**PERSON WITH INTELLECTUAL DISABILITY AND DOMESTIC VIOLENCE** **IN NEPAL**





 **Report PrepARED by**

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**EXECUTIVE SUMMARY**

This report presents a narrative information about the general situation of persons with intellectual disabilities in the lights of disability related policy and legislations provision; as well as the debatable issues of human rights, discrimination and domestic violence against persons with intellectual disabilities. Largely intellectual disabilities may place girls and women at higher risk for domestic violence like control, intimidation, isolation, threats, sexual assault and harassment, physical, emotional and verbal abuse.  Although the situation of people with disabilities reveals that there is an increasing body of evidence on the extent and predictors of domestic violence against girls and women with intellectual disability in Nepal.

However, much of the published research and reports do not yet take into account additional features of marginalization and vulnerability suffered by person with intellectual disability. Critical gaps exist in disaggregated data on the extent, risk factors and consequences of domestic violence of girls and women with intellectual disabilities in Nepal. As the silence voice of persons with intellectual disabilities which remain largely unheard in cross sectional disability rights movement. However the current situation of people with intellectual disabilities in Nepal reflects their position as marginalized and deprived groups in terms of their access to education, health services and rehabilitation and vocational programs.

**Key Information**

**Prevalence** of **Disability:** In Nepal disability estimates range from 1.94% (2011, CBS); 3.6% (NLSS, 2011) to 14.5% household survey of 2014-015. Most importantly, it shows that the total people with intellectual disabilities as of 0.056% n=14888 where male 0.55 % (n=8280) and female 0.45% n=6608(CBS, 2011). Remarkably the household survey of 2014-015 had used the Washington Group Questions and found disability prevalence rate of 14.5%(Eide, A.H., Neupane, S., & Hem, K-G. , 2016)

**Disability and National Policies :**Changes in national disability policy reveal a shift from perceiving persons with disabilities as inactive recipients towards a self-empowerment and rights based approach Principally, the most significant changes appeared after ratification of the UNCRRPD in 2010; thereafter the country has made notable progress in the area of disability related policies and legislations.

**Objectives of the Study**

* To analyze the general situation of domestic violence against people with disability including intellectual disability.
* To offer recommendation in order to address the issues and the challenges of violence against people with disability including intellectual disability.

**Methodology**

A narrative review method was executed in this study to review gray research literature on similar and specific topics for synthesizing the collected information in a manner of consensus and critical reviews

**Situation of People with Intellectual Disabilities**

**Disability and Domestic Violence:** Domestic violence against people with disabilities including intellectual disability is high in Nepal, particularly there is a lack of official evidence on domestic violence against people with intellectual disabilities.In Nepal several reports show that people with disabilities are at greater risk of physical, mental and sexual abuse, and because of stigmatization and barriers to equal access in education, health services and social participation.

**Women with Disability and Domestic Violence:** Violence and abuse against women with disabilities from both within their family and wider society is often hidden and remains as a result of deep rooted stigma and shame connected to both sexuality and disability.

**Cases of Domestic Violence against Persons with Intellectual Disability:** A series of representative and reported cases reveals the situation of domestic violence against persons with ID as presented in this report. The nature of domestic violence particularly sexual assaults against girls and women with intellectual disability show that stigmatization of individual identity, discrimination and unawareness still prevails in Nepalese society.

**COVID-19’s Impacts on People with Intellectual Disability:** People with intellectual disabilities are among the most vulnerable to coronavirus infection. Similarly a rapid assessment on the impact of COVID-19 carried out by National Federation of Disabled Nepal overall revealed a scenario of 40.08% of people with disability have lost their source of income during lockdown and of them it is reported that 19.89% people with disability are still at a risk to lose their job.

**Intellectual Disability and Access to Education:** The flash report as published by Department of Education under the subtopics of number of enrolled basic level students with disabilities by type, level, type of school, type of disability and province (2018/19) shows 0.94% (n=52366) students of the total students of basic level are recorded as having a disability . This is the data doesn’t include intellectual disability however it shows that only about one third of students with a reported disability.

**Intellectual Disability and Social Securities:** There is no any authentic disability based disaggregated data between receiving the disability identity card and receiving the disability allowance.

