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## Children's Rights

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Barriers to Education for Children with Disabilities in Nepal

Amman, a 16-year-old boy with a physical disability that limits his movement and speech, started attending school two years ago in his village in far western Nepal. He is now in Class 2. His classmates are between seven and ten years old. His 11-year-old brother attends the same school, but studies in Class 4.

Amman uses a tricycle, which is pushed by his mother or other children in the community, to get to school. Because the school entrance has two steep steps and no ramps, Amman has to crawl to his classroom.

His mother, Lakshmi, told Human Rights Watch:

He has to refrain from using the toilet while in school from 10 am to 4 pm. When he needs to use the toilet during the day, another child has to run home to fetch his mother to assist him. The teachers say that if he has stomach problems, his mother should not bother bringing him to school.

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When Krishna was five years old, a doctor told his mother that he would not live his life like a normal child because of developmental delays. His parents tried to enroll him in school, but no public or private school would admit him. If he were in school from 10 to 3, his mother said, it would really help the family.

Instead, Krishna spends his entire day locked in a room in their home. His mother told Human Rights Watch:

She takes Krishna outside to see the sun once or twice a day.

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Balkumari, a young woman with a physical disability, told Human Rights Watch that she did not attend school until she was 11 years old. Her father said that she could not go to the mainstream school, which her brother and sister attended, because she had difficulty walking. Instead, Balkumari was enrolled in a class for children with intellectual disabilities. She told Human Rights Watch:

Because of her disability, Balkumari could not wear shoes and had difficulty walking barefoot to school since there were often pieces of broken glass on the road. Some days, she would just have to return home.

Balkumari aspires to help children with disabilities in her community. She visits the homes of children who have been denied admission to school and encourages the parents to send them to school. She said:

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Children with disabilities are entitled to attend school like all other children; however, tens of thousands of children with disabilities in Nepal are deprived of this right.

There are 120 to 150 million children with disabilities under the age of 18 worldwide.<sup>[1]</sup> UNESCO estimates that children with disabilities represent more than one-third of the 67 million children who are out of school worldwide.<sup>[2]</sup> In some countries, the chances of a child with a disability not attending school is two or three times greater than a child without a disability.<sup>[3]</sup>

There is no clear data on the total number of children with disabilities in Nepal and how many of them are out of school. Based on the governments conservative figures from a 2001 analysis, there are, at the very least, 207,000 children with disabilities in the country.<sup>[4]</sup>

The Government of Nepal and the United Nations acknowledge that, while Nepal has made important progress toward achieving universal primary education as part of its commitment to the Millennium Development Goals (MDGs), children from marginalized communities, such as children with disabilities, represent a significant portion of the approximately 330,000 primary school aged children who remain out of school in Nepal.<sup>[5]</sup>

Nepal has ratified a number of international human rights treaties, including the UN Convention on the Rights of Persons with Disabilities (CRPD), which articulates that children with disabilities are entitled to the same rights as other children, including the right to inclusive education. This means that children with and without disabilities should be able to attend schools in their communities without discrimination. The focus of such a system is to adapt the environment and teaching methods to support the needs of all students.

Although in theory the government promotes an inclusive education policy, in practice, it supports a system of segregated resource classes designated for children with disabilities in mainstream schools and separate schools for deaf, blind and children with physical and intellectual disabilities. While it takes time to transition from resource classes and special schools to a fully inclusive education system, the government has not done enough to ensure that children with disabilities attend school and that the education system is accessible, appropriate, and of good quality for children with disabilities, particularly those with intellectual disabilities. Furthermore, the governments inclusive education policy does not appear to be serious since there is no clear plan for the integration of children with disabilities, particularly intellectual or developmental disabilities, into mainstream schools.

This report is the outcome of interviews carried out between February and July 2011 with nearly 100 disability advocates, teachers, government officials, and children or young people with disabilities and their families in Nepal. It examines the barriers faced by children with disabilities in obtaining an inclusive and quality education.

More than half of the 29 children and young people with disabilities or their family members interviewed by Human Rights Watch reported that the children did not attend formal school. In all of these cases, the children were denied admission by schools both public and private or the parents were not aware that their children had the right to attend school.

Officials in the Ministry of Education told Human Rights Watch that children with disabilities have lower enrolment and higher dropout rates than other children. Based on our research, this is due to a lack of awareness of the right to education among parents, inadequately trained teachers, lack of appropriate teaching materials, inaccessibility of and long distance to schools, lack of

funds for transportation, and negative parental attitudes about the learning capabilities of their children. In each of the resource classes, Human Rights Watch visited, less than half of the 15-20 students enrolled were in attendance.

Despite national policies on inclusive and child-friendly schools,<sup>[6]</sup> the government is failing to make the school environment accessible for children with disabilities, which in many cases effectively denies these children their right to education. Several children and young people with disabilities and their families told Human Rights Watch about the lack of access to schooling terms of physical access (no ramps or disability-friendly toilets), communication barriers (no sign language instruction or Braille teaching materials), negative attitude of teachers, and a curriculum that does not adequately address children with different learning needs. Under the CRPD, Nepal is required to make the necessary accommodations to the school environment based on the individual needs of children with disabilities to enable them to attend school with others.

Furthermore, schools are often inadequately staffed, have no flexible curriculum and limited teaching materials, leading to an inferior quality of education for children with disabilities, compared to other children. The government provides minimal special education training only to teachers working in special schools or resource classes. Teachers in mainstream schools do not receive adequate training on how to integrate children with disabilities in their classrooms, thereby undermining the principle of inclusive education. No training is provided by the government for staff at day care centers run by NGOs or parents groups for children with intellectual or developmental disabilities.

In addition, all children are still expected to follow the same lessons, disregarding differences in learning abilities and needs of the children. As a result, children with disabilities in mainstream schools repeatedly fail and are more likely to repeat a class. In some instances, children repeated a class several times. Also, children in classes designated for mentally retarded children stay in the same resource class for years.<sup>[7]</sup>

Most students in resource classes for the blind, deaf, and intellectually disabled stay in residential facilities at the school. There is one government-paid caretaker who looks after the 10 or more children who stay there (some of whom have severe disabilities). However, the Deputy Director of the Ministry of Education confirmed that these caretakers do not receive any training, despite the fact that they are with the children all day and night. This can lead to a host of problems including lack of supervision, physical neglect and opportunities for abuse.

All children with disabilities in Nepal are entitled to receive social security benefits, including disability identity cards and allowances based on the severity of the disability. Human Rights Watch found that children with disabilities are often not benefiting from these provisions because of long distances to the district administration office (where the cards are distributed), high transportation costs, and parental attitudes that such cards will further marginalize and thus foster discrimination against their children. Also, some children with disabilities have never been diagnosed while others have been wrongly diagnosed. This in turn has had a negative impact on their access to education.

According to international and national law, children with disabilities are entitled to free basic education. However, Human Rights Watch found that, in some instances, at government-run schools, families are requested to pay fees for admission, exams or uniforms, and as a result, some parents may not enroll their children in school.

For many parents, the fact that their children with disabilities are not admitted to school presents profound dilemmas. Some see no choice but to lock their children with disabilities in a room or tie them to a post because they have other responsibilities (taking care of other children, doing daily chores, working, etc.). Human Rights Watch research indicates that this is most often the case for children with intellectual, psychosocial, or multiple disabilities.

In addition to physical abuse, children with all types of disabilities also experience stigma and verbal abuse in the school and the community.

The Ministry of Education initiated orientations on inclusive education for district education officers, who are in turn required to organize trainings for school administrators and teachers in each district. According to the Deputy Director of the Ministry of Education, who also serves as the Chief of the Inclusive Education Section, We have disseminated the idea, but to implement that idea it depends on the school management committee and teachers.<sup>[8]</sup> It is clear, however, that brief orientation programs do not provide local government officials with the necessary skills to train teachers and other school staff on how to adapt teaching methods, the curriculum and the environment to include children with diverse learning needs. As a result, the government is failing to meet its obligation to ensure inclusive schools for students with disabilities, as dictated by its own inclusive education policy as well as international law.

While international donors and UN agencies are seemingly aware of the lack of targeted efforts to ensure children with disabilities are in school, they have not done enough to ensure that funding for education is distributed without discrimination and equitably benefits children with disabilities.

Despite Nepal's political commitments to people with disabilities, particularly children, in practice, the government is falling short in implementation where it is most needed. To address this, the government of Nepal, with support from international donors, needs to ensure that schools are available and accessible for children with disabilities and that teachers have the adequate skills to give all children an inclusive and quality education. This right is inextricably linked to the enjoyment of other rights, such as employment, health, and political participation. The failure to ensure that children with disabilities receive quality education also translates into higher social and financial costs for society in terms of health and social security mechanisms. According to the United Nations Educational, Scientific and Cultural Organization (UNESCO), To not invest in education [of persons with disabilities] as a preparation for an active and productive adult life can be very costly and profoundly irrational in economic terms.<sup>[9]</sup>

## Ministry of Education

The Ministry of Women, Children and Social Welfare, the Ministry of Education, other relevant ministries, and members of Parliament, together with disabled peoples organizations and other stakeholders, should comprehensively review all domestic legislation and policies (including the National Policy and Plan of Action on Disability), propose amendments to fully comply with the CRPD, and implement compliance and enforcement mechanisms.

The Ministry of Women, Children and Social Welfare, the Ministry of Education, the Central Bureau of Statistics, multilateral and bilateral donors, and UN agencies should strengthen data collection on children with disabilities, including in birth registration, and should disaggregate data by type of disability and gender.

Detailed recommendations are given at the end of this report.

The field research for this report was conducted between March and April 2011 across eight districts in three regions of Nepal (central, mid-western and far-western). The three regions were selected because they represent different geographic areas (plains, hilly and mountain areas); and there are active organizations working with people with disabilities who could provide guidance, facilitate interviews and collaborate with Human Rights Watch on advocacy.

This report is based on 97 interviews both in Nepal and by phone preceding and following field research. In this report, the word child refers to anyone under the age of 18<sup>[10]</sup> Human Rights Watch also interviewed young people, between the ages of 18 and 30 years, about events that occurred when they were children or because they are still going to school.

Fifty-two key informants, including fifteen children and four young people with disabilities, twenty-three parents or other family members, and ten teachers or principals were interviewed. Nine children or young people were present in interviews with parents or family members. All interviews were facilitated by local disabled persons organizations, nongovernmental organizations (NGOs) or disability advocates. Six of the children or young people interviewed were girls. Whenever possible, Human Rights Watch spoke directly with the children, but in cases where children were too young, had disabilities that impeded their ability to participate comfortably in an interview or faced possible trauma, we interviewed their parents.

The range of disabilities of the children included physical, sensory (blind, deaf and hard of hearing), developmental, learning, intellectual and mental disabilities. Some children had multiple disabilities. While Human Rights Watch interviewed children with a range of disabilities, this research focuses on children with intellectual and developmental disabilities because of the extra barriers they face in accessing schools and the limited educational opportunities available to them. Children (and adults) with intellectual disabilities are marginalized even within the disability community.

Human Rights Watch visited 12 schools: four general schools with resource classes for deaf, blind or children with intellectual disabilities; three special schools for children with disabilities; and five day care centers for children with intellectual, developmental or multiple disabilities.

In addition, Human Rights Watch interviewed eight relevant local and national government officials, including in District Education Offices, the Ministry of Women, Children and Social Welfare, the Ministry of Education and the Ministry of Health, and two members of parliament. Thirty-five representatives of disabled peoples organizations (DPOs), local NGO service providers, international NGOs and UN agencies were also interviewed.

Interviews with NGO representatives and government officials were conducted in English or sign language with interpretation. Interviews with children and young people with disabilities and their families were carried out in English, Nepali, Newari and sign language, with consecutive interpretation as needed.

For each child interviewed, we explained our work in age-appropriate terms. Before each interview, we informed potential participants of the purpose of the research and asked whether they wanted to participate. We informed participants that they could discontinue the interview at any time or decline to answer any specific questions without consequence. Human Rights Watch took great care to interview children and their families in a friendly and sensitive manner, and ensured that the interview took place in a location where the interviewees' privacy was protected. Persons in the report are identified by their real names, except at the request of two parents. In these cases, their names have been replaced with pseudonyms.

HRW also consulted international disability rights experts at various stages of the research and writing. We also reviewed a number of official documents from the Nepali government, particularly the Ministry of Education, and relevant reports from multilateral and bilateral donors, UN agencies and NGOs.

**Autism:** Present from early childhood, autism is a developmental condition characterized by great difficulty in communicating and forming relationships with other people and in using language and abstract concepts. The cause of autism in children is unknown, but researchers generally believe that it stems from a problem in the central nervous system, not in the way parents have treated them or in others' aspects of the environment.<sup>[11]</sup>

**Cerebral palsy:** Cerebral palsy is an impairment of muscular function and weakness of the limbs, caused by lack of oxygen to the brain immediately after birth, brain injury during birth, or a

viral infection. Often accompanied by poor motor skills, it sometimes involves speech and learning difficulties.[12]

**Developmental disability:** Developmental disability is an umbrella term that refers to any disability starting before the age of 22 and continuing indefinitely (i.e. that will likely be life-long).[13] It limits one or more major life activities such as self-care, language, learning, mobility, self-direction, independent living, or economic self-sufficiency[14] While this includes intellectual disabilities such as Down syndrome, it also includes conditions that do not necessarily have a cognitive impairment component, such as cerebral palsy, autism, epilepsy and other seizure disorders. Some developmental disabilities are purely physical, such as sensory impairments or congenital physical disabilities. It may also be the result of multiple disabilities. While autism is often conflated with learning disabilities, it is actually a developmental disability.

**Disabled Peoples Organizations (DPOs):** Disabled Peoples Organizations are formal groups of people who are living with disabilities, and who work to promote self-representation, participation, equality and integration of all people with disabilities.[15]

**Intellectual disability:** An intellectual disability (such as Down Syndrome) is a disability which is characterized by significant limitations both in intellectual functioning (reasoning, learning, problem solving) and in adaptive behavior, which covers a range of everyday social and practical skills. Intellectual disability forms a subset within the larger universe of developmental disability, but the boundaries are often blurred as many individuals fall into both categories to differing degrees and for different reasons.

**Learning disability:** Learning disabilities refer to difficulties in learning specific skills,such as reading, language, or math. They affect people's ability to either interpret what they see and hear or to link information. Children with learning disabilities may also have difficulties with paying attention and gettingalong with their peers.Learning disabilities are not related to intelligence or educational opportunity.

