



Convention on the Rights of Persons with Disabilities

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Committee on the Rights of Persons with Disabilities

List of issues in relation to the initial report of Nepal*

A. Purpose and general obligations (arts. 1-4)

1. Please inform the Committee when the State party envisages adopting and fully implementing the draft bill aimed at replacing the Disabled Persons Protection and Welfare Act (1982) and at eliminating derogatory terms such as “dull”, “crippled”, “lame”, “handicapped with one leg broken”, “handicapped with one hand broken” or “feeble minded”, which continue to be used in the existing definitions of disability. Please explain if the draft bill intends to modify the definition of disability in accordance with the human rights model of disability enshrined in the Convention (para. 18).
2. Please specify the “domestic legislation” that is being revised in the State party in order to ensure that it fully complies with the Convention (para. 17), and provide information on the progress that has been made so far. Please explain the mechanisms and systems that have been put in place in order to address the challenges that the State party faces in enforcing legal provisions in favour of persons with disabilities (para. 31).
3. With regard to the issuing of disability identity cards (para. 21), please explain how the four different categories of disabilities are assessed and how they comply with the human rights model of disability enshrined in the Convention.
4. Please inform the Committee of the measures taken to ensure that the denial of reasonable accommodation is acknowledged as a form of discrimination. Please provide information on the legal avenues and remedies that are available to persons with disabilities to challenge discriminatory laws and practices. Please indicate the percentage of successful claims and provide information on the nature of such remedies. Please provide information on the percentage of the overall number of human rights cases adjudicated by national courts that involve violations of the rights guaranteed under the Convention.
5. Please inform the Committee of the measures that the State party has taken to ensure the full and equal participation of persons with disabilities, in particular the most underrepresented groups of persons with disabilities, in decision-making processes, including in legislative processes.

B. Specific rights (arts. 5-30)

Equality and non-discrimination (art. 5)

6. Please inform the Committee of the measures taken to establish a comprehensive anti-discrimination legislation framework, which includes disability as a prohibited ground for discrimination, and an independent anti-discrimination monitoring body. Please inform

* As adopted by the pre-sessional working group at its eighth session (4-8 September 2017).



the Committee of the measures that have been adopted to address the multiple and intersectional discrimination faced by persons with disabilities, including on the basis of caste, ethnicity, and indigenous identity.

Women with disabilities (art. 6)

7. Please describe the impact of the measures taken under the three-year interim plan (2010-2013) to ensure the full inclusion of women with disabilities in public policies and programmes, especially those designed to combat physical and sexual violence, abuse and exploitation of women and girls with disabilities. Please inform the Committee if a new action plan has been adopted to combat violence against women with disabilities, following the expiry of the interim plan.

8. Please provide information on the measures taken to support women and girls with disabilities, especially in the fields of education, employment and other areas of public life, and, in particular, to address intersectional discrimination, especially with reference to girls and women with intellectual or psychosocial disabilities and those from the Dalit, Madhesi, Muslim and other ethnic communities.

Children with disabilities (art. 7)

9. Please indicate the range of support services that are provided to the families of girls and boys with disabilities.

10. Please indicate the time frame and concrete measures adopted by the State party “in order to ensure the full enjoyment by children with disabilities of all rights on an equal basis with other children” (para. 66). Please inform the Committee of the measures taken to ensure that the opinions and views of children with disabilities are taken into account with regard to the development of legislation, policies and other measures affecting them.

Awareness-raising (art. 8)

11. Please explain the extent to which the State party systematically includes senior public officials, politicians, the police, members of the legal profession, teachers etc. in the training and awareness-raising initiatives it carries out to promote the rights of persons with disabilities and to combat prejudices and harmful stereotyping against such persons.

Accessibility (art. 9)

12. Please provide information on the impact of the measures adopted to implement the thirteenth plan (2013-2016) to enhance accessibility for persons with disabilities and of the measures adopted to ensure that public and private sector providers offering facilities and services to the public take into account all aspects of accessibility. Specifically, please inform the Committee of the progress achieved in implementing the National Building Code, which was approved in 2005, to ensure accessibility for persons with disabilities (para. 91). Please indicate the extent to which persons with disabilities, through their representative organizations, have been involved in the monitoring and assessment of accessibility measures and plans.

Situations of risk and humanitarian emergencies (art. 11)

13. Please inform the Committee of the extent to which the National Disaster Management Council, the National Disaster Information Management System and the Natural Calamity (Relief) Act (1982) include specific measures to ensure the protection and safety of persons with disabilities and provide information on the impact of this legislation. Please also inform the Committee of the measures taken to adopt a new strategy on disaster risk reduction, which is inclusive as regards persons with disabilities and in accordance with the Sendai Framework for Disaster Risk Reduction.

Equal recognition before the law (art. 12)

14. Please inform the Committee of the legal and other measures that have been adopted to ensure that supported decision-making schemes are in place for persons with disabilities and eradicate any substituted decision-making regimes.

Access to justice (art. 13)

15. Please provide information on the nature of cases filed under section 19 of the Disabled Persons Protection and Welfare Act, or any other provision, by persons with disabilities. Please explain how persons with disabilities are supported and made aware of their rights to access justice on an equal basis with others. Please provide information on the measures taken to implement procedural, gender and age-sensitive accommodations in judicial proceedings.

