Disabled People being adopted by the General Assembly.

In terms of education a United Nations world conference on 'Education for All – meeting basic learning needs' was held in Jomtien, Thailand in 1990 followed by a world conference on 'Special Needs Education: access and quality' in Salamanca, Spain in 1994 which produced the 'Salamanca Statement and Framework for Action'. The discussions arising out of these conferences and the publications produced as a result of them have, as we will see below, had an impact on educational policy and practice in Nepal.

1982-92 was declared the UN Decade of Disabled People and, at the end of this decade the United Nations Standard Rules on the Equalisation of Opportunities for Persons with Disabilities was produced which provided a basis for international co-operation and an instrument for policy-making and actions for people with disabilities. However, these rules have no formal, binding authority.

### **The Regional Context**

In 1997 the Dhaka Declaration stated that 'all Governmental and non-Governmental organisations working in this region recognise that handicap and disability are development issues'.

2003-12 has been stated as being the Asian and Pacific Decade of Disabled Persons and, in response to this, the UN ESCAP has produced the 'Biwako Millennium Framework for Action: towards an Inclusive, Barrier-free and Rights-based Society for Persons with Disabilities in Asia and the Pacific'. This document provides very clear information on actions which need to be taken in individual countries in order to create an inclusive, barrier free and rights based society.

### **The Nepali Legal Context**

The first legislation related specifically to disabled people in Nepal was the Disabled Persons (Protection and Welfare) Act (1982). However, the Rules to lay down how this legislation might be exercised were not produced for another twelve years in 1994. The Act contains the following provisions:

#### **Education:**

No fees shall be charged to disabled students.

5% of places in Government organisations providing vocational training should be reserved for disabled people.

NGOs or private organisations that provide education and training for disabled people can ask for assistance from the Government

A Disabled Relief Fund (established in 1981) can allocate scholarships to disabled students.

**Health;**

Disabled people are entitled to free medical examination

All hospitals with more than 50 beds should allocate two beds for the use of disabled people

There should be free treatment for disabled people over the age of 65

**Employment:**

It is prohibited to discriminate against disabled people in relation to employment

Individual businesses employing more than 25 people should give 5% of their jobs to disabled people

There should be income tax exemption for employers who employ disabled people

There should be no duties on specialist equipment required by disabled employees

5% of jobs in the Civil Service should be allocated to disabled people

**Self Employment:**

The Act directs the Government to provide programmes which support disabled people into self-employment.

It also states that the Disabled Relief Fund should allocate loans of between 5000R and 20000R in order for disabled people to establish themselves as self-employed.

**Transport:**

The Act allows for transport companies to allow disabled people to travel at half the regular fare – but this can only be undertaken with the agreement of the particular company. At the present time all transport in Nepal is privately owned.

**Social Welfare:**

The Act allows for disability allowance to be paid to disabled people, but this is a 'power' rather than a 'duty' and is qualified by statement that this is subject to available resources.

**People with mental health difficulties:**

The Act states that 'people with a mental disorder' should have arrangements made for them to be treated either at a hospital or at home.

It also says that 'no disabled persons suffering from mental disease, save those against whom proceedings are being taken or who have been punished in a criminal offence under the prevailing law, shall not be kept in jail'.

Although this is then qualified by the next phrase 'except for treatment or security arrangements'

**Additional legislation in Nepal**

**The Education Act 2000** authorises the Government to develop special rules for disabled people in education.

**The Social Welfare Act 1992** established the Social Welfare Council and gave the Government powers to develop special programmes for disabled people.

**The Child Protection Act 1992**, which was introduced to address issues raised in the UN Convention on the Rights of the Child, states that disabled children cannot be discriminated against and gives a duty that disabled children who cannot be cared for by their family must be provided for in children's homes and receive necessary education.

**The Local Self-Government Act 1999** authorises VDCs and VDC Ward Committees to help protect disabled and other vulnerable people. It also gave them a duty to keep a record of disabled people in their area.

## **Section 2**

### **Effectiveness of current legislative framework**

The brief overview above shows that disabled people in Nepal are not without a legislative context. However, three major facts stand out.