**Intellectual Disability and Social Participation:** In the context of Nepal several reports reveal that there is a limited access and restrictive environment to socio cultural participation for person with intellectualdisability.

**Disabilities and Liabilities:** At national level, the government bodies such as the Ministry of Women, Children and Senior Citizen, National Disability Direction Committee and National Commission for Human Rights (NHCR) are responsible for monitoring, protecting and promoting the rights of people with intellectual disabilities. And at local level, the Disability Coordination Committees protect the rights of persons with disabilities.

**Intellectual Disability and humanitarian Issues:** Persons with intellectual disabilities in Nepal have been facing higher risks because in the situation of disasters and emergency the accessible information and communication is often overlooked.

**Background of Study**

Nepal is a multi-lingual, multi-cultural, multi-religious and multi-ethnic country with a diverse geography, consisting of mountains, hills and terai. Persons with disabilities, Indigenous peoples and Dalit are among the most marginalized of the groups in Nepal (NIDA, NIDWAN & AIPP, 2018). As per the census report of Nepal there is population of around 26 million, of which an estimated 1.94 percentage people have disabilities (CBS Nepal, 2011). However WHO estimates 15% people, who have one or other types of disabilities in developing countries including Nepal (WHO,2011) ;and they require support to ensure access and inclusion within society. For Nepalese social and economic prosperity policy should support human rights of persons with disabilities that is essential to ensure the equity of access in social opportunities.

Historically Nepalese trends of disability and human rights for persons with disability has evolved from welfare to rights -based approach; and at present voices are mounting for moving forward with action- based approach. [Disabled Welfare and Protection Act of Nepal (1982](https://rcrdnepa.files.wordpress.com/2010/09/disabiled-welfare-and-protection-act_1982.pdf)), the first core document in the field of disability, adopted welfare approach to the disability issues while recently Human Rights for Persons Disability Act (2017) has framed with human rights approach. New law seems to be more progressive in line with international instruments made for persons of disabilities and. Apart from broadening the domain of disability and illuminating the definition, the new legislation has ensured political, social and economic rights of persons with disabilities (NFDN, 2017).

The outbreak of COVID-19 which has caused global crisis and impacted on all areas of life, including people’s health, livelihoods, and education. It has exposed existing inequalities in society, with groups who were already marginalized and vulnerable, including persons with disabilities, amongst the most affected. The COVID-19 resulted in a massive loss of income most amongst ‘daily wage laborers, migrant workers, and households with a disabled person’ (Regmi et al, 2020). However there is no exact data of post pandemic and its impact on the life of people with disability. Thus disaggregated data of disability**based on age, gender, types of disability, infections rate,** hospitalization and deaths seem to be challenging to record in Nepal.

Among multiple forms of inequity and discrimination, people with disabilities are among the most deprived populations in Nepal, historically excluded from mainstream and socio-economic development (Norwegian Agency for Development Cooperation, 2014). This report presents an analysis of the current situation of women and girls with intellectual disability in Nepal regarding domestic violence, using narrative review to produce evidence-based recommendations for the effective implementation of law, policies and programs concerned people with disabilities.

As the United Nations’ Convention of the Rights of Persons with Disabilities states that women and girls with disabilities are subject to multiple discrimination so the elimination of all forms of discrimination against women and girls is necessary. In addition, UNCRPD focuses on gender-responsive and disability-inclusive initiatives. In this regard it offers to signatory nations to take strong measures to ensure all human rights of full and equal participation in society on an equal basis with others of people with disability; specifically to respect inherent dignity of women and girls (UNCRPD, 2008). Similarly present Constitution of Nepal (2015) prohibits physical, mental or any other form of violence against women and declares that such acts shall be punishable by law. It also incorporates a separate article recognizing that women's rights, including reproductive rights, are fundamental.

**Objectives of the Study**

* To analyze the general situation of domestic violence against people with disability including intellectual disability.
* To offer recommendation in order to address the issues and the challenges of violence against people with disability including intellectual disability.