**Psychosocial disability:** The term psychosocial disability is the preferred term to describe persons with mental health problems such as depression, bipolar disorder and schizophrenia. Psychosocial disability relates to the interaction between psychological differences and social/cultural limits for behavior as well as the stigma that society attaches to persons with mental impairments.[16]

There is limited data on people with disabilities in Nepal, including how many adults and children are living with disabilities, their specific housing, education, and healthcare needs, and what factors promote or hinder their equal membership in Nepali society. The available statistics are wide-ranging, from 0.45 percent (in the 2001 National Census)[17] to 1.63 percent (based on a 2001 Situation Analysis on Disability carried out by the Nepal National Planning Commission and UNICEF)[18] to more than 25 percent prevalence of disability in Nepal (in a household survey conducted by the Social Science Research Foundation).[19] According to the World Health Organization (WHO), more than 15 percent of the world's population is living with a significant physical or mental disability.[20]

Using the governments conservative estimate of 1.63 percent prevalence, there would be, at the very least, 207,000 children with disabilities in Nepal.[21] However, considering the extreme level of poverty, poor access to health care (particularly in the hilly and mountain regions), the high incidence of accidents in the mountainous areas and the protracted conflict in Nepal,[22] the prevalence of disability is likely higher than the government figures indicate.[23] Furthermore, because of shame on the family and the belief that disability is the result of past sins, children with severe or intellectual disabilities as well as girls with disabilities are often hidden in their homes away from the public and may not be included in any data on children with disabilities.[24] According to the Nepal Demographic and Health Survey, birth registration also does not capture information on children with disabilities.[25]

There is no internationally accepted definition of disability. The 2006 Convention on the Rights of Persons with Disabilities, a landmark treaty ratified by 103 countries including Nepal, describes people with disabilities as including those who have long-term physical, mental, intellectual or sensory impairments which in interaction with various barriers may hinder their full and effective participation in society on an equal basis with others.[26]

The government of Nepal expanded its national definition of disability in a 2006 policy [27] This definition recognizes seven types of disability: physical disability, visual disability (blind or low-vision), hearing disability (deaf or hard of hearing), deaf-blindness, voice and speech disability, intellectual disability and multiple disabilities. In Nepal, persons with intellectual disabilities are referred to as people with mental retardation.[28] The definition also includes little people and disabilities such as muscular dystrophy, autism and stuttering.[29] In its National Policy and Plan of Action adopted in 2006, the Ministry of Women, Children and Social Welfare acknowledged, however, that the current definition does not reflect international standards and pledged to revise it in a timely manner.[30]

According to the 2001 disability analysis carried out by the National Planning Commission, multiple disabilities were the most common type of disability in Nepal, accounting for 31 percent of persons with disabilities. Among all people with disabilities, 34.3 percent had a physical disability.[31] 19.4 percent reportedly had a speaking disability.[32] 19.1 percent with a hearing impairment, 11.1 percent have epilepsy, 5.9 percent had an intellectual disability, 5.6 percent had a visual impairment and 4.6 percent had a psychosocial disability.[33] Diseases such as typhoid, smallpox, and meningitis were reported as the main causes of disability. Accidents were considered a major cause of physical disabilities.[34]

In Nepal and in many other countries, disability and poverty are inextricably linked.[35] Poverty can lead to disability through malnourishment, the inaccessibility of health services, poor sanitation, or unsafe living and working conditions.[36] In turn, having a disability can entrap a person in poverty by limiting their access to education, employment, public services and even marriage.[37]Worldwide, as many as 50 percent of disabilities are directly linked to poverty. Nepal, with a population of about 29 million, is one of the poorest countries in the world with a per capita income of US\$240 per year.[38] According to the World Bank, the poor in Nepal have the lowest physical access to health care.[39]

There are 32,130 schools across the 75 districts in Nepal.[40] The school system consists of primary, lower secondary, secondary and higher secondary education. Under a new approach, basic education refers to primary (classes 1 to 5) and lower secondary school (classes 6 to 8). Secondary schools offer two more years of education (classes 9 and 10), while higher secondary schools are an additional two years beyond that. Childhood development or pre-primary classes are offered as preparation for grade one.[41]

Of the primary school aged population in Nepal, 93.7 percent are enrolled in school, totaling nearly five million children.[42] Of all those enrolled in school at the primary level, 1.1 percent are students with disabilities, totaling 53,681 children.[43] Table 1, below, shows the enrolment of children with disabilities at primary, lower secondary and basic levels in the school year 2009-10.

LEVEL:	
TYPE OF DISABILITY	
Primary	
Physical	
Mental [45]	
Deaf	
Blind	
Deaf and Blind	
Vocal and speech related disabilities	
Total Disabled	
Girls	
8,399	
7,654	
3,902	
2,002	
974	
2,006	
24,937	
Boys	
9,940	
8,350	

4,441
2,260
1,064
2,689
28,744
Total
18,339
16,004
8,343
4,262
2,038
4,695
53,681
% of total
0.4
0.3
0.2
0.1
0.04
0.1
1.1
<b>LEVEL:</b>
<b>TYPE OF DISABILITY</b>
<b>Lower secondary</b>
<b>Physical</b>
<b>Mental</b>
<b>Deaf</b>
<b>Blind</b>
<b>Deaf and Blind</b>
<b>Vocal and speech related disabilities</b>
<b>Total Disabled</b>
Girls
3,019
1,244
981
860
341
344
6,789
Boys
3,468
1,350
1,193
881
405
539
7,836
Total
6,487
2,594
2,174
1,741
746

883

14,625

% of total

0.4

0.2

0.1

0.1

0.05

0.1

0.9

**LEVEL:**

**TYPE OF DISABILITY**

**Basic**

**Physical**

**Mental**

**Deaf**

**Blind**

**Deaf and Blind**

**Vocal and speech related disabilities**

**Total Disabled**

Girls

11,418

8,898

4,883

2,862

1,315

2,350

31,726

Boys

13,408

9,700

5,634

3,141

1,469

3,228

36,580

Total

24,826

18,598

10,517

6,003

2,784

5,578

68,306

% of total

0.4

0.3

0.2

0.1

0.04

0.1

1.1

While the government reports that 68,306 children with disabilities are in school,[\[46\]](#) at the core of the problem is the lack of data on the number of children with disabilities *out* of school. According to the Ministry of Education, 6.3 percent primary-school-aged children are not in school, totaling more than 329,000 children.[\[47\]](#) However, available data on student enrolment

does not identify how many of these out-of-school children have a disability.[48]

Under Nepals Interim Constitution, the state is obligated to provide free education to all children up to secondary level, or for Classes 1 through 8.[49] The Ministry of Education is responsible for overall development of education in the country, including the formulation and implementation of education policies and plans.[50] District Education Offices in each of Nepals 75 districts have direct oversight over the schools in their area. The government has instituted a decentralization policy, whereby local governments are expected to play an increasing role in the planning and implementation of public services.[51] The Special Education Council, under the Ministry of Education, is responsible for developing and implementing inclusive education in Nepal.[52]

The Government of Nepal has stated its commitment to achieving universal primary education as part of its efforts to reach the Millennium Development Goals by 2015.[53] Similarly, Nepal is part of the Education for All (EFA) campaign, which aims, among other things, to [e]nsure that all children, particularly girls, those in difficult circumstances, and those belonging to ethnic minorities, have access to, and complete, free and compulsory primary education of good quality by 2015.[54]

Nepals School Sector Reform Program (SSRP) 2009/2015 aims to improve access, equity and quality within the education system to meet the EFA and MDGs, with an emphasis on out-of-school populations.[55] According to the SSRP, the government is required to provide free quality basic education for all children aged 5 to 12.[56] Free education includes direct costs of schooling (e.g., free textbooks, and no fees for admission, tuition and examinations).[57] Under the SSRP, the government is obligated to provide enabling conditions for learning for every school, which relate to the physical and educational environment, instruction, curriculum and textbooks.[58] The SSRP also includes the provision of scholarships to public school students in Karnali Zone (in the mountain region), students from the Dalit communities and students with disabilities across the country, paying special attention to girls.[59] In 2006 about 9,100 children with disabilities received scholarships.[60] The goal of the SSRP is that 175,000 students with disabilities will receive scholarships for basic and secondary education by 2015.[61]

In 2006 the government adopted an inclusive education policy, guaranteeing free primary education for all children and establishing resource classes for children with disabilities. Resource classes are designated classrooms for children with specific disabilities within a mainstream school; there are classes for the blind, deaf and for children with intellectual disabilities. To date there are 360 integrated resource classes, of which 164 are for the deaf, 78 are for the blind, and 118 are for children with intellectual disabilities.[62] In addition, there are 13 special schools for deaf children, 1 school for blind, 13 schools for children with intellectual or developmental disabilities and 1 school for children with physical disabilities. Nepal also has 5 integrated schools for deaf children and 16 integrated schools for blind children.[63] According to the Ministry of Education 1,509 children with disabilities attend special schools.[64] Most children with physical disabilities attend general schools.

Some parents of children and young people with intellectual or multiple disabilities have set up day care centers or alternatives to school where children learn daily life skills and play. These day care centers are run privately and are not regulated by the government.

The government has established resource centers in specific geographic areas. The resource centers, housed at a leading school in that area, are responsible for developing the capacity of schools in the area by organizing opportunities to share experiences and learning and by regularly monitoring the schools.

The government has also formed assessment centers for children with disabilities in 62 of Nepals 75 districts.[65] The assessment center, managed by the District Education Office, is a committee comprised of the local district education officer, resource teachers, local NGOs, a medical professional and one government-paid assessment coordinator. The function of the assessment center is to collect information on children with disabilities in that geographic area, assess their educational needs and refer them to the appropriate education system, either general schools, resource classes or special schools.[66]

While various domestic policies address the need for inclusive education, current national laws do not reflect this and other rights in the Convention on the Rights of Persons with Disabilities.[67] For example, the national laws also provide for special schools, lagging behind the governments own policy of inclusive education and omitting any concrete plan of how children with intellectual or developmental disabilities in particular will be included in mainstream schools.[68] The Ministry for Women, Children and Social Welfare, with support from the UN Office of the High Commissioner for Human Rights, is undertaking a review and reform of existing legislation and policies, in close consultation with representative organizations of persons with disabilities.

Nepal is currently engaged in a constitutional reform process, which is to be completed in August 2011.[69] During Nepals recent Universal Periodic Review by the UN Human Rights Council, governments urged the Nepal Constitutive Assembly to ensure that the new Constitution is in line with international treaties. A number of governments also called on Nepal to protect the rights of people with disabilities, including the right to non-discrimination and the right to education.[70]

Nepal spent 2 percent of its gross national product (GNP) on education in 2007-2008.[71] The share of GNP devoted to education in Nepal remained the same between 1999 and 2007, well below the developing country median (4.5 percent).[72] In 2009 Nepal dedicated 17 percent of its national budget to education, totaling roughly 48 billion Nepali rupees (about US\$677 million).[73] According to the Ministry of Education, nearly 160 million rupees (roughly \$2.2 million) has been allocated for inclusive education and special education in 2010/2011.[74]

The World Bank and the Asian Development Bank are the principal multilateral donors to Nepal.[75] As of April 2011 the World Bank reported that Nepal was allocated \$120 million from the Education for All-Fast Track Initiatives (EFA-FTI) Catalytic Fund.[76] The World Bank also supports the Community School Support Project, which aims to increase community management of schools, and the Second Higher Education Project, which assists the government with improving the quality and relevance of higher education and research.[77] The Asian Development Bank reported that Nepal had received \$185 million for education initiatives, including EFA, as of December 2010.[78] It lists its areas of focus as increasing the enrolment rate in primary education, upgrading school facilities, increasing the provision of scholarships and school grants, and training teachers.[79] Other international donors, including the European Union, the Danish International Development Agency (DANIDA), the Norwegian Agency for Development Cooperation (NORAD), and UNICEF, are investing in Nepals EFA campaign and its efforts to reach the MDGs.

UNESCO estimates that children with disabilities represent more than one-third of the 67 million children who are out of school worldwide.[80] In some countries, the chances of a child with a disability not attending school are two or three times greater than a child without a disability.[81]

Inclusion in education is rooted in Article 26 of the Universal Declaration of Human Rights, which provides that everyone has the right to education.[82] The Convention on the Rights of Persons with Disabilities obliges States Parties to guarantee an inclusive education system at all levels.[83] Specifically, CRPD Article 24 requires States Parties to ensure that children with disabilities are not excluded from the general education system on the basis of disability and that they have access to inclusive, quality and free primary and secondary education on an equal basis with others in the communities in which they live.[84] The convention goes further by requiring governments to provide reasonable accommodations and the individual support required, within the general education system, to facilitate their education consistent with the goal of full inclusion.

The concept of inclusive education is also contained implicitly in article 13, paragraph 1, of the International Covenant on Economic, Social and Cultural Rights and articles 23 and 29 of the Convention on the Rights of the Child (CRC).

The Committee on the Rights of the Child (CRC Committee) is a body of international childrens rights experts who monitor the implementation of the CRC. The CRC Committee occasionally issues general comments which provide additional authoritative guidance for interpreting the treaties provisions. In its general comment No. 9 the CRC Committee recognizes the importance of modifications to school practices, provision of support services to students and training of mainstream teachers to prepare them to teach children with diverse abilities and ensure that they achieve positive educational outcomes.[85]

In an inclusive education system, all students participate in ordinary classes in their district schools.[86] This includes disabled and non-disabled, girls and boys, children from majority and minority ethnic groups, refugees, children with health problems, working children, etc.[87] Inclusive education furthermore requires that students are provided with support services and an education based on their individual needs.[88]

Inclusive education focuses on removing the barriers within the education system itself that exclude children with special educational needs and cause them to have negative experiences within school.[89] It requires teachers and classrooms to adapt, rather than for the child to change. Support services should be brought to the child, rather than relocating the child to the support services.[90] In an inclusive classroom, children with disabilities have individual education programs to guide the teacher, parents and student on how to achieve the best educational outcomes for the child.

Diversity in the classroom benefits all children, including by addressing stereotypes, improving understanding and learning. Studies in both Organization for Economic Co-operation and Development (OECD)[91] and non-OECD countries increasingly recognize that students with disabilities achieve better academic results in inclusive environments, surrounded by their non-disabled peers and provided with special support when needed.[92] As noted by Vernor Muoz, the former UN Special Rapporteur on the Right to Education, schools with an inclusive orientation are the most effective means of combating discrimination, and are thus essential to securing the full right to education for children with disabilities.[93] The CRC Committee also acknowledged that inclusive education can show a child with a disability that he or she has recognized identity and belongs to the community of learners, peers, and citizens.[94]

Inclusive education needs to be distinguished from the system of integrated education. The latter focuses on developing the skills of children with disabilities so that they can join a mainstream school, sometimes through classrooms located within the mainstream school itself. However, this model tends to regard the child itself as the problem rather than addressing whether children with disabilities are in fact learning and the system-wide barriers in the education system.[95] Specialized classes within mainstream schools may be beneficial for some students with disabilities to complement or facilitate their participation in regular classes, such as to provide Braille training or physiotherapy.[96]

Inclusive education stands in sharp contrast to the special or separate education model, in which children with disabilities are taught in segregated schools outside the mainstream, in special programs and institutions and with special teachers.[97] In this system, children with and without disabilities have very little interaction, which can lead to greater marginalization within the community, a situation that persons with disability face generally, thus entrenching discrimination.[98]

Disability experts continue to debate the effectiveness of inclusive schools versus special schools for children with disabilities, depending in particular on the type of disability. Some disabled peoples organizations believe that children with disabilities should in general be included in mainstream education.[99] Organizations working with people with intellectual disabilities and their families promote that every student with a disability has the right to choose an inclusive option.[100] Accordingly, such organizations argue that education systems should accommodate



students with disabilities and provide them with support in a regular classroom with non-disabled students.<sup>[101]</sup>

Organizations of deaf people, however, have traditionally preferred special schools in order to encourage learning of sign language, to preserve deaf culture and to ensure that deaf children have support and meaningful interaction with teachers and other students.<sup>[102]</sup> Some children in special schools may be successful both academically and socially, particularly in developing strong relationships with others with whom they can communicate. However, at the same time, segregated educational settings especially during a key part of their growth and development may have a negative impact both on individual children and on society.<sup>[103]</sup>

One of the key challenges is that the meaning of inclusive, integrated and special education is often not well understood. The Nepal government, for example, claims that it follows an inclusive education policy, even though it also maintains special, segregated schools as well as integrated resource classes. It is not clear from its policy how the government envisions a truly inclusive education system in the long-term.<sup>[104]</sup>

As noted in the recent report by Sightsavers, No government can realistically expect to switch overnight from an integrated approach to education to an inclusive one.<sup>[105]</sup> As a first step, governments may adopt a twin track approach, where children are integrated from special schools into mainstream schools over a set period of time. However, this approach requires the government, together with international partners, to clarify the concept of inclusive education and discuss the relationship between separate schools, resource classes, assessment centers and mainstream schools and how they can work together toward the common goal of achieving an inclusive quality education for all children.<sup>[106]</sup> Rather than existing as parallel processes, collaboration between special schools and inclusive schools through information sharing and the development of future strategies is essential.