The first is that the legislation there tends to be provision rather than rights based. It is concerned with what disabled people will be provided with rather than asserting their equal rights in society. This is hardly surprising. At the time when the Disabled Persons (Welfare and Protection) Act was written Nepal was still ruled under the Panchyat system and none of its inhabitants had yet achieved full democratic rights. Moreover, even in the West, which has a far longer history of disability legislation, it has taken many years before rights based legislation has been introduced – for instance The Americans with Disabilities Act (1990) and the UK Disability Discrimination Act (1995). However, as shown in more detail below, this shift from provision to rights based legislation is one which is important for Nepal.

The second fact is that, although on the surface the Nepali legislation appears to provide many positive ways in which disabled people can access education, health and social support, in fact on closer examination the legislation can be seen to be hedged by many provisos. In many instances the Government has 'powers' rather than 'duties' – that is to say it is allowed to make certain provisions but is not obliged to. In other instances there is only a need to make certain provisions if existing resources allow for it, hence making it easy for authorities to reject certain proposals on the grounds that there simply is not enough money.

Thirdly, and very importantly, Nepal has had very little in the way of an overall framework which shows how disability legislation which does exist might be implemented. The Ninth Five Year Plan (1998-2003) does include certain mechanisms and strategies for promoting the rights of disabled people, and a National Co-ordinating Committee which involves disabled people has been established to feed into the Tenth, Five Year Plan. From this the Government is conducting a CBR programme, with special and inclusive schools, scholarships and a prevention programme. However, as yet there has been

no overall strategy and national guidelines to support implementation of existing legislation. Experience in all countries shows clearly how, without a clear implementation plan, legislation can easily remain a written commitment which bears little relationship to the reality of peoples' lives.

The concerns expressed above are not meant to indicate that there has been no development in the area of disability in Nepal. On the contrary, there have been many exciting developments both within the NGO sector and through the increasing activity of organisations of disabled people. However, without an overall strategy, these initiatives tend to remain isolated and do not automatically result in affecting the lives of any but a small number of individuals. The next section will give some examples both of positive developments which have occurred, but also of areas which still need considerable development.

## **Examples exemplifying the current situation**

This section will begin by showing some positive examples of disability developments in Nepal.

### **1. Awareness through radio programmes**

The radio programme raises awareness of the 'Rights' of PwDs to medical services, education etc. In Palpa district there is a resource centre for the blind. A child became aware of its rights through the radio programme and as a result was admitted for education.

The radio programme has given many disabled people more confidence and in some cases PwDs have started their own radio programmes

### **2. Awareness raising through training programmes**

As a result of training in Bardiya, Dolakha and Surkhet local PwDs demand and got free education and also free health service. The capacity of the organisations is growing and the local government are beginning to listen to their voices.

### **3. Success through the Courts**

In 2002 DHRC successfully took a case to the Supreme Court which resulted in the Court ordering the Government to endorse the legislation providing free education to disabled students. Below is the press statement issued by DHRC after the hearing:

**Practical Example  
DHRC-Nepal Appeals/Press Statement**

**SUPREME COURT DECIDE FREE EDUCATION IN NEPAL**

The Supreme Court Today ordered the government to provide free education to all disabled in the country (Nepal).

Joint Bench Comprising Justices Krishana Kumar Burma and Ram Prasad Shrestha Issued the order to Cabinet of Ministers and the Ministry of education and Sports in response to a write petition filed by Shudarson Subedi and Babu Krishna Maharjan on behalf of the Nepal Disabled Human Rights Center (DHRC-Nepal)

The Supreme Court also directed the Ministry of Education and Sports, The Education Department, The Higher Education Department, The Special Education Council, The Tribhuvan University, The Purbanchal University and the Kathmandu University to provide free education to the disabled "The constitutional and legal provision should be implemented" the supreme ruled. Article 11 of the constitution says 'special provisions may be made by law for the protection among others, of those who are physically or mentally incapacitated.