**Methodology**

In order to summarize the facts and policies, a narrative review method was executed in this study as it is defined as a method that is employed to review gray research literature on similar and specific topics for synthesizing the collected information in a manner of consensus and critical reviews (Boland et al., 2008). Therefore, the content of this review study is based on information collected through a random search of the available laws, acts, policies and programs documents relevant to gender based violence in Nepal in the light of domestic violence against people with intellectual disabilities. Review and analysis of literature of disability and domestic violence against people with intellectual disability was carried out by developing the following thematic diagram:

**General Situation of People with Disabilities in Nepal**

**Disability Prevalence**

The National Census Survey of Nepal (CBS, 2011) estimated a national prevalence of disability of 1.94% whereas the third national living standard survey (NLSS, 2011) outlined around 3.6 % of the prevalence rate of persons with disabilities. This precisely indicates that there is a wide variations and inconsistency in the accurate data of persons with disabilities in Nepal. Most importantly, the national census report of 2011 statistically shows that the dominance rate of people with intellectual disabilities is 0.056% (n=14888) where there is male 0.55 % (n=8280) and female 0.45% (n=6608) respectively.

In Nepal, the estimates of the prevalence of disabilities vary, and there is sparse information specifically about people with intellectual disabilities. Existing reports suggest higher rates of prevalence of intellectual disability in remote area due to extreme poverty. As for Nepal's next decennial census survey in the context of its commitment to SDGs and UNCRPD where the above acknowledged need for high-quality data on disability seems to be highly challenging tasks.

 Since it is important to comprehend the variations across the disability data sources in Nepal shows an inconsistent of reliable information about Persons with disabilities in order to formulate and implement effective policies for people with disability and to monitor trends in the prevalence of disabilities. As United Nation's Flagship Report on Disability and Development 2018 also highlights the need to significantly increase the availability of high-quality as well as timely and disaggregated data by disability as one of the major requirements to monitor progress made for persons with disabilities. This need for availability of relevant data is in line with the CRPD which calls on States Parties to collect appropriate information, including statistical and research data, to enable them to formulate and implement policies related to the rights of persons with disabilities (UN, 2006)

**Table 1: Variation in the Estimates of Disability Prevalence**

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **Domain**  |  | **2001 Census** | **2011 NLSS** | **2011 Census** |
| Total Population |  |  | 22,736,934 |  |  |  | 26,494,504 |
| Total disabled |  |  | 103,795 |  |  |  | 513,301 |  |
| Disability prevalence  |  |  | 0.46 |  | 3.6 |  | 1.49 |  |
| **Type of disabilities** |  |  |  |  |  |  |  |  |
| 1. Physically disabled  |  |  | 39.31 |  | 29.2 |  | 36.33 |  |
| 2. Visionary problems |  |  | 15.92 |  | 22.3 |  | 18.46 |  |
| 3. Hearing  |  |  | 24.61 |  | 23.4 |  | 15.45 |  |
| 4. Vision and hearing |  |  |  |  | 2.4 |  | 1.84 |  |
| 5. Speech related |  |  |  |  | 8.6 |  | 11.47 |  |
| 6. Mentally retarded |  |  | 12.69 |  | 6.8 |  | 6.03 |  |
| 7.Intellectual disability |  |  |  |  |  |  | 2.9 |  |
| 8. Multiple disability |  |  | 7.48 |  | 7.3 |  | 7.52 |  |
| Total  |  |  | 100 |  | 100 |  | 100 |  |

 Source: CBS,2011

According to the 2011 NLSS, of people with disabilities: 29.2% are physically disabled; 22.3% have visual disabilities; 23.4% have hearing disabilities; 2.4% have vision/hearing related disability; 8.6% have speech related disability; 6.8% have mental health conditions; and 7.3% have multiple disabilities (Holmes et al, 2018, p. 14). The 2011 census found physical disabilities to be the most common (36.3%), followed by visual (18.5%), deaf or hard of hearing (15.5%), speech related disability (11.5%), mental (8.9%), multiple disabilities (7.5%), and 1.8% deaf-blind.

**UNCRPD and National Disability Policies**

Nepal has ratified the UNCRPD in 2010 and an initial report was submitted in 2014. A consortium of disabled people’s organizations submitted a shadow report to the CRPD committee. Concluding observations were made in 2018. The Committee acknowledged the improvements made since Nepal’s ratification of the UNCRPD and its Optional Protocol in 2010.

Despite the government of Nepal has endorsed various initiatives, policy and programs to improve the quality of life for people with disabilities; yet there is a huge gap in policy and practices. Key issues are raising awareness, stopping domestic violence against people with disabilities; improving the mode of services delivery and enhancing rehabilitation programs for people with disability.