Teachers and school administrators are not fully aware of the inclusive education system in Nepal. As DANIDA notes, The reportedly somewhat disjointed nature of the inclusive pilot and its overlap with the ongoing strategy of resource center based special education, has contributed to an ongoing conceptual confusion between inclusive education, special education, integrated education, alternative education, flexible schooling, non-formal education etc. The concepts and methodologies are many.<sup>[107]</sup>

The National Policy and Plan of Action on Disability, adopted in 2006, recognizes the need to improve the access of persons with disabilities to education, health, training, employment, rehabilitation, and communication. According to this policy, the government will focus on inclusive education to increase educational opportunities for children with disabilities and for quality education.<sup>[108]</sup> The plan aims to provide free primary education to 50 percent of school-aged children with disabilities by 2012. The plan also includes teacher training and the development of early identification and intervention programs.<sup>[109]</sup>

The Ministry of Education initiated orientations on inclusive education for district education officers, who are in turn required to organize trainings for school administrators and teachers in each district. According to the Deputy Director of the Ministry of Education, who also serves as the Chief of the Inclusive Education Section, We have disseminated the idea, but to implement that idea it depends on the school management committee and teachers.<sup>[110]</sup> It is clear, however, that brief orientation programs do not provide local government officials with the necessary skills to train teachers and other school staff on how to adapt teaching methods, the curriculum and the environment to include children with diverse learning needs. As a result, the government is failing to meet its obligation to ensure inclusive schools for students with disabilities, as dictated by its own inclusive education policy as well as international law.

Human Rights Watch found that children with disabilities experience particular barriers that severely restrict their right to an education on an equal basis with other children. In particular, the government of Nepal is failing to ensure an education system that is available, accessible, appropriate and of good quality for children with all types of disabilities. As noted in the appraisal of Nepal's efforts to implement Education for All:

Despite the focus on inclusive schools, classrooms that meet the needs of children with disabilities in the communities where they live are in short supply. More than half of the 29 children and young people with disabilities or their family members interviewed by Human Rights Watch did not attend formal school: 5 children and young people with disabilities did not attend any school while 11 attended day care centers or informal schools set up by parents as an alternative, where children learn daily life skills and play. Nine attended general school and four went to special schools.

Officials in the Ministry of Education told Human Rights Watch that if there are children with disabilities who want to attend school, then district education officers can demand more resource classes, or special classrooms dedicated to children with specific disabilities located within a general school.<sup>[112]</sup> According to the Deputy Director of the Department of Education, who also serves as the Chief of the Inclusive Education Section, Only a few districts are demanding so we think we are covering [children with disabilities].<sup>[113]</sup> However, local government officials said that they had requested greater support for children with disabilities, including additional resource classes, but they had received no response from the Ministry.<sup>[114]</sup>

In one school in Kanchanpur district in the far-western region, there are as many as 28 students with intellectual disabilities in the resource class. Ministry of Education officials from Kathmandu came to visit, but have not followed up on the matter. The district education officer told Human Rights Watch:

Ministry officials do seem to be aware of the problem since another official told Human Rights Watch that parents in the Terai region and Kathmandu Valley complain that their children with disabilities are not getting placements into resource classes.<sup>[115]</sup>

In its National Policy and Plan of Action on Disability, the government acknowledges that children with disabilities who have received primary education cannot easily access secondary level education on an equal basis with other children. For example, accommodations such as sign language instruction and Braille teaching materials are not made for deaf and blind children in secondary school.<sup>[116]</sup> The government has also not provided technical and vocation education for people with disabilities,<sup>[117]</sup> as stipulated in the 1982 Disabled Persons Protection and Welfare Act.<sup>[118]</sup>

Since 2004 the Ministry of Education has issued Flash Reports, based on an Educational Management Information System, to track progress toward achievement of the Education for All Program. The annual document provides information on enrolment, pass rate, repetition and retention rates. While this system gathers some information on children with disabilities, much of the data is not disaggregated by disability (or by type of disability), making it difficult to comprehensively monitor if children with disabilities are receiving a good quality and accessible education.<sup>[119]</sup>

This lack of data has practical consequences. For example, funds are not appropriately allocated for children with disabilities, enough teachers are not trained, and programs and classrooms are not fully inclusive, limiting the right to education for children with disabilities.

According to the Deputy Director of the Department of Education, monitoring is carried out on three levels: in the district, by resource persons, school supervisors and assessment center coordinators; in the region, by the educational directorate; and by the central government, during school visits by Ministry of Education officials. Day care centers or private schools for children with disabilities some of which are run by parents with limited or no formal training are not monitored.<sup>[120]</sup>

Suryabhakta Prajapati, the Director of a national NGO that runs a day care center for children with intellectual and developmental disabilities in Bhaktapur, just outside of Kathmandu, told Human Rights Watch:

A district education officer also told Human Rights Watch that principals and assessment center coordinators do not adequately monitor all resource classes. In fact, there is no incentive for District Education Offices to monitor and report accurately. This official said, My role is to report to the Education Committee what is happening here. However, if I report properly [that some schools have few students regularly attending and are not managed well], there is a chance that the quota for six resource classes may be cut. Its difficult to balance.<sup>[122]</sup>

District education officers told Human Rights Watch that the available funds for resource classes are not used properly.<sup>[123]</sup> Funds are allocated to the schools by the Ministry of Education, and are overseen by the school management committee. One official told us that some schools may have leakage.<sup>[124]</sup>

The Office of the High Commissioner for Human Rights in Nepal is working with the government and local disability organizations to develop human rights indicators in the areas of education, health and housing, among others, to disaggregate data including by disability. This is a positive step toward better data collection and monitoring.

The Interim Constitution provides that the government may set up special commissions to safeguard and promote the rights and interests of different sectors of the country including persons with disabilities.<sup>[125]</sup> Several disability and human rights advocates have been calling on the government to set up a Disability Commission, primarily to provide advice on policy and program development and to serve as a redress mechanism when rights are violated.<sup>[126]</sup>

The CRPD requires governments to adopt immediate, effective and appropriate measures to raise awareness throughout society, including at the family level, regarding persons with disabilities and to foster respect for [their] rights and dignity. This provision also obliges governments to combat stereotypes, prejudices and harmful practices, including those based on sex and age, in all areas of life, as well as to promote awareness of the capabilities of persons with disabilities.<sup>[127]</sup>

Parents and other family members of children with disabilities, particularly from poor and uneducated families, often do not know that their children have the right to attend mainstream public schools and about their educational options. Some parents think that their children are not capable of learning and accept that their child should stay at home.<sup>[128]</sup> As one parent explained, Parents think if we can train normal children well, they will take care of us later. But what will [a child with disability] do studying? So why bother sending a disabled child to school?<sup>[129]</sup> As a result of such attitudes and lack of information, children with disabilities are denied their right to education.

The Nepalese government has not done enough to inform the public about the right to education for children with disabilities. Assessment centers in each district are responsible for reaching out to parents to inform them about resource classes for children with disabilities. However, government officials pointed out that they are not able to carry out this task effectively.<sup>[130]</sup> The government makes public service announcements on the radio, and expects teachers to inform parents. Its the responsibility of the teachers to tell. The District Education Office cant visit every parent, said one official.<sup>[131]</sup>

In 2004 the Nepalese Government launched a Welcome to School Campaign that has been successful in increasing enrolment of children in general. The enrolment at primary level in the school year 2009 reached 4.90 million from 4.03 million in the school year 2004, representing a 22 percent increase over five years.<sup>[132]</sup>

There are no similar national statistics reflecting any progress in the enrolment of children with disabilities, and the government has not set any targets for improving their enrolment.<sup>[133]</sup> According to an evaluation of Nepal's EFA program, commissioned by the Norwegian Agency for Development Cooperation, the enrolment of children with disabilities is likely very low and remains a substantial group of those out of school.<sup>[134]</sup> A government official in the Ministry of Education also acknowledged that of the 6.3 percent of children who are out of primary school, in his opinion, a large majority are children with disabilities.<sup>[135]</sup> For example, the Nepal Association for the Welfare of the Blind and Nepal Association of the Blind estimates that there are 47,000 children who are blind and who have visual impairment, over 5,000 of whom are attending school.<sup>[136]</sup>

Because of efforts by NGOs like Handicap International (HI), Save the Children and their local partners,<sup>[137]</sup> more children with disabilities have enrolled in school in recent years.<sup>[138]</sup> His inclusion project coordinator, M.M. Wara, told Human Rights Watch:

Local partner organizations raised awareness about children with disabilities among school administrators and teachers to change their attitudes and encourage schools to admit children. They also worked with the school to improve accessibility, for example by building ramps and toilets, and trained 60 teachers in inclusive education. As a result of this initiative, about 600 children with disabilities were included in schools in the five districts where the program was implemented.

These efforts by international and local NGOs have helped to increase the enrolment of children with disabilities in schools, yet this does not lessen the government's obligation to ensure that children with disabilities are able to participate in mainstream schools in their communities.

In 2010 nearly 78 percent of students remained in school from Grade 1 to Grade 5.<sup>[139]</sup> There is no comparative data on the percentage of children with disabilities who remain in school. In each of the resource classes visited, Human Rights Watch found that less than half of the 15-20 students enrolled were in attendance.

Several government officials acknowledged that children with disabilities are more likely to drop out of school and attendance is irregular. An official in the Ministry of Education said, The drop-out rate for Grade 1 is a huge problem for all children at 8.9 percent. For children with disabilities, it's even more than this percentage.<sup>[140]</sup>

The resource class teacher in the Mahendranagar Secondary School (far-western region) told Human Rights Watch that of the 24 students registered in her resource class for children with intellectual and developmental disabilities, sometimes there are two, sometimes 15 children. It's unreliable.<sup>[141]</sup> There were six children in attendance on the day Human Rights Watch visited. The teacher said that student drop-out rate is high since children may perform poorly, get teased by students and teachers or because parents are reluctant to send them.<sup>[142]</sup> The district education officer responsible for this school told Human Rights Watch, There is low attendance because the teacher and the management committee are not good.<sup>[143]</sup>

Susmeera Aryal, an advocate with KOSHISH, an organization working with people with psychosocial disabilities, told us about a boy whom she rescued from the street. She said:

Girls with disabilities, in particular, often drop out of school once they reach puberty because there are no support services in school (for example, to help them during their period) and the toilets are often not accessible or safe.<sup>[145]</sup> While this issue impacts all girls, the difficulty that girls with disabilities have in moving, dressing, and using the bathroom independently increases their vulnerability to intrusive personal care or abuse.<sup>[146]</sup> Subarna Chitrakar, the mother of a young woman with intellectual disability and founder of a vocational training program for young women and girls with intellectual disabilities, told Human Rights Watch:

Bina Silwal, the director of an NGO that works with marginalized women and children, told us about the case of girl with learning disabilities:

Other factors leading to drop-out may include lack of accessibility, lack of financial support for transportation and long distances to the school.<sup>[149]</sup> For example, deaf children are more likely to drop out from general schools because of the lack of sign language instruction.<sup>[150]</sup>

Human Rights Watch documented cases of two boys with physical disabilities who were not able to sit in a wheelchair for four or six hours straight. One boy dropped out and the other cannot attend school on a regular basis.<sup>[151]</sup> The schools did not make any adjustments to meet their needs.

At the Nirmal Bal Vikas School, one of the oldest special schools in the country, less than half of the 104 students with disabilities are attending school regularly in part because of the lack of transportation. The school owns two buses but only one of the buses is functioning due to limited funds and increasing fuel costs. The children are also on a reduced schedule because of the extra time it takes for one bus to pick up and drop off all of the children.<sup>[152]</sup> While transportation to school is a general problem, this is particularly challenging for children with disabilities who may have difficulty walking to school on their own.

Studies on the efficacy of requiring students to repeat a grade do not show any positive effect on long-term school achievement or adjustment.<sup>[153]</sup> Repeating a grade has shown to lead to lower academic and employment status rankings compared to low-achieving students who were promoted to the next grade. Retained students were also more likely to drop out of school compared to students who never repeated a grade.<sup>[154]</sup>

Children with disabilities may be required to repeat a grade because the curriculum is inflexible, because teaching and evaluation methods do not meet their specific needs, or due to a lack of support and accommodations.<sup>[155]</sup>

Human Rights Watch found that children with disabilities in mainstream schools repeatedly fail and are likely to repeat a class. In some instances, children repeated a class several times. Kiran, a 15-year-old boy with a psychosocial disability, told Human Rights Watch, I spent three years in Class 1, then three years in Class 2, then one year in Class 3. But I don't know the alphabet. The teacher just wrote my exams. That's why I passed.

Srijana, the mother of an eight-year-old boy with a possible hearing impairment and/or learning disability said:

In the long-term, higher rates of repeating a grade lead to greater difficulties in finding employment and lower self-esteem.<sup>[157]</sup> Balkumari, a 21-year-old woman with a physical disability attending secondary school, told us, I can't study or perform well. I am too grown-up for this class. Maybe I'm a slow learner.<sup>[158]</sup>

Human Rights Watch found that many children with disabilities also start school later than others for a number of reasons: parental attitudes, lack of accessibility, limited classrooms available, and lack of understanding about the disability.

The National Policy and Plan of Action on Disability acknowledges that because of a poor school environment and lack of adequate teacher training, children with intellectual disabilities, in particular in government-run resource classrooms, have not received class promotion equal to other children.<sup>[159]</sup>

The CRPD requires governments to enable persons with disabilities, including children, to participate fully in all aspects of life by identifying and eliminating barriers to accessibility.<sup>[160]</sup> Furthermore, both the CRPD and CRC expressly prohibit discrimination on the basis of disability.<sup>[161]</sup>

Accessibility in the context of schools refers to physical access (ramps, toilets and other accessibility needs), communication (sign language instruction and Braille teaching materials) as well as the accessibility of the curriculum for children with different types of disabilities. One of the key provisions of the CRPD is the requirement that governments ensure reasonable accommodation based on individuals' needs, yet this still needs to be fully implemented.<sup>[162]</sup>

Furthermore, discrimination on the basis of disability has been defined to include the denial of reasonable accommodation.<sup>[163]</sup> As stated by the High Commissioner for Human Rights at the signing of the CRPD,

Despite its commitment to making inclusive and child-friendly schools,<sup>[165]</sup> the government is failing to make the school environment accessible for children with disabilities, which in many cases effectively denies these children their right to education.<sup>[166]</sup>

As defined in Article 2 of the CRPD, reasonable accommodation means necessary and appropriate modification and adjustments not imposing a disproportionate or undue burden, where needed in a particular case, to ensure to persons with disabilities the enjoyment or exercise on an equal basis with others of all human rights and fundamental freedoms.<sup>[167]</sup>

There is no universal standard for reasonable accommodation. In the context of education, reasonable accommodation refers to steps that can be taken without significant difficulty or expense to allow students to get an equal education by limiting as much as possible the effects of their disabilities on their performance.<sup>[168]</sup> This may include structural modifications in schools such as ramps and desks and blackboards at appropriate heights. It may include modifications to the curriculum and evaluation methods such as having alternative and differentiated ways to express what they have learned or fulfill course requirements, using innovative teaching techniques, and providing supervised tutorial assistance and adaptive technology.<sup>[169]</sup>

Sumita, a young deaf woman studying at Sirjana Deaf School in Pokhara, told Human Rights Watch that she went to public school until Grade 5:

The Supreme Court of Nepal has recognized the right to education for people with hearing impairments and directed the Nepalese government to create a more conducive environment in schools and colleges, including through the provision of sign language interpreter and teachers, translation of the curriculum into sign language, and provision of sign language training for teachers.<sup>[171]</sup> Despite this court decision, the government has been slow to implement these accommodations.