Liberty and security of the person (art. 14)

16. Please provide information, including statistical data, on persons with disabilities who have been deprived of their liberty on the basis of their impairment, in particular with regard to persons with psychosocial disabilities, and explain the legislative and administrative measures that have been adopted to ensure that no person is institutionalized or deprived of their liberty on the basis of impairment.

Freedom from exploitation, violence and abuse (art. 16)

17. Please provide information on the effective implementation of the Disabled Persons Protection and Welfare Act, which prohibits all forms of exploitation, violence and abuse against persons with disabilities.

Protecting the integrity of the person (art. 17)

18. Please provide information on the impact of the National Policy and Plan of Action on Disability (2006) on safeguarding persons with disabilities, particularly those with intellectual and/or psychosocial disabilities, from being subjected to forced involuntary medical treatment, including forced sterilization, on the basis of their impairment. Please provide information on any other measures that have been adopted in this regard.

Living independently and being included in the community (art. 19)

19. Please provide information on the impact of the National Policy and Plan of Action on Disability on ensuring the effective deinstitutionalization of persons with disabilities. Please provide information, disaggregated by disability, sex and age, on the number of persons with disabilities who have been deinstitutionalized. Please inform the Committee of the measures that have been adopted to provide support services in the community to prevent reinstitutionalization.

Freedom of expression and opinion, and access to information (art. 21)

20. Please provide information on the measures, including policies, that have been adopted to ensure the access of persons with disabilities, particularly persons with visual impairment and deaf persons, to public information, including access to the Internet, in accessible formats, such as signage, tactile, plain language and Easyread, and in other augmentative and alternative means and modes of communication.

Education (art. 24)

21. Please inform the Committee of the measures that the State party envisages adopting in order to improve the overall enrolment of students with disabilities, particularly in primary (1.1 per cent) and early secondary education (1 per cent).

22. Please provide information on the number and percentage of children with disabilities who have access to education, disaggregated by mainstream education, special classes, special schools and resource centres.

23. Please provide information on the steps that the State party has taken in order to introduce inclusive education for students with disabilities (para. 76).

Health (art. 25)

24. Please provide information on the measures that have been adopted to ensure affordable access to accessible health services by persons with disabilities.

25. Please explain the measures that have been adopted to expand community-based rehabilitation services beyond the district level and to ensure that they are also extended to rural, remote and hard-to-reach areas.

Habilitation and rehabilitation (art. 26)

26. Please provide information on the measures taken to ensure that rehabilitation and habilitation services are available, accessible and affordable to persons with disabilities, while comprising a range of medical, social, educational and vocational rehabilitation services, both in urban and rural areas.

Work and employment (art. 27)

27. Please inform the Committee of the effectiveness of the Disabled Persons Protection and Welfare Act in creating employment by eliminating discrimination against persons with disabilities.

28. Please provide information on the effectiveness of the 5 per cent quota system for employment as it applies to different groups, together with data on the employment status of persons with disabilities, disaggregated by sex, age, disability type and educational level.

Adequate standard of living and social protection (art. 28)

29. Please inform the Committee of the measures taken to address poverty among persons with disabilities and to mainstream disability in poverty-reduction strategies.

30. Please inform the Committee of the measures that have been adopted to implement the right to social protection of persons with disabilities in the State party, and the extent to which they guarantee an adequate standard of living for such persons.

Participation in political and public life (art. 29)

31. Please explain the effectiveness of the measures, including legislative measures, that have been adopted to ensure the exercise of political rights by persons with disabilities at the local, regional and national levels. Please inform the Committee of the measures taken to repeal laws that limit the right of persons with disabilities to participate. Please also inform the Committee of the measures taken to make electoral processes and voting procedures accessible to persons with disabilities, including in accessible languages and formats, such as Braille, sign language and Easy Read.

Participation in cultural life, recreation, leisure and sport (art. 30)

32. Please inform the Committee of the measures taken to eliminate sociocultural and environmental barriers that hinder the inclusion of persons with disabilities in cultural life, recreation and sport. Please provide information on the steps being taken to ratify the Marrakesh Treaty to Facilitate Access to Published Works for Persons Who Are Blind, Visually Impaired, or Otherwise Print Disabled.

C. Specific obligations (arts. 31-33)

Statistics and data collection (art. 31)

33. According to information before the Committee, the Nepal Living Standards Survey 2010/11 showed that 3.6 per cent of all people in the State party had some kind of disability, while the National Population and Housing Census 2011 reported a figure of about two per

cent (1.94 per cent or 513,321). Please provide information on the methodology used to collect data on persons with disabilities and to ensure appropriate disaggregation of data on the basis of sex, age, ethnicity, indigenous identity and location. Please inform the Committee of the extent to which such data is used to formulate disability policies in the State party. Please also inform the Committee of the measures envisaged to enable use of the Washington Group Short Set of Questions on Disability in censuses and household surveys.

International cooperation (art. 32)

34. Please provide information on the measures taken to ensure that persons with disabilities, through their respective organizations, participate at all stages of international cooperation development programmes, particularly in the implementation of the 2030 Agenda for Sustainable Development and the Sustainable Development Goals.

National implementation and monitoring (art. 33)

35. Please specify which entity has been appointed as the focal point for the implementation of the Convention and whether there is a coordination mechanism in the State party. Please inform the Committee of the measures taken to ensure the monitoring of the Convention by an independent monitoring mechanism established in accordance with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles) as adopted by the General Assembly in its resolution 48/134.
