

Access to Justice – Breaking the Barrier of Silence

Research Study On Situation and Barrier Analysis of Access to Justice for Women and Girls with Disabilities



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This research report explores the profound challenges faced by women with disabilities in Nepal as they seek justice for violence against women and girls (VAWG). Through a meticulous examination of the existing justice systems, the study highlights significant barriers, such as discrimination and limited access to legal services and infrastructure that hinder these women from obtaining justice. The report not only identifies these obstacles but also offers evidence-based recommendations, including educational campaigns, policy reforms, and the provision of counseling and medical support, to address these issues effectively. By advocating for targeted advocacy and awareness initiatives for law enforcement and justice committee members, the study emphasizes the critical importance of ensuring access to justice as a fundamental human right for women with disabilities. This report serves as an essential resource, providing comprehensive insights into the gaps within current laws, policies, and services, while striving to enhance the capacity of duty bearers and improve the overall justice mechanism for this vulnerable group.

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Acknowledgement

The Nepal Disabled Women Association (NDWA) was founded in 2054 (1998) with a commitment to upholding the fundamental rights and responsibilities enshrined in the Constitution of Nepal, aiming to support Women with Disabilities in pursuing their rights, as well as providing protection and livelihood assistance. We strongly believe that until women and girls with disabilities across Nepal fully understand and assert their human rights—particularly those guaranteed by the UN Convention on the Rights of Persons with Disabilities (UNCRPD)—their potential for a bright and prosperous future will remain constrained.

It is our immense pleasure to bring forward this Situation and Barrier Analysis of Access to Justice for Women and Girls with Disabilities report. We hope this report aims to serve as a valuable resource for policymakers and stakeholders by highlighting the existing gaps in policy and implementation that create barriers to justice for Women with Disabilities. It identifies critical obstacles—such as social stigma, physical, emotional, communication, institutional, and policy barriers—that limit their access to justice and their ability to lead dignified lives, as guaranteed by the Constitution and the CRPD. The report also emphasizes the need for robust support mechanisms and the creation of an accessible and enabling environment to ensure meaningful inclusion and justice for Women with Disabilities.

The report is the culmination of the project “Access to Justice-Breaking the Barrier of Silence”, supported by Womankind Worldwide. We extend our heartfelt thanks to Womankind for their unwavering support throughout this project, and particularly to Ms. Sierra Schraff Thomas, Interim Director of Programmes and Learning at Womankind, for her invaluable guidance throughout.

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The barriers outlined in this report emphasize the urgent need for policy and structural reforms within service providers to ensure that Women and Girls with Disabilities can fully exercise their fundamental human right to justice and live with dignity and respect. This report serves as a powerful advocacy tool for promoting gender-sensitive, accessible, and inclusive policies and services, especially in partnership with service providers and government agencies. Most importantly, it offers service providers and stakeholders clear insights into the key barriers—whether related to services, communication, institutional practices, or societal factors—that hinder women with disabilities from accessing justice and leading dignified lives.

Tika Dahal

Chairperson

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Abbreviations

CEDAW	Convention on the Elimination of All Forms of Discrimination against Women
CERD	Convention on the Elimination of All Forms of Racial Discrimination
CRPD	Convention on the Rights of Persons with Disabilities
CSO	Civil Society Organization
GDI	Gender Development Index
GII	Gender Inequality Index
GESI	Gender Equality and Social Inclusion
GoN	Government of Nepal
ICCPR	International Covenant on Civil and Political Rights
ICESCR	International Covenant on Economic, Social and Cultural Rights
ID	Identification
ILO	International Labour Organization
INGO	International Non-Governmental Organization
KII	Key Informant Interview
LGBTIQA+	Lesbian, Gay, Bisexual, Trans, Intersex, Queer, Asexual
MoWCSW	Ministry of Women, Children & Social Welfare
NDWA	Nepal Disabled Women Association (NDWA)
NGO	Non-Governmental Organization
OPD	Organization of Persons with Disabilities
PM	Participatory Methods
VAW	Violence Against Women
VAWG	Violence Against Women and Girls
WHO	World Health Organization
OCCMC	One Stop Crisis Management Center

Executive Summary

This research study delves into the formidable challenges encountered by women with disabilities in Nepal when seeking justice for incidents of violence against women and girls (VAWG). Through a thorough examination of the existing justice systems available to this demographic, the study identifies numerous obstacles, including discrimination and limited access to legal services and infrastructure. The report advocates for various solutions, encompassing educational campaigns, policy implementation, and the provision of counseling and medical support to effectively address these challenges. The recommendations outlined in the report are not only practical but also evidence-based, promoting advocacy and awareness events tailored for law enforcement and justice committee members. In essence, this study stands as a valuable resource, offering comprehensive insights into the essential human right of access to justice for women with disabilities who have experienced VAWG, while also addressing gaps in laws, policies, and services.

Key Findings

An Intersectional Approach to Disability

- Individuals with disabilities are often perceived without consideration for the intersections of gender, disability and other identities, which present complex challenges at societal, institutional, and legal levels.
- Social identity factors such as race, gender and socioeconomic status influence power dynamics and privilege and influence access to support systems and legal institutions.

Social Norms and Attitudes

- Women with disabilities often rely heavily on family members/friends for collecting evidence to put before the court/justice system
- Negative stereotypes and beliefs around disability contribute to fear and shame within support systems, potentially hindering women with disabilities from pursuing legal action

- Patriarchal expectations and financial dependence create power dynamics that can hinder access to justice for women with disabilities.

Role of CSOs and Private Institutions

- Civil Society Organizations (CSOs) and private institutions play a pivotal role in addressing VAW and women with disabilities, regarding awareness, sensitization, reporting, legal procedures, etc.

Psychological and Psychosocial Considerations

- Emotional trauma is a systemic issue requiring comprehensive intervention.
- Emotional support is crucial for navigating the justice system, but inadequate support can hinder reporting.

Perceptions of the Justice System

- Negative perceptions of the responsiveness and adequacy of the justice system erode trust, leading to underreporting. Significant changes need to be made and trust proactively re-built to increase reporting frequency.

Conclusion and Recommendations

The study concludes that despite constitutional reforms, women with disabilities face significant barriers in accessing justice. Recommendations include increasing understanding, advocating for rights-based awareness, establishing protocols for disability cases, improving physical access, and utilizing funds to support victims. Collaboration between government, civil society, police, and lawyers is essential to create a more inclusive and supportive environment.

This comprehensive report not only identifies the challenges but also provides evidence-based recommendations, making it a valuable resource for policymakers, advocacy groups, and stakeholders committed to improving access to justice for women with disabilities facing violence in Nepal.

Rationale of the Study

Nepali society is deeply shaped by cultural influences affecting gender identity, with institutions like family, religion, schools, and government playing significant roles. However, institutionalization leads to the creation of stereotypes affecting women, imposing restrictions on their progress (Rothman, 2002). Despite strides towards equality, Nepali women face challenges related to harmful cultural practices, linked to religion, caste, and ethnicity. Gender inequalities persist, as indicated by a high Gender Inequality Index (GII) score in 2015 and a 102nd ranking in the Gender Development Index (GDI) 2014.

The 2015 constitution prioritizes Gender Equality and Social Inclusion (GESI), but there is still a considerable distance to achieve comprehensive gender equality and social inclusion in Nepal. Women are often confined to traditional roles, primarily viewed as mothers responsible for childcare, cooking, and maintaining the family lineage. Their identity is often centered on reproduction and caregiving, limiting their opportunities. This perception is prevalent not only in Nepal but also globally. The political participation of women has been progressive over the recent years as a record number of women representatives in all levels of government of Nepal. During the election of 2017 the total numbers contested were 148,364 (61.01% male and 38.98% female) in the local election of 2017 for local government. Among the elected 35,034 candidates, 59.04 percent are male and 40.96 percent are female. As elected candidates, more than 40 percent are female which are more than allocated by the national constitutions 2015 and election manifestos of different political parties and government policies programs. Furthermore, the election majority of male (97.24 %) are elected Mayor, 97.34 percent in chairman, 99.28 percent in ward chair and 98.12 percent in open members. But higher percent females are elected in reservation quotas (Women and Dalit Women) and second positions like 93.82 percent in Deputy Mayor and 90.84 percent in Vice Chairman (Sijapati, 2020). Likewise, Nepal recently held general elections to elect 275-member House of Representatives (HoR) and 550 members to the seven Provincial Assemblies. However, women, who make up 53.91 per cent of the country's population, have only 33.09 per cent representation in federal parliament and 36.36 per cent in Provincial Assemblies (PA).

Despite progress in recognizing and developing women's rights, challenges persist due to the patriarchal nature of society. Women in Nepal face additional hurdles, including illiteracy, they do not have decision making power, access to finance, violence against women amongst others, hindering the application of their rights in daily life. Even when educated, women lack decision-making power, as they are perceived as subordinates to men, reinforced by men's reluctance to take responsibility to take care of house hold chores, care taking and nurturing of children and elderly citizens. This dynamic further suppresses women and excludes them from decision-making processes in both family and society.

