Indigenous Women and Girls with Disabilities in Nepal:

A Brief Overview



National Indigenous Disabled Women Association-Nepal (NIDWAN)

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"Accepting and celebrating the diversity is the core value of inclusion"

Lack of data, information, research on Indigenous peoples and women with disabilities have always remained one of the most challenging and open realities. After two decades of working on Indigenous peoples and peoples with disabilities issues, I have realized its importance at local to global level. Hence, this is an important attempt of NIDWAN to come up with Indigenous women and girls with disabilities in Nepal: A Brief Overview. This overview provides the existing information, issues and major barriers faced by the indigenous peoples/women with disabilities in Nepalese context in a compiled form. Hence, it will be one of the first brief documents with the information and situation of indigenous peoples/women with disabilities. The overview highlights the voices of one of the voiceless groups, i.e., indigenous women with disabilities, who have been historically, structurally marginalized, and remained invisible, and unnoticed falling in the lowest hierarchy of the social spectrum. As indigenous women with disabilities, we face multiple forms of discrimination, marginalization, social exclusion in our day-to-day lives due to our multiple and intersecting identities which are our realities of our day-to-day struggles. But these realities and struggles have never been part of discussion and documentation in the wider social movement and discourse. Therefore, it is crucial to reflect and sensitize these lived realities and experiences of the most marginalized groups among all right-holders, duty-bearers, development partners, and other stakeholders to ensure the human rights of All.

I am proud that NIDWAN has been contributing and supporting to raise the voices of young indigenous women with disabilities' issues, concerns, and rights at all levels with the support of all right-holders, partners, leaders and experts, executive board members, advisory team members, and staff. This is just the beginning, the journey has to go a long way to ensure the rights and recognition of the indigenous peoples, indigenous women, and indigenous peoples/women with disabilities, in which the support and cooperation of rights-holders, stakeholders, including allies, experts, and researchers are crucial, who have been consistently raising the voices against exclusion, and ensuring the rights of indigenous peoples, women, indigenous women, indigenous peoples/women with disabilities and persons with disabilities.

In this regard, I would like to acknowledge the contribution of all the peoples who have directly assisted for this collective cause and would like to pay gratitude especially to Ms. Heema Rai, Ms. Pranika Koyu, Dr. Shree Kumar Maharjan (advisory member of NIDWAN) and NIDWAN staff for making this document rich with information and technically supporting us. I would like to thank AIPP and DRAF for the support and inspirational work and hope this work serves to inspire other organizations and stakeholders to build solidarity and collaboration across indigenous, women, and disability movements in Nepal and the World.

Ms. Pratima Gurung

President, National Indigenous Disabled Women Association - Nepal (NIDWAN)

Table of Contents

1. Indigenous peoples and Indigenous peoples with disabilities globally **1**

1.1 Indigenous peoples in Nepal 1

1.2 Person with disabilities 2

1.3 Indigenous Peoples and women and girls with disabilities 2

2. Intersectionality **4**

3. Major barriers faced by Indigenous peoples/women with disabilities **5**

3.1 Lack of awareness on intersectional, indirect and structural discriminations 5

3.2 Lack of access to basic services 6

3.3 Lack of awareness on disability services 6

3.4 Lack of meaningful participation and representation 7

3.5 Lack of data, information, invisibility and exclusion 7

3.6 Access to natural resources 8

3.7 Right to education: 9

3.8 Right to employment 9

3.9 Access to justice 10

3.10 Right to sexual health and reproductive 11

3.11 Violence against Indigenous women with disabilities 11

4. Climate change impacts and barriers **12**

5. Covid-19 Impacts **13**

6. Current Policies **15**

1. Indigenous peoples and Indigenous peoples with disabilities globally

It is estimated that more than 370 million indigenous peoples (IPs) are spread across 70 countries worldwide[1]. They make up 15% of the world's poor and one third of the world's 900 million extremely poor rural people, and 19% of the world's poor.[2] Indigenous women's organizations estimate that approximately 50% or about 238 million are Indigenous women globally.[3] The World Report on Disability 2011 estimates that 15% of the world's population has a disability[2]. There are about 54 million Indigenous peoples with disabilities[4], and 28 million Indigenous women are estimated to have disabilities.[5] About 45 million Indigenous peoples with disabilities live in the Asia Pacific regions.[6] IPs through continued practice of their unique traditions with distinct social, cultural, economic and political characteristics from those of dominant societies with who they co-exist.