Changes in national disability policy reveal a swing from seeing persons with disabilities as inactive recipients towards a self-empowerment and rights based approach (Poudyal et al, 2018). However, Poudyal et al (2018) remarks that in reality the impact of positive steps has largely remained unseen and the concept of disability is still intensely rooted within superstitions and stigma. Furthermore, Nepal has periodic national development plans which frame the government’s development policies and programs.

The current 15th Three Year Plan, endorsed in March 2020, focuses on reducing absolute poverty, sharing economic prosperity, post-earthquake reconstruction and rehabilitation, development of physical infrastructure and good governance. However, disabled people’s organizations (DPOs) state that it does not include practical programs for women with disabilities or indigenous people with disabilities and fails to combat violence against women with disabilities in a substantive manner (NAWHRD), 2018).

The initial stages of disability policy in Nepal seems to be more theoretical than practicable. The UN General Assembly’s declaration of 1981 as the International Year of Disabled Persons; proclamation of 1983-1992 as the Decade of the Disabled by UN; followed by the UNESCAP(2002), Decade of the Disabled Persons from 1993- 2002; and subsequently the World Conference on Special Needs Education in Salamanca (1994), Disability Protection and Welfare Act(1982), Nepal government’s inclusive education policy (1996) ,a series of different legislations started to emerge such as the Education Act of 1992, Child Rights Acts of 1992 and Local Self-Government Act 1999, National Policy and Plan of Action on Disability (2006) , constitution of Nepal (2015) and recently Nepal government has framed and enacted Inclusive Education policy(2017) and Disability Rights Act(2017) all these valuable documents have played an important role in bringing the spotlight on to people with disabilities.

Not surprisingly, many of the above mentioned mandates have shaped recent national policies and legislations for persons with disabilities in Nepal.Principally, more significant changes appeared after ratification of the UNCRRPD in 2010, the country has made notable progress in the area of disability. Similarly, the new constitution of Nepal 2015 radically configured socio-political and structural changes attributing as a republic and federal structure.

The recent constitution prioritizes structural transformation of society, social inclusion, gender equality, humanrights issues for marginalized groups including PWDs. More prominently, it guarantees human rights and fundamental freedom to all its citizens irrespective of their caste, creeds, race, gender, ability and disability et cetera. Furthermore, a review of literature regarding disability related official papers show the following policies as one of the core documents:

**National Policy and Plan of Action on Disability (2006)**

National Policy and Plan of Action on Disability (2006**)** intended to protect the rights and to promote the empowerment of people with disabilities by identifying seventeen priority sectors, including ‘national coordination, information and research, public awareness and advocacy, training and employment, transport, education, and health, rehabilitation, poverty alleviation, assistive devices and support services. It included special provisions for women and girls with disabilities (Raut, 2018) and provided a guideline for affirmative action in relation to training and employment of people with disabilities. At least 5% of all training places should be provided to people with disabilities, and training should be free of charge (Prasai& Pant, 2018).

**Inclusive Education Policy for persons with disabilities (2017)**

The previous Special Education Policy (1996) was based on the principle of *Education For All* (EFA) and the UNESCO Salamanca Statement and Framework for action (1994) whereas Nepal government's current Inclusive Education Policy (2017) is based on human rights approach. The new policy ensures inclusive, equitable and quality education and promote life-long learning opportunities for persons with disabilities. One of the most remarkable aspect of this new policy is that it reflects commitment to meet sustainable development goals (SDGs) by 2030 in terms of eliminating gender disparities in education and guaranteeing equal access to all levels of education and vocational training for the vulnerable groups, including persons with disabilities, indigenous peoples, and children with special needs.

**National Disability Related Acts**

**Constitution of Nepal (2015)**

The recent constitution of Nepal which is effective since 2015 mentions people with disabilities in under various rights, including rights to free education up to higher secondary level and political rights Article 18 of the Constitution also ‘upholds every citizen’s right to equality, protects them from any discrimination in application of general laws and otherwise based on gender and/or disability. However, most mention is made of people with physical impairments, rather than persons with disabilities more generally.