Supreme Court decided "The directive has been issued to the government and education ministry to implement clauses 4, 5 and 6 of the disabled protection and welfare act 2039 BS" said the court ruling. The cited clauses have provisions for the protection or equality and free education for the disabled respectively. Despite the existence of legal provisions, the disabled have been denied the facilities. According to the training schools for the disabled since clause 5 of the act obliges the government to do so.

**DHRC-Nepal appeals & humble request to the all national and international government< NGOs, INGOs, UN Agencies, human rights organization, general public disabled forum, working with and for disabled & civil society, partner organization and individual to support DHRC-Nepal to implement the decision of the Supreme Court.**

**Many-many thanks to our supporting agencies in this case  
We are always waiting for yours suggestion for future action**

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**4. Positive case study of employment of deaf people in Kathmandu**

In 1997 Shyam Kathapatti, a successful Nepali restaurant and café owner, made the decision to employ significant numbers of deaf waiters and waitresses in one of his Bakery Cafes. In the subsequent years this initiative has grown and developed. He now employs approximately fifty profoundly

deaf staff on an equal basis with all his other employees. Many of the original staff are still in post eight years on. Interviews with deaf staff and their families show how enormously their employment has enhanced their status and quality of life. Moreover, the initiative has done so much to change attitudes towards deaf people in Kathmandu. The Bakery cafes are popular eating places in the city and often filled with business men and families all of whom now communicate with ease with deaf waiters and waitresses.

Interestingly the Bakery Café initiative was a purely private sector development. While recruiting deaf staff from local NGOs and rehabilitation projects it has never received 'aid project' funding and the only Government funding it has received is a small amount of money for training new deaf staff.

## **5. Rehabilitation provision**

Green Pastures in Pokhara is a very long established hospital and centre for people of all ages with a range of physical disabilities, leprosy and health problems. Services at the hospital include medical treatment, physiotherapy, speech therapy, rehabilitation and employment training. Green Pastures works closely both with the Government and with other partner organisations. On a local level it organises training and disability awareness. In 04/05, working with eleven partner organisations, it was able to assist 3000 people with disabilities through a variety of awareness raising and income generation activities.

## **6. Developments in inclusive education**

Nepal has committed itself to the principles of 'Education for All' and the Nepali Government along with UNESCO have developed pilot inclusive projects in some districts. The evaluation of these has been written up in the report *'Training Inclusive Education Teachers in Nepal: some lessons'*. This report gives examples of positive developments which are occurring within these areas:

- Practice which seeks to include excluded learners in education, for example, by mapping current enrolment, establishing baseline figures and finding ways of encouraging excluded children to attend school
- Involvement of parental and community ownership by developing ways of raising community awareness, for example, one community put on a play which showed the importance of schooling for Dalits and girls, another visited parents of children who were not at school to discuss with them the importance of their children receiving education
- Developing access to education for under-represented groups, for example by improving physical access for disabled children, developing physical aids and specially designed teaching materials, creating a safe environment for all learners, finding ways of making under-represented groups feel more welcome
- Developing more inclusive practice in teaching and learning, for example, using active, learner-based teaching methods such as use of drama and song and using group work with mixed ability groups.

However, with all the examples of good practice above it is important to recognise that these are on the whole isolated instances and tend not to be replicated or even known about outside of their particular location.

## **Analysis of recent telephone survey**

It is important to show these positive examples of good practice. However, they are far from universal. For the purposes of this report DHRC carried out a small telephone survey, the results of which are analysed below.

- DHRC carried out a series of five different types of telephone interviews to:
- Educational organisations
- Hospitals
- Employers
- Government Ministries
- INGOs/NGOs

The specific questions asked varied slightly according to the nature of the type of organisation but the main aim was to elicit how aware the organisation was of disability policies and how far they included disabled people in their practice.

A summary of the results of these five sets of interviews is presented below.

### **1. Education**

DHRC telephoned 20 schools. Out of these 20, 8 had specific knowledge of disability policies. However, 11 schools had disabled learners in their classes – proportions ranging from one school which had 30 disabled learners out of a total school population of 400, to others which had proportions of less than point 1%.