1.1 Indigenous peoples in Nepal

The National Foundation for Development of Indigenous Nationalities (NFDIN) Act 2002 defines Indigenous Nationalities as distinct communities having their own mother tongues, traditional cultures, written and unwritten histories, traditional homeland and geographical areas, with egalitarian social structures. IPs of Nepal comprise 35.81% of the country's total population (about 8.5 million out of 26 million) and speak 123 different indigenous languages and have distinct cultures, and belief systems. Altogether 59 indigenous communities have been officially and legally recognized by the Government of Nepal (GoN) and there are more IPs struggling for the official recognition. Although IPs constitute a significant proportion of the population, they continue to experience political, economic, social and cultural marginalization preventing them from enjoying basic human rights and fundamental freedom since the time political homogenization began by the rulers of different times, notably the Shah Dynasty of Nepal. They have

[1] https://www.un.org/esa/socdev/unpfii/documents/5session_factsheet1.pdf

[2] UNDESA 2009. State of the World's Indigenous Peoples, First Volume. https://wedocs.unep.org/bitstream/handle/20.500.11822/8515/State _World_Indigenous_Peoples.pdf?sequence=3&isAllowed=y

[3] Asia Indigenous Peoples Pact. 2014. Indigenous Women and Climate Change. http://ccmin.aippnet.org/attachments/article/1250/AIPP_CC_IP_Womenpercentpercent20Final-T-J.pdf at p1

[4] United Nations Permanent Forum on Indigenous Issues UNPFII, 2013. Study on the situation of indigenous persons with disabilities, with a particular focus on challenges faced with regard to the full enjoyment of human rights and inclusion in development, E/C.19/2013/6, February 2013

[5] UN Women Fact Sheet on Indigenous Women with Disabilities, 2020, available in https://www.unwomen.org/-/media/headquarters/attachments/sections/library/publications/2020fact-sheet-on-indigenous-women-with-disabilities-en.pdf?la=en &vs=5640

[6] Asia Pacific Declaration on the Rights of Indigenous People with Disabilities, 2015. First Gathering of Indigenous People with Disabilities from Asia and Pacific Region.

been continuously socially excluded and exploited in their own land, territories, resources[7] , language, culture, customary laws, and on political and economic opportunities resulting in their absence in State mechanisms that has mechanized the systemic violation of human rights. Many of their traditional lands, languages, territories, self- governing systems and collective way of life have been lost due to Hindu-dominated[8] political, cultural, social, and religious ideology and are often forced to assimilate.

1.2 Person with disabilities

The 2011 National Census reports that 1.94% of the total population of Nepal has some kind of disability[9], whereas the National Living Standard Survey Report (NLSS) 2011 stated 3.6% of the population has disability, however, both figures are quite low compared to the global disability rate of 15%.[4] This is a clear indication that data on population of people with disabilities is inaccurate. Persons with disabilities are classified into ten categories by the GoN, which includes physical disability, visually impaired, deaf, speech impairment, deaf and blind, intellectual, psychosocial, autism, hemophilia and multiple disability. Based on the severity of these ten identified disabilities, four colour coded disability cards are issued to people with disabilities which indicate whether their disability condition is profound, severe, moderate or mild. Red card is for profound disability, blue card for severe disability, yellow for moderate disability, and white card is for mild disability.[10]

1.3 Indigenous Peoples, women and girls with disabilities

Number of organizations working on Indigenous Peoples with Disabilities in Nepal claim that there are 1.3 million Indigenous Peoples with Disabilities[11] which further increased after April and May 2015 earthquakes in Nepal.[12] There are many contributing factors placing IPs at the higher rates and risk of disability and these factors are not limited to their greater level of poverty, lower living standards,

[7] Country Technical Notes on IPs' Issues Federal Democratic Republic of Nepal 2012, IFAD and AIPP which mentions that the constitution, laws, rules and regulations have always been predatory to indigenous peoples. In the past, discriminatory land tenure systems such as the Birta and Jagir allowed the dominant caste, i.e. the Bahun-Chhetris, to own and control lands of indigenous peoples.

[8] ibid. IFAD and AIPP 2012, which mentions IPs began to lose their ancestral lands with the territorial unification of Nepal in 1769 through land tenure systems such as Birtaa and Jagir, and because of nationalization of the forests and the creation of national parks, wildlife reserves, protected land and community forest programs. Currently, personal land-holding by IPs is low compared with the dominant caste groups.

[9] Central Bureau of Statistics. CBS 2011

[10] https://nfdn.org.np/disability-resources/identification/disability-card

[11] NIDWAN et.al, 2018. The Rights of Indigenous Persons with Disabilities in Nepal, submitted to The Committee on the Rights of Persons with Disabilities. 19th Session of CRPD find in https://www.indigenouspeoples-sdg.org/index.php/english/all- resources/resource-materials2/reportsand-publications/75-indigenous-people.

poor quality of prevention and lack of suitable rehabilitation services, increased exposure to environmental degradation, climate change impacts, natural and other disasters, conflict and higher rate of being victim of violence (including sexual violence and rape), dangerous working conditions and accidents including foreign employment and higher rates of illiteracy, inadequate nutritional level, lower immunization coverage, higher unemployment and underemployment rates and lower mobility.[12] Despite of higher rates of disability among indigenous communities, there is an under-reporting of disability, and very little or no attention is paid to the issue.[13]

There are about 700,000 Indigenous Women and Girls with Disabilities[14] in Nepal and they represent the most marginalized population within the marginalized population that is fraught with complexity.