**Persons with Disability Rights Acts (2017)**

Persons with Disability Rights Acts, consists of 13 chapters with 63 articles, is guided by a rights-based approach and is framed in line with the UNCRPD and the disability-related provisions included in Nepal’s constitution. The act prohibits discrimination and any form of violence based on disability, and it ensures equal access for persons with disabilities to education, health, employment, public physical infrastructure, transportation and information and communication services (Holmes et al, 2018). This acts makes provisions for the issuance of disability cards and recognizes that the denial of reasonable accommodation is a form of discrimination. Most importantly it makes some specific provisions for women with disabilities regarding their reproductive health rights (Prasai& Pant, 2018).

**Disability and Domestic Violence**

Domestic violence against people with disabilities including intellectual disability is high in Nepal, particularly there is a lack of official evidence on domestic violence against people with intellectual disability (Puri, M., Misra, G., & Hawkes, S. 2015). The primary reason of the domestic violence against people with ID is their innocence and ignorance. Another reason is the limits in their access to the justice mechanisms. Therefore violence against people with disability is a major issue in Nepal where people with disability often find themselves at risk of violence in both public and private spheres including domestic violence, rape, sexual violence and human trafficking.

Nevertheless the Constitution of Nepal (2015), the Domestic Violence (Crime and Punishment) Act 2009, Domestic Violence Rules (2010) and the Civil Code (Muluki Ain) of Nepal 2017 provide provisions for the protection of people with disability from any form of discrimination or violence, there is a lack of implementation of the same. The Constitution of Nepal has given power to National Human Rights Commission to file cases against any persons or bodies on matters of violence against people with disability or being subjected to social ill-practices or infringement of or deprivation of enjoyment of human rights, to make recommendations to the concerned bodies to file such cases in courts in accordance with the law. However, the commission is yet to issue updates about their work on this aspect for public knowledge.

Various disability study report related policy and legislative documents noticeably suggests that international mandates and policy frameworks have provided a significant impetus to the current efforts that the government has undertaken at the national level (UN, 2018). Many reports explores that in Nepal people with disabilities are at greater risk of physical, mental and sexual abuse, and because of stigmatization and barriers to equal access in education, health services and social participation .

**Women with Disability and Domestic Violence**

A study carried out in 2016 by the Nepal Disabled Women Association found that 70% of women with disability were unmarried and the study further revealed that women and girls with disabilities face discrimination both on the basis of their gender and disability status (NAWHRD, 2018). This also differed depending on the type of disability, with women with intellectual or mental disabilities often presumed to pose a greater risk to the child than women with other types of disability, or where in the country they lived (Devkota et al, 2019).

There are reports of a high number of cases of sexual violence and abuse of women and girls with disabilities (Banks et al, 2019). Violence and abuse against women with disabilities from both within their family and wider society is often hidden, and ‘remains as a result of deep rooted stigma and shame connected to both sexuality and disability (Poudyal et al, 2018).

Several reports show the primary reason for the violence of women with disabilities is their dependency on the perpetrators of the violence, since most of them are husbands, carers or teachers (ACNS et al, 2017). Women with intellectual or psychosocial disabilities from indigenous, Dalit, Madhesi, Muslim and other minorities are reported to have higher prevalence of exploitation and physical, emotional, sexual violence and abuse (NIDA, NIDWAN & AIPP, 2018,). Women with disabilities also have limited access to justice mechanisms (ACNS et al, 2017).

**Cases of Domestic Violence against Persons with Intellectual Disability**

A few however representative cases series of domestic violence against persons with intellectual disability that occurred since 2014 to 2021 have been briefly reviewed and presented below show a miserable and tough situation that persons with ID facing in Nepal.

A case of 12 years girl with intellectual disability, living in Achham district, faced a criminal sexual violence seems to be a sadden case. As reported that she had a 5 months embryo (baby) in her womb as reluctant pregnancy, but she did not know who is perpetrator. The incidence came into notice on their close relatives when the girl's was bitten in a village for anti-rabies injection. This is a terrible example of sexual assaults and violence on girls and women with intellectual disability (KishorBudhathoki, 2076).

Correspondingly a wretched case of seven years child with intellectual disability was reported to have been in chains for seven years in Morang, eastern part of Nepal, seems to be a representative case of child rights violence. The picture of the case is noised when the innocent child was found as detained and locked under a sheds by their parents for more than 7 years (INSEC, 2018).