Interestingly, of the 8 schools which had knowledge of the policies, only 4 actually included disabled students, while several of those who did include disabled students (including the one with the highest proportion) recorded no knowledge of policies. There is a clear message here that technical knowledge of policies is not necessarily the factor which leads to inclusive practice.

Of the twenty schools 3 stated that they had disabled staff members (one had 1, one 2 and one 3). The school that had three disabled staff members was also the school that had the highest number of disabled students. It appears that this school is, without knowledge of the theory, using good practice.

### **2. Health**

Of the 20 hospitals telephoned, only 4 had specific knowledge of Nepal's legal policy for disabled people at hospitals. Despite the law which states that any hospital with more than 100 beds should allocate two of these to disabled people, none of the larger hospitals were doing this. However, 10 of the

hospitals stated that they had provision for disabled people. Four stated that they provided free health care for people over 65 and a further eight gave evidence of a discount policy – although this was related to overall income level of patient and not a specific discount for disabled people.

### **3. Employment**

Of the 15 employers contacted 5 had knowledge of policies in relation to the employment of disabled people. Six of the employers had disabled employees although interestingly of these six only one was an employer who had stated having knowledge of Nepal's disability employment policies, thus reinforcing the findings in the education interviews that inclusive practice was not at all closely related to knowledge of policies. The two very high employers of disabled people were Nanglo Bakeries and The Bakery Café which is itself part of the Nanglo chain. The owner of this chain has made the decision to employ large numbers of deaf waiters and waitresses – a decision which has proved extremely successful both for the employees and the hotel chain. Disabled employees accounted for one sixth of all employees in Nanglo Bakeries and nearly half of staff in the specific Bakery Café. Other disabled employees formed between just over 1% to less than 0.1% of their employer's workforce.

### **4. Government Ministries**

14 Government Ministries were contacted. Eight of these responded that they had knowledge of Government disability policies. Seven of these were able to state their own Ministry's policy for disability. Eight talked about services or facilities they had for disabled people although only three had specific money budgeted for the disability sector.

### **5. INGO/NGO**

15 INGO/NGOs were contacted. Nine of the respondents stated that they had knowledge of Nepal's policy and legislation on disability. Eleven responded that they had within their organisation a specific policy on disability. Nine spoke of specific services they had for disabled people although only four (two of which were designated disability organisations) spoke of having designated money for the disability sector. Worryingly one of the organisations which had no knowledge of disability was itself a human rights organisation.

### **Possible flaws in the survey methodology**

While being a very important piece of work these telephone interviews do not claim to give conclusive evidence. Factors which need to be taken into account include:

- The relatively low numbers of organisations contacted
- The fact that these were all organisations within Kathmandu where provision and services are more developed than in the rest of the country
- The fact that only one person in the organisation was spoken to is also a factor. However, in each case it was somebody with authority to speak for the organisation for education it was usually the principal or assistant principal, for health out of the 15 twelve were either directors, or administrators of the hospital. In the ministries 12 were ministry

speakers and 2 assistant secretaries. For INGOs/NGOs and businesses it was more difficult to judge the level of the person replying as the defining of grade was not always apparent, however, among those responding there was a president, 2 advocates and three executive officers and in business every person who responded had a different title. Whilst everyone who actually responded appeared to have the authority and position to speak for their particular organisation the responses do not necessarily reflect the knowledge of the organisation as a whole

- The fact that, although an inclusive definition of disability was given by the interviewer at the beginning of the interview, disability in Nepal is still often equated solely with physical and sensory impairment hence respondents might not have included people with other less overt disabilities or learning difficulties in their responses.

### **Some lessons learnt**

Despite these factors which need to be taken into consideration, there are some interesting lessons to be drawn from the survey.

The first of these is an awareness that disability policy is certainly not universally known about in all Nepali organisations or even Government Ministries. However, here too, one needs to approach this evidence with caution. At least one of the NGOs which responded that it was unaware of Nepali disability policy is known by DHRC to have members who are very aware of the policy and legislation. The message therefore seems to be more that disability policy is known by certain individuals but not necessarily systematically spread through all members of the organisation.