> *"Most often we are left in our own constituencies, we remain voiceless and there remains existing inequalities. Most often the word "justice" is not made and has no meaning for us as indigenous peoples and women with disabilities."* (Pratima Gurung, World Indigenous Peoples Day August 9, 2021)[15]

Studies in many countries reflect that disability rates are higher among women and also among Indigenous women and girls[16] because they face gender discrimination, poverty, malnutrition, violence, work pressure and disproportionate care burdens[17] including lack of access to sexual and reproductive health services, exposure to violence and harmful practices, and

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[12] Disability Rights Holistic Monitoring Report 2013 National Federation of the Disabled-Nepal

[13] The Expert Meeting organized by ILO and OHCHR held in 2016, Geneva See http://www.ohchr.org/EN/Issues /Disability/SR Disabilities/Pages/IPDisabilities.aspx

[14] NIDWAN, 2020, et al, Statement on the Impact of the Global COVID-19 Pandemic on Persons with Disabilities from Minority, Indigenous and other Marginalised Communities, 2020. https://minorityrights.org/2020/04/27/statement-covid-19-pandemic-on-persons-with-disabilities-from-minority-indigenous-communities/

[15] NIDWAN's Webinar on World Indigenous Peoples Day 2021, The Covid19 Impact on Indigenous Peoples with Disabilities and their inclusion and meaningful participation at all levels, 2August 2021.

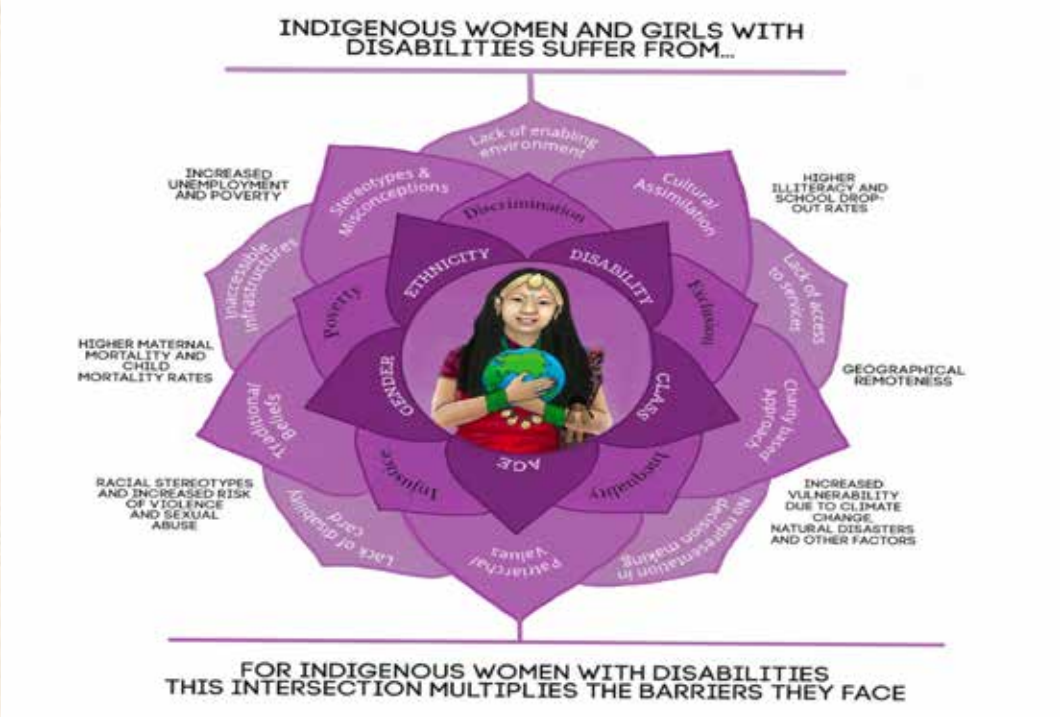
[16] Burlock, Amanda (29 May 2017). "Women with disabilities" Statistics Canada website [Retrieved 2 April 2018]. https://www.statcan.gc.ca/pub/89-503-x/2015001/article/14695-eng.htm; Australian Bureau of Statistics (2016) National Aboriginal and Torres Strait Islander Social Survey, 2014-15. Canberra. Cited in: Australian Indigenous Health Info Net (2015). "Summary of Aboriginal and Torres Straight Islander Health," http://www.healthinfonet.ecu.edu.au/health-facts/summary

[17] WHO (World Health Organization). 2017a. "Gender and women's mental health." http://www.who.int/mental_health/prevention/genderwomen/en/ WHO (2017). "Mental disorders." http://www.who.int/mediacentre/factsheets/fs396/en/

male-centered household distribution of resources[18] and depression and anxiety.[19] Nepal is no exception going through the telling of various related anecdotal evidences. Indigenous Women with disabilities live in the intersections of different identities and different issues that are interrelated and intersected.

2. Intersectionality

Indigenous women and girls with disabilities have a distinct identity as 'women', 'indigenous women', 'woman with disability' and as 'indigenous woman/girl with disability' with multiple other identities that overlap, intersect, aggravate, and generate compounding forms of discrimination, social exclusion and marginalization. This rooted discrimination impacts in the lifetime of an individual and across generations, that perpetuates a cycle of disadvantages and violations of their rights situating them in the lowest hierarchy in society. Indigenous women and girls with disabilities have remained invisible within the women rights, disability rights, indigenous rights related discussions and within state mechanisms,[20] and thus continue to be voiceless in all spheres of lives.