Moreover, the 2002 Education Regulation sets out the policy of providing scholarships to at least 5 percent of students who are poor, disabled, women, dalit (oppressed) and janjati (indigenous groups) community.<sup>[172]</sup> Scholarships are given directly to the school itself and according to Ministry of Education officials, the scholarship should be used for expenses related to accommodations. If these funds are not sufficient, schools can submit improvement plans to the District Education Office, which are then considered by the Ministry of Education.<sup>[173]</sup>

The government does not have a reasonable accommodation policy. A coalition of NGOs in Nepal asked the government to adopt a reasonable accommodation policy in their NGO Submission to the UN Universal Periodic Review in January.<sup>[174]</sup>

Under the School Sector Reform Program, there are little or no provisions making schools accessible for children with disabilities, such as having ramps and accessible toilets.<sup>[175]</sup> One boy



with a spinal cord injury told Human Rights Watch about his experience in a mainstream school:

Even some special schools for children with disabilities are not accessible. The special school in Kathmandu has no ramp or accessible toilet; the school official told Human Rights Watch that the students are somehow managing.<sup>[177]</sup> The government has started to build girl-friendly toilets,<sup>[178]</sup> yet it is unclear if they are accessible for children with disabilities.<sup>[179]</sup>

The diversity of Nepals geography, particularly in the countrys mountain and hill zones, present clear challenges for children with disabilities, particularly those with physical disabilities. As a result, children with disabilities in the hilly and mountain districts tend to be home because family members cannot carry them to and from school on a regular basis.<sup>[180]</sup> One disability advocate said:

Some parents raised the concern that many schools have no gates or other boundaries. Parents of children with intellectual or developmental disabilities who are quite active and do not understand danger were reluctant to send their children to schools without boundaries.<sup>[182]</sup> The Nepal government should provide a safe school environment for all children, including children with disabilities, particularly if the absence of such an environment effectively keeps children from attending school.

International laws expressly prohibit discrimination on the basis of disability.<sup>[184]</sup> Importantly, both the CRC and the CRPD require states to take steps to eliminate discrimination by not only state actors, but also private actors, including any person, organization, or private enterprise. The 2007 Interim Constitution allows the government to adopt special policies on the basis of positive discrimination for persons with disability, among other groups.<sup>[185]</sup>

Government policy also requires that schools must accept children with disabilities.<sup>[186]</sup> However, in practice, public and private schools reject children with disabilities. A senior Ministry of Education official acknowledged, In the private schools, we can say that it is not strictly followed.<sup>[187]</sup>

Human Rights Watch documented several cases in which children with disabilities were denied admission to both public and private schools, in both general classes and resource classes<sup>[188]</sup>

In several instances, school officials told parents of children with intellectual or developmental disabilities that they could not cope with their children in school. The mother of a boy with a developmental disability told us that she took her son to many schools for children with disabilities. Because her son does not sit still and cannot express himself when he needs to use the toilet, the school said they could not take him: There was no point in taking him to a general school.<sup>[189]</sup>

Parents said that school officials denied admission to their children on the grounds that other children would learn from their habits and behavior.<sup>[190]</sup> The father of an 11-year-old boy with autism said:

An official in the Ministry of Education also admitted that there are also cases where deaf children are denied a seat in general school.<sup>[192]</sup>

The government promotes an inclusive education system, yet supports a system of segregated resource classes and separate schools for children with disabilities without a clear plan for how to integrate these children, particularly with intellectual or developmental disabilities, into mainstream schools. Special classes for children with disabilities are often inadequately staffed, have no flexible curriculum and limited teaching materials, causing them to receive an inferior quality of education compared to other children. Even the principal of one of the first special schools in Nepal said:

At another special school for children with disabilities in Kathmandu, the school does not even have sufficient water for sanitation. The vice principal told Human Rights Watch:

Although the 2006 National Policy and Plan of Action on Disability includes teacher training, most teachers are not adequately trained to manage children with disabilities, thereby significantly impeding their right to education.<sup>[196]</sup>

The government provides special education teachers (either in resource classes or in special schools) with one month to 45 days of training in special education, yet not all such teachers are trained.<sup>[197]</sup> For example, teachers in Sirjana Deaf School in Pokhara (mid-western region) do not receive any sign language training from the government. A local deaf organization provides four months of training for the teachers.<sup>[198]</sup> Staff at NGO- or parent-run day care centers for children with intellectual or developmental disabilities do not receive any training from the government.<sup>[199]</sup>

The general education system is intended to integrate children with disabilities (particularly deaf and blind) into mainstream schools.<sup>[200]</sup> While the limited training general school teachers receive is a useful first step, the government should be doing more to give all teachers the adequate skills for teaching diverse students.<sup>[201]</sup> For example, teachers in mainstream schools do not receive any sign language training. This is particularly problematic for deaf students who join a mainstream school after completing Class 5 in a special school or resource class.

In most schools, since teachers are accustomed to the lecture method of teaching, there is a strong need for training of teachers on teaching methodologies that are effective for diverse learners.<sup>[202]</sup> Teachers in classes for students with intellectual or developmental disabilities also expressed the challenges teaching such children through current methodologies. If we give pressure to read, the children come to beat us.<sup>[203]</sup>

There is also a lack of motivation and awareness among special education teachers.<sup>[204]</sup> Balkumari, who attended a resource class for children with intellectual or developmental disabilities, told us that her teacher would often sleep in class. Instead, the caretaker, who receives no training from the government, would teach them the alphabet. I didnt feel like I learned anything there, she said.<sup>[205]</sup>

The National Center for Education Development (NCED) is the entity within the Ministry of Education that is responsible for teacher training. The NCEDs Director Laxmiram Paudel, told Human Rights Watch, Teachers [in mainstream schools] have general knowledge of special needs children, but it is not enough.<sup>[206]</sup> According to Arun Tiwari, the deputy director of the Special Education Section in the Ministry of Education and chief of the section on inclusive education, the NCED has not developed a training package on how to integrate children with disabilities in the classroom because we already have the concept that disabled children are enrolled in resource classes or special schools.<sup>[207]</sup> He acknowledged that such training for general teachers would be important for children with disabilities who enroll in general schools.

Santosh, a deaf student at Sirjana Deaf School, had previously attended a general school. He told Human Rights Watch:

One of the biggest challenges to creating an effective inclusive education environment is teaching the teachers to teach differently. Disability experts argue that if you teach different types of children, modifying the instruction and the curriculum will challenge those children who are more advanced and be relevant for those children who need more support. This approach not only benefits children with disabilities, but differentiated instruction can reach a broader range of students.<sup>[209]</sup>

Although the 2003 UNICEF study noted that the school curriculum is not flexible and does not meet the learning needs of children with different abilities, the government has failed to modify the curriculum accordingly.<sup>[210]</sup>

As a result, teachers of children with intellectual or developmental disabilities often make up their own curriculum and lessons plans, focusing on teaching daily life skills. One resource class teacher explained:

Children with disabilities should also be assessed differently.<sup>[212]</sup> For example, some experts argue that students with disabilities should be offered alternative or modified school leaving certificates to increase graduation rates and help students feel more successful. Modifications may include reducing or modifying graduation requirements, revising performance criteria, providing accommodations in coursework and on exams, and altering curricula.<sup>[213]</sup> Multiple school completion options are considered a reasonable and fair approach to accommodating the diversity in student abilities without diluting the standard diploma.<sup>[214]</sup>

While reasonable accommodations<sup>[215]</sup> have been made in Nepal to give blind students extra time for exams, similar modifications for deaf children and children with intellectual disabilities have not yet been made. For example, in secondary school, deaf students automatically lose 20 percent of their exam score because they are not able to take the oral exam that involves listening to a cassette and answering questions.<sup>[216]</sup> One parent of a child with autism said:

Resource classes are intended as a transition to mainstream schools. However, because of the inflexible curriculum and evaluation system, children in classes designated for mentally retarded children often stay in the same resource class for years.<sup>[218]</sup> Children in these classes range in age from 6 to 17, some are even in their 20s.

Many teachers also do not have enough or appropriate teaching materials to facilitate education for children with disabilities. For example, due to regular changes in the curriculum, Braille books are delayed because of the extra time and expenses of updating, printing and distribution.

Despite the governments emphasis on inclusive classrooms, the older school system based on special schools and resource classes for children with disabilities continues to operate without a clear plan on how to integrate the children, particularly with intellectual or developmental disabilities into mainstream schools.<sup>[219]</sup> In effect, the government-run special schools (for blind, deaf, and intellectually and physically disabled children) form a parallel segregated school system.

This parallel system involves, for the most part, residential living.<sup>[220]</sup> Only students with disabilities attend special schools or resource classes. While on the one hand, this system gives children living in rural areas an opportunity to attend school, it requires children with disabilities to live separately from their families, often hours away from their homes. Uprooting children from their families and communities to live in a hostel at the school leads to a host of problems and dangers including lack of supervision, physical neglect, opportunities for abuse, alienation from their parents, etc.<sup>[221]</sup> For example, there is only one caretaker for up to 10 children with disabilities living in a residential facility. The Deputy Director of the Ministry of Education confirmed to Human Rights Watch that caretakers receive no training.<sup>[222]</sup> Yet this person is with the children all day in the classroom as a support person for the resource class teacher. At night, she is the only one with them.<sup>[223]</sup>

The governments vision of inclusive education includes the notion that children with disabilities may have a separate building, residential facility and specially trained teachers, but located in or near a general school where they can interact with other children.<sup>[224]</sup> In their view, this system would allow other children to learn how to interact with children with disabilities.

However, Human Rights Watch found that, in government-run special schools and resource classes, children with disabilities have little to no interaction with other children. Teachers explained that there is no link between children with disabilities and other children and that children with disabilities are not able to understand.[225]

Most parents of children with intellectual and developmental disabilities (such as autism) want their children to attend mainstream schools. As one parent explained:

However, given the lack of awareness among parents about the right to education, and limited access to and lack of specialized instruction and care in general schools, local organizations of people with developmental disabilities and their families in Nepal question whether an inclusive education system is viable in Nepal.[227] Parents expressed a desire for special schools and vocational training, where their children could learn skills to live independently.[228] In fact, the Disabled Welfare and Protection Act requires that government-run vocational training programs include people with disabilities.[229] However, young people with disabilities are not integrated into these programs. As a result, many parents were concerned about how their children with intellectual or developmental disabilities will be cared for in the future.

Resource classes are intended as a transition to mainstream schools, but children in classes designated for mentally retarded children often stay in the same resource class for years.[230] Children in these classes range in age from 6 to 17, some are even in their 20s. In effect, these resource classes perpetuate segregation.

Resource classes and special schools for deaf and blind students are only up to Class 5, at which point these students must join a mainstream school, often with teachers who have little or no training on how to adapt teaching methodologies.[231] While deaf children and their parents in Nepal, in principle, support an inclusive approach to education, they have concerns about how this will work in practice. Sumitra, a young deaf woman studying at Sirjana Deaf School, said: I would like to go to school with hearing kids but I cant. We dont share a common language.[232] Organizations of deaf people in Nepal support separate schools for deaf children. Birendra Pokharel, the President of the National Federation of the Disabled Nepal explained, The Deaf Federation believes in special education. They are afraid of sending children to general stream schools because their drop-out rate is higher.[233] There is no official data on the drop-out rate disaggregated by type of disability.[234]

According to the Interim Constitution, children with intellectual or developmental disabilities, among other marginalized groups, are entitled to special privileges from the State to ensure their secure future.[235] The National Planning Commission has developed a comprehensive social protection policy, which includes social protection mechanisms for children with disabilities, women and other marginalized groups. Programs are carried out at the village level and include cash transfers, employment, income-generating activities, community-based rehabilitation and the distribution of assistive devices (such as wheelchairs, canes and prosthetic limbs).[236]

The Nepalese government issues identity cards on the basis of four classifications of disability, which entitle children to free education, discounted bus fares, monthly allowances and other services provided by the state. Individuals with a profound disability receive a red identity card, those with a severe disability receive a blue card, those with a moderate disability receive a yellow card, and those with a mild disability receive a white card.[237] Based on the classification, children with disabilities receive monthly allowances (ranging from 50 rupees to 1000 rupees per month), as part of the governments social security scheme.[238]

Many children with disabilities, particularly in rural areas, are not benefitting from these allowances because of long distances to the District Administration Office (where the cards are distributed), high transportation costs, parental attitudes that such cards will further marginalize and thus foster discrimination against their children and wrong or no diagnoses.[239]

As noted by the CRC Committee, [t]he question of children with disabilities living in poverty should be addressed by allocating adequate budgetary resources as well as by ensuring that children with disabilities have access to social protection and poverty reduction programmes.[240] The CRPD requires that education and health services should be provided in or near the communities in which people live.[241] The CRC Committee has urged governments to make public transportation safe, easily accessible to children with disabilities, and free of charge, whenever possible, taking into account the financial resources of the parents or others caring for the child.[242]

An official in the Ministry of Women, Children and Social Welfare admitted, however, that there is no proper planning for the significant amount of money budgeted for these programs.[243] In Daddeldhura district, for example, where there is a quota of 70 children with disabilities in schools, only 47 students were getting allowances and attending residential schools. The other 23 children were not getting benefits and thus not attending school.[244]

While financial support can facilitate education for children from families with limited resources, the distribution of allowances to children with disabilities does not address other underlying causes of exclusion and discrimination.[245] The government and international donors have acknowledged that, while scholarships and other incentives to encourage the participation of marginalized children, including children with disabilities, has generally been positive, the quotas and amount distributed to individual students is inadequate.[246]

Some parents told Human Rights Watch about a range of problems they encountered while trying to register for the identity cards, including refusal to register and misclassification. Subarna, the mother of a young woman with an intellectual disability and autism, said that when she asked for the appropriate card for her daughter, the government officials at the District Administration Office told her, She has ears, eyes. Why does she need a red card? They were told to go to the doctor first and come back. Subarna explained that it is difficult for her to take her daughter to the doctor because she is very active. Sometimes they have waited for hours only for the doctor to ask them to come another day.[247]

Mayakuna, the mother of a six-year-old girl who does not have full control of her limbs on her right side, told us that she was issued an identity card indicating that she has Downs syndrome.[248] Another child who is autistic was issued an identity card stating that he is deaf. [The officials] said a person who cant talk is deaf, his mother told Human Rights Watch. [249]

Some parents did not want to register for the identity cards because of concerns of added stigma in the community. The mother of an eight-year-old with possible hearing impairments and learning disability told Human Rights Watch that she hoped her son would improve his hearing, so she did not apply for a card:

To address these challenges, District Administration Offices should distribute the identity cards closer to village communities and have a doctor present when the identity cards are being issued.

The cost of education can be a significant barrier for children with disabilities, some of whom face significant economic burdens because of their disabilities.

According to both international law and national policy, children with disabilities are entitled to free primary education.[251] However, Human Rights Watch found that, in some instances, families are requested to pay fees for admission, exams or uniforms for government-run schools, leading some parents not to enroll their children in school.[252] For example, in a resource class for the blind in Dhangadi, the children are required to pay as much as 300 rupees (about US\$4) per year for exam fees.[253]

Mayakuna, the mother of a six-year-old girl with a physical disability and possible developmental disability, said:

The Disability Human Rights Centre, a disability advocacy and litigation organization, is still receiving complaints from parents who are paying school fees for their children. [254]

The CRC Committee and the UN Special Rapporteur on Education, among others, affirm that free basic education should be provided to all children, including children with disabilities.[255] Indeed, this is the decision of the Supreme Court, in the case of *Shudarson Subedi & Ors. v. Govt of Nepal, Council of Ministers & Ors*.[256] The court issued a directive order for free education to students with physical, sensory or intellectual disabilities at all levels in public schools, universities and training centers, finding that the 1990 Constitution itself has provisions for the special treatment of persons with disabilities.[257] While the Court case was significant in promoting the right to education for the disability community, the government has been slow in addressing the problems.[258]

International law requires that all children, including children with disabilities, have a right to health care services that are accessible, available, acceptable, and of good quality.[259] In addition, children with disabilities are entitled to access to health care without discrimination on the basis of disability as well as early identification and intervention programs, and services designed to minimize or prevent further disabilities.[260] Failure to ensure appropriate, available, accessible and quality medical care has direct and indirect consequences on schooling and access to education. Thus, the CRC Committee has called on governments to establish links between early intervention services, pre-schools and schools to facilitate the smooth transition of the child.[261]

Children with disabilities face a number of difficulties in accessing health care including: discrimination, physical barriers, lack of accessible information about available services, and/or limited financial resources for doctors fees, medicines and transport, and for some children with intellectual, developmental or physical disabilities, difficulty waiting in doctors offices for long periods of time.[262] As a result, they often do not get proper diagnoses or treatment and are not put into the appropriate school program.