Violence against women and girls is a pervasive human rights violation. According to the UN Nepal Country Team Gender Theme Group's 2016 report, women and girls in Nepal face numerous challenges rooted in traditional practices like dowry, the sati system, early marriage, son preference, and stigmatization of widows, seclusion of women (purdah), family violence, polygamy, and menstruation-related segregation (chaupadi). The patriarchal system prevailing in most Nepali households positions women as the "second gender," subordinate to men in family and society. This gender hierarchy extends to political institutions, hindering women's development by limiting their access to power and political influence.

Nepal also faces specific challenges related to sexual and gender-based violence including domestic violence, marital rape, dowry-related violence, child marriage, polygamy, female infanticide, and trafficking for sexual exploitation. A 2014 UNFPA report highlighted a concerning situation in Nepal, with 74% of young women reporting experiencing sexual violence. Data from Nepal Police in 2015/16 revealed high numbers of reported cases, including 1,089 rapes, 452 attempted rapes, 212 trafficking cases, 20 child marriages, and 9,398 domestic violence cases. Recent data from fiscal year 2078/79 further indicates varying regional patterns, with Koshi Province having the highest recorded rape cases, Lumbini leading in polygamy cases, and Madhesh reporting highest number of domestic violence cases.

26 years' crime data against Women and Children										
S.N.	Fiscal Year	Rape	Attempt to Rape	Polygamy	Child Marriage	Witch Craft	Abortion	Untouchability	Child Sexual Abuse	Domestic Violence
1	053/054	112	34	101	5	–	74	–	–	337
2	054/055	181	34	135	3	–	101	–	–	228
3	055/056	141	18	96	1	–	81	–	–	432
4	056/057	186	33	96	5	–	89	–	–	711
5	057/058	122	35	75	1	–	55	–	–	449
6	058/059	129	21	51	-	–	14	–	–	410
7	059/060	157	18	69	2	–	15	–	–	569
8	060/061	154	19	44	3	–	8	–	–	922
9	061/062	188	25	66	1	–	11	–	–	730
10	062/063	195	38	65	1	–	14	–	–	939
11	063/064	317	70	94	7	–	3	–	–	1100
12	064/065	309	73	122	4	–	13	–	–	881
13	065/066	391	75	170	2	–	12	–	–	968
14	066/067	376	101	146	7	4	8	–	–	983
15	067/068	481	151	197	2	39	12	–	–	1355
16	068/069	555	156	249	12	35	13	–	–	2250
17	069/070	677	245	350	19	28	28	–	–	1800
18	070/071	912	414	421	15	39	18	14	–	6835
19	071/072	981	562	518	23	43	17	10	–	8268
20	072/073	1089	452	463	20	28	22	19	–	9398
21	073/074	1131	536	464	26	24	22	17	–	11629
22	074/075	1480	727	602	59	48	18	18	–	12225
23	075/076	2230	786	1001	86	46	27	43	211	14774
24	076/077	2144	687	734	64	34	29	30	232	11738
25	077/078	2532	735	852	84	61	27	39	281	14232
26	078/079	2380	655	809	52	49	37	15	314	17000

<https://cid.nepalpolice.gov.np/cid-wings/women-children-and-senior-citizen-service-directorate/>

In Nepal, various forms of violence against women (VAW), bonded labor, witchcraft accusations, and the seclusion of girls and women during menstruation are widespread. The International Labour Organization (ILO) reports that 12,000 women and children are trafficked annually to the Middle East and India, often falling victim to sexual and child labor exploitation in brothels (CARE NEPAL, 2011). Human rights violations against women are prevalent in Nepal, however those with disabilities face additional challenges. The 2022 Nepal Census indicates that 2.2% of the population has some form of disability, with physical disabilities at 37.2%, visual disabilities at

22.5%, and hearing disabilities at 15.9%. However, the census lacks detailed information on literacy and employment rates for this group. Efforts by various organizations to address this data gap are fragmented and lack official endorsement, making disability programming challenging without widely accepted and credible data.

Legal Framework and Situation of Persons with Disability in Nepal

According to the Protection and Welfare of the Disabled Persons Act, 2039 (1982), a “disabled person” is defined as a Nepalese citizen who is physically or mentally unable or handicapped to perform normal daily life activities (Nepal Law Commission, 1982). This term includes individuals who are blind, one-eyed, deaf, dumb, dull, crippled, limb or lame, handicapped with one broken leg, handicapped with one broken hand, or feeble-minded. “Helpless disabled persons” refer to disabled individuals lacking assets, care, or support, unable to earn a living through employment. A “Disabled Person Home” is a residence designed to accommodate and support helpless disabled persons. In contrast, the most recent Act Relating to Rights of Persons with Disabilities, 2074 (2017) of Nepal defines a “Person with disability” as someone with long-term physical, mental, intellectual, or sensory disabilities, functional impairments, or existing barriers that may hinder their full and effective participation in social life on an equal basis with others (Nepal Law Commission, 2017).

Furthermore, Nepal ratified the United Nations Convention on the Rights of Persons with Disabilities (CRPD) in 2008, and its 2015 constitution guarantees equality before the law for all citizens, explicitly prohibiting discrimination based on disability (Article 18.2). Notably, Nepal’s enactment of the Act Relating to Rights of Persons with Disabilities, in 2017, replacing the Protection and Welfare of the Disabled Persons Act 1982, establishes a comprehensive framework. This new Act classifies disability into 10 types. It outlines the services, facilities, and opportunities available for persons with disabilities to lead dignified lives.

The 10 types of disability:

1. Physical disability
2. Disability related to vision
3. Disability related to hearing
4. Deaf-Blind

5. Disability related to Voice and Speech
6. Mental or psychosocial disability
7. Intellectual disability
8. Disability associated with Hemophilia
9. Disability associated with Autism
10. Multiple disability

As part of Social Protection Program of Nepal Government, persons with disabilities are eligible for social security allowance (for profound and severe disability) and various disability-targeted benefit packages. To register, individuals must undergo a disability assessment across four categories (profound, severe, moderate and mild) and obtain a Disability Identification Card (ID). However, a significant challenge is the low proportion of persons with disabilities holding a Disability ID card in Nepal, attributed to barriers hindering access and completing the application process.

The Protection and Welfare of the Disabled Persons Act 1982, though welfare-oriented in name, requires updating in line with the challenges highlighted by the CRPD. The Education Act (2028), Special Education Policy (2053), and Education Rule (2059) persist in using pejorative terms to describe people with disabilities (Khanal, 2023). The Nepalese Department of Education defines inclusive education as a developmental process providing every child the right to useful education in a non-discriminatory community environment, respecting the country's multicultural differences (Thapaliya, 2016).

Research¹ indicates a generally negative perception towards persons with disabilities in Nepal, influenced by religious beliefs and cultural practices associating disability with past sins. Despite advancements in policy and legislation, persons with disabilities, especially women and girls, often face poverty, low education levels, and limited income, reflecting societal marginalization.

Limited evidence suggests that women with disabilities in Nepal experience high levels of violence, with their disability amplifying the risk compared to those without disabilities. In contexts marked by patriarchal structures, unequal gender norms, extreme poverty, and discrimination, women with disabilities are particularly vulnerable to intersecting forms of violence.

1 <https://dhsprogram.com/pubs/pdf/FR379/FR379.pdf>

Despite facing higher rates of violence, these women often have limited recognition of sexual violence as a form of harm. Consequently, this research study aims to comprehend the situation and barriers encountered by women and girls with disabilities in Nepal, focusing on their access to justice, an understudied area in this context.

Introduction to Research Study on Situation and Barrier Analysis of Women with Disabilities in Accessing Justice for VAWG

Nepal Disabled Women Association (NDWA) plays a pivotal role in empowering women with disabilities. Despite the commendable efforts, many individuals in this group encounter social and economic challenges, though it's important to note that women with disabilities have many different experiences. Historically, society has often perceived persons with disabilities as weak, incapable, and burdensome. However, many individuals with disabilities lead strong, independent lives, engaging in income-generating activities, maintaining families, and actively participating in society. It is crucial for the world and humanity to hear these positive stories. Sharing such experiences can serve to encourage and empower others with disabilities, bolster their self-esteem, and contribute to changing the societal stigma surrounding this community.

According to a study conducted by the World Health Organization (WHO), women with disabilities are two to three times more likely to experience violence compared to women without disabilities. This issue is particularly prevalent in Nepal, yet there is a lack of documentation on the specific barriers faced by women with disabilities. This deficiency impedes the development of evidence-based policies and programs to address the issue and denies many women with disabilities access to justice. The mentioned project aims to bridge this gap by identifying and documenting the underlying barriers that women with disabilities encounter at various levels.

This study, titled “Situation and Barrier Analysis of Women with Disabilities in Accessing Justice for VAWG,” delves into the experiences of women with disabilities concerning access to justice for violence against women and girls (VAWG). The research identifies the barriers faced by these women in accessing justice at various levels through in-depth analysis. It examines the existing justice mechanisms for women with disabilities and the challenges they confront. The study compiles and analyzes instances where women with disabilities were denied access to justice, shares success stories, and

proposes approaches to address these barriers. The report also provides recommendations to bridge gaps in existing laws, policies, and services, facilitating evidence-based advocacy for the rights of women with disabilities within justice mechanisms.

Research Objectives and Questions

3.1. Objectives

The primary objective of the research study is to “analyze the situation and barriers of women and girls with disabilities in accessing justice for violence against women girls.”