A news case of sexual violence against a girl aged 10 with severe intellectual disability was reported and published in Sarokar online in 2014. The girl was completely unable to speak and manage her life was detained and raped by 17 year old neighbor in Gorkha district, Midwestern part of Nepal (Shiva Prasad Upreti, 2014). The incident took place while the girl was alone at home.

Similarly a media published case of 18 years girl with intellectual disability living in western part of Nepal, has a problem of managing menstruation shows a challenging situation of girls with ID due to the reason that the girls with intellectual disability have lower cognitive abilities and understanding as well as improper knowledge with practical skills that needs to manage their menses ([Tracy](https://www.researchgate.net/profile/Jane-Tracy), [Grover](https://www.researchgate.net/profile/Sonia-Grover), &[Macgibbon](https://www.researchgate.net/scientific-contributions/Sandra-Macgibbon-2105321456), 2016).

Recently another case was flashed out in Annapurna Post, the national daily newspaper, by Kishor Budhathoki (2021). The news covers that sixty six year old culprit has been arrested on charge of raping an 8-year-old girl with intellectual disability in Ratuwamai Municipality-4 of Morang, eastern part of Nepal. The incident occurred while the girl along with her six year old sister had gone to collect cattle weeds in corn field.

Another case of sexual violence against a girl of 15 year with intellectual disability was published in online portal called Desh Sanchar. The news story reveals that an innocence girl was persecuted by the persecutor of sixty five year old in Dang-Rajpur Village Municipality-4 Rohinihawa, Dang district, the mid-western part of Nepal. The incident took place while the girl was herding buffalo (Dhasarath Grimier, 2019).

Furthermore two court filed cases of sexual assaults against two girls aged 26 and 12 with intellectual disability happened in 2016 and 2017 in Nilkantha Municipality of Dhaditing district. The cases were published and reported by local women human rights activist under the title of *Incidentsagainst Women with Disabilities in Dhading District and Inability to Get Justice.* The nature of the both cases was enforced sexual violence against girls with ID.

In Nepal most of disability reports flashes out that the situation of persons with intellectual disability especial women is not that much satisfactory; however every children with or without have the right to be protected from violence, exploitation, abuse and neglect. Yet, millions of children worldwide, including in Nepal, from all socio-economic backgrounds, across all ages, religions and cultures are suffering from different forms of domestic violence, exploitation and abuse every day.

It is reported that people with disabilities intellectual disabilities experience higher rates of violence than those without disability. From the victimized cases, there is highest risk of sexual violence on girls and women (Harrell, & Rand, 2010). Although, there is a legal provision against any form of assaults and violence on girls and women, however girls and women with intellectual disability are always at high risks of such sexual violence.

Despite increasing reports of domestic violence against women with intellectual disabilities, little is known and published about this phenomenon in the Nepalese context. As women with intellectual disabilities are the most vulnerable in society as compared to persons with other disability (Aryal, SK. 2013). Since they experience discrimination, disadvantages in their daily life due to negative attitude, socio-cultural beliefs and stigmas toward them. Women or girls with intellectual disability have poorer health, lower education achievements, fewer economic opportunities and higher rates of poverty than people with other disabilities (WHO, 2018).

**Intellectual Disability and Impact of COVID-19**

A report as recently released by the National Planning Commission (2020) on the socioeconomic impact of COVID-19 highlights that people with various types of disabilities, particularly people with intellectual disabilities are among the most vulnerable to coronavirus infection. Similarly a rapid assessment on the impact of COVID-19 carried out by National Federation of Disabled Nepal overall revealed a scenario of 40.08% of people with disability have lost their source of income during lockdown and of them it is reported that 19.89% people with disability are still at a risk to lose their job (NFDN,2020).**COVID-19 has not created new problems for people with intellectual disabilities but it has made existing exclusion more evident. During the pandemic, people with intellectual disabilities found themselves excluded from education, losing access to their supports and unable to access information.**

**Intellectual Disability and Access to Education**

The School Sector Development Plan 2016-2023 puts greater emphasis on ‘equitable access to overcome the disparities faced by children with disabilities and children from marginalized groups and emphasizes inclusive education as a key area for strategic intervention. Yet a rather dismissal picture particularly for women with disabilities exists in the field of education.