[18] UN Women (2017). "Issue brief: Making the SDGs count for women and girls with disabilities." http://www.unwomen.org/-/media/headquarters/attachments/sections/libra ry/publications/2017/making-sdgs-count-for-women-with-disabilities.pdf?la =en&vs=2823

[19] Astbury, J. (2001). "Gender disparities in mental health," Mental health. Ministerial Round Tables 2001, 54th World Health Assembly, 2001. Geneva: WHO. Cited in: UN Women (2017). "Issue brief: Making the SDGs count for women and girls with disabilities."
http://www.unwomen.org/-/media/headquarters/attachments/sections/library/publications/2017/making-sdgs-count-for-women-with-disabilities.pdf?la=en&vs=2823

[20]Gurung, Pratima. 2021. COVID 19 in Nepal: The Impact on Indigenous Peoples and Persons with Disabilities, 2021, Disability and the Global South, Vol.8, No. 1, 1910-1922, available at https://asksource.info/resources/covid-19-nepal-impact-indigenous-peoples-and-persons-disabilities

"When women and girls with disabilities are treated as a unique homogenous group, their individual needs, capacities and vulnerabilities are assumed to be the same, while in reality there is a massive heterogeneity as their needs are diverse and distinct. When it comes to addressing these complex needs, the nuance is often left out and they are framed in a singular approach," says Pratima Gurung.[21] Recognizing the individual woman with disability by ensuring their individual and collective rights is key, which will allow them to challenge the lack of policy implementation, tackle societal ableism, and subsequently improve data collection to recognize their intersectional needs.[22]

> *"The general public realizes only a single factor of exclusion, what is presented, like if a woman is disabled. If she has a severe disability then her disability is reflected and focused. If they can't see her disability, then may be her gender is reflected, but not the other factors like poverty, caste, age, ethnicity, geographical location, education, awareness about the legal procedures, her language or culture. These are the reasons for exclusion and the impacts of these exclusions are not fully debated and acknowledged."[23] Pratima Gurung, UNDP-Nepal Report, 2016.*

They face prevailing stereotypes, structural factors and discrimination, historical discrimination based on a single/monolithic language, religion, culture practices, system and have been forced to leave their own land, territories, natural resources in different timelines of Nepal's history.

3. Major barriers faced by Indigenous peoples/women with disabilities

3.1 Lack of awareness on intersectional, indirect and structural discriminations

Many Indigenous women and girls with disabilities are unaware about the marginalization and discrimination they face due to their multiple and intersecting identities that combine and intensify in a unique and disadvantaged status which is less debated and documented in public debate in disability, indigenous and women constituencies. Indigenous women face historical discrimination embedded in different State structures that strengthen structural discrimination. Impacts of these discriminations are indirect and systematic which many

[21] https://www.preventionweb.net/blog/pratima-gurung-all-too-often-indigenous-women-disabilities-are-invisible?fbclid=IwAR0W-TcJ8DHixlGpzeDaEufFZlLSfa5lZpGx3XeSqS8EA3-MmuLlr1yMtIY

[22] Towards Disability Transformative Early Warning Systems: Barriers, Challenges and Opportunities. Practical Action. https://practicalaction.org/knowledge-centre/resources/towards-disability-transformative-early-warning-systems-barriers-challenges-and-opportunities/

[23] UNDP, 2016 Disaster, Disability, & Difference. Social Science Baha. https://www.np.undp.org/content/nepal/en/home/library/gender-equality-and-social-inclusion/disaster-disability-difference-PWDs-post-quake2016.html

indigenous women with disabilities are neither informed nor aware of.[24] There is a minimal understanding of an interplay between the nexus of multiple identities and its intersections among local Civil Society Organizations (CSO)s who see these issues as separate.[25] Therefore, indigenous women so far have not been defined as legal entities[26] equal to other women.

3.2 Lack of access to basic services

IPs and women and girls with disabilities in Nepal face major barriers to access even the basic services related to basic human needs such as food, water, sanitation, mobility, health, and education. Poverty is one of such factors that stops them from accessing such services. Only 45% of both indigenous women and men with disabilities' monthly income is under 5000 NPR (USD 42).[27] Indigenous women with disabilities have limited access to comprehensive health and rehabilitation services particularly in rural and remote areas and have more health problems, a higher proportion with poor physical and mental health, lower well-being, and less access to health information as compared to their non-disabled peers.[28] The National report indicates that 81% indigenous peoples with disabilities have poor access to public facilities in comparison to other.[29]

3.3 Lack of awareness on disability services

Disability card allows various discounts, subsidies and social protection measures[30] but only 64% Indigenous peoples with disabilities have received disability card and most family members are unaware about the disability card and services that are available. Most of them lack exposure in public forums, most information is not in their native language and do not know the process and face challenges in acquiring identification cards and access to resources.[31]

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[24] https://www.preventionweb.net/blog/pratima-gurung-all-too-often-indigenous-women-disabilities-are-invisible?fbclid=IwAR0W-TcJ8DHixlGpzeDaEufFZlLSfa5lZpGx3XeSqS8EA3-MmuLlr1yMtIY

[25] Handicap International. 2020. Rapid Need Assessment - An inclusive response to COVID-19 in Nepal.