Community disability workers, who provide community-based rehabilitation services and raise awareness about disability at the district level, are given three months of training so they do not have the skills to diagnose many disabilities.[263] In some instances, for example, deaf children are diagnosed as having intellectual disabilities. These misdiagnoses can have a serious impact on their education.

For example, Human Rights Watch learned of cases where children with physical disabilities were sent to a class for mentally retarded children or placed in a day care center because general schools would not admit them.[264] These children did not see a doctor for a proper diagnosis but were placed in such classes by the parents or the school. The brother of a nine-year-old boy with physical disability told us:

Lack of regular access to health care services is a particular challenge for children with disabilities. Parents of children with intellectual or developmental disabilities told us about the challenges of taking their children to visit the doctor.[266] Mukunda, the father of a 13-year-old girl with autism, said:

There is a strong belief in Nepal that disability is due to sins in a past life. In fact, nearly 30 percent of the parents of persons with disabilities surveyed for the 2001 study reported that the disability of their child was due to fate and God's will.[269] These beliefs often prevent them from accessing appropriate education or health care for children with disabilities because families are ashamed of their children or do not see the benefit of sending them to school.

Children with disabilities experience stigma and verbal abuse in the school and the community. They are called dumb, stupid, *langandi* (disabled, someone who has a lost a leg), *kujji*,

(disabled, a person who cannot move their limbs).<sup>[270]</sup> *danne* (someone who takes donations).<sup>[271]</sup> and *rach ko chora* (illegitimate child).<sup>[272]</sup>

In many instances, children with disabilities are stared at or teased. Lalitha, the mother of a young man with Downs syndrome, told Human Rights Watch, They look at them like they are aliens from another world.<sup>[273]</sup> Lakshmi, mother of 16-year-old Amman, told us that he is forced to sit on a smaller chair in the corner because the other children do not want to sit with him.<sup>[274]</sup>

While teaching is generally a respected profession, special education teachers are also subjected to verbal abuse by people in the community. One teacher in a day care center for children with intellectual and developmental disabilities told Human Rights Watch:

Special education teachers are also hired under special contracts that do not include pension benefits. A government working group is looking into this discrepancy.<sup>[276]</sup>

In schools, siblings of children with disabilities sometimes do not acknowledge that they have a sister or brother with a disability because other children will make hurtful remarks. As Mukunda explained:

Mothers of children with disabilities are often stigmatized or pitied both within the family and the community. As one mother of a nine-year-old autistic boy said, Everybody expresses a sense of pity; *bichara* is the Nepali word for, Oh, pity him or her. I don't think that.<sup>[278]</sup> Mothers of children with intellectual or development disabilities in particular told us how their mothers- and fathers-in-law did not speak to them for years and refused to interact with their children.

If children with disabilities are to be fully included in schools and the community, the government should raise public awareness of disability rights and inclusive education in particular. Such awareness-raising campaigns should also address bullying and teasing by teachers, family members and children.

For many parents, the fact that their children with disabilities are not admitted to school presents profound dilemmas. Due to a lack of options available under the education system or information about these options, some parents believe that they have no choice but to lock their children with disabilities in a room or tie them to a post in order to fulfill other responsibilities (to take care of other children, do daily chores, work, etc.). Human Rights Watch research indicates that this is most often the case for children with intellectual, developmental, psychosocial or multiple disabilities.<sup>[279]</sup>

Human Rights Watch documented cases where children with disabilities are kept in a room, and provided with food and other daily needs. The children are not brought outside of the home. In one case, the mother of a 12-year-old boy with a developmental disability explained:

In many cases, schools not only provide education and basic life skills for the children but serve as a respite for parents. Parents told Human Rights Watch that if their children are enrolled in school, it can support the family as a whole since the parents will have time to work on the land, prepare meals, do housework, etc.<sup>[281]</sup>

Children with disabilities are also subjected to abuse by their families or caretakers. In some cases, children with disabilities are not given sufficient food and water in order to control their bowel movements when the parents are not at home. One disability advocate told Human Rights Watch about a case where a family starved a child with a disability to death.<sup>[282]</sup>

Parents question why they have such children and whether the children should live. In one case, the mother of a child with autism said: If such children don't know what to do, how to speak, can't the state just give them a lethal injection to die?<sup>[283]</sup>

Mayakuna, the mother of a six-year-old girl with a physical disability and possible developmental disability, explained to Human Rights Watch:

Some children and parents told Human Rights Watch that they were subjected to beating and harassment by teachers, fellow classmates and parents.<sup>[285]</sup> Nischal, a young man with a mild intellectual disability, told us:

Studies by UNICEF and other organizations in Nepal indicate that corporal punishment is common among all children both in schools and at home.<sup>[287]</sup> There is no explicit prohibition of corporal punishment in schools in the 1971 Education Act or the 2002 Education Regulation, though severe punishment is prohibited under the Children's Act.<sup>[288]</sup> While corporal punishment harms all children, damaging their education and making it harder for them to thrive, students with some disabilities may find it particularly difficult to cope with such abuse.<sup>[289]</sup>

International donors are uniquely placed to facilitate the full implementation of an inclusive education system. In addition to calling on the Nepal government to respect its human rights obligations to persons with disabilities, international donors should ensure that their own development assistance strategies and policies hold up to the principles of non-discrimination, inclusion and equality articulated in the Convention on the Rights of Persons with Disabilities and other treaties.

International donors including the World Bank, the Asian Development Bank, the European Union, the Australian Agency for International Development, the Danish International Development Agency, Japan International Cooperation Agency, the United Kingdom Department for International Development, the Norwegian Agency for Development Cooperation, and UNICEF, among others, are investing in Nepal's Education For All campaign and its efforts to reach the millennium development goals. For example, in April 2011, the World Bank reported that Nepal was allocated US\$120 million from the Education for All-Fast Track Initiatives Catalytic Fund, which many of these donors support.<sup>[290]</sup> While funding for education is not particularly targeted for children with disabilities, donors have an obligation to ensure that this funding is distributed without any form of discrimination against children with disabilities.

NORAD, in its 2009 evaluation of implementation of EFA goals in Nepal, concluded, There apparently remain huge inequalities in provision, with schools serving the poorest and most marginalised communities being the least well staffed, resourced or supported.<sup>[291]</sup>

Funds from DANIDA are channeled directly through the Ministry of Education for implementation of the School Sector Support Program, capacity development, pilot projects and technical assistance.<sup>[292]</sup> In response to a request for the most updated assessment of how these funds are used, Human Rights Watch learned from DANIDA that it follows the governments reporting procedures and does not have its own reporting requirements or monitoring mechanism. Instead, we were asked to contact the Nepal government to request the reports.<sup>[293]</sup>

Education strategies by national governments and international donors may use specific criteria to target services in ways that differ from a strictly equitable allocation of resources. However, given the lack of available, accessible and good quality education for children with disabilities compared with the general population, making concerted efforts to include children with disabilities in the education system meets both human rights and education targets.

Recognition of the importance of protecting human rights and promoting inclusive education is often expressed by international agencies, and people with disabilities are often cited as a vulnerable or marginalized population.<sup>[294]</sup> Yet, despite this rhetorical commitment by the Nepalese government and international donors, limited efforts have been made to ensure that children with disabilities have access to quality and inclusive education on an equal basis as other children. Although there is increasing focus on Education For All in Nepal, children with disabilities remain a limited priority and of negligible concern. For example, NORAD noted that the Nepalese government has made excellent progress in collecting information including good attention to disaggregation.<sup>[295]</sup> However, much of the information is not disaggregated by disability so this remains a major gap in data collection.

UNICEF has made limited efforts to integrate children with disabilities; for example, by training engineers to design girl-friendly and disability-friendly toilets. However, staff admitted that children with disabilities are not specifically addressed in their overall strategy in Nepal because of a lack of expertise and data. A senior official at UNICEF told Human Rights Watch:

Save the Children provides teacher training in 43 districts across Nepal.<sup>[297]</sup> Until 2009 they had a special project targeting children with disabilities in five districts, where they trained teachers in inclusive education methods. However, Save the Children has failed to integrate the disability component into the general teacher training program citing a lack of technical expertise in the other districts. The education officer for Save the Children told Human Rights Watch, If we try to put disability in the main program, the issue of disability will be diluted.<sup>[298]</sup> The Save the Children Nepal country director, Brian Hunter, further clarified that it is their experience that without a specific focus on integration of children with disabilities, inclusive education programs will not be effective in accomplishing this objective. More concerted efforts and specific focus is needed for effective integration.<sup>[299]</sup>

The National Center for Education Development, an organ of the Ministry of Education, is currently in the process of revising the general teacher training materials, with support from Save the Children. The teacher training materials do not include adequate information on inclusive education methodologies, including how to teach children with diverse disabilities.<sup>[300]</sup> Similarly, the Curriculum Development Center is undergoing a review of the national curriculum. The Nepalese government, together with international donors and NGOs, has an important opportunity to influence these processes and implement the governments obligations to ensure inclusive education for all children, including those with disabilities.

Resource constraints are the most widely cited excuses for not promoting inclusive practice, even in the most well-resourced educational settings.<sup>[302]</sup> However, according to UNESCO, it costs governments less to educate all students together under an inclusive education approach, than to manage a system of separate schools for different children.<sup>[303]</sup>

The perception that a lack of resources prevents schools from adopting inclusive education stems from the treatment of inclusion as an add-on program, and thus a luxury in contexts where there is no funding for extra initiatives.<sup>[304]</sup> According to a study by the World Bank, however, making buildings accessible represents less than 1% of total construction costs.<sup>[305]</sup> According to Diane Richler, past President of Inclusion International, governments need to take interim steps. Its important to start toward an inclusive education system, and not wait for the system as a whole to transform.<sup>[306]</sup>

Governments and donors also argue that barriers caused by lack of funding such as large class sizes make inclusive education impossible, particularly for children with disabilities, who are perceived as needing expensive equipment and one-on-one support.<sup>[307]</sup> However, where attitudes are positive and welcoming, children with disabilities can be successfully integrated and supported by school administrators and teachers, even in large classes.<sup>[308]</sup>

An inclusive approach requires focused and strategic investment of existing resources to enable teachers to understand and respond to the needs of all the children in their classroom. For example, UNESCO noted that the financial resources aimed at the students who repeat could be better spent on improving the quality of education for all, especially if we consider the low impact of repetition on the level of students outcomes and its negative effect on students self-esteem. Such investment would include teachers training, supply of material, ICTs [information

and communication technologies] and the provision of additional support for students who experience difficulties in the education process.[309]

Inclusive education does not have to be costly or involve extensive infrastructural change. Some countries have developed cost-effective measures to promote inclusive quality education with limited resources such as multi-grade, multi-age and multi-ability classrooms, initial literacy in mother tongues, training-of-trainer models for professional development, linking students in pre-service teacher training with schools, peer teaching and converting special schools into resource centres that provide expertise and support to clusters of regular schools.[310]

Modifications to the material set-up of schools are sufficient or in some cases, it can be as simple as allocating classrooms on the ground floor to accommodate the needs of some students. Parents can and should play a critical role in developing community-based education for their children. For example, parent networks can serve as mutual support groups and parents can be trained in skills to work with their own children. Parents can also act as advocates in their dealings with schools and authorities.[311]

In any setting, school officials, teachers and parents can become more aware of the different needs of learners, and act on this to enable all children to learn more effectively[312]

A project funded by the Danish government in the southern part of Nepal (Banke district) demonstrates that inclusive education can be achieved with limited resources. The teachers adopted different teaching methods, including working in groups so students at different skill levels could assist and encourage each other. The schools also benefited from international technical assistance, which monitored and followed up on progress and constraints. As a result of these efforts, children with sensory and intellectual disabilities were integrated with the rest of the class, and teachers reported that inclusive teaching methods improved discipline and the general working atmosphere.[313]

A comprehensive approach that includes community-based rehabilitation is essential for the full implementation of the right to education. For example, the Resource Center for Rehabilitation and Development, which is part of the Community-Based Rehabilitation Organization, runs a day care center for children with intellectual, developmental and multiple disabilities in Bhaktapur district, just outside of Kathmandu. The organization provides rehabilitation services, including assistive devices, and trains teachers and administrators of mainstream schools on basic techniques to make classrooms inclusive. They have used a range of strategies to create awareness among teachers, parents and students about the need to bring children with disabilities into mainstream schools, including through meetings and child-to-child interactions in class and on the playground.[314] They have helped over 30 students with mild to moderate intellectual disabilities integrate into general schools.[315]