The second is the interesting finding that knowledge of policy does not at all relate to inclusive practice. In fact, in general, the most inclusive practice (at least in terms of numbers of disabled people being included) was being carried out by those whose respondent had no knowledge of Nepal's disability policy and legislation. There are important messages here both for Government and for disability organisations.

The third is that, apart from particular exceptions (e.g. Nanglo Bakery) inclusion of disabled people is low in employment and education and particular awareness of the needs of disabled people is low in the health sector. Responses from NGOs and Government Ministries tended to show that disability is still seen as a segregated issue dealt with by particular ministries or organisations.

However, on a positive note, the interviews did show that there are some positive developments. The fact that over half the schools interviewed and over one third of employers were able to state that they had at least some disabled students or employees (even though the numbers were often very low) indicates that steps have begun to be made to include disabled people in Nepali society and provides a base line for the significant further development

## **Survey of people with disabilities**

DHRC also carried out its own survey during three trainings in Human Rights Education. These trainings took place in the far West region of Nepal. Participants of the training were asked to answer three questions.

- What should be improved in existing laws, bylaws and policies?
- What should be included in the constitution which is going to be drafted?
- What roles are being played by People with Disabilities to ensure the rights of PwDs in the new Constitutional Assembly?

### **Analysis**

In Surkhet; seven people did not respond to question 1, two to question 2 and seven to question 3. In Bardia; eight people did not respond to question 1 four to question 2 and six to question 3; in Dolakha only one person did not respond to question 1, every participant answered question 2 and 12 did not answer question 3. Some of the participants were not well educated and found it difficult to express themselves in the written word.

The response to question one was overwhelmingly for clarification and implementation of existing laws and policies and powers to enforce them. Answers 1, 2, 4, 6, 7, 10, 11, 14, focus on a desire for fair implementation of existing provisions (30 responses in total)

A better provision for the needs of PwDs in the new constitutional was certainly the most relevant question to most participants and gave the greatest variety of answers. As might be expected after a Human Rights Education the majority looked for better human rights provision for PwDs in the new constitution. Answers 1, 3, 4, 9, 10, 11, 13, 17, 18, 20, 22 and 25 (345 responses in total) all focus on 'inclusion' and 'rights' rather than charity.

It would seem that participants were less certain about the role that should be played by PwDs to keep disability issues to the forefront of policy makers for the new constitution 25 did not respond and only 13 ideas were put forward. However, there was a recognition that PwDs need to monitor progress and implementation.

### **Gender**

Approximately 30% of the participants were women, they gave 50% of the answers to Q1 and 3 and 35% to Q2

In the present legislation females are discriminated against and therefore it is not surprising that it was the females who asked for the difference between disabled men and women to be removed. (Husbands of disabled women can take a new wife if the woman becomes disabled after marriage).

The number of responses for preferential treatment over all three questions was low (43), of these 11 wanted reservations Q1: 6, Q2: 10: of the others three requested assistance with assistive devices and 7 a regular allowance for PwDs. Only one respondent asked for separate schools for PwDs., but 4 felt there should be provision for scholarships. There was an

acknowledgement of the need for assistance in making living conditions better  
answers Q1 16, 17, 20, Q2 16 (4 in total)

It is very encouraging to see the number of PwDs who recognize that inclusion into the mainstream of society is the way forward.  
(All answers to each of the three questions at Annex 1)

### **Section 3**

#### **What now?**

There are three very positive reasons for the current time to be an excellent time to look at developing work both in the area of policy and practice in Nepal.

The first of these, mentioned at the beginning of this paper, is that Nepal has an interim Government. This interim Government, which will fully restore democracy to Nepal and states that it will now draw up a new constitution, one of its main priorities is to reduce the large inequalities in Nepal. As we have seen already disability groups in Nepal helped to achieve the current political changes, and it is essential that right from the beginning disability rights are included in any new policies.