 In a country like Nepal where the education of girls in general is perceived as liability, women with disabilities are perceived as a social stigma and invariably are denied access to education. The access to education by girls with disabilities is also affected by their type of disability, the socioeconomic status of their family, their race and ethnicity, their area of residence whether urban or rural area and a host of other factors.

The flash report as published by Department of Education under the subtopics of number of enrolled basic level students with disabilities by type, level, type of school, type of disability and province (2018/19) shows 0.94% (n=52366) students of the total students of basic level are recorded as having a disability .

The above data has mismatched intellectual disability under mental disability however the data further reveals that in total 39,820 students at lower basic level (upto grade 4) and 12,546 upper basic level (grade 5-6) students were reported as having a disability. The overall number of the students with disabilities at secondary (grade 9-10) are 10,518and higher secondary (grade 11-12) levels are 4,071 and the overall is 14,589 respectively. When taken as a whole, the percentage of students at the secondary level (Grades 9-12) with disabilities is 0.88% ( MoE, 2019).

**Intellectual Disability and Social Securities**

Disability and Social Securities is considered to be necessary for the promotion of the human wellbeing. Social Securities is concerned about the way daily lives of persons with disabilities who are facilitated. However, easy access to social services for persons with disabilities in Nepalese context seem challenging ;however research and current trends in development indicate that persons with disabilities have no easy access to basic services as a means of addressing social inequality and reducing poverty.

According to the Ministry of Women, Children and Senior Citizens, the statistical coverage of ID cards holders of persons with disabilities shows a total of 251,336 people across the country (MoWCSC, 2018). As per the procedure for distribution of identification card: a person with complete disability (red card), severe disability (blue card), moderate disability (yellow card) and mild disability (white card) is provided. ID cards are eligible for various services and facilities provided by the government of Nepal under the theme of education, health, employment, training, mobility, physical accessibility, rehabilitation, empowerment and social securities, sports & recreation and legal supports (MoWCSC, 20012).

There are high exclusion errors from the disability identity card, and thus from the financial disability allowance. It is not clear whether all card holders entitled to an allowance actually receive the disability allowance, and what proportion of people who should have a card actually have one. There is not an automatic link between receiving the disability identity card and receiving the disability allowance, and recipient names need to be separately registered with the Village Development Committee (VDC) (Holmes et al, 2018).

**Intellectual Disability and Social Participation**

Social participation always remains a challenging issue and social anxiety for persons with intellectual disability. Since persons with intellectual disabilities have lower abilities in interpersonal communication and physical mobility, they may have been deprived from social participation. On the other hand, social attitudes towards persons with intellectual disability also may determine to social participation of person with disability. Thus, social participation in the particular society, school and cultural continuum should be assessed in order to identify the present situation and assess needs of enhancing the participation. Some developed countries like Canada, UK, USA, Australia and Sweden emphasize deinstitutionalization and the movement of people with intellectual disability into community group homes and more independent setting as their national policy for them (HSE, 2011).

In the context of Nepal, many things remain to address and initiated about violence against person with intellectual disability. By legal provisions, any form of discrimination and exclusion of people with any form of disability are prohibited however many are beyond such framework in practice. In general observation, people with intellectual disability are left and stayed under confirmed sheds ground with tie up and locked with a rope. A case of 7 years Arjun Kalakheti (Biratnagar) infer to mention as a representative unpleasant exemplary case of exclusionary condition (Bhattarai, 2018). There might many be cases similar to Kalakheti across the different parts of the country.

**Disabilities and Liabilities**

The Ministry of Women, Children and Senior Citizen is responsible for national and international development programs relating to people with intellectual disabilities. According to the 2017 Disability Act, a National Disability Direction Committee should be responsible for monitoring rights and facilities of people with intellectual disabilities, as well as for protecting and promoting their rights. Coordination committees in each Gaunpalika and Municipality should protect the rights of persons with disabilities and coordinate between local levels to develop disability friendly programs and frameworks (Prasai& Pant, 2018).