The secondary objectives of the research study are:

- a) To identify gaps in the justice mechanism which is hindering access to justice for women with disabilities, particularly those who have experienced VAWG or are at risk of it.
- b) To understand what are the needs for the enhancement of capacity of duty bearers who support women with disabilities.

3.2. Research Questions

The main research question of this study was created based on the primary and secondary research objectives. The question is focused on identifying the challenges and circumstances faced by women with disabilities when trying to access the justice system to address cases of violence.

The secondary questions of the study are:

- a) Do women with disabilities have access to information and knowledge on violence against women (VAW) and the legal system?
- b) What empowers women with disabilities to share, and what empowers them not to share violence-related issues?
- c) What are the challenges women with disabilities face while accessing justice? Do they think they achieved justice or not?

Research Approach and Methodology

4.1. Approach

Intersectional Approach: Intersectionality, coined by Kimberlé Crenshaw in 1989, refers to the interconnection between social identity factors and structures of power. It serves as a crucial theoretical concept and social justice framework, providing a lens to understand individual experiences within broader social contexts. This approach emphasizes how various intersections, such as race, class, gender, sexuality, age, and ability, shape our everyday lives and interactions. Unlike reducing individuals to single characteristics, intersectionality recognizes that lived experiences can change over time and that privilege and oppression can coexist.

Intersectionality offers a nuanced and comprehensive understanding of context, particularly in analyzing how different factors intersect to influence individual decision-making and behavior. Originally integral to women, gender, and sexuality studies, intersectional frameworks consider various aspects of identity as mutually constitutive. For example, gender interpretations are influenced by race, and vice versa. This approach is essential in studying women with disabilities, as it focuses on how gender intersects with factors like disability to shape access to justice. By considering diverse intersections in individuals' experiences, interventions can be more effective, generalizable, and sociologically faithful.

Gender Approach: The gender approach serves as a research methodology that explores how gender identities and relationships impact various aspects of social, economic, and political life. In the context of this study, focusing on women, particularly those with disabilities, the gender approach has been crucial from the literature review to the analysis. It involves analyzing how gender roles and expectations shape the experiences of discrimination and exclusion within the women's community in the targeted location. The approach recognizes that gender norms may limit opportunities for women and stigmatize and exclude members of the LGBTIQ+ community.

Throughout the study, the gender approach has delved into how gender identities and relations influence the experiences of individuals and groups, examining how these factors interact with other forms of oppression. This methodology has been employed in crafting key informant interview questionnaires, ensuring questions are designed to understand gender dynamics in various situations, such as legislation, violence, and access to

justice. By adopting this approach, the study has elicited in-depth narratives from informants, contributing to a better understanding of access to justice for women with disabilities.

Participatory Approach: Participatory Methods (PMs) include a range of activities with a common thread, such as, enabling ordinary people to play an active and influential part in decisions which affect their lives. This means that people are not just listened to, but also heard; and that their voices shaped the outcomes. Participatory approach has played a key role in the development of this report, as all the findings are based on the narrations shared by the informants.

4.2. Methodology

This research has relied on two types of data which are a) primary data and b) secondary data. Both the data has informed this research and in accordance the research report has been developed.

Secondary Data

Literature review: A literature review was conducted to gain secondary data. To understand the existing literature and research on the topics of interest, a literature review has been conducted as the first step of the research process. The literature review included both published and unpublished materials.

Primary Data

Key Informant Interviews (KII): The research study utilized key informant interviews to gather information about the community. These interviews were conducted with knowledgeable individuals who had firsthand experience in the community. Specifically, we sought input from women, girls, persons with disabilities, lawmakers, police officials, and other prominent stakeholders. In total, we conducted 44 key informant interviews, which provided valuable insights into the problems facing the community and potential solutions. These interviews were instrumental in shaping our research.

Direct Observation: Observation is a methodical tool for collecting data. It is utilized to study individuals in natural settings or naturally occurring situations. Observation techniques are commonly employed in data collection. This particular tool has contributed towards the findings and analysis of the report as it added more information and made the research findings multi-dimensional in nature.

Ethical consideration

During the research design phase, a consent form was developed in English and Nepali. The consent forms were explained to the selected enumerators during the enumerator training workshop. During the workshop, the enumerators were asked to inform the respondents that their names and organizations will not be mentioned and that the information collected will be used only for the sole purpose of the research. Likewise during the report development the names and the organizations name of the respondents have been kept anonymous throughout the report for their safety purpose.

4.3. Analysis and Report Development

Thematic Analysis: Thematic analysis, a technique for analyzing qualitative data, was employed in this research. This method involves a meticulous examination of the data set to identify recurring patterns in the meaning of the information, aiming to uncover themes. The process demands the researcher's reflection and consideration of their subjective experience in interpreting the data. In this study, data collected through Key Informant Interviews (KII) was transcribed and subjected to thematic analysis. The detailed findings and analysis derived from this method are presented in the subsequent sections of the research.

Report development: This report provides a complete overview of the subject, including different research methods, literature review, and analysis. It provides valuable insights for future research and has the potential to make a significant impact in the field.

4.4. Target Audience and Target Location

The focus of this research was to study the situation and barriers faced by women, girls, and people with disabilities. The target audience included women, girls, women with disabilities, girls with disabilities, law makers, police officers, women cell officers, and other stakeholders. To gain a deeper understanding of the situation and barriers, the research team interviewed a larger ecosystem of individuals. This involved reaching out to lawmakers, police officials, and other stakeholders who provided relevant information required for the holistic research study.

The target location for this particular research were

Kavre District

- Bethanchowk Rural Municipality
- Banepa Municipality
- Dhulikhel Municipality

Lalitpur District

- Lalitpur Metropolitan City
- Mahalaxmi Municipality
- Godawari Municipality

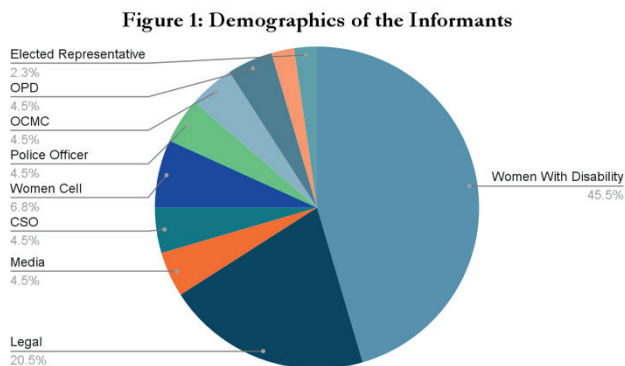
4.5. Limitation

This research is limited in scope. While an intersectional approach has been taken, conclusions drawn are limited by the small sample size (44 respondents). The research team recognizes that some groups of people might have been missed and their experiences not captured by this report. Likewise, since the target locations are limited to Bagmati Province only, the cases may vary in different provinces.

Findings

This report is based on the interviews with 44 respondents and then carefully examining recordings and written transcripts. The findings are present below.

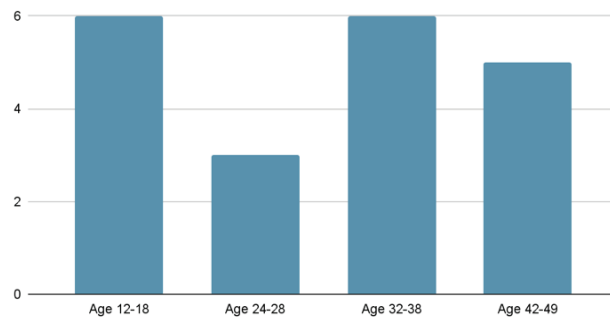
5.1. Demographics of the respondents



Demographics of Women with Disabilities According to Target Sampling Criteria

The collected data indicates that the majority of respondents were women with disabilities, comprising 45.5% of the total. The target sample constituted 20.5% of the respondents, whereas elected representatives within the target sample contributed the least amount of data at 2.3%. Moreover, the study scrutinized the legal system's ecosystem for victims of violence, encompassing all ecosystem members in the research. These members included elected representatives, OPD, OCMC, Police Officers, Women Cell, CSO, Media, Legal professionals, and women with disabilities.

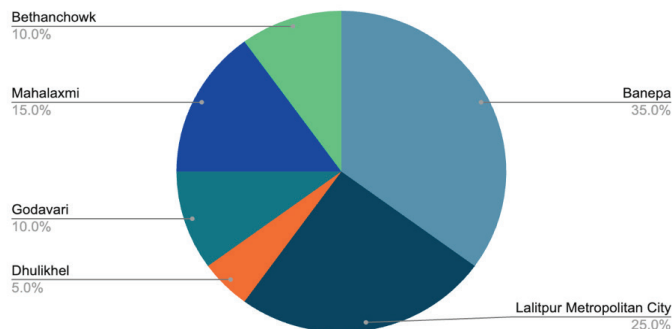
Figure 2: Demographics of Women With Disabilities According to Age



Demographics of Women with Disabilities According to Age

In the above figure 2, demographics of women with disabilities according to age is provided. According to data, the highest number of respondents were from the age group 12-18 and age group 32-38 (in total 12). Likewise, the least engaged age group in this research is age group from 24 -28 years.