[26] Situation of Indigenous Women with Disabilities in Nepal, To The Committee on the Elimination of All Forms of Discrimination Against Women CEDAW on GR on Indigenous Women and Girls,79th Session, Geneva, 18th June 2021

[27] World Food Program (WFP), 2021 A Study on Access to Food of Indigenous Peoples with Disabilities in Nepal, WFP Report, Nepal.

[28] Institute of Development Studies (IDS). Disability Inclusive Development Nepal Situational Analysis June 2020 update. 2021. https://opendocs.ids.ac.uk/opendocs/bitstream/handle/20.500.12413/15510/DID%20Nepal%20SITAN_June%202020.pdf?sequence=1

[29] LAHURNIP, 2014. A study on the socio-economic status of Indigenous Peoples in Nepal, LAHURNIP, Kathmandu.

[30] Holmes, R., Samuels, F., Ghimire, A., & Thewissen, S. (2018). Nepal's cash allowances for children with disabilities. ODI.

[31] Lawyers Association for Human Rights of Nepalese Indigenous Peoples Annual Report, 2015, P.45

Parents of an Indigenous girl with disability shared that even though they wanted to get service for her, they *"don't know about disability and to explain them, and know about preventive measures, services and process to receive support for their children. They don't know what, how to get rights, needs and create enabling environment".*[32]

3.4 Lack of meaningful participation and representation

There is no participation of Indigenous women and girls with disabilities in the current constitution making process[33] and not in any State mechanisms and decision-making bodies. The highest participation of women is in Ministry of Women, Children and Senior Citizen (MoWCSC), where women participation is 53%. Among them, only 12% are Indigenous women but none of them are with disabilities.[34] This has prevented them for amplifying their issues and voices within their constituencies both in normal and emergency period. For e.g., in 2015 earthquake, about 41% of houses damaged belonged to Dalits and Indigenous communities, 26% to female-headed households and 23% to senior citizens but none of these groups were in local governance structures or decision-making bodies, nor were they proactively engaged in the earthquake response even by the broader international community who were providing relief, recue, rehabilitation, restructuring during and post-earthquake scenario.[35]

3.5 Lack of data, information, invisibility and exclusion

There is lack of data and information regarding the situation of Indigenous Peoples and women and girls with disabilities and are largely invisible even in the work of various United Nations entities.[36] The case is same for Nepal where there is lack of detailed information, data, research and findings from State and relevant stakeholders. So, *'it is difficult to debate, argue and make position in the public forum and negotiate with duty bearers so the effort to generate evidences need an investment, positive thoughts and commitments from government, IPOs, OPDs, CSOs and development partners'* says Pratima Gurung.[37] The cases

[32] Ibid, NIDA et al. CRPD. 2018

[33] Cultural Survival Quarterly Magazine. June 2019. https://www.culturalsurvival.org/publications/cultural-survival-quarterly/nothing-about-us-without-us-struggle-inclusion-indigenous

[34] CEDAW reference is AWIN. But I cannot find full.

[35] NIDWAN et al, 2018.

[36] Ibid, UNPFII. 2013

[37] Intervention in the 2nd World Conference of Indigenous Women in the opening session by Pratima Gurung, September,2021.

of discrimination and violence that Indigenous women and girls with disabilities face are higher and the harmful practices puts them at higher risk but these stories are left behind, undocumented, unheard, unvoiced and unreported. The constitution guarantees the rights of marginalized groups to participate in the state restructuring process on the basis of principle of proportional representation but the recent appointment of the Women Commission, National Human Rights Commission is highly exclusionary and dominant by non-indigenous women and there is no single representative of women with disabilities.

3.6 Access to natural resources

In Nepal, collecting traditional herbs and making liquor are seen as illegal activities and crimes and laws are made against IPs' values and customary practices which are discriminatory to their rights including their right to food.[38] According to National Federation of the Indigenous Nationalities (NEFIN), 65% of ancestral land of IPs is now occupied by national parks and reserves forcefully displacing them and affecting them to take refuge elsewhere.

This limited access is further restricted in the case of Indigenous peoples, women and girls with disabilities who do not have access to their own ancestral land and resources which limits their ability to maintain food sovereignty[39] and do not have power to decide how to use them.[40] Almost 80% of Indigenous women and girls with disabilities are found to possess no land and as a result 1.1% of them rely on forest products for survival and face significant barriers to accessing the forest and food[41] and there is food scarcity for them. Studies show that 75% Indigenous women and girls with disabilities and 69% indigenous men with disabilities use coping strategies like reducing meals or compromising on culturally significant food by mixing grains or adding more water in order to cope with hunger and starvation.[42]

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[38] Ibid.WFP Country Report on Access to Food for Indigenous Peoples with Disabilities, 2021

[39] NIDWAN, et. al, 2018. https://www.indigenouspeoples-sdg.org/index.php/english/all- resources/resource-materials2/reportsand-publications/75-indigenous-people

[40] The International Work Group for Indigenous Affairs (IWGIA) and the International Labor Organization (ILO). Indigenous
women's realities: Insights from the Indigenous Navigator. October 2020. https://www.iwgia.org/images/publications/new-publications/2020/IndigenousNavigator/Indigenous_Womens_realities_-_Insights_from_the_IN_EN.pdf

[41] Ibid.WFP Country Report on Access to Food for Indigenous Peoples with Disabilities, 2021

[42] Ibid, WFP. 2021 Country Report on Access to Food for Indigenous Peoples with Disabilities.