## **Office of the Prime Minister**

## **Ministry of Education**

## **Ministry of Women, Children and Social Welfare**

## **Ministry of Health**

## **Constituent Assembly**

## **Members of Parliament**

## **National Human Rights Commission**

## **Multilateral and Bilateral Donors, UN agencies and International NGOs**

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- [22] From 1996 to 2006, Maoist rebels, officially named the Communist Party of Nepal, waged a campaign against the Nepalese monarchy and government forces, resulting in more than 12,000 casualties and 100,000 people displaced. A Comprehensive Peace Accord was agreed in November 2006 and was monitored by the United Nations Mission in Nepal until January 2011. BBC News, "Nepal Profile," February 18, 2011, <http://www.bbc.co.uk/news/world-south-asia-12511455> (accessed July 28, 2011). UN Department of Public Information, 6466th Meeting of the Security Council, January 14, 2011, SC/10152, <http://www.un.org/News/Press/docs/2011/sc10152.doc.htm> (accessed July 28, 2011). While no precise government data is available on the number of children in Nepal who live with disabilities as a result of the conflict, media outlets and NGOs have reported that numerous children were injured during the war. National Coalition for Children as Zone of Peace and Child Protection, Conflict-Affected Childrens Access to Humanitarian Services in Nepal, December 2010, <http://www.czop.org/reports/publication/CZOPP%20Book-Bardiya%20Research.pdf> (accessed July 26, 2011), p. 7.
- [23] Human Rights Watch interview with Shudarsan Subedi, Advocate, Disabled Human Rights Centre, Kathmandu, March 29, 2011.
- [24] Human Rights Watch interview with M.M. Wara, Inclusion Project Coordinator, Handicap International, Kathmandu, March 29, 2011.
- [25] Ministry of Health and Population, Government of Nepal, Nepal Demographic and Health Survey: Table 2.15, 2006, p. 33. Only 32.9 percent of children under five years of age have birth certificates, and only 35 percent are registered. Human Rights Watch email correspondence with Brigitte Sonnois, Chief Child Protection, UNICEF Nepal, June 5, 2011.
- [26] CRPD, art. 1.
- [27] Government of Nepal, Definition and Classification of Disability in Nepal, 2006, translated by the Resource Center for Rehabilitation and Development, <http://rcrdnepa.files.wordpress.com/2008/05/definition-and-classification-of-disability-in-nepal.pdf> (accessed June 13, 2011). The Disabled Welfare and Protection Act of Nepal 2039 (1982) defines disabled person as a Nepalese citizen who is physically or mentally unable or handicapped to do normal daily life works. This expression also includes a blind, one-eyed, deaf, dumb, dull, crippled, limb, lame, handicapped with one leg broken, handicapped with one hand broken, or a feeble-minded person. The Act also defines helpless disabled persons as a disabled person who does not have any assets or any person to attend and serve him and who cannot earn his living by doing a job himself. Protection and Welfare of the Disabled Persons Act, 2039 (1982), s. 1, [http://rcrdnepa.files.wordpress.com/2008/05/disabled-welfare-and-protection-act\\_1982.pdf](http://rcrdnepa.files.wordpress.com/2008/05/disabled-welfare-and-protection-act_1982.pdf) (accessed March 10, 2011); See also Country Profile on Disability: Kingdom Of Nepal. Japan International Cooperation Agency Planning and Evaluation Department (March 2002). At: [http://gwweb.jica.go.jp/km/FSsubject0601.nsf/3b8a2d403517ae4549256f2d002e1dcc/54a619bb76fd92034925727d0008246b/\\$FILE/Nepal%282002%29%201.pdf](http://gwweb.jica.go.jp/km/FSsubject0601.nsf/3b8a2d403517ae4549256f2d002e1dcc/54a619bb76fd92034925727d0008246b/$FILE/Nepal%282002%29%201.pdf). The updated definition in the governments 2006 policy is: Disability is the condition of difficulty in carrying out daily activities normally and in taking part in social life due to problems in parts of the body and the physical system as well as obstacles created by physical, social, cultural environment and by communication. The definition is based on the WHO framework for measuring health and disability at both individual and population levels, called the International Classification of Functioning, Disability and Health (ICF). The ICF was officially endorsed by all 191 WHO Member States in the Fifty-fourth World Health Assembly in May 2001 (resolution WHA 54.21). World Health Organization, International Classification of Functioning, Disability and Health, May 22, 2001, <http://www.who.int/classifications/icf/en/> (accessed June 3, 2011).
- [28] Disability advocates prefer the term intellectual disability as opposed to mental retardation because it reflects a rights-based approach and aligns with current professional practices to provide support tailored to individuals to enhance their functioning. American Association on Intellectual and Developmental Disabilities, FAQ on Intellectual Disability, 2011, [http://www.aaid.org/content\\_104.cfm](http://www.aaid.org/content_104.cfm) (accessed June 1, 2011).
- [29] Disabled Peoples Organizations Denmark, Country Strategy of the Danish Council of Organization of Disabled People: October 2007 September 2012, September 12, 2007, <http://www.disability.dk/partner-countries/nepal/country-strategy> (accessed May 13, 2011). See also Government of Nepal, Definition and Classification of Disability in Nepal, 2006, [http://rcrdnepa.files.wordpress.com/2010/09/definition-and-classification-of-disability-in-nepal\\_english.pdf](http://rcrdnepa.files.wordpress.com/2010/09/definition-and-classification-of-disability-in-nepal_english.pdf) (accessed May 12, 2011).
- [30] Ministry of Women, Children and Social Welfare, National Policy and Plan of Action on Disability, 2006, <http://rcrdnepa.files.wordpress.com/2008/05/national-policy-and-plan-of-action2006-eng.pdf> (accessed June 17, 2011), section 2.2.4. The Act uses a number of derogatory word such as *kano*, *andho*, *bahiro*, *lato*, *lathebro*, *lulo*, *kunjo*, *langado*, *khorando*, and *dundo*. These derogatory words should be removed while harmonizing the definition.
- [31] National Planning Commision/UNICEF/New Era, A situation analysis of disability in Nepal, 2001, <http://rcrdnepa.files.wordpress.com/2008/05/a-situation-analysis-of-disability-in-nepal-2001.pdf> (accessed May 27, 2011). The report indicates that 19.5 percent have mobility disabilities and 14.8 percent have manipulation disability. Mobility disability is defined as A person who was unable to perform the daily activities of life due to a physical deficiency, defect or deformity in the lower limbs was said to have mobility or walking disability. Manipulation disability is defined as A person who was unable to perform the daily activities of life due to a physical deficiency, defect or deformity in the upper limbs was said to have working or manipulation disability.
- [32] According to this analysis, [a] person who could not speak at all or a person who could not be understood outside the family, was said to have speaking disability. National Planning Commission/UNICEF/New Era, A situation analysis of disability in Nepal, 2001, <http://rcrdnepa.files.wordpress.com/2008/05/a-situation-analysis-of-disability-in-nepal-2001.pdf> (accessed May 27, 2011).
- [33] National Planning Commision/UNICEF/New Era, A situation analysis of disability in Nepal, 2001, <http://rcrdnepa.files.wordpress.com/2008/05/a-situation-analysis-of-disability-in-nepal-2001.pdf> (accessed May 27, 2011), section 3.
- [34] Ibid.
- [35] Sarmila Shrestha, Narayan Kaji Shrestha, and Sunil Deepakat, A Community Assessment of Poverty and Disability among Specific Rural Population Groups in Nepal, *Asia Pacific Disability Rehabilitation Journal*, vol. 20, no. 1, 2009, p. 83.
- [36] World Bank, Social Analysis and Disability: A Guidance Note, March 2007, <http://hpod.pmhclients.com/pdf/SAAnalysisDis.pdf> (accessed July 26, 2011), p. 9.
- [37] Ibid.
- [38] Sarmila Shrestha, Narayan Kaji Shrestha, and Sunil Deepakat, A Community Assessment of Poverty and Disability among Specific Rural Population Groups in Nepal, *Asia Pacific Disability Rehabilitation Journal*, vol. 20, no. 1, 2009, p. 85.
- [39] World Bank, Nepal: Providing Essential Health Services to the Poorest and Most Excluded, 2011, [http://www.worldbank.org.np/WBSITE/EXTERNAL/COUNTRIES/SOUTHASIAEXT/NEPALEXTN/0,,contentMDK:22889270~pagePK:1497618~piPK:217854~theSitePK:223555,00.html?cid=3001\\_7](http://www.worldbank.org.np/WBSITE/EXTERNAL/COUNTRIES/SOUTHASIAEXT/NEPALEXTN/0,,contentMDK:22889270~pagePK:1497618~piPK:217854~theSitePK:223555,00.html?cid=3001_7) (accessed July 26, 2011).
- [40] Ministry of Education of the Government of Nepal, Flash I Report 2066 (2009-2010), November 2009, p. 40.
- [41] Ibid, p. 12.
- [42] Ibid, p. 17. The total number of students at primary, lower secondary and basic level is 4,900,663; 1,604,422; and 6,505,085 respectively.
- [43] Ibid, p. 23.



[44] Ibid, p. 24.

[45] This term refers to children with intellectual disabilities.

[46] Ministry of Education of the Government of Nepal, Flash I Report 2066 (2009-2010), November 2009, p. 24.

[47] Ibid, p. 27.

[48] Government of Nepal, National Planning Commission/United Nations Country Team of Nepal, Nepal Development Goals, Progress Report 2010, September 2010, <http://www.undp.org.np/pdf/MDG-Layout-Final.pdf> (accessed June 4, 2011). The government has been working with the Resource Center for Rehabilitation and Development (RCRD) of Nepal to develop baseline data and a national updatable database on the number of people with disabilities. They are working with district government officials to develop software and mobilized districts and municipal development committees. However, the government allocated only 50,000 Nepali rupees (equivalent of roughly US\$700) to each district to carry out this task. As a consequence, the data is being collected in only some villages in each of the 75 districts. Fifty districts have completed household surveys and the data should be available by the end of 2011.

[49] United Nations Development Programme, The Interim Constitution of Nepal, 2063 (2007), 2008, <http://www.ccd.org.np/new/resources/interim.pdf> (accessed May 31, 2011), section 17(2).

[50] Government of Nepal, Ministry of Education, About MOE, September 7, 2010, <http://moe.gov.np/new/> (accessed June 4, 2011).

[51] Government of Nepal, Ministry of Education, School Sector Reform Plan, June 2009, <http://moe.gov.np/new/> (accessed March 10, 2011), p. 16.

[52] The Council is comprised of 13 members and is chaired by the Minister of Education. Education Act 2028 (1971).

[53] The Millennium Development Goals are eight goals to be achieved by 2015 that respond to the world's main development challenges. The MDGs are drawn from the actions and targets contained in the Millennium Declaration that was adopted by 189 nations and signed by 147 heads of state and governments during the UN Millennium Summit in September 2000. United Nations Development Programme, Meeting the Millennium Development Goals in Nepal, February 2011, <http://www.undp.org.np/mdg/> (accessed June 4, 2011).

[54] Education for All (EFA) is an international initiative led by UNESCO to provide quality basic education for all children, youth and adults. In 2000, 164 governments pledged to achieving six specific education goals by 2015. UNESCO, Education for All (EFA), 2011, <http://www.unesco.org/new/en/education/themes/leading-the-international-agenda/education-for-all/> (accessed May 14, 2011). Nepal also recognizes the Salamanca Declaration, adopted by the World Conference on Special Needs Education in 1994, and the Biwako Millennium Framework of Action, adopted by the United Nations Economic and Social Commission for Asia and the Pacific (UNESCAP). Ministry of Women, Children and Social Welfare, National Policy and Plan of Action on Disability, 2006, <http://rcrdnepa.files.wordpress.com/2008/05/national-policy-and-plan-of-action2006-eng.pdf> (accessed May 31, 2011), p. 50. The Salamanca Declaration emphasizes that everyone who needs special education, including people with disability, should be merged in the mainstream of national education program. UNESCO, The Salamanca Statement and Framework for Action, June 1994, <http://unesdoc.unesco.org/images/0009/000984/098427eo.pdf> (accessed June 17, 2011). The Biwako Framework for Action sets the goal of 75 percent enrolment of children with disabilities in primary school by 2010, and 100 percent school by 2015. UNESCAP, WHO/ESCAP Training Manual on Disability Statistics, December 16, 2009, <http://www.unescap.org/stat/disability/manual/Appendix4-Disability-Statistics.pdf> (accessed June 17, 2011).

[55] From 1999-2004, the Government of Nepal followed its Basic and Primary Education Programme II (BPEP II) to increase access to and improve the quality of basic and primary education. Government of Nepal, Ministry of Education, School Sector Reform Plan, June 2009, <http://moe.gov.np/new/> (accessed March 10, 2011). Government of Nepal, National Planning Commission/United Nations Country Team of Nepal, Nepal Development Goals, Progress Report 2010, September 2010, <http://www.undp.org.np/pdf/MDG-Layout-Final.pdf> (accessed June 4, 2011), p. 26. People with disabilities are not always mentioned in references to vulnerable groups in the SSRP. This may lead to their unintentional exclusion when implementing the actions. Some groups, like woman and Dalits, are specifically mentioned every time special provisions are made. The adoption of one standard, inclusive definition and terminology would help ensure consistency throughout the document. Education For All Fast Track Initiative, Joint Appraisal Document, 2010, [http://issuu.com/efa-fti/docs/np-ssrp-jad-082109-cln/48?mode=a\\_p](http://issuu.com/efa-fti/docs/np-ssrp-jad-082109-cln/48?mode=a_p) (accessed June 16, 2011), p. 97.

[56] Government of Nepal, Ministry of Education, School Sector Reform Plan, June 2009, <http://moe.gov.np/new/> (accessed March 10, 2011), p. 25.

[57] Ibid, p. 26. Government of Nepal, National Planning Commission/United Nations Country Team of Nepal, Nepal Development Goals, Progress Report 2010, September 2010, <http://www.undp.org.np/pdf/MDG-Layout-Final.pdf> (accessed June 4, 2011).

[58] Government of Nepal, Ministry of Education, School Sector Reform Plan, June 2009, <http://moe.gov.np/new/> (accessed March 10, 2011), p. 91. Government of Nepal, National Planning Commission/United Nations Country Team of Nepal, Nepal Development Goals, Progress Report 2010, September 2010, <http://www.undp.org.np/pdf/MDG-Layout-Final.pdf> (accessed June 4, 2011), p. 26.

[59] Government of Nepal, Ministry of Education, School Sector Reform Plan, June 2009, <http://moe.gov.np/new/> (accessed March 10, 2011), p. 26.

[60] Ministry of Women, Children and Social Welfare, National Policy and Plan of Action on Disability, 2006, <http://rcrdnepa.files.wordpress.com/2008/05/national-policy-and-plan-of-action2006-eng.pdf> (accessed June 17, 2011).

[61] Government of Nepal, Ministry of Education, School Sector Reform Plan, June 2009, <http://moe.gov.np/new/> (accessed March 10, 2011), p. 119.

[62] Human Rights Watch correspondence with Arun Tiwari, Deputy Director, Department of Education, and Chief of the Inclusive Education Section, Ministry of Education, June 14, 2011. Nepal Association of the Blind, Organizational Strengthening Programme Annual Report 2009, January 2009, [http://www.nabnepal.org/Annual\\_Repo\\_2009.pdf](http://www.nabnepal.org/Annual_Repo_2009.pdf) (accessed on May 27, 2011).

[63] Human Rights Watch telephone interview with Suryabhakta Prajapathi, Director, Resource Center for Rehabilitation and Development, June 3, 2011. Human Rights Watch correspondence with Arun Tiwari, Deputy Director, Department of Education, and Chief of the Inclusive Education Section, Ministry of Education, June 14, 2011.

[64] Human Rights Watch telephone interview with Suryabhakta Prajapathi, Director, Resource Center for Rehabilitation and Development, June 3, 2011.

[65] Human Rights Watch telephone interview with Arun Tiwari, Deputy Director, Department of Education, and Chief of the Inclusive Education Section, Ministry of Education, June 7, 2011. Ministry of Women, Children and Social Welfare, National Policy and Plan of Action on Disability, 2006, <http://rcrdnepa.files.wordpress.com/2008/05/national-policy-and-plan-of-action2006-eng.pdf> (accessed June 17, 2011).

[66] Human Rights Watch interview with Arun Tiwari, Deputy Director, Department of Education, and Chief of the Inclusive Education Section, Ministry of Education, Kathmandu, April 2, 2011. Human Rights Watch telephone interview with Suryabhakta Prajapathi, Director, Resource Center for Rehabilitation and Development, June 3, 2011. Human Rights Watch telephone interview with Arun Tiwari, Deputy Director, Department of Education, and Chief of the Inclusive Education Section, Ministry of Education, June 7, 2011.

[67] Many of the national policies and laws were established before the adoption of the Convention on the Rights of Persons with Disabilities and therefore do not reflect the standards and rights-based language set out in the treaty. For example, the definition of disability in the 1982 Protection and Welfare of the Disabled Persons Act (and the title of the act itself) are based on the medical and charity approach to disability. Protection and Welfare of the Disabled Persons Act, 2039 (1982), s. 2.

[68] The Disabled Welfare and Protection Act, the Special Education Policy, the Education Act, and the Education Regulations also provide for special education to children with disabilities. Disabled Welfare and Protection Act of Nepal 2039 (1982), ss. 5, 6. Special Education Policy 2053 (1997). Education Act 2028 (1971), para. 6a. Education Regulations 2049 (1992), rules 60, 66. The Children's Act requires the government to establish special orphanages and centers for children with intellectual disabilities. Children's Act 2048 (1992), s. 43.

[69] The interim constitution initially provided a 2-year time frame for drafting the new constitution, ending on 28 May 2010. However, because of the challenging post-conflict transition, a political consensus was reached on a 1-year extension. On May 28, 2011, the political parties agreed to extend the time frame by another 3 months, citing differences in opinion on the integration and rehabilitation of members of a former armed rebel group. The next deadline for finalizing a draft constitution is August 28, 2011. Asian Development Bank, "Nepal: Political and Economic Update," June 2011, [http://www.adb.org/Documents/Economic\\_Updates/NEP/in89-11.pdf](http://www.adb.org/Documents/Economic_Updates/NEP/in89-11.pdf) (accessed June 21, 2011), p. 1. Rajeshree Sisodia, "Nepal's reform stalls," *Le monde diplomatique* (English edition), June 8, 2010, <http://mondediplo.com/2010/08/06nepal> (accessed June 21, 2011).

[70] Specifically, Sweden, New Zealand, Germany, Bahrain, and Slovakia raised concerns about the rights of people with disabilities in Nepal. United Nations Human Rights Council, Report of the Working Group on the Universal Periodic Review - Nepal, March 8, 2011, <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G11/116/42/PDF/G1111642.pdf?OpenElement> (accessed June 17, 2011), pp. 13-20.