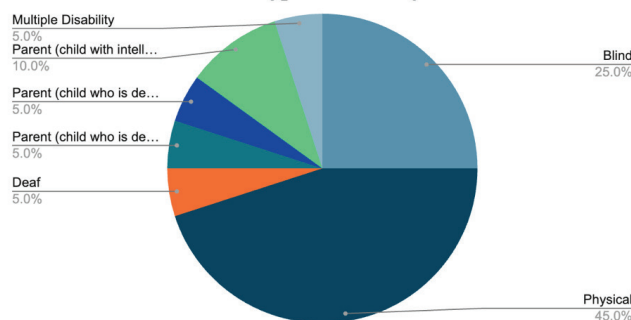
Figure 3: Demographics of Women With Disabilities (WWD) According to Target Location



Demographics of Women with Disabilities (WWD) According to Target Location

Figure 3 presents a breakdown of the demographics of women with disabilities by location. Banepa had the highest percentage of women with disability respondents at 35%, followed by Lalitpur Metropolitan City at 25% and Mahalaxmi at 15%. Dhulikhel had the lowest number of women with disability respondents at 5%, while Bethanchowk and Godavari both had a 10% share of women with disability respondents in this study.

Figure 4: Demographics of Women With Disability According to the Type of Disability



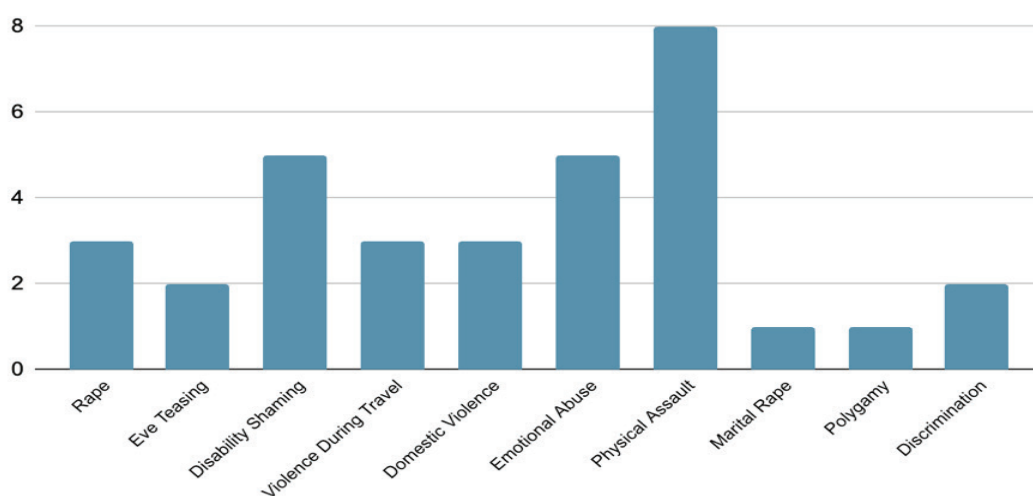
Demographics of Women with Disability According to the Type of Disability

Similarly, as indicated in the data presented in Figure 4, 45% of the female respondents with disabilities had physical disabilities, 25% were blind, 10% were parents of children with intellectually disability, 5% of the respondents were deaf, and another 5% had multiple disabilities.

5.2. Women with Disabilities Face Multiple Violence and Human Rights Violation

During interviews with female respondents with disabilities, various forms of violence were disclosed, including rape, marital rape, eve teasing, physical assault, emotional abuse, domestic violence, disability-based violence, and shaming. Figure 5 provides a breakdown of the recorded cases of violence, with physical assaults being the most frequently reported, followed by emotional abuse and disability shaming. The least documented cases were for marital rape and polygamy.

Figure 5: Types of Violence Cases



Types of Violence Cases Recorded During the Research

One respondent shared that she was married at the age of 13 and became pregnant shortly thereafter. She experienced physical assault and emotional abuse from her husband and family members, who attempted to force her to undergo an abortion. This case study underscores the multiple layers of violence that child brides can endure, as well as the infringement upon their right to make decisions about their bodies and lives.

Another respondent recounted an incident of violence while using public transport. The conductor would take her card and throw it, making derogatory comments about her not being deaf (she was hard of hearing). On a separate occasion, the respondent faced emotional abuse and shame for her disability while traveling on public transport. In another distressing incident, a respondent found herself stranded after being put on the wrong public bus and ending up far from her home. Despite having friends, she could not recall their numbers at the moment. As the last person on the bus, she sought help from the driver and assistant, but they instead teased her for being “deaf” and locked her inside. These instances highlight the challenges faced by women with disabilities, demonstrating their struggles to assert their rights even with government-issued identity cards. The lack of awareness and sensitization around disabilities contributes to harassment and shaming in such situations.

One compelling story shared by a respondent involved a woman with a disability who survived rape and domestic violence. A pastor claimed he could cure her disability, asked her to come pray regularly and stay in that place only. After sometime when he got the chance, he raped her, even going to the extent by telling her having sex will help to cure her situation. Additionally, she endured various forms of violence from her husband. When she attempted to exercise her rights by registering their marriage, he violently beat and threatened her, saying, “I shall see how you will live after I am gone.” This woman has faced both emotional and physical abuse from her husband.

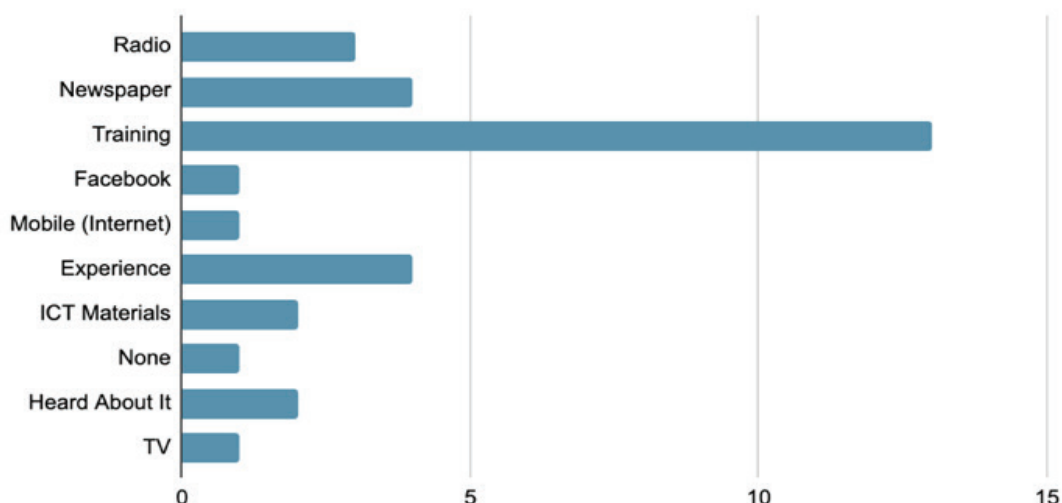
In another instance from the collected data, a respondent emphasized the challenges faced by a woman who could not exercise her right to legally register her marriage due to her disability. Her husband opposed the registration, subjecting her to threats, physical abuse, and emotional torture, exploiting her economic dependency on him.

These findings underscore the numerous forms of violence that women with disabilities can experience, including sexual violence, domestic violence, and economic abuse. They emphasize the critical need for supporting women with disabilities in exercising their rights and living free from violence.

5.3. Lack of Access to Knowledge - A Barrier

Based on the findings, it was discovered that out of the 20 women with disabilities, 19 of the respondents had access to knowledge about violence and its various forms in Nepal. When asked about the sources of this knowledge, the majority mentioned being trained by various organizations, as well as through mass media such as television, radio, newspapers, and pamphlets. Additionally, many of them acquired knowledge about violence through personal experiences. Figure 4 below presents data on their access to knowledge related to violence against women.

Figure 6 : Access to Knowledge on Violence Via Different Resources



Access to Knowledge on Violence via Different Resources of Women with Disability

Based on Figure 6, it is evident that a majority of respondents who received information about violence did so through training sessions provided by non-governmental organizations (NGOs) and international non-governmental organizations (INGOs). The Figure also illustrates that women with disabilities acquired information through various forms of media, including social media. Some respondents, who had personal experiences with violence, shared that they did not initially recognize their experiences as violence until they received training and had access to media. This knowledge has since shaped their understanding of violence against women (VAW). A few respondents also reported learning about violence through community dialogues and conversations.

During the interviews, it was revealed that many respondents were too afraid to file a case. They feared that if they did, the community would gossip about their situation instead of assisting in resolving the issue. For instance, one respondent was too frightened to file a case because she believed that the community would talk about her situation, and she thought it was too late to file a case since some time had passed. As mentioned in the literature above, persons with disabilities are often perceived with attached negative connotations, and these perceptions have shaped the lives of persons with disabilities in larger communities. In this specific finding, using the

intersectionality and gender lens, it was discovered that the situation of the respondent deteriorated. The respondent was unable to exercise her rights to justice due to multiple stigmas, such as her disability and gender identity. In the Nepali context, women shoulder more than just domestic chores, they also bear the burden of the family's pride and social standing within the community. Additionally, it was found that due to limited information, respondents had limited ideas on where to go to seek justice to get information on how to access justice. Despite obtaining some information from social media, as mentioned in the previous paragraph, there is a gap in accessing information. The information is not sufficient to the level where the violence could be addressed, and access to justice could be facilitated. It is evident that the respondent needed to be informed about the laws that allow for filing within a specific timeframe. Unfortunately, the lack of information and awareness of women's rights in cases of violence against women has made it challenging to access justice. Several respondents reported refraining from pursuing legal action due to lack of awareness about their options.