The second is that the United Nations are in the process of creating a new Convention on disabled people which is likely to be ratified at the end of this year (2006). Previous UN statements on disability mentioned above are not legally binding. However, UN Conventions are and countries which sign up to them have to ensure that their policies and practices match their requirements. Current drafts of the new Convention reveal that it is strongly rights based and also that it covers many of the areas which need urgently to be addressed by Nepal.

Thirdly, despite the ongoing difficulties and discrimination faced by disabled Nepali people, the evidence above shows that there are pockets of good practice. These have occurred both at the level of provision (e.g. The Bakery Café, Green Pastures, village level awareness training), and also at the level of policy (the creation of rights based groups, winning of a legal case). Experience in developing countries has shown that policy is most likely to be effective if it is based upon some prior developments in practice.

#### **The Way Forward: a framework for future development**

To address this issue DHRC convened a very useful full day meeting with a range of different Nepali disability organisations.

Participants made the following points:

- Nepali People with Disabilities are unanimous in wanting the new laws/policies to be rights based; the laws must have a **Duty** rather than a power base as was previously the case. The laws will no longer simply make provision for People with Disability but will be promulgated as a **Right**. The new laws should be without ambiguity. The laws themselves should not be gender discriminatory. In addition there needs to be a strong element of focus on implementation, with a route to a legal process of enforcing them if they are ignored.
- There was unanimous agreement that with the development both of a new constitution in Nepal and the imminent publication of the UN convention on disability it was an excellent time to put forward strongly the demands of disabled people in Nepal. Several participants are already attending meetings in relation to the development of a new constitution.
- There was a strong commitment from all participants to the importance of all groups working closely together. While specific groups inevitably have individual agendas, it was acknowledged that success was far more likely if a common voice was presented to Government.
- Participants felt very strongly that disability needed to feature in ALL legislation. While there might well be a need for specific disability legislation, this would only be effective if the rights of disabled people were also included in all areas of the law. Currently Nepal is anxious to reduce levels of inequality and exclusion. Too often the groups referred to are lower castes, women and minority ethnic groups. Disabled people must be automatically added to this list. To ensure this disabled people needed to be included in all areas of political debate at both national and regional level.
- Implementation was seen as a key concern. Current programmes of awareness raising need to be continued and expanded. There needs to be a national strategy for implementation and mechanisms devised to ensure that there is a local 'disability champion' in each local district.
- Closely linked to this was the issue of budget. There needs to be a clearly identified budget for disabled people in order to develop relevant programmes where appropriate and to ensure that individual people with severe disabilities receive adequate benefits.
- Nepal has during the last ten years been in a situation of conflict. This has resulted in large numbers of people becoming disabled – both directly as a result of injuries while fighting and also indirectly through distress and trauma. Steps need to be taken to ensure that all those disabled as a result of conflict, on both sides, receive adequate treatment and rehabilitation.

- Non-visible disabilities. Concern was expressed that the disability agenda should not solely be dominated by those with overt disabilities. Particular groups mentioned were those with learning disabilities and those with mental health difficulties. Representatives of parents of those with learning difficulties spoke of the stigma which could be attached to learning difficulty and the heavy burden placed on families. Two specific issues needed addressing as a matter of urgency. The first was the fact that (because fathers of a learning difficulty child often abandoned the mother) children with a learning difficulty were often denied legal citizenship as this required the signature of the father. The second was that people with a learning difficulty, along with other disabled people, were often denied their property rights. Concern was expressed that people with mental health difficulties were still being put into prison even if they had not committed a crime and it was agreed that without adequate support in the community this abuse would continue.
- It was agreed that any future developments needed to take account of the fact that disabled women were doubly discriminated against. Care needed to be taken that any developments, at the levels of both policy and practice, ensured equal rights and provision for disabled women.

## **Conclusion**

As this paper shows there is still very much work to be done in the area of policy development and policy implementation in Nepal. However, it has also shown how much potential there is for this development to take place. The current political situation, both internal and external, is supportive of changes which need to occur. Moreover Nepal has in recent years developed both individual examples of very good practice and also has seen the rise of committed disability organisations who are keen to work together to take advantage of the current political context.