[71] Government of Nepal, Ministry of Education, School Sector Reform Plan, June 2009, <http://moe.gov.np/new/> (accessed March 10, 2011), p. 14.

[72] UNESCO, Regional Overview: South and West Asia, Education for All Global Monitoring Report, 2010, <http://unesdoc.unesco.org/images/0018/001865/186527E.pdf> (accessed on June 4, 2011), p. 12.

[73] Ministry of Education, Government of Nepal, "A Study on the Financial Management of Department of Education, District Education Office, and Tracking of School Grants," July 2009, [http://www.doe.gov.np/download/download\\_1182256956.pdf](http://www.doe.gov.np/download/download_1182256956.pdf) (accessed June 13, 2011). Government of Nepal, "Nepal Budget Statement: Fiscal Year 2009-10," July 13, 2009,

[http://trunco.com.np/pdf/TRU\\_Budget\\_Highlights\\_2009-10.pdf](http://trunco.com.np/pdf/TRU_Budget_Highlights_2009-10.pdf) (accessed June 13, 2011).

[74] Human Rights Watch correspondence with Arun Tiwari, Deputy Director, Department of Education, and Chief of the Inclusive Education Section, Ministry of Education, June 8, 2011.

[75] Disabled Peoples Organizations Denmark, Country Strategy of the Danish Council of Organization of Disabled People: October 2007 September 2012, September 12, 2007, <http://www.disability.dk/partner-countries/nepal/country-strategy> (accessed July 26, 2011), p. 9.

[76] World Bank, Fast Track Initiative Catalytic Fund: Annual Progress Report 2010, April 21, 2011, <http://www.educationfasttrack.org/media/Misc./CF%20WB%20Progress%20report%20April%202011.pdf> (accessed May 13, 2011). Disabled Peoples Organizations Denmark, Country Strategy of the Danish Council of Organization of Disabled People: October 2007 September 2012, September 12, 2007, <http://www.disability.dk/partner-countries/nepal/country-strategy> (accessed May 13, 2011).

[77] World Bank, Education in Nepal, 2011, <http://www.worldbank.org.np/WBSITE/EXTERNAL/COUNTRIES/SOUTHASIAEXT/NEPALEXTN/0,,contentMDK:21683119~pagePK:141137~piPK:141127~theSitePK:223555,00.html> (accessed July 26, 2011).

[78] Asian Development Bank, Asian Development Bank and Nepal: Fact Sheet, April 2011, [http://www.adb.org/Documents/Fact\\_Sheets/NEP.pdf](http://www.adb.org/Documents/Fact_Sheets/NEP.pdf) (accessed July 26, 2011).

[79] Ibid.

[80] UNESCO, Education for All Global Monitoring Report 2007, p. 74. UNESCO, Education For All Global Monitoring Report 2011, p. 1.

[81] UNESCO, "Education for All Global Monitoring Report 2008: Education for All by 2015 - Will We Make It?," 2008, <http://www.unesco.org/new/en/education/themes/leading-the-international-agenda/efareport/reports/2008-mid-term-review/> (accessed August 4, 2011), p. 48.A. Eide and M. E. Loeb, "Living Conditions among People with Activity Limitations in Zambia," September 2006, Oslo.A. Eide, S. Nihwathiwa, J. Muderedzi, and M. E. Loeb, "Living Conditions among People with Activity Limitations in Zimbabwe," 2003, Oslo.A. Eide and M. E. Loeb, "Living Conditions among People with Activity Limitations in Malawi," 2004, Oslo.

[82] Universal Declaration of Human Rights, adopted December 10, 1948, G.A. Res. 217A(III), U.N. Doc. A/810 at 71 (1948), art. 26. Several treaties and normative instruments have reaffirmed this right. The UNESCO Convention against Discrimination in Education (CADE), adopted on December 14, 1960, 429 U.N.T.S. 93 (1962), stipulates that States have the obligation to expand educational opportunities for all who remain deprived of primary education. The International Covenant on Economic, Social and Cultural Rights, adopted December 16, 1966, G.A. Res. 2200A (XXI), 21 U.N. GAOR Supp. (No. 16) at 49, U.N. Doc. A/6316 (1966), 993 U.N.T.S. 3, entered into force January 3, 1976, reaffirms the right to education for all and highlights the principle of free compulsory education. Finally, the Convention on the Rights of the Child (CRC), adopted November 20, 1989, G.A. Res. 44/25, annex, 44 U.N. GAOR Supp. (No. 49) at 167, U.N. Doc. A/44/49 (1989), entered into force September 2, 1990, the most widely ratified human rights treaty, spells out the right of children not to be discriminated against. UNESCO, Inclusive Education, 2011, <http://www.unesco.org/new/en/education/themes/strengthening-education-systems/inclusive-education/> (accessed May 17, 2011).

[83] Convention on the Rights of Persons with Disabilities (CRPD), adopted December 13, 2006, G.A. Res. 61/106, Annex I, U.N. GAOR Supp. (No. 49) at 65, U.N. Doc. A/61/49 (2006), entered into force May 3, 2008, ratified by Nepal on May 7, 2010. Nepal has ratified most of the major human rights treaties: Convention on the Elimination of Racial Discrimination, Convention on the Rights of the Child and its optional protocols, International Covenant on Economic, Social and Cultural Rights, International Covenant on Civil and Political Rights and its Optional Protocols, Convention on the Elimination of Discrimination Against Women and its optional protocol, Convention Against Torture, and most recently, the Convention on the Rights of Persons with Disabilities (CRPD) in May 2010. The CRPD confirms that the human rights stipulated in other major human rights documents apply with equal force to individuals with disabilities and spells out how States Parties must specifically ensure these rights. The CRPD also has a dedicated article on respecting the rights of children with disabilities.

[84] CRPD, art. 24.

[85] UN Committee on the Rights of the Child, General comment no. 9 (2006): The rights of children with disabilities, February 27, 2007, CRC/C/GC/9, <http://www.unhcr.org/refworld/docid/461b93f72.html> (accessed 17 June 2011), para. 62.

[86] Enabling Education Network, Report to Norad on desk review of inclusive education policies and plans in Nepal, Tanzania, Vietnam and Zambia, November 2007, [http://www.eenet.org.uk/resources/docs/Policy\\_review\\_for\\_NORAD.pdf](http://www.eenet.org.uk/resources/docs/Policy_review_for_NORAD.pdf) (accessed June 17, 2011), p. 56. For example, a program in Samoa, funded by the Australian Agency for International Development (AusAid), prepares students who are blind or visually impaired to attend regular public schools with their non-disabled peers, instead of being segregated in specialist schools. The funding is used to buy equipment such as braille machines, computers with screen reading software, and high speed internet access to facilitate Teleschool lessons (a service that allows children with disabilities to communicate with support service providers online). Royal Institute for Deaf and Blind Children, "The Gift of Braille Being Taught in Samoa to Help the Vision Impaired," January 31, 2011, <http://www.ridbc.org.au/news/pr.asp?id=565> (accessed June 24, 2011).

[87] Enabling Education Network, Report to Norad on desk review of inclusive education policies and plans in Nepal, Tanzania, Vietnam and Zambia, November 2007, [http://www.eenet.org.uk/resources/docs/Policy\\_review\\_for\\_NORAD.pdf](http://www.eenet.org.uk/resources/docs/Policy_review_for_NORAD.pdf) (accessed June 17, 2011), p. 9. Save the Children, Making Schools Inclusive, 2008, <http://www.savethechildren.org.uk/en/docs/making-schools-inclusive.pdf> (accessed March 5, 2011), p. 10.

[88] While there is no agreed international definition of the term inclusive education, relevant international institutions such as UNESCO, UNICEF, the CRC and the UN Special Rapporteur on the Right to Education use the term along the lines of this description. The Ministry of Education has adopted the following definition: Inclusive Education in Nepal must secure the right of all children to relevant education in their own community. It must promote an educational system that celebrates the rich cultural differences of the country upholding non-discriminatory environments. Inclusive education acknowledges the demand and the necessity for community ownership of the school. Inclusive education believes that all children can learn given the appropriate environment and support. It is a strategy that identifies children who for any reason are excluded or who are at risk of dropping out from schooling in a particular context. These groups should be identified at both national and local levels. Moreover, inclusive education facilitates a process that meets the social, cultural and academic needs through a child centered approach. Human Rights Watch correspondence with Arun Tiwari, Deputy Director, Department of Education, and Chief of the Inclusive Education Section, Ministry of Education, June 14, 2011.

[89] Save the Children, Making Schools Inclusive, 2008, <http://www.savethechildren.org.uk/en/docs/making-schools-inclusive.pdf> (accessed March 5, 2011).

[90] UNICEF, Examples of inclusive education: Nepal, 2003, <http://www.unicef.org/rosa/InclusiveNep.pdf> (accessed May 17, 2011).

[91] The Organization for Economic Co-operation and Development (OECD) is a platform for government ministers, representatives of international organizations, and leaders of business, trade unions and civil society in its 34 member countries to stimulate economic progress and global development and co-ordinate domestic and international policy. Its members include the U.S., Canada, United Kingdom, Mexico, Chile, and Turkey. Organization for Economic Co-operation and Development, "About the OECD," 2011, <http://www.oecd.org/> (accessed July 27, 2011).

[92] UNESCO, Inclusive Education, 2011, <http://www.unesco.org/new/en/education/themes/strengthening-education-systems/inclusive-education/> (accessed May 17, 2011). Inclusion International, Better Education for All: A Global Report, October 2009, [http://inclusion-international.org.cluster.cwcs.co.uk/wp-content/uploads/Better-Education-for-All\\_Global-Report\\_October-2009.pdf](http://inclusion-international.org.cluster.cwcs.co.uk/wp-content/uploads/Better-Education-for-All_Global-Report_October-2009.pdf) (accessed May 17, 2011).

[93] United Nations Human Rights Council, The Right to Education of persons with disabilities: Report by the UN Special Rapporteur on the Right to Education Vernor Muoz, February 19, 2007, A/HRC/4/29, <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G07/108/92/PDF/G0710892.pdf?OpenElement> (accessed June 17, 2011).

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- [110] Human Rights Watch telephone interview with Arun Tiwari, Deputy Director, Department of Education, and Chief of the Inclusive Education Section, Ministry of Education of the Government of Nepal, June 7, 2011.
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- [113] Human Rights Watch interview with Arun Tiwari, Deputy Director, Dept of Education and Chief of the Inclusive Education Section, Ministry of Education, Kathmandu, April 2, 2011.
- [114] Human Rights Watch interview with Ramhari Das Shrestha, District Education Officer, Dhadedhura, April 5, 2011. Human Rights Watch interview with Durga Bista, District Education Officer, Mahendranagar, April 4, 2011. Durga Bista has since been posted as the District Education Officer for Darchula District.
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- [118] Disabled Persons Protection and Welfare Act, 2039 (1982), art. 8.
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- [121] Human Rights Watch telephone interview with Suryabhakta Prajapati, Director, Resource Center for Rehabilitation and Development, June 3, 2011.
- [122] Human Rights Watch interview with Durga Bista, District Education Officer, Mahendranagar, April 4, 2011.
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- [126] The government has not ratified the Optional Protocol to the ICESCR, but this would be an important avenue for people with disabilities to seek redress.
- [127] CRPD, art. 8.
- [128] Human Rights Watch interview with Subarna Chitrakar, mother of 30-year-old woman with intellectual disability and autism. Chitrakar is also the founder of SUNGAVA, a vocational training program for young women and girls with intellectual disabilities, Kathmandu, March 30, 2011. Human Rights Watch interview with Minu Bhatta, parent of 18-year-old boy with intellectual disability, Kathmandu, March 29, 2011. Human Rights Watch interview with Bhimal, brother of 9-year-old boy with physical and possible developmental disability, Dhanghadi, April 6, 2011. Norad, Joint Evaluation of Nepals Education for All 2004-2009 Sector Programme, March 2009, [www.norad.no/en/\\_attachment/125144/binary/42348?download=true](http://www.norad.no/en/_attachment/125144/binary/42348?download=true) (accessed June 17, 2011), p. lxxxvi.
- [129] Human Rights Watch interview with Dr. Lalitha Joshi, gynecologist and President of Down Syndrome Association, Kathmandu, March 30, 2011.
- [130] Human Rights Watch interview with Arun Tiwari, Deputy Director, Department of Education, and Chief of the Inclusive Education Section, Ministry of Education, Kathmandu, April 2, 2011. Human Rights Watch interview with Durga Bista, District Education Office, Mahendranagar, April 4, 2011.
- [131] Human Rights Watch interview with Durga Bista, District Education Office, Mahendranagar, April 4, 2011.
- [132] Ministry of Education of the Government of Nepal, Flash I Report 2066 (2009-2010), November 2009, p. 16-17.
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- [134] Ibid.
- [135] Government of Nepal, National Planning Commission/United Nations Country Team of Nepal, Nepal Development Goals, Progress Report 2010, September 2010, <http://www.undp.org.np/pdf/MDG-Layout-Final.pdf> (accessed June 4, 2011), p. 29. Human Rights Watch interview with Arun Tiwari, Deputy Director, Department of Education, and Chief of the Inclusive Education Section, Ministry of Education, Kathmandu, April 2, 2011. According to UNICEF, 60.2% of 35 years olds attend early childhood development centers. UNICEF, "Early Childhood Development," 2011, [http://www.unicef.org/nepal/5522\\_Early\\_Childhood\\_Development.htm](http://www.unicef.org/nepal/5522_Early_Childhood_Development.htm) (accessed June 14, 2011). A Save the Children staff member told Human Rights Watch that in the many early childhood education centers across Nepal that he has visited, he had not seen any disabled children. This may be due to limited number of early childhood education centers across Nepal, inadequate training of early childhood education staff and parental choice. Human Rights Watch telephone interview with Deergsha Shrestha, Save the Children, May 20, 2011.
- [136] International Council for Education of People with Visual Impairment/World Blind Union, Implementation Plan for Nepal: Education for All Children with Visual Impairment, [http://www.icevi.org/efa/EFA-VI\\_Summary\\_Report/nepal.html](http://www.icevi.org/efa/EFA-VI_Summary_Report/nepal.html) (accessed March 15, 2011).
- [137] Local partners include National Federation of the Disabled Nepal, Nepal Disabled Human Rights Center, Nepal National Social Welfare Association, Resource Center for Rights and



Development of People with Disabilities, Resource Center for Rehabilitation and Development (RCRD) and CBR Bhaktapur.

[138] Save the Children has supported the enrolment of 379 children with disabilities in their working areas in the last six months. Letter to Human Rights Watch from Brian Hunter, Country Director, Save the Children Nepal & Bhutan, August 1, 2011.

[139] Ministry of Education of the Government of Nepal, Flash I Report 2066 (2009-2010), November 2009, p. 30. Government of Nepal, National Planning Commission/United Nations Country Team of Nepal, Nepal Development Goals, Progress Report 2010, September 2010, <http://www.undp.org.np/pdf/MDG-Layout-Final.pdf> (accessed June 4, 2011), p. 25.

[140] Human Rights Watch interview with Ganesh Paudel, Department of Education, Kathmandu, April 7, 2011.

[141] Human Rights Watch interview with Lakshmi Joshi, Resource Teacher, Mahendranagar Secondary School, Kanchanpur district, April 4, 2011.

[142] Human Rights Watch interview with Lakshmi Joshi, Resource Teacher, Mahendranagar Secondary School, Kanchanpur district, April 4, 2011. Human Rights Watch interview with M.M. Wara, Inclusion Project Coordinator, Handicap International, Kathmandu, March 29, 2011. Human Rights Watch interview with Padam Maher, founder, District Disabled Welfare Service Committee, Tuphandada, April 5, 2011.