3.7 Right to education:

Children with disabilities face serious obstacles to quality, and inclusive education, like segregation of children with disabilities into separate classrooms, lack of trained teachers[43], lack of prioritization on education by parents etc. For indigenous children, they face additional challenges in gaining access to school in their communities, as 41% of indigenous children have to manage both school and work.[44] An example of Chepang community can be taken, where despite of the last 35 years of GoN's scholarship support, the dropout rates are still high[45]. The challenge for Indigenous children with disabilities is more adverse. Their right to education is violated as they are limited within homes and cannot choose their surroundings, and express their views on their best interest. It was found that they are vulnerable and isolated within homes due to lack of support services, ignorance and access to information for them[46] one consequence of which they are deprived of school education. The patriarchal system worsens it more for Indigenous girls with disabilities who are denied of their fundamental rights to education. Right to education for children with disabilities is enshrined in the Constitution however those rights still remain a challenge in reality. The constitution recognizes braille and sign language and have started working at CSOs level but the CSOs are yet to incorporate mother tongue language of indigenous children with disabilities who may not be acquainted with dominant languages in which braille and sign language have been developed.[47] There is a gap of policy and practice in education and all other sectors.

3.8 Right to employment

The situation of Indigenous women and girls with disabilities is worse in employment sector due to their physical/health condition, lack of access to resources and services, multiple discriminations and barriers, lack of knowledge and awareness on their rights and issues, family background and greater risk of physical violence and sexual abuse in workplaces. The overall condition of the Indigenous women with disabilities and their families is poor, backward, and marginalized due to their physical/health condition, lack of access to services, multiple discriminations,

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[43] Human Rights Watch. 2018. Nepal: Barriers to Inclusive Education. Retrieved 2019 November 28 from https://www.hrw.org/news/2018/09/13/nepal-barriers-inclusive-education

[44] LAHURNIP, 2014. A study on the socio-economic status of Indigenous Peoples in Nepal, LAHURNIP, Kathmandu.

[45] Nepal Human Right Book Year 2015. p100-109 INSEC.

[46] The Situation of Indigenous Children with Disabilities. 2017. Directorate General for External Policies: Policy Department European Parliament,

[47] Ibid.NIDWAN, 2018 et al. Shadow Report.

and barriers. Majority of them are unemployed so their socio-economic status is low, and they face multiple problems in sustaining their livelihood.[48]

3.9 Access to justice

Indigenous women and girls with disabilities face multiple forms of violence and barriers both in private and public sphere and access to justice has remained the most critical and questionable issue. Access to justice is related to physical, enabling environment, communication, information and administration barriers. Likewise, time frame and negligence from government officials based on gender, disability, age, ethnicity play crucial role for lack of access to justice.[49] Language barriers, judicial process, paper work, access to institutions (organizations /peoples

Situation of Indigenous women with disabilities and their experiences towards employment-Study-2020

- 53% Indigenous Women and girls with disabilities are unemployed due to reasons like unmatched jobs and their special needs, lack of disability-friendly infrastructure and environment, attitude and perception of the employers and discrimination, the severity of the disability and age, lack of access to information, lack of political connection, the need for an assistant, lack of skills, etc.
- 22% are not able to work because of the severity of their disability.
- 82% with employment have experienced different forms of discrimination at work and in the process.
- 47% families of their primarily dependent on subsistence and traditional agriculture.
- 39% families still use indigenous knowledge and skills practices and traditional/customary occupations
- 47% families of indigenous women and girls with disabilities are employed in either formal or informal jobs, most of whom were based in Kathmandu valley with an average monthly earing of NPR. 7900.

[48] NIDWAN 2020. Situation of Indigenous Women with Disabilities and their experiences towards employment. National Indigenous Disabled Women Association Nepal

[49] NIDWAN 2021. A study on the Impact of Violence against Indigenous Young Women and Indigenous Women with Disabilities in Nepal,
Report, NIDWAN and MADRE

/power /network), time frame, negligence from government officials based are different play crucial role for lack of access to justice. They have not received justice and only very few cases of rape, abuse and murder are processed in the judicial system of indigenous women but not women and girls with disabilities because most survivors face risk of threat, torture, indifference, or inaction, often leading to non-reporting of cases or enabling the situation of forced marriage or other compromising situations.[50]

3.10 Right to sexual health and reproductive

Indigenous women and Indigenous women and girls with disabilities experience significant worse maternal health outcomes than others. Many of them die in early age due to early pregnancy and childbirth more often than other women and face barriers to accessing medical treatment care. Many women die giving birth due to various social, economic, political, cultural, educational, access to health services and geographical factors. The sexual and reproductive health rights (SRHR) of Indigenous women with disabilities are often violated in many forms through sexual violence, forced contraception, and sexual and reproductive stigma[51], early marriage, pregnancy and child birth. Moreover, Indigenous women and girls with disabilities have no awareness on sexual health and are particularly at risk of involuntary sterilization by their family members and medical professionals without prior informed consent[52] including marriage, motherhood and other health related issues**.**

