DIGNITY, EQUALITY AND JUSTICE FOR ALL

Introduction

In September 2015 Nepal had adopted a democratic and inclusive constitution, which is a comprehensive set of rights specifically referring to persons with disabilities and had set out special provisions to protect their rights. The constitution guarantees dignity, justice and proportional representation at local bodies. The Disability Rights Act of 2017, which replaced the Disabled Persons (Policies and Provisions) Act 2008, significantly departed from the welfare-based approach to the rights-based approach to disability. The Act fully recognized that persons with disabilities are individuals and their skills, knowledge, and human rights and for sustaining life like other people in the society. Rights provided to the persons with disabilities and had set out special provisions so as to ensure that these provisions are effectively implemented. The act mandates that the national government, the provincial and the local government together with the NHRC shall, in consultation with the national, provincial, and local governing bodies, multi-sectoral offices, the private sector, and civil society work on the policy, strategy, and program for the promotion, protection, and implementation of human rights of persons with disabilities.

The National Human Rights Commission of Nepal (GoN), has envisaged NHRC as independent, recognized the principles on which the Convention of the Rights of Persons with Disability (CRPD) are implemented by the Ministry. Realizing the need for the effective implementation of human rights of the persons with disability, the National Human Rights Commission Act 2012, the Constitution and the section 4(1) (c ) and (f) of the Nepal’s State Report submitted to Committee on the Rights of Persons with Disability, 2004, recommend to move forward the essential reforms in the human rights situation, register the cases of human rights violations and take necessary actions. In accordance with the principle of inclusion and the spirit of the Constitution, the central and regional offices of the NHRC monitor the human rights situation, register the cases of human rights violations and take necessary actions. In addition, the National Human Rights Commission (CRMC) has been also formed in district level. The CRMC ensures that the CBRM is implemented under the government fundings is implemented as per the plan. Apart from this, the Government of Nepal has nominated a first class officer (Joint Secretary) as a head person to take charge with the issues of disability as Assistant Attorney General. The focal person ensures that the provisions of the CRPD are implemented by the Ministry. Realizing the need for the effective implementation of human rights of persons with disabilities, this paper describes the NHRC as the focal person in submitting independent Report to the National Human Rights Commission of Nepal.

To manage the social security allowances to the persons with disability and their children, to create a suitable living environment for the persons with disability, to create an atmosphere of respect and equal opportunity, the Ministry has already issued the national directive. To ensure protection, promotion and effectiveness of the rights of persons with disability, the Nepal government has envisaged NHRC as independent, recognized the principles on which the Convention of the Rights of Persons with Disability (CRPD) are implemented by the Ministry. Realizing the need for the effective implementation of human rights of persons with disability, the National Human Rights Commission Act 2012, the Constitution and the section 4(1) (c ) and (f) of the Nepal’s State Report submitted to Committee on the Rights of Persons with Disability, 2004, recommend to move forward the essential reforms in the human rights situation, register the cases of human rights violations and take necessary actions. In accordance with the principle of inclusion and the spirit of the Constitution, the central and regional offices of the NHRC monitor the human rights situation, register the cases of human rights violations and take necessary actions. In addition, the National Human Rights Commission (CRMC) has been also formed in district level. The CRMC ensures that the CBRM is implemented under the government fundings is implemented as per the plan. Apart from this, the Government of Nepal has nominated a first class officer (Joint Secretary) as a head person to take charge with the issues of disability as Assistant Attorney General. The focal person ensures that the provisions of the CRPD are implemented by the Ministry. Realizing the need for the effective implementation of human rights of persons with disabilities, this paper describes the NHRC as the focal person in submitting independent Report to the National Human Rights Commission of Nepal.

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disability, the Government of Nepal and other donor agencies should mandatorily manage to act in accordance with the principle of ‘demands of persons with disability in development’.  

8. To distribute all kinds of assistive devices used by the persons with disability free of cost. The assistive devices that cannot be distributed free of cost should be distributed in easy manner and subsidized costs and to evade all kinds of tax imposed in such devices.  

9. By addressing the diversities within the disability, prioritize the severe types of disability and the special needs of Dalits, Indigenous People, Muslim, Madhesi and Women within the disability. In the forthcoming National Census 2021, compute the disaggregated data of persons with disability in the Dalit, Indigenous People, Muslim and Madhesi community and manage to collect the data compulsorily in accordance with the types of disability.  

10. To establish and cause to establish the rehabilitation centers at least in each province to rehabilitate the persons with complete and sever disability, orphan and intellectual disability and mental or psycho - social disability.  

11. To collect the integrated and disaggregated data in accordance with the diversity of persons with disability throughout the nation by the Central Bureau of Statistics. To manage the record of persons with disability by the all the local levels and to update and cause to update it every year.  

12. To review the distributed disability related identity cards.  

13. To empower local government in the disability issue.  

14. To highly prioritize the rights of the persons with disability by the provincial government.  

15. To include the disability friendly provisions in the laws by the Federal, Provincial and Local governments and to amend the existing laws accordingly.  

For the protection and promotion of human rights of persons with multiple disability  

16. To manage the assistant to the persons with complete and sever disability as they need assistance.  

17. To manage treatment free of cost.  

For the protection and promotion of human rights of persons with autism and related disability  

18. To manage the assistance,  

19. To establish rehabilitation center for care and education.  

For the protection and promotion of human rights of persons suffering from hemophilia and related disability  

20. To manage treatment free of cost.  

For the protection and promotion of human rights of persons with intellectual disability  

21. To operate Public Care Center and Trust Fund for the comprehensive welfare, rights and empowerment of the persons with intellectual disability.  

For the protection and promotion of rights of persons with mental and psycho - social disability  

22. To manage day care services and manage self-dignity and comfortable social security including the individual supporter to the persons with complete and sever disability,  

23. To repeal the laws that discriminates on the basis of mental disability.  

For the protection and promotion of rights of persons with voice and speech related disability  

24. To manage the speech therapy services easily available and accessible  

For the protection and promotion of rights of persons with hearing impairment and vision related disability  

25. To promote the textile communication.  

26. To manage the support.  

27. To provide services keeping them in the rehabilitation centers.  

For the protection and promotion of rights of persons with hearing impairments  

28. To manage the sign language interpreter in the offices where the public relation is high.  

29. To manage the trainers and training for the production of the interpreters.  

30. To manage the use of sign language in the broadcasting media.  

31. To establish training center to study and research the sign language.  

32. Include the low hearing disability into the definition of disability.  

33. To manage including note taker, hearing aid to ensure the access of low hearing individuals.  

For the protection and promotion of rights of persons with vision related disability  

34. To distribute preparing the educational materials in Braille.  

35. To distribute preparing the educational materials in audio record.  

36. To manage the assistive devices like white sticks easily accessible.  

37. To ratify the Marrakech Treaty, 2013 for promoting the access to communication to the visually impaired persons.  

38. To manage the use of innovative modern technology to provide access to the visually impaired persons.  

For the protection and promotion of rights of persons with physical disability  

39. To develop disability friendly physical infrastructure.  

40. To make the assistive devices easily accessible.  

Way Forward  
- Continued awareness and sensitization activities at province and local level including locally elected bodies,  
- Policy level intervention at central level,  
- Study research on situation of mentally disabled persons in Nepal to set a baseline,  
- National Mental Health Survey to identify gravity of problem,  
- Joint monitoring missions to monitor the human rights situation of mentally disabled persons.