 National Commission for Human Rights (NHCR), an autonomous body, has an important role to play in the human rights system, both generally and in relation to domestic violence against persons with disability. Everyone has the right to safety. If someone has a disability and has experienced any types of domestic violence either sexual assault or abuse or punishment.  National Commission of Human Rights (NHCR) investigate cases and reports of abuse and seek judicial solution. NHCR also seek systemic change to prevent further incidents; advocate for basic rights; and ensure accountability in health care, education, employment, housing, transportation, and within the criminal justice systems (Muluki Ain,-the National Civil Code, 2017) for individuals with disabilities.

Similarly there is other nongovernmental organizations; called Parent Federation of Persons with Intellectual Disabilities- Nepal (PFPID-Nepal), working to ensure the human rights of persons with intellectual disabilities in Nepal. PFPID, a Non-Governmental Organization established in 2011 and leading the intellectual disability movement in Nepal works with 36 member organizations. PFPID aims to improve the quality of lives for person with intellectual disabilities by ensuring their rights of access to basic needs of education, health, employment, advocacy and rehabilitation programs.

**Intellectual Disability and humanitarian Issues**

Persons with disabilities in Nepal face higher risks in disasters and emergency situations as accessible information and communication is often overlooked. Though the Disaster Risk Management Act(2017) provides a legislative framework of disaster management in Nepal; yet it fails to remark special consideration to persons with disabilities including ID while providing emergency supports and relief aids (NFDN, 2017).

Government of Nepal has taken several steps to improve the situation by revising its local disaster risk management planning guidelines, emphasizing the role of persons with disabilities and their representative organizations in the development of the disaster risk reduction (DDR) plans as well as importance of collecting and using disability disaggregated data for better understanding disaster risk and informed risk-sensitive decision-making (Gvetadze, 2017). However, existing systems at the local, sub-national and national levels are yet to recognize the leadership role of persons with disabilities and their representative organizations in DRR rather than viewing them as passive recipients of aid.

**Conclusions**

Person with different disabilities may face different challenges and have very different needs. Predominantly intellectual disabilities may place girls and women at higher risk for domestic violence like control, intimidation, isolation, threats, sexual assault and harassment, physical, emotional and verbal abuse.

Although the review of disability related policies, legislations and international conventional commitments of the government of Nepal, the most challenging issue is an effective monitoring and implementation those policies and acts in relation to persons with intellectual disability against domestic violence. As the changes in national disability policy reveal a shift from seeing persons with intellectual disabilities as inactive recipients towards a self-empowerment and rights based approach. Despite increasing scenario of domestic violence against persons with intellectual disabilities as mentioned above, little is known and published about this phenomenon in the Nepalese context.

Thus the government of Nepal must take strong and visible action against any form discriminations or violence based on person’s individual identity of ability and disability. Most importantly, girls and women with intellectual disabilities are the most vulnerable in society as compared to persons with other disability. So the elimination of the embedded socio-cultural stigma, discrimination and violence against person with intellectual disability through disability awareness raising and self-advocacy campaigns seem to be a need of current time.

**Recommendation**

This report seeks to present the following recommendation to stop domestic violence against persons with intellectual disability and promote their quality of life with these areas:

* Ensure effective implementation and monitoring of the laws regarding to domestic violence against person with disability in a broader sense; however specifically to persons with intellectual disabilities in the spirit of the optional protocol of UNCRPD (2006) the constitution of Nepal (2015) The Disability Rights Act (2017). Civil Code (Muluki Ain) 2017 and Domestic violence Crime and Punishment Act 2009, Domestic Violence (2010) in a manner that sufficiently provision to end for the violence faced by person with intellectual disabilities.
* Develop and implement a comprehensive strategy to eliminate harmful practices and stereotypes that discriminate against person with intellectual disabilities, including through increased awareness-raising campaigns for parents, teachers, policy makers, and social workers by effectively prosecuting and adequately punishing perpetrators.
* Ensure proper training to stakeholders to understand the rights including the types of disabilities and needs of different groups that protect women and girls with disabilities.
* Ensure the collection and publication of disability disaggregated data on violence against disability including intellectual disabilities.
* Enhance human rights of person with ID.

**Limitations**

 Information collected and analyzed through the narrative techniques might be missing details, components or underreporting the specific issues of domestic violence against person with intellectual disability. Also it is important to acknowledge that the generalization of listed information of disability based violence against person with disability may vary in Nepal. Consequently, the conclusions and recommendations should also be considered with caution.

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