3.11 Violence against Indigenous women with disabilities

Globally 1 in 3 women experience physical and/or sexual violence in their lifetime.[53] Vulnerabilities of Indigenous women and women with disabilities is increased due to neglect, abuse, domestic and sexual violence. The Covid-19 pandemic has further aggravated where

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[50] Ibid, NIDWAN Violence Report 2021

[51] United Nations General Assembly, Access to justice in the promotion and protection of the rights of indigenous peoples: restorative justice, indigenous
juridical systems and access to justice for indigenous women, children and youth, and persons with disabilities, 61, U.N. Doc. A/HRC/27/65 (2014).

[52] CEDAW Shadow Report Preparation in province 4 and 6 with indigenous women with disabilities discussion in 2018.

[53] https://www.who.int/news-room/fact-sheets/detail/violence-against-women

Impact of Violence against Indigenous Young Women and Indigenous Women with Disabilities in Nepal- Study- 2021

94.29% – thought that indigenous women and girls with disabilities are subjected to more violence than counterparts without disabilities.

76.19% of Indigenous Women and Girls with Disabilities have experienced/ observed gender-based violence – mostly in multiple forms.

46.67% among them experienced violence both in private sphere and public sphere.

86.67% felt increased incidence/potential of violence due to Covid-19 pandemic.

81.43% said that indigenous women and girls face specific forms of violence different from their non-indigenous counterparts

65.24% opined that reporting of violence does not lead to redress

61.9% said that it is difficult to report violence and seek redress

52.38% said they lack information about reporting mechanisms.

7.62% only said that violence could be reported easily while 14 respondents had no idea about reporting and seeking justice for violence against women.

Indigenous Women's organizations have reported that indigenous women and girls faced 11 cases of violence in Rupandehi district during the lockdown period of 24 March to 21 May 2020 while their counterparts from dominant Brahmin-Chhetri caste groups were subjected to 5 cases of violence.[54] This shows the violence cases for indigenous women is higher than others.

4. Climate change impacts and barriers

Nepal is at severe risk of disaster due to climate change. It is ranked fourth in terms of vulnerability to climate change globally.[55] This risk increases in case of Indigenous peoples who often live in areas of higher risk to climate change. There has been no concrete effort to mitigate the impact of climate change on people with disabilities as they are excluded from any climate policy-making processes.[56] Situated at the intersection of these multiple marginalization and also being women in a patriarchal society, Indigenous women with disabilities have been at

[54] National Indigenous Women Federation (NIWF). June 2020. Report on Indigenous Women of Nepal on Covid 19. https://www.ohchr.org/Documents/ Issues/Peoples/SR/COVID-19/Indigenous CSOs/Nepal %20 %20National%20Indigenous%20Women%20Federation_NIWF.docx

[55] Global Climate Risk Index 2019 German Watch Archived (PDF) from the original on 2020-11-29

[56] NIDWAN 2020. Disability Issues to Climate Change: From Policy to Grassroots Practices, Climate Change Policy Paper

the forefront of the climate change disaster risk without any support structure for safeguarding themselves against it.

Case 2 : We hear, the high snow mountains from the upper part of Lamjung is melting every day, the snow, glaciers melts and comes unknowingly in high speed from Manang down to Lamjung where the various hydropower projects are running. The hydropower projects do not have early warning system and control the speed. So, the damns are opened and people who live near to the river are flooded and have lost their lives in the past and some of them have become physically disabled for the first time. This occurring in regular basis as the snow is melting every day and environment here has drastically changed. Hence, the threat of life is uncertain for us and the prevalence of becoming disability is higher with this and other several reasons in this area.

(A physical woman with disability discussed in the sharing session)

Issues of Indigenous peoples, women and girls with disabilities in climate change are not recognized, and their needs and priorities are not taken into consideration neither in a right based approach nor has there been any specific plan and programs developed to address their issues. They face several barriers in their daily lives related with their identities, such as, a) Attitudinal and Psychological barrier: b) Environmental barrier c) Institutional barrier d) Multiple Identities barrier e) Programmatic barrier

5. Covid-19 Impacts

The UN Covid-19 Brief Report- June states that indigenous peoples with disabilities face greater inequalities in accessing healthcare during the pandemic, due to inaccessible health information, and other obstacles and barriers such as discrimination in accessing healthcare facilities.[57] In Nepal, the Covid-19 crisis has been especially hard on indigenous peoples with disabilities and has a major and distinct impact.[58] Like official information and communications on Covid-19 are disseminated in national language remain mostly inaccessible to Indigenous women with disabilities as most of them do not speak Nepalese and are illiterate.[59] Indigenous women with disabilities have faced discrimination, violence and abuse. There have also been rising levels of suicide during this pandemic.[60]

[57] UN 2020. Policy Brief: A Disability Inclusive Response to COVID-19, Available at: https://unsdg.un.org/sites/default/files/2020-05/Policy-Brief-A-Disability