Lack of emotional support from their families further discouraged respondents from taking action. One respondent's parents had convinced them that discrimination against persons with disabilities, including themselves, was inevitable, and there was no solution for it. Literature from the desk review provided above has highlighted the main factor influencing the country's perception of disability, stemming from religious beliefs and associated cultural practices. These beliefs suggest that disability is the result of sinning in a previous life [2], and due to these beliefs, persons with disabilities, especially women and girls, tend to be rendered "invisible."

5.4. Lack of Emotional Support Systems for Women with Disabilities

All respondents in the study had experienced some level of emotional trauma or abuse, with Figure 5 illustrating that the majority of women with disabilities reported being emotionally abused. During interviews, respondents further expressed experiencing intense emotions such as sadness, helplessness, hopelessness, loneliness, anger, tension, and frustration.

The analysis of the data revealed that the emotional support system for women with disabilities reinforces patriarchal notions and expects respondents to endure pain and often remain in abusive situations because her husband provides financial support. This research has brought to light that the emotional support system for women with disabilities plays a crucial role in accessing

justice, as the respondents rely on the guidance and recommendations provided by the support system. When the emotional support system of women with disabilities encouraged them to seek justice and motivated them by supporting their decisions, the respondents proceeded with filing a case. However, when the emotional support system advised them to endure pain and refrain from taking action, the majority of women with disabilities tended to accept their current situation. Most respondents expressed that they did not want to pursue justice because they lacked emotional support from their family members. As mentioned earlier, many women with disabilities are dependent on their family members for physical as well as financial support, so when the family advised them not to pursue the path of justice, they felt hurt and experienced pain. Due to these circumstances, women with disabilities were found to be living with trauma, resulting in very little trust and faith towards the Nepali justice system.

Another significant finding was that respondents who experienced multiple forms of violence and abuse chose to leave their homes and partners to live alone. Similar cases were documented during the field research period. One respondent, during the interview, expressed that she refrained from seeking justice due to her perceived notion derived from personal experience. She believed that no one would help her because she is a woman with a disability. This information highlights how deeply rooted patriarchal notions can influence self-blame among women with disabilities for the violence and abuse they experience.

These findings underscore the devastating impact that violence and abuse can have on the emotional and psychological well-being of women with disabilities. It is crucial to recognize that women with disabilities may encounter additional barriers to accessing justice and support, stemming from both their gender and disability.

Similarly, another respondent sheds light on the way patriarchy affects the lives of women with disabilities and creates obstacles in accessing justice for violence against women. This particular information revealed that she did not confide in anyone because she believed she would not receive any support. Instead, she felt that sharing her struggles would only provide fodder for community gossip.

“The sisters from the organization had told me to go to the police and report my case, but I used to feel bad for my husband. Hence, I did not go. They told me to either go to the police or solve it between the family members. If it does not solve the problem, go and stay in your maternal house for a few days. So, I left home. In between I used to keep going back and forth but now I take care of my son and daughter. I feed them and also send them to school. I did not go anywhere to report. I bore all of that till I could and when I couldn’t, I started to live separately. I did not file a case because I also married him and I played a role in that decision making. So, I didn’t file a case.”

- 1_Kavre_WWD

I used to feel very tense when I used to see physical violence. But I was not scared, whatever it was, I faced it and bore the pain as much as I could. I did not share it with anyone, but when the situation had escalated to filing for a divorce then, I told the organization’s sisters. I did not tell anyone because no one would listen to me or understand me. Many people would find such a situation of women a reason to gossip and find joy out of it. . I used to feel bad, my neighbors and family members knew about my situation, but they never did anything for me or said anything to me. My mother-in-law knew about my situation, but she did not help me. Instead, she would scold me.”

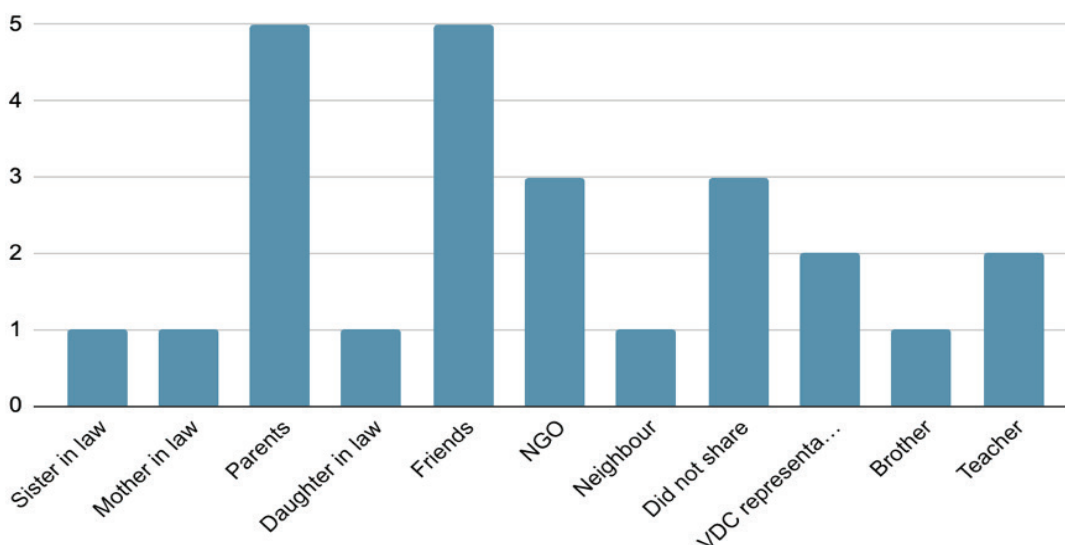
- 2_Kavre_WWD

“Another finding was that when NDWA attempted to map women with disabilities’ support systems or asked the informants whom they turned to with their issues, most respondents stated that they confided in their parents and friends. This was followed by NGOs, and some revealed that they did not reach out to anyone. The results of the mapping are presented in Figure 7 below.

However, the same support network that many women with disabilities turned to for support could also present a barrier to accessing justice or a source of trauma. Some respondents felt demotivated or hurt by their emotional support systems. For instance, one informant’s daughter-in-law made comments that demotivated her. The respondent shared a traumatic experience with her daughter-in-law, but instead of offering support, the daughter-in-law was more concerned about how the family would be affected. Similar stories were heard from many respondents during the field

research period who were disappointed or saddened because their support system discouraged them from going out at night or reminded them of their disability instead of empowering them.

Figure 7 : Support Systems of WWD



List of Emotional Support System of Women with Disabilities

5.5. Barriers to Accessing Justice

For women with disabilities in Nepal, engaging with justice mechanisms poses significant challenges. The stigma associated with their disability, along with intersecting factors such as a patriarchal power structure, extreme poverty, and lack of education, often leads to a lack of knowledge about rights and limited bodily autonomy, increasing the risk of violence against women and girls (VAWG) and creating subsequent barriers to accessing justice.

Additionally, physical barriers to accessing justice systems and courts, communication barriers, and the perception of being unreliable witnesses contribute to the limited ability of women with disabilities in Nepal to seek and access justice or legal redress. The research evidence indicates that the majority of women with disabilities who did not seek justice for the violence and abuse they experienced cited reasons such as a lack of listeners for persons with disabilities (50%) and not knowing where to report it (30%).

Many women with disabilities have limited or no access to formal education and may not use formal sign language, communicating mainly through

signs that only their close family members understand. This dependence on caregivers to communicate their needs makes it difficult to obtain full and accurate accounts of the violence experienced by them. Moreover, police may perceive women with intellectual disabilities as unreliable witnesses, leading to potential hesitancy in investigating such crimes.

As mentioned earlier, women with disabilities face challenges in filing cases due to the difficulty of procuring evidence, even with available organizational support. For instance, a blind respondent expressed her inability to gather evidence for the physical violence she experienced, as she didn't know the perpetrator's identity when asked by the police. This highlights a significant barrier and demotivating factor for women with disabilities in accessing justice.

Additionally, primary data reveals that women with disabilities seeking police assistance may be discouraged from pursuing their cases due to societal norms. One respondent was advised to drop her case because it aligned with the "social DNA" of the community, suggesting that such behavior is acceptable. The perception of the larger community shapes the lives of persons with disabilities, impacting their access to the justice system. The police and women cell respondents admitted difficulty in supporting cases involving persons with disabilities, as perpetrators often pressure them to portray the victim as the instigator. This underscores the influence of the social fabric on the justice system, discouraging women with disabilities from seeking justice.

This case study emphasizes the discouraging factors women with disabilities encounter in pursuing justice, even in the face of serious crimes. It underscores the urgent need for law enforcement officials to receive better training on the rights and specific needs of women with disabilities and their duty as government officials to take their cases seriously and handle them in accordance with legal norms and relevant national and international law.

5.6. Lack of Equipped and Capacitated Justice System and willingness

From the primary data, it was evident that women with disabilities face challenges when seeking support from local elected representatives. Despite reaching out to share their situations, these women often did not receive the necessary support or empathy. This highlights a critical issue of neglect and lack of prioritization for women with disabilities by local government authorities. In the context of the federal structure adopted in Nepal, local authorities are

empowered to address the needs of their areas, support development, and formulate policies. However, the data suggests that women with disabilities are often left to navigate their situations alone, and are denied access to the justice system.

