**Blind Youth Association Nepal and European Disability Forum Submission to the European Union Ahead of the EU-Nepal Joint Commission**

March 8, 2024

The [Blind Youth Association Nepal](https://www.byanepal.org/) and the [European Disability Forum](https://www.edf-feph.org/) appreciate the opportunity to contribute to the preparations for the upcoming European Union-Nepal Joint Commission meeting to be held in Kathmandu, Nepal in March 2024. Our joint submission focuses on the legal framework safeguarding the rights of persons with disabilities and the barriers facing persons with disabilities in education, employment, and political participation. We offer recommendations to address these issues to ensure the inclusion of persons with disabilities across Nepal.

# **Background**

It is estimated that 16 percent of the world’s population are people with disabilities. Meanwhile, an estimated [27 percent](https://www.consilium.europa.eu/en/infographics/disability-eu-facts-figures/#:~:text=How%20many%20people%20have%20a,people%20adults%20in%20the%20EU.) of people in the European Union (EU) and between [2.2 percent of people](https://www.consilium.europa.eu/en/infographics/disability-eu-facts-figures/#:~:text=How%20many%20people%20have%20a,people%20adults%20in%20the%20EU.)[[1]](#footnote-1) in Nepal are persons with disabilities. Unfortunately, persons with disabilities face persistent barriers in various aspects of life, including education, employment, and political participation. However, the [UN Convention on the Rights of Persons with Disabilities (CRPD)](https://ec.europa.eu/social/main.jsp?langId=en&catId=1138#:~:text=The%20UN%20Convention%20on%20the,EU%20has%20become%20a%20party.), a landmark international instrument setting the minimum standard for the rights of individuals with disabilities, has garnered ratification by both the EU and Nepal. Notably, Articles 24, 27, 29 and 32 of the CRPD specifically delineate the rights of persons with disabilities in education, employment, political participation and international cooperation.

Additionally, in 1971 the government of Nepal first initiated services to persons with disabilities. Further, in 1982 the government enacted legislation known as the Disabled Persons Protection and Welfare Act, endowing certain services in the area of education, training, employment, treatment from the welfare perspective. More recently, this Welfare Act was replaced by the Act Relating to the Rights of Person with Disability in 2017, which is more in line with the CRPD.

# **Education**

Organizations of Persons with Disabilities (OPDs) have persistently advocated for educational improvements in Nepal for over two decades. Despite the implementation of significant initiatives like the Education for All campaign and free education provisions, there remains a pressing need to enhance inclusivity within the education system in Nepal. Presently, students often attend segregated schools, often distant from their hometowns, lacking teachers trained in utilizing accessible learning materials like braille and audio equipment, as well as ensuring accessible testing. [Human Rights Watch](https://www.hrw.org/news/2018/09/13/nepal-barriers-inclusive-education) found that out of more than 30,000 schools in Nepal, just 380 have what they call “resource classes,” where children with a particular disability, such as children who are blind or who have an intellectual disability, are grouped with others with a similar disability.

Additionally, classrooms do not have appropriate infrastructure. Whereas all students are not able to obtain accessible academic materials. University students are particularly facing hardships due to negligence from academic institutions and governments, leading to either compromising their grades or even often abandoning their studies. For example, there is often complete denial of [reasonable accommodation to students with disabilities](https://www.un.org/development/desa/disabilities/convention-on-the-rights-of-persons-with-disabilities/article-24-education.html) during exams, a clear violation of the CRPD.

# **Employment**

The [National Living Condition of Persons with Disabilities](https://nfdn.org.np/presentations/employment-pwds/) report (National Federation of the Disabled – Nepal and SINTEF, 2015) highlights the severe limitations in employment opportunities for people with disabilities in Nepal, extending even to households with disabled family members. Misconceptions regarding disabilities further exacerbate this issue, restricting individuals to certain types of work and hindering their employment prospects. Despite the government's 5% reservation for disabled individuals in government positions, formal employment rates remain low.

Furthermore,Persons with disabilities are still refused access to banking and financial services in Nepal. Even though Section 8 of Disability Rights Act provides equal access to banking and financial institutions and services, the visually impaired persons particularly are barred to open bank account without the presence of witnesses, ‘protectors’ or guardians. For example, people with disabilities are not allowed to use banking services such as loans, credit cards, ATM cards, share transactions, E-banking, etc. As a result, persons who are employed cannot independently withdraw their salary from banking institutions without a third-party present, which compromises their financial confidentiality.