[143] Human Rights Watch interview with Durga Bista, District Education Officer, Mahendranagar, April 4, 2011.

[144] Human Rights Watch interview with Susmeera Aryal, KOSHISH, Kathmandu, April 2, 2011.

[145] Human Rights Watch interview with Subarna Chitrakar, mother of 30-year-old woman with intellectual disability and autism, Kathmandu, March 30, 2011. Human Rights Watch interview with Bina Silwal, Executive Director, KOPIA, an NGO working with marginalized women and children, Pokhara, March 31, 2011.

[146] UN Committee on the Rights of the Child, General comment no. 9 (2006): The rights of children with disabilities, February 27, 2007, CRC/C/GC/9, <http://www.unhcr.org/refworld/docid/461b93f72.html> (accessed 17 June 2011), para. 43.

The problem of support services in schools for girls with disabilities in the developing world has been raised and addressed in several countries. Barbados has a small, successful program for girls with disabilities that teaches them how to get dressed, put on make-up, provides information on sex and sexuality, has and a job training component. N. Groce, "Women with disabilities in the developing world," *Journal of Disability Policy Studies*, 1997, <http://dps.sagepub.com/content/8/1-2/177.full.pdf> (accessed June 6, 2011), pp. 178-192. A program in Pakistan offers a modest class geared to girls with intellectual disabilities to teach female anatomy, sexuality, and sexual abuse. H. Rouso, "Girls and Women with Disabilities: An International Overview and Summary of Research," 2000, New York and Oakland: Rehabilitation International and the World Institute on Disability.

[147] Human Rights Watch interview with Subarna Chitrakar, mother of 30-year-old woman with intellectual disability and autism, Kathmandu, March 30, 2011. To address menstruation and fear of unwanted pregnancy, parents seek out what options are available, including involuntary sterilization. Some parents choose to have their children undergo such procedures. Others told Human Rights Watch that they decided against sterilization since the surgery could also cause trauma and because their daughters may be at even greater risk of rape and sexual violence once family members know that they cannot have children.

[148] Human Rights Watch interview with Bina Silwal, Executive Director, KOPIA, an NGO working with marginalized women and children, Pokhara, March 31, 2011.

[149] Human Rights Watch interview with Birendra Pokharel, President, National Federation for the Disabled Nepal, Kathmandu, April 2, 2011. Human Rights Watch interview with Padam Maher, founder, District Disabled Welfare Service Committee, Tuphandada, April 5, 2011. Human Rights Watch interview with Rana Mayami, Vice Principal, Nirmal Bal Vikas School, Kathmandu, April 7, 2011.

[150] Human Rights Watch telephone interview with Suryabhakta Prajapathi, Director, Resource Center for Rehabilitation and Development, June 3, 2011. The organization runs a resource class for the deaf and assists deaf students into joining a special deaf or general school.

[151] Human Rights Watch telephone interview with Usha Titikshu, Sangya (a non-governmental organization working with people with spinal cord injury), May 5, 2011. Human Rights Watch interview with Suresh, 16 year-old boy with spinal cord injury, Pokhara, March 31, 2011. Human Rights Watch interview with Bikas, 16 year-old boy with severe cerebral palsy, Pokhara, April 1, 2011.

[152] Human Rights Watch interview with Rana Mayami, Vice Principal, Nirmal Bal Vikas School, Kathmandu, April 7, 2011.

[153] National Association of School Psychologists (NASP), Position Statement on Student Grade Retention, 2003, [http://www.nasponline.org/about\\_nasp/pospaper\\_graderetent.aspx](http://www.nasponline.org/about_nasp/pospaper_graderetent.aspx) (accessed June 6, 2011). Jimerson, S. R., Anderson, G., & Whipple, A., Winning the battle and losing the war: Examining the relation between grade retention and dropping out of high school, 2002, *Psychology in the Schools*, 39 (4), 441-457. Human Rights Watch interview with Diane Richler, Past President of Inclusion International, New York, May 10, 2011. Inclusion International is a global federation of family-based organizations advocating for the human rights of people with intellectual disabilities worldwide.

[154] National Association of School Psychologists (NASP), Position Statement on Student Grade Retention, 2003, [http://www.nasponline.org/about\\_nasp/pospaper\\_graderetent.aspx](http://www.nasponline.org/about_nasp/pospaper_graderetent.aspx) (accessed June 6, 2011). Jimerson, S. R., Anderson, G., & Whipple, A., Winning the battle and losing the war: Examining the relation between grade retention and dropping out of high school, 2002, *Psychology in the Schools*, 39 (4), 441-457.

[155] Colleen Stump, Repeating a grade: The pros and cons, <http://www.greatschools.org/special-education/health/659-repeating-a-grade.gs> (accessed June 6, 2011).

[156] Human Rights Watch interview with Srijana, mother to Sameet, an 8-year-old boy with a possible hearing impairment and/or learning disability, Dadeldhura, April 5, 2011.

[157] Gabrielle E. Anderson, Angela D. Whipple, & Shane R. Jimerson, Grade Retention: Achievement and Mental Health Outcomes, National Association for School Psychologists, Center for Development and Learning, [http://www.cdli.org/resource-library/articles/grade\\_retention.php](http://www.cdli.org/resource-library/articles/grade_retention.php) (accessed June 6, 2011).

[158] Human Rights Watch interview with Balkumari, a 21-year-old woman with a physical disability, Damouli, April 1, 2011.

[159] Ministry of Women, Children and Social Welfare, National Policy and Plan of Action on Disability, 2006, <http://rcrdnepa.files.wordpress.com/2008/05/national-policy-and-plan-of-action2006-eng.pdf> (accessed June 17, 2011), p. 52.

[160] CRPD, art. 9.

[161] CRPD, art. 5. Discrimination is defined broadly to include distinction, exclusion or restriction on the basis of disability which has the purpose or effect of impairing or nullifying the recognition, enjoyment or exercise, on an equal basis with others, of all human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field. CRPD, art. 2. The CRC is the first human rights treaty to explicitly mention disability as a grounds for discrimination. CRC, art. 2. Furthermore, students with disabilities have the right to non-discriminatory access to education. Convention against Discrimination in Education, 429 U.N.T.S. 93, entered into force May 22, 1962, art. 1 and 4.

[162] CRPD, art. 24(2c). Human Rights Watch interview with Dip Magar, Human Rights Officer, Office of the UN High Commissioner for Human Rights Nepal, Kathmandu, April 8, 2011.

[163] CRPD, art. 5.

[164] Louise Arbour, High Commissioner for Human Rights, Opening Address at the High Level Dialogue, Signing of the Convention on the Rights of Persons with Disabilities, New York, March 30, 2007.

[165] UNICEF has developed a framework for rights-based, child-friendly schools and education systems that are characterized as "inclusive, healthy and protective for all children, effective with children, and involved with families and communities - and children". UNESCO and Sheldon Shaeffer, "Progress on Programme Priorities: Improving Access to, and Quality of, Education," Education Update: Curriculum and Learning, 2000. UNICEF, Life Skills: Child-friendly schools, [http://www.unicef.org/lifeskills/index\\_7260.html](http://www.unicef.org/lifeskills/index_7260.html) (accessed May 12, 2011).

[166] Human Rights Watch telephone interview with Deerga Shrestha, Save the Children, May 19, 2011.

[167] CRPD, art. 1.

[168] University of Iowa, Office of Equal Opportunity and Diversity, Assisting Students with Disabilities: A Guide to Instructors, 2004, <http://www.uiowa.edu/~eod/education/publications/assisting-students.html> (accessed June 18, 2011).

[169] Ibid. Special Education Support Service, Department of Education and Skills, Government of Ireland, What is Reasonable Accommodation in relation to examinations run by the State Examinations Commission?, 2007, <http://www.sess.ie/faq/what-reasonable-accommodation-relation-examinations-run-state-examinations-commission> (accessed May 27, 2011).

[170] Human Rights Watch interview with Sumita, 19-year-old deaf woman, Pokhara, March 31, 2011.

[171] Prakash Mani Sharma Bhushal and others v. Government of Nepal, Writ no. 0283/2006, date of decision April 1, 2008.

[172] Education Regulation 2059 (2003), rule 151(2), as described in Ministry of Women, Children and Social Welfare, National Policy and Plan of Action on Disability, 2006, <http://rcrdnepa.files.wordpress.com/2008/05/national-policy-and-plan-of-action2006-eng.pdf> (accessed June 17, 2011).

[173] Human Rights Watch telephone interview with Arun Tiwari, Deputy Director, Department of Education, and Chief of the Inclusive Education Section, Ministry of Education, June 7, 2011.

[174] Nepal NGO Coalition for UPR, Submission to the United Nations Universal Periodic Review, July 2010, [http://lib.ohchr.org/HRBodies/UPR/Documents/Session10/NP/NGOCoalitions\\_JointSubmission-eng.pdf](http://lib.ohchr.org/HRBodies/UPR/Documents/Session10/NP/NGOCoalitions_JointSubmission-eng.pdf) (accessed May 11, 2011).

[175] Education For All Fast Track Initiative, Joint Appraisal Document, 2010, [http://issuu.com/efa-fti/docs/np-ssrp-jad-082109-cln/48?mode=a\\_p](http://issuu.com/efa-fti/docs/np-ssrp-jad-082109-cln/48?mode=a_p) (accessed June 16, 2011), p. 93. Government of Nepal, Ministry of Education, School Sector Reform Plan, June 2009, <http://moe.gov.np/new/> (accessed March 10, 2011).

[176] Human Rights Watch interview with Suresh, a 16-year-old boy with spinal cord injury, Pokhara, March 31, 2011.

[177] Human Rights Watch interview with Rana Mayami, Vice Principal, Nirmal Bal Vikas School, Kathmandu, April 7, 2011.

[178] Adolescent girls need facilities that provide privacy and security to avoid risk of harassment. The designs and services should ensure that all school girls have separate latrines from boys, water and soap for washing, and free or subsidized sanitary napkins. Girls should also have space to change or clean in privacy during menstruation or other times of the month. International Water and Sanitation Centre, "Girl-friendly toilets for schoolgirls: helping adolescent girls," 2006, [http://www.schools.watsan.net/redirect/content/download/329/2772/file/Ghana%20final%20girl%20friendly%20toilets%20SHE%20case%20study\\_WEB.pdf](http://www.schools.watsan.net/redirect/content/download/329/2772/file/Ghana%20final%20girl%20friendly%20toilets%20SHE%20case%20study_WEB.pdf) (accessed June 21, 2011). In February 2011, the Government of Nepal allocated Rs 1.1 billion (US\$15 million) to construct girl-friendly toilets in 5500 community schools throughout the country in an effort to enroll more girls. Sanitation Updates, "Nepal: Government to construct girl-friendly toilets in 5500 schools," February 10, 2011, <http://sanitationupdates.wordpress.com/2011/02/10/nepal-govt-to-construct-toilets-in-5500-schools/> (accessed June 21, 2011).

[179] Education For All Fast Track Initiative, Joint Appraisal Document, 2010, [http://issuu.com/efa-fti/docs/np-ssrp-jad-082109-cln/48?mode=a\\_p](http://issuu.com/efa-fti/docs/np-ssrp-jad-082109-cln/48?mode=a_p) (accessed June 16, 2011), p. 96.

[180] Human Rights Watch interview with Ashok Jaiu, Executive Director, National Network for Social Welfare - Nepal, Mahendranagar, April 3, 2011. Human Rights Watch interview with Jaya Prasad Lamsal, Inclusive Education Section, Ministry of Education, Kathmandu, April 2, 2011.

[181] Human Rights Watch interview with Shudarsan Subedi, Advocate, Disabled Human Rights Centre, Kathmandu, March 29, 2011.

[182] Human Rights Watch interview with Kamala Chatoud, mother of Bupesh, 10 year-old boy with Down Syndrome, Dhangadi, April 6, 2011.

[183] Interview with Minu Bhatta, mother of an 18-year-old boy with cerebral palsy, Kathmandu, March 30, 2011.

[184] CRPD, art. 5. CRC, art. 2. Furthermore, students with disabilities have the right to non-discriminatory access to education. CADE, art. 1, 4.

[185] United Nations Development Programme, The Interim Constitution of Nepal, 2063 (2007), 2008, <http://www.ccd.org.np/new/resources/interim.pdf> (accessed May 31, 2011), section 35(14).

[186] Human Rights Watch interview with Ganesh Paudel, Department of Education, Kathmandu, April 7, 2011.

[187] Human Rights Watch telephone interview with Arun Tiwari, Deputy Director, Department of Education, and Chief of the Inclusive Education Section, Ministry of Education, June 7, 2011.

[188] Human Rights Watch interview with Balkumari, a 21-year-old woman with a physical disability, Damouli, April 1, 2011.

[189] Human Rights Watch interview with Radha (not real name), mother of a 12-year-old boy, Krishna (not real name), with a developmental disability, Bhaktapur, April 8, 2011.

[190] Human Rights Watch interview with Seema Oja, mother of Akash, a 9-year-old boy with an intellectual disability, Dhangadi, April 6, 2011.

[191] Human Rights Watch interview with Rajeev Singh, father of an 11-year-old boy with autism, Kathmandu, April 2, 2011.

[192] Human Rights Watch interview with Jaya Prasad Lamsal, Inclusive Education Section, Ministry of Education, Kathmandu, April 2, 2011.

[193] Human Rights Watch interview with Pashupathi Parajuli, Principal, Khagendra New Life Special Education High School Jorpati, Kathmandu, April 8, 2011.

[194] Human Rights Watch interview with Rana Mayami, Vice Principal, Nirmal Bal Vikas School, Kathmandu, April 7, 2011.

[195] SANGYA is a nongovernmental organization working with people with spinal cord injury in NEPAL.

[196] As of 2006, some 2,000 primary teachers have received awareness and basic training about special education. Ministry of Women, Children and Social Welfare, National Policy and Plan of Action on Disability, 2006, <http://rcrdnepa.files.wordpress.com/2008/05/national-policy-and-plan-of-action2006-eng.pdf> (accessed June 17, 2011).

[197] Ministry of Education of the Government of Nepal, Flash I Report 2066 (2009-2010), November 2009. The government reports that about 70% of all teachers are trained, but this is not disaggregated for teachers in special schools or resource classes. Several school administrators and teachers confirmed that not all special teachers are trained. Human Rights Watch interview with Pashupathi Parajuli, Principal, Khagendra New Life Special Education High School Jorpati, Kathmandu, April 8, 2011. Human Rights Watch interview with Jagat Bahadi Chandar, Assistant Head Teacher, Mahendranagar Secondary School, Mahendranagar, April 4, 2011.

[198] Human Rights Watch interview with Ganesh Prasad Adhikari, Principal, Sirjana School for the Deaf, Pokhara, March 31, 2011.

[199] Human Rights Watch telephone interview with Suryabhakta Prajapati, Director, Resource Center for Rehabilitation and Development, June 3, 2011.

[200] Human Rights Watch interview with Ganesh Paudel, Department of Education, Kathmandu, April 7, 2011. Human Rights Watch interview with Roopa Rai, Dhangadi, April 6, 2011. Human Rights Watch interview with Baikuntha Prasad Aryal, District Education Officer, Pokhara, March 31, 2011.

[201] One Ministry of Education official said, Especially in the blind sector, teachers complain that it's difficult to teach. For deaf and hard of hearing [children], there is a problem of language. The teachers know limited words [in sign language]. Human Rights Watch interview with Jaya Prasad Lamsal, Inclusive Education Section, Ministry of Education, Kathmandu, April 2, 2011. UNICEF, Inclusive Nepal, <http://www.unicef.org/rosa/InclusiveNep.pdf> (accessed March 6, 2011), p. 13. Ministry of Foreign Affairs of Denmark, DANIDA Assessment: 4 Pilot Processes Reviewed, 2004, <http://www.um.dk/Publikationer/Danida/English/Evaluations/EvaluationNepal2004/annex4.asp>, (accessed May 26, 2011).

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