Furthermore, the case studies revealed another challenge where defendants in cases aggressively blamed the victims, especially when the victim had an intellectual disability. In a specific case, the defendant shifted blame onto a woman with psychosocial disability, arguing that her frequent visits to the area caused the situation. Despite this, the women cell respondent proceeded with the case. However, challenges emerged during the case, such as the victim's inability to show the location of the incident, which led to the case being pending in court due to lack of evidence. This underscores the complexities and obstacles faced by women with disabilities in pursuing justice, even when the legal system is involved.

“For instance, one case of a girl with disability who was raped was filed. After filing the case the people from the perpetrator side came and told us that ‘she is a disabled girl, she is like that only. She used to keep coming to place so she is at fault’ was what was told to us. Such situations come and make the case very difficult.”

– Kavre_Women Cell

As highlighted in the data, the justice systems lack adequate policies and guidelines to protect and deliver justice to women with disabilities. Legal organizations, OCMC, and CSOs have reported challenges in facilitating cases for persons with disabilities, particularly women. This can be attributed to a lack of accessible information and the fear of social stigma, especially when perpetrators are close relatives.

A significant challenge identified from the data is the normalization of disability related stigma within the community. The larger community has come to accept the notion that individuals with disabilities are socially incapable and economically non-contributory, leading to their exclusion at various levels. This normalization also impacts the emotional support systems of women with disabilities, fostering a belief that accessing justice is unattainable and discouraging them from seeking help or pursuing legal action.

The primary challenge faced by women with disabilities revolves around the normalization and societal perspective of disability. Due to a lack of

understanding and sensitivity toward persons with disabilities, women with disabilities and their support systems hesitate to file cases, often opting to drop the issue with the resigned attitude of “this is how it is, let it go.” Importantly, there is a pervasive fear among women with disabilities and their support systems that seeking help will lead to community gossip instead of genuine support. The societal belief system has ingrained the perception that seeking assistance or sharing problems will bring shame upon their family.

“Access to justice for women with disabilities is very challenging due to the social DNA or how our community is made to believe certain things. So, we all are brought up within a certain society and the society’s belief system is integrated within us. They have normalized that the situation of women with disabilities are normal, so to bring it forward to the court or just filing a case is a difficult task. One thing that is difficult is changing the way people normalize their situation and changing the perception of the society is the biggest challenge. There are organizations and us as well where we have been telling everyone that you should not bear this violence but when it comes to filing the case the family hesitates to support or demotivate the women because it will taint their social status.”

– Kavre District Police

The data reveals that women with disabilities encounter barriers in accessing justice due to their disability, rendering them unable to travel and making them vulnerable to violence. One respondent specifically mentioned that, because of their disability, some cases are hindered in accessing justice. For example, a woman with a disability filed a rape case, but as the investigation and legal process progressed, she faced challenges in validating the case, resulting in a lengthy and ongoing legal process.

“In 2079 a case of a child with disability had come, later the perpetrator was also caught but at the end the child was not able to even confirm the place of violence. That case is still going on. The child came and told us that she was physically abused but during the investigation period she was not able to show us the place where the incident took place as well as she could not explain what happened to her.”

- Lalitpur Women Cell

This underscores the multifaceted challenges experienced by women with

disabilities, encompassing a lack of awareness and sensitivity to their situation, as well as the exploitation of their vulnerability by others. When questioned about the reasons for such mistreatment, the respondent suggests that it may stem from the perception of their disability as a sign of weakness, leading to their exploitation.

5.7. Role of NGOs, CSOs and OCMCs in Empowering Women with Disabilities

It was observed that Non-Governmental Organizations (NGOs), Civil Society Organizations (CSOs), and the One-stop Crisis Management Center (OCMC) have supported women with disabilities in navigating the justice system by offering guidance on appropriate channels and procedures. Despite this assistance, a respondent disclosed experiencing delays in accessing justice. After filing a case with the police, she had to endure months of waiting, and her case was not prioritized, leading to frustration and prolonged impediments in her pursuit of justice.

“They took me to the places where they briefed me on the laws, they took me to the police and they also supported me to go to court. I filed a case with the police. The police supported me, they told me they will look for the perpetrator and will update me. But they kept saying that and had me lingering around for a month or more.

- Kavre_WWD

“After sharing my issue with the organization, I felt light. I felt like my husband and the pastor would go to jail. They gave me a list of things to do and how to go about it. So, I went and filed a case. Sisters from the organization came with me to the police while filing the case.”

- Lalitpur_WWD

The research findings indicate that NGOs, OCMC and CSOs played a pivotal role in empowering and assisting women with disabilities in their quest for justice. These organizations provided valuable support by accompanying the respondent to the police station, filing the case on her behalf, and offering guidance on the essential steps to access justice.

5.8. Legal Institution/Laws

The Constitution of Nepal underwent a significant political reform in 2015, transitioning the country from a unitary to a federalist system of governance. This reform aimed to ensure progressive laws guaranteeing the representation of women and marginalized groups. Presently, women hold over one-third of elected positions across all three tiers of government. The legal reform included the enactment of new laws such as the Criminal Code, Criminal Procedure, Civil Code, Civil Procedure Code, and Sentencing Act in 2017, replacing the outdated General Code from 1964.

Nepal's state restructuring and legal reforms have been guided by international human rights commitments, particularly in non-discrimination, gender equality, and social justice. The country has signed seven out of the nine core human rights treaties, including the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), demonstrating its commitment to eliminating discrimination against women. Nepal has ratified the International Covenant on Civil and Political Rights (ICCPR), the International Covenant on Economic, Social and Cultural Rights (ICESCR), the Convention on the Elimination of All Forms of Racial Discrimination (CERD), the Convention on the Rights of the Child (CRC), and the Convention on the Rights of Persons with Disabilities (CRPD), May 7, 2010. As a signatory, Nepal is obligated to uphold the rights of all individuals and submit periodic reports on its human rights obligations.

Some of the major legislations on GBV, VAWG and Persons with Disabilities are:

Human Trafficking and Transportation Act, 2007: As per UNODC (2022), an estimated 7,000-10,000 Nepali women and girls are trafficked to India annually for sexual exploitation, with many cases going unreported. In the fiscal year 2069-2070 BS, only 144 cases were recorded by the Nepal Police (FWLD, 2014). The Human Trafficking and Transportation Act is crafted to combat human trafficking, employing a victim-centered, rights-based approach that comprises three components: petition, prosecution, and protection. The act addresses various forms of exploitation, including sexual trafficking, labor exploitation, and organ extraction.

Domestic Violence (Crime and Control) Act, 2009: The objective of the act is to prevent and manage violence within families, punishing perpetrators and offering protection for victims. Individuals can file written or verbal

complaints with the Police Office, National Women Commission, or local bodies, detailing the incident. Perpetrators may face punishment and be required to cover the victim's treatment expenses and provide compensation. The Nepalese government establishes service centers to provide immediate protection and separate accommodation for victims undergoing treatment.

Right to Safe Motherhood and Reproductive Health Act, 2018: This act aims to prevent and manage violence within families, punish offenders, and protect victims. Complaints can be made to the Police Office, National Women Commission, or local bodies through written or verbal means, specifying the incident details. Perpetrators may be penalized and obligated to cover the victim's treatment costs while providing compensation. The Nepalese government sets up service centers for immediate protection and separate accommodation during victim treatment.

Caste-based Discrimination and Untouchability Act, 2011: Enacted in 2011, this law prohibits discrimination based on factors such as caste, race, and gender. Dalit women, in particular, are identified as especially vulnerable.

Witchcraft - related Accusation (Crime and Punishment) Act, 2014: Criminalizing accusations of witchcraft, this law aims to prevent cruel, inhumane, or degrading treatment of the accused. Convicted individuals face a jail term of three to ten years and a fine of 50,000 NPR. The law incorporates third-party complaint mechanisms for cases where the victim is unable to complain, requiring ranking police officers to investigate.

The Sexual Harassment at Workplace (Elimination) Act, 2014: This act mandates that no one should be subjected to sexual harassment in the workplace. It provides definitions, scope, and measures for enforcement and remedies.

What acts are considered to constitute sexual harassment?

- a) Making physical contact or attempting to make physical contact with sexual motives.
- b) Using or displaying words, pictures, magazines, audio, visuals, other information technology, instruments, objects or pornographic materials or sexual activities.
- c) Expressing sexual motives by way of written, verbal, or gesture means.
- d) Demanding or proposing for sexual favors.
- e) Teasing or harassing with sexual motives [4].

Under Section 19, the Sexual Harassment Act allows individuals to seek legal remedies as permitted by the laws of the country. This means that victims of sexual violence can take their case to the District Court under No. 224 of the Criminal Code (2017), or file a FIR with the police under Section 47 of the Electronic Transaction Act if the harassment occurs through electronic communication.

Act on Rights of Persons with Disabilities, 2074: Act on Rights of Persons with Disabilities, 2074 does not define “discrimination on the basis of disability” in the definition section. The terminology is mentioned in the explanation of the rights of persons with disabilities. However, in the explanation of Article 8, it is mentioned that “refusal of appropriate suitability also indicates discrimination” but no suitable suitability has been defined.