# **Political Participation**

Despite the issuance of a directive by the Nepal government regarding accessible infrastructure, its implementation has been slow, leading to challenges in accessing public buildings and infrastructure. Additionally, electoral laws lack provisions for ensuring accessible voter education, registration, and polling places. Moreover, national electoral laws do not define "persons with disabilities," and individuals with intellectual and psychosocial disabilities are referred to as "of unsound mind," thereby restricting their rights under the CRPD to enroll as voters and stand as candidates in elections.

# **Capacity Building**

While the EU and its Member States are one of the largest donors of Official Development Assistance (ODA), there remains a significant gap in funding directed towards supporting persons with disabilities and organizations of persons with disabilities (OPDs). Despite positive strides such as the ratification of the CRPD outlining the need to include persons with disabilities in international cooperation initiatives [less than three percent](https://www.edf-feph.org/oecd-dac-disability-marker/) of EU ODA is allocated to projects focusing on persons with disabilities. The need for increased funding to support the disability community and mainstream the rights of persons with disabilities is paramount. It is necessary for the EU to collaborate with Nepal’s government and national OPDs to ensure persons with disabilities are not left behind and have equal access to the right to development.

# **Recommendations**

To better support the rights of persons with disabilities and OPDs across Nepal as outlined by the CRPD, we strongly urge the EU to consider the following recommendations ahead of this year’s EU-Nepal Joint Commission:

1. **Education, Employment, and Political Participation:** Prioritize initiatives aimed at enhancing access to education, promoting employment opportunities, and facilitating active political participation for persons with disabilities. This entails fostering collaborative partnerships with Organizations of Persons with Disabilities (OPDs).
2. **Policy and Legal Frameworks:** Advocate for the review and enhancement of existing policies, laws, and guidelines from the perspective of disability rights, aligning with the principles outlined in the CRPD.
3. **Disability-Specific Programming:** Develop and implement programs specifically tailored to address the unique needs and challenges faced by persons with disabilities by ensuring due consideration to the diversity within the disability, guaranteeing inclusivity and accessibility across all sectors.
4. **Data Collection and Utilization:** Establish mechanisms for comprehensive disaggregated data collection on persons with disabilities and ensure that this data informs decision-making processes across government sectors.
5. **Promotion of Disability Research:** Support and encourage research initiatives focused on disability issues, aimed at advancing understanding, identifying best practices, and informing evidence-based policymaking and programming.
6. **Holistic Approach to Accessibility:** Emphasize a holistic approach to accessibility, going beyond basic measures such as ramps, braille, and sign language. This includes addressing physical, digital, and attitudinal barriers to ensure inclusivity in all aspects of society.
7. **Protection and Assistance to Disability Human Rights Defenders:** Human Rights Defenders sometimes face additional and disproportionate barriers compared to other human rights workers/activists. As such, there is a need for specific measures of protection and assistance for them to ensure effective advocacy and campaigns and enable unhindered work on access to rights guaranteed by CRPD and disability laws, including constitutionally existing fundamental rights in Nepal.

By prioritizing these recommendations, Nepal can make significant strides in advancing disability rights and fostering a more inclusive and equitable society.

# **Blind Youth Association Nepal**

The [Blind Youth Association Nepal (BYAN)](https://www.byanepal.org/) is a national youth led organization of youth with disabilities working to promote rights and interests of persons with disabilities in general and blind and partially sighted in particular.

# **European Disability Forum**

The [European Disability Forum (EDF)](https://www.edf-feph.org/) acts as the regional forum for persons with disabilities in Europe, advocating for the implementation of the CRPD. EDF actively supports the inclusion of individuals with disabilities and OPDs in all EU-related external action initiatives.

# **Contact Information**

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1. The anticipated number of individuals with disabilities in Nepal is likely much higher and more in line with the world population percentage; however, the lack of comprehensive disaggregated data in the region and prejudice against persons with disabilities pose challenges in determining the precise figure. [↑](#footnote-ref-1)