[58] International Labor Organization (ILO) blog. 20 July 2020. Include indigenous people in COVID-19 response. https://iloblog.org/2020/07/20/include-indigenous-people-in-covid-19-response/

[59] ILO. 2020 Include Indigenous Peoples with Disabilities in Covid 19 response, https://iloblog.org/2020/07/20/include-indigenous-people-in-covid-19-response/

[60] International Labor Organization (ILO) blog. 20 July 2020. Include indigenous people in COVID-19 response. https://iloblog.org/2020/07/20/include-indigenous-people-in-covid-19-response/

"The situation has been even more difficult for indigenous people with a disability, like me. I cannot keep my social distance if I need help at the same time. I can manage on my own but as I only have one hand, I have not been able to follow the health recommendations which causes me a lot of anxiety. The pandemic has made me feel more "disabled" than ever……".[61]

During Covid pandemic, more than 57.38% of Indigenous peoples with disabilities reported food insecurity and has led to further loss of incomes and many coped by sharing food with neighbors

Interim Impact Assessment of Covid-19 to Underrepresented (Indigenous, Dalit and Madhesi) Peoples with Disabilities in Nepal
91.13% experienced social and economic impacts of Covid
84% faced different difficulties because of sudden lockdown
80.51% were adversely affected and impacted
78.05% stated they experienced increased psychological stress, anxiety, fear
60.74% Indigenous People with disabilities themselves and 72.8% families lost their livelihood and job during Covid.
57.38% reflected the need for food and 17.83% highlighted the need for cash for house rent and other regular needs
55.44% did not receive any form of state Covid relief and support
40.61% did receive the social security allowances provided by the government
20.66% couldn't afford regular medicines

as they have little food stocks.[62] The complex and severe situation of Indigenous people with disabilities was clearly reflected in the study undertaken by NIDWAN.[63]

[61] Ibid, ILO. 2020. Include indigenous people in COVID-19 response. https://iloblog.org/2020/07/20/include-indigenous-people-in-covid-19-response/

[62] Ibid, HI. 2020 cite the link

[63] NIDWAN. 2021. Interim Impact Assessment of Covid-19 on Underrepresented People with Disabilities in Nepal

6. Current Policies

The rights of Indigenous people with disabilities are enshrined in various international instruments[64] of which Nepal is a State party. These numerous human rights treaties and standards protects equal rights and freedom for all human beings including indigenous women with disabilities. The government of Nepal has received UNCEDAW and UNCRPD Concluding Observation (CO) in 2018 which clearly outlines about amending constitution of Nepal and recognizing multiple identities, intersecting identities including laws, policies and programs for indigenous peoples/women with disabilities.

However, Nepal still lags behind in addressing the issues of Indigenous peoples/ women and girls with disabilities despite being part of these international frameworks. Nepal's Constitution 2015 fails to mention Indigenous People and Women with Disabilities although it mentions about the rights of People with Disabilities. The recently passed Disability Act 2017 also does not categorically address the needs of Indigenous peoples and women with disabilities. The MoWCSW is the line ministry of the GoN of Nepal responsible for implementing national and international policies, provisions and programs including 2030 Agenda for SDG for all peoples with disabilities however, there is no such targeted or overall intervention for indigenous peoples/women with disabilities which shows that leaving no one behind still exist so a collective consultation and commitment is required at all levels to make the rights real on the ground, and thereby, following are our suggested recommendations:

- Implement the concluding observation of CEDAW and amend Nepal's constitution to specifically guarantee fundamental right, rights to self-determination and collective rights of Indigenous people, women and girls with disabilities.

- Implement and amend concluding observation of UNCRPD to amend Nepal's Disability Rights Act 2018 to clearly include the definition, issues, collective rights issues and meaningful participation of Indigenous peoples, women and girls with disabilities.

- Ensure meaningful participation of Indigenous peoples, women and girls with disabilities in all the issues that affect their daily lives within women, indigenous and disability constituencies /discussion and meetings and integrate their voices in policy formulation and decision-making process.

[64] The rights of all citizens, women, children, indigenous peoples and persons with disabilities that includes UDHR, ICCPR, ICESDR, CRC, CERD, CEDAW, CAT, ILO Convention 169, UNDRIP, UNCRPD, WCIP-2014 and others.

- Implement the existing policies by integrating intersectional approach to reach and make targeted intervention and provide disaggregated data by gender, age, disability, ethnicity, geography and social economic condition of all marginalized groups of Nepal.

- Provide an enabling disability, gender and inter-cultural environment to execute and ensure every right and plan for research and studies to understand the nexus of multiple and intersecting marginalized identities and complexity faced by groups like Indigenous Women and girls with disabilities so that policies can be formulated for exemplary best practices for all.

"Nothing about us without us by ensuring leaving no one behind"

For More Information

National Indigenous Disabled Women Association Nepal (NIDWAN)

राष्ट्रिय आदिवासी जनजाति अपाङ्ग महिला संघ नेपाल (निडवान)

Ring Road, Kusunti, Lalitpur, Nepal

+977-1-4311423, 9841457270

nidwan2015@gmail.com

@nidwan.nepal

@NidwanNepal

www.nidwan.org.np