Article 2 of the Convention on the Rights of Persons with Disabilities in 2006 emphasizes the provision of “appropriate adaptation” to individuals with disabilities, ensuring it is provided under reasonable circumstances without imposing an undue burden. This is crucial for the equal exercise of human rights and fundamental freedoms, aligning with the principles of the Convention. The Act should explicitly define the term “appropriate suitability.”

Furthermore, Article 8 addresses the right against discrimination but lacks mention of potential discrimination between men and women with disabilities. It is recommended to include explicit clauses in Article 8 to prohibit discrimination based on gender, consistent with the principles outlined in Article 3 of the Convention.

The Rules on the Rights of Persons with Disabilities, 2077, appear focused on severe and complete disability, potentially leading to questions or reductions in existing service facilities for persons with disabilities. Therefore, reconsideration of these regulations is advised. Additionally, provisions related to community services, social security, free education, sports, tax exemptions, concessions, etc., should be revisited to align with the Act’s spirit. Amendments to questioned provisions are deemed necessary to maintain continuity in services for persons with disabilities.

Right of Persons with Disability Act 2017 mainstreams mental or psychosocial disability in the cross-disability momentum. But in Nepal, people experienced with mental health and psychosocial issues face social stigma in their lifetime, including being legally restricted in political participation realizing that disability is a barrier rather than impairment.

Analysis

A thorough analysis focused on a specific theme has been conducted, and the specific details of the findings are outlined below. Our research has revealed that individuals with disabilities and other sources have gained insights into violence through personal experiences. This underscores the link between women with disabilities and violence against women (VAW). However, restricted access to information has resulted in a lack of justice. NGOs and INGOs have been advocating for persons with disabilities, but additional support is needed. With Nepal's adoption of federalism in governance, local authorities should collaborate with private organizations and institutions to conduct awareness campaigns for individuals with disabilities. Our research indicates that many respondents are cognizant of VAW due to personal experiences but encounter challenges in accessing justice. Providing training and workshops utilizing the case studies presented in our research can empower women with disabilities to be better informed and capable of accessing the justice they deserve.

6.1. Lack of Intersectionality Lens

In Nepal, there is a noticeable lack of intersectionality in how individuals with disabilities are perceived. Whether in the legal framework or in daily life, the broader community tends to employ a generalized approach when interacting with persons with disabilities, assuming they lack capacity for social functioning and economic participation. This absence of intersectionality results in individuals with disabilities often being categorized under broader rights frameworks, such as women's rights or other human rights within the constitution.

6.2. Power, privilege and Social Justice

Social identity refers to an individual's self-conception based on their social group affiliations, providing a sense of belonging. These groups may include but are not limited to:

- a) Race
- b) Gender and sexual and gender identity
- c) Age
- d) Religion
- e) Social class
- f) Memberships in different organizations/clubs
- g) International and multiple approach

Power refers to the ability to influence and make decisions that impact others, while privilege encompasses the advantages and benefits individuals receive based on their belonging to specific social groups. These privileges often stem from systemic discrimination and the exclusion of other social groups. Social justice involves collaborative efforts with others to advocate for equality, fairness, respect, and the protection of rights within and among communities and social groups.

Our identity is a complex interplay of various factors, including race, gender, socioeconomic status, physical appearance, cultural background, beliefs, traditions, and biases. These elements shape how society perceives and treats us, influencing our interactions with others and our environment. Social justice is vital as it enables us to value and learn from diverse experiences and perspectives. It contributes to building a stronger community, fostering positive change in areas such as education, healthcare, and the criminal justice system, ultimately improving various aspects of our daily lives.

6.3. Role of CSO organizations and private institutions in advocacy and sensitizing the issue of VAW and Women with Disabilities

The research revealed the pivotal role played by Civil Society organizations and private institutions, including NGOs and INGOs, in addressing the issues of violence against women (VAW) and women with disabilities. However, a noticeable gap was observed in terms of government involvement or support for raising awareness about these critical issues. Consequently, it is recommended that the Government of Nepal collaborates closely with NGOs and INGOs, acknowledging their substantial contribution in advocating for and promoting awareness regarding VAW and women with disabilities. This collaborative approach can enhance the effectiveness of initiatives aimed at addressing these issues on a broader scale.

The research findings indicate that individuals with disabilities, along with other sources, have acquired knowledge about violence through personal experiences, emphasizing the link between women with disabilities and violence against women (VAW). However, limited access to information results in lack of justice. While NGOs and INGOs advocate for persons with disabilities, there is a need for additional support. Given Nepal's transition to federalism governance, local authorities should collaborate with private organizations and institutions to conduct awareness campaigns for individuals with disabilities.

6.4. Conflicting support system to Women with Disabilities due to lack of sensitization

A significant observation is the fear and potential shame within the support system for women with disabilities, hindering them from pursuing legal action. Despite the diverse and severe nature of disabilities among women and girls, there is a lack of disability-friendly infrastructure, behavior, and environments, exposing them to increased vulnerability to violence with no assurance of justice.

To address this issue, it is recommended to conduct legal awareness workshops focusing on the legal capacity concept, support mechanisms, and decision-making processes for the support systems of women with disabilities. Additionally, integrating more awareness and advocacy, ICT materials and workshops into the education curriculum can prove beneficial in fostering a more inclusive and supportive environment.

6.5. Experience Shaping Emotional Quotient of Women with Disabilities

The analysis underscores that emotional trauma and abuse extend beyond individual experiences, pointing to a systemic problem requiring immediate attention. The prevalence of emotional trauma suggests its deep-rooted nature in societal structures, relationships, or institutions, indicating a need for comprehensive intervention. The systemic issue may involve the normalization of harmful behaviors, revealing gaps in awareness and understanding. Societal norms and cultural practices may inadvertently contribute to the perpetuation of emotional trauma, necessitating a focus on both individual cases and underlying factors allowing such abuse to persist.

Moreover, the systemic nature of emotional trauma reveals potential deficiencies in support systems and resources, such as mental health services, education programs, or legal support. This analysis prompts a thorough examination of existing structures to identify areas for systemic improvements. Addressing this issue requires a multi-faceted approach, involving educational initiatives, policy reforms, and enhanced mental health support services. Interventions should not only treat individual cases but also aim to prevent the broader perpetuation of emotional trauma.

In conclusion, recognizing emotional trauma as a systemic issue emphasizes the need for collective action to address root causes, raise awareness, and

implement effective interventions. Understanding the broader context enables society to work towards creating a safer and more supportive environment for individuals affected by emotional trauma.

6.7. Patriarchal Expectations and Financial Dependence

The intertwining of patriarchal expectations and financial dependence creates a deeply entrenched power dynamic that hinders the pursuit of justice for women with disabilities. Patriarchal expectations often reinforce traditional gender roles, where men are seen as primary breadwinners and decision-makers, while women are confined to domestic roles. This societal framework limits women's economic autonomy, especially for women with disabilities facing challenges in education and employment. This imbalance becomes a significant barrier when these women seek justice, as financial dependence on male family members may compromise their ability to report abuse or discrimination.

This unjust power dynamic manifests when fear of economic reprisals, such as the withdrawal of financial support, deters women with disabilities from taking legal action or seeking assistance. This interplay of patriarchal expectations and financial dependence silences their voices and perpetuates a cycle of dependence, undermining their agency and hindering their pursuit of justice within existing legal and societal frameworks.

To address these challenges, a comprehensive approach is needed to dismantle patriarchal norms and empower women with disabilities economically. Initiatives promoting financial independence, accessible education, and employment opportunities can disrupt the cycle of financial dependence, providing the resources and autonomy needed to assert their rights and seek justice without fear of economic repercussions. Additionally, legal and policy reforms should recognize and address the intersectionality of gender and disability, making the justice system more inclusive and supportive for women facing these complex challenges.

6.8. Role of Emotional Support in Accessing Justice

The role of emotional support in the pursuit of justice is crucial, especially for women with disabilities facing unique challenges. Access to justice extends beyond legal matters, encompassing emotional well-being, empowerment, and the ability to navigate a complex legal system. Without sufficient emotional support, women with disabilities may feel heightened vulnerability, isolation,

or fear when engaging with the justice system. Trauma resulting from violence or discrimination can exacerbate these challenges, emphasizing the need for a support system that understands their unique needs and offers empathetic assistance throughout the legal process.

Inadequate emotional support can directly impact the willingness of women with disabilities to report incidents, testify, or actively participate in legal proceedings. The fear of traumatization or not being believed can discourage individuals from seeking justice, perpetuating a cycle of silence and denial. Recognizing the intersectionality of gender and disability, it becomes imperative for legal and support structures to integrate emotional well-being as an integral part of the justice-seeking process. Establishing a network of trained professionals, counselors, or support groups familiar with the specific challenges faced by women with disabilities can significantly empower them to navigate the legal system, share their experiences, and pursue justice without fear of emotional distress or isolation. In essence, emotional support is not peripheral but a fundamental component that can either facilitate or hinder the attainment of justice for women with disabilities.

6.9. Impact of Emotional Support on Legal Action

The impact of emotional support on legal action reveals a complex dynamic that can unintentionally perpetuate injustice, especially when individuals are dissuaded from seeking legal recourse. While emotional support systems are crucial for well-being, they may inadvertently discourage women with disabilities from pursuing legal avenues for various reasons. Well-meaning friends, family, or support networks might discourage legal action out of concern for the emotional well-being of women with disabilities, prioritizing notions of closure or avoidance of additional trauma over seeking justice through legal means. This unintentional discouragement can contribute to a system where perpetrators may go unpunished, and women with disabilities are denied the opportunity for legal redress.

Additionally, societal expectations and stereotypes surrounding the disclosure of traumatic experiences can further complicate the impact of emotional support on legal action. Women with disabilities may internalize these expectations, fearing judgment, disbelief, or secondary victimization if they choose to pursue legal avenues. In this way, the emotional support system can inadvertently become a barrier to justice, reinforcing broader societal structures that enable violence to persist. Recognizing and addressing this

complex interplay is essential for creating a support system that prioritizes emotional well-being while also empowering women with disabilities to make informed choices about pursuing legal action without fear of isolation or judgment. The challenge lies in striking a balance between emotional support and ensuring that women with disabilities are aware of their rights and have the agency to seek legal redress if they choose to do so.

6.10. Lack of Trust in Justice System

Negative perceptions regarding the justice system can have far-reaching consequences, leading to a profound erosion of trust and an increased likelihood of underreporting cases. When individuals, particularly survivors such as women with disabilities, perceive the justice system as unsupportive, inaccessible, or biased, they may be hesitant to come forward with their experiences. This reluctance to engage with the legal system arises from a lack of confidence that their grievances will be taken seriously, or that they will encounter empathy and understanding. Consequently, a cycle of underreporting emerges, perpetuating a systemic issue where instances of injustice go unaddressed, and perpetrators remain unchecked. Rebuilding trust in the justice system requires not only structural reforms to ensure fairness and accessibility but also proactive efforts to address and rectify negative perceptions. Creating an environment where women with disabilities feel empowered to seek justice without fear of retribution or dismissal is essential in breaking this cycle of distrust and underreporting.

6.11. Barriers to Accessing Justice

The intersectionality of gender and disability presents a complex set of challenges that significantly hinder women with disabilities in effectively accessing justice. The unique experiences of these women are often overlooked as they navigate a legal landscape that may not consider the specific intersection of their identities. Barriers manifest at various levels, including societal attitudes, institutional accessibility, and legal frameworks. Women with disabilities may face discrimination, prejudice, or a lack of understanding within the broader community and the justice system. Additionally, physical obstacles, like inaccessible infrastructure and communication gaps, can further marginalize these individuals, making it difficult for them to report incidents, access legal information, or participate fully in legal proceedings. The complexity of these challenges emphasizes the pressing need for a comprehensive approach that recognizes and addresses the intersectionality of gender and disability, ensuring equitable access to justice for all women.

Several challenges exacerbate the situation, including inaccessible physical infrastructures, lack of Sign Language Interpreters, lack of supportive decision making system, inadequate knowledge of disability among service providers, etc. preventing individuals with disabilities from engaging in conversations, hindering their ability to report independently. Moreover, the reliance on others to gather evidence poses a challenge, as does their limited access to quality education, restricting their knowledge of legal matters. These challenges extend beyond those mentioned here, contributing to the difficulty for women with disabilities to access justice. Furthermore, the lack of quality education impedes their access to better job opportunities. Consequently, due to a dearth of basic necessities and services, women with disabilities face multiple layers of violence without adequate access to justice.

Conclusion and Recommendations

The evidence presented in this report has provided a comprehensive understanding of the barriers faced by women with disabilities within the justice system. Despite various reforms aimed at making Nepal's constitution more inclusive, women with disabilities encounter significant challenges in accessing justice related to violence against women.

Multiple barriers, including limited access to education, knowledge, information, and insufficient awareness about violence against women (VAW), have further marginalized women with disabilities, hindering their access to justice. The compounded impact of these barriers is exacerbated by the intersecting patriarchal norms in Nepal, along with societal norms and community perceptions, making it nearly impossible for these women to access justice.

Moreover, the study reveals that the justice system, including its actors and existing laws and policies, lacks inclusivity. There is a notable absence of laws recognizing various degrees of disability. Informants highlighted the diversity of disabilities, emphasizing that each one is unique. The absence of policies or guidelines specifically addressing these disabilities hampers women with disabilities from gathering evidence or validating their cases. The women's cell, One-Stop Crisis Management Center (OCMC), legal system, police, NGOs, and CSOs all require additional learning and training on how to effectively engage with individuals experiencing different degrees of disabilities.

Recognizing the potential for gender-based violence and sexual harassment

against women and girls with disabilities, often justified under the guise of personal care and daily support services, it is crucial for local governments and the justice system to establish trained focal points. These points should be responsible for providing disability and gender-sensitive services, including facilitating easy complaint filing, ensuring access to justice, and enhancing disability-related knowledge through a managed database system tracking the provision of services and the need for continuous counseling.

Hence the recommendations are:

Government/Stakeholders

1. Increase understanding of experiences of violence amongst women with disabilities in Nepal. For example – through frequent orientation/sensitization to the government officials of all three tiers of government, IEC materials, dialogues, advocacy, etc.
2. Ensure the meaningful participation and inclusion of women with disabilities in plan, policy and programme related to Gender Based Violence.
3. Advocate for rights-based approach among women with disabilities in Nepal, promoting rights of women and women with disabilities within families, communities, schools, institutions, and duty bearers.
4. Develop a standard protocol and implement it on all responsible bodies regarding case management of GBV cases in regards to different types of disabilities.
5. Establish accessible monitoring and reporting mechanisms to detect, prevent, and combat all forms of violence, including sexual violence, against women with disabilities.
6. Ensure physical accessibility to courts and other infrastructures based on the Universal Design to meet the needs of persons with disabilities.
7. (for reference - Mobility, Universal Design, Health, and Place, Health and Places Initiatives, Harvard University, 2015; https://research.gsd.harvard.edu/hapi/files/2015/11/HAPI_ResearchBrief_UniversalDesign-112315.pdf)
8. Establish proper database management system based on SADDD

(Sex, Age, Disability Disaggregated Data) and develop plans, policies and implementation strategies based on it.

9. Ensure effective protection, rescue, and rehabilitation of survivors of such incidents through a fast-track mechanism.
10. Arrange assistive services, for e.g. sign language interpreters, information available in braille and easy to read format, audio-visuals, personal attendant in the premises.
11. Utilize the Gender-Based Violence Elimination Fund to cover the costs of transportation for women with disabilities to attend complaint registration processes, health check-ups, treatment, follow-up, etc.
12. Sensitize judicial bodies such as courts, police, and judicial structure committees and make them responsible and accountable regarding VAWG with disabilities.
13. Lawyers need to be more sensitive and handle the case accordingly. This could be done by including disability in curriculum or training on disability and legal capacity.
14. Ensure implementation of the Fast Track Courts to provide justice to women and girls with disabilities.
15. Given women with disabilities are present across all castes, races, religions, genders, and geographic locations, it is imperative to guarantee their involvement and representation in politics and the public sphere from an interdisciplinary and intersectional perspective.
16. Develop livelihood programs focusing on rehabilitation and economic empowerment of survivors.

Police

1. Establish proper database management system based on SADDD (Sex, Age, and Disability Disaggregated Data) and develop protocol to deal cases with different types of disability.
2. Ensure accessible reporting mechanisms. For example, reporting through SMS/messaging, reporting via supportive decision making process, and accessible website.
3. Ensure sensitization and conduct of the staff regarding disability and

disability rights, during reporting, investigation and dealing with case as a whole. This can also be done by incorporating disability in the curriculum of National Police Academy.

4. Build disability accessible infrastructures. Arrange assistive services, for e.g. sign language interpreters, information available in braille and easy to read format, audio-visuals, personal attendant in the premises.
5. Collaborate with OPDs for better understanding of disability related cases and case handling.

I/NGOs/Civil Society Organizations

1. Provide training and workshops utilizing case studies to inform women with disabilities of their rights and enhance their ability to access justice.
2. Advocate for the rights of women with disabilities, raising awareness among families, communities, schools, and institutions.
3. Work in close coordination with the service providers such as police, lawyers, OCMC representatives and OPDs.
4. Provide awareness raising and support to family members of women with disabilities, as they are often the emotional support system for these women.
5. Plans and policies of organizations need to be disability inclusive. Eg: ensure meaningful participation and representation during planning and policy making process, accessible documentation, inclusive implementation strategy, disability inclusive organizational guideline.
6. Ensure organizational database based on SADDD.
7. Development of IEC materials in disability friendly format.
8. Ensure sensitization and conduct of the staff regarding disability.
9. Development partners should partner with OPDs, esp. women led or those working on women and girls with disabilities, on GBV focused programmes, in terms of flexible, long term funding, co-funding strategy, coalition development, etc.

ANNEX

The Key Interviews list has been listed below in the table:

Participants	Number
Women and Girls with Disability	20
Municipality Deputy Mayor	1
Justice Committee Members	2
Women Division Officials	2
Social Division Officials	1
Legal Officials - Advocate, Registrar, District Bar	6
Police Officials	2
Women Cell Officials	2
OCMC	2
CSOs	2
OPDs	2
Medial Personnel	2
Total	44

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