

**The Training of Trainers for Advancing
Political Rights of Persons with Visual Disabilities**
दृष्टिविहिन व्यक्तीहरुको राजनैतिक सहभागिताको अधिकार प्रवर्धन गर्न
प्रशिक्षक प्रशिक्षण

Resource Material

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With support from

सहयोगी निकाय

ESP, UNDP

निर्वाचन सहयोग कार्यक्रम, संयुक्त राष्ट्रसंघ विकास कार्यक्रम,

Preface

Disability inclusive elections provide a unique opportunity to increase participation and change public perceptions about the abilities of persons with disabilities (PWD). As a result, they can have a stronger political voice and be increasingly recognized as equal citizens. UNDP's Electoral Support Project (ESP) has been supporting the capacity of persons with disabilities and organisations for their welfare to advance the political rights and meaningful participation of PWDs in their communities and social and economic lives.

Nepal Association of Blind (NAB) in collaboration with UNDP ESP jointly developed the training manual to build the capacity of persons with visual disabilities. The manual can be accessed by the countrywide network of NAB. The manual has focused on the theme of persons with visual disabilities for building their capacity to promote their rights for political participation. Disability rights expert Dr. Birendra Raj Pokharel has designed and written the manual in close coronation with UNDP ESP, NAB and the stakeholder group.

The manual is guided by policy and practical experiences from national and international practices of persons with visual disabilities. It is intended for prospective trainers to first be familiarized with the proposed course, follow and review the facilitator's guideline, get oriented on the training materials and contents, and gain confidence before entering the session. This reference material has been developed by compiling relevant provisions in the constitution, international and national legal documents to incorporate the perspectives of persons with visual disabilities to the maximum extent possible.

The contents covered in this reference material follow the authentic documents and the practical experiences of persons with disabilities reflected in the testing of the training manual thus UNDPESP might not be liable in the unauthorized text.

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D1S1A7

Definition and classification of disability

The CRPD article 1 defines persons with disabilities as “Persons with disabilities include those who have long-term physical, mental, intellectual or sensory impairments which in interaction with various barriers may hinder their full and effective participation in society on an equal basis with others.”¹

The International Classification on Functional Disability and Health (ICF) provides a standard language and framework for the description of health and health-related states. In ICF, the term functioning refers to all body functions, activities and participation, while disability is similarly an umbrella term for impairments, activity limitations and participation restrictions.

Disability classification in ARPD

(अपाङ्गता भएका व्यक्तीहरूको अधिकार एन २०७४ को दफा ३ को उपदफा (१) सँग सम्बन्धित)

अपाङ्गताको वर्गीकरण

(क) शारीरिक अङ्ग वा प्रणालीमा भएको समस्या तथा कठिनाइको आधारमा अपाङ्गता भएका व्यक्ति :-

१. शारीरिक अपाङ्गता: स्नायु, मांसपेशी र जोर्नी तथा हड्डीको बनावट एवं सञ्चालनमा समस्या भएको

कारणबाट कुनै व्यक्तिको अङ्गको सञ्चालन, प्रयोग र हिँडडुलमा समस्या (जस्तै: बाल पक्षघात (पोलियो), शारीरिक अङ्गविहीन, कुष्ठप्रभाव, मांसपेशी विचलन मस्कुलर डिस्ट्रोफि), जोर्नी र मेरूदण्डसम्बन्धी स्थायी समस्या, क्लवफिट पैताला फर्केको, रिक्टेस हड्डीसम्बन्धी समस्याका कारण उत्पन्न अशक्तता) तथा सोह्र वर्ष उमेर पुगेको व्यक्तिमा उमेरबमोजिम हुनुपर्ने औसत उचाईभन्दा ज्यादै कम उचाई भएको व्यक्ति ।

दृष्टिसम्बन्धी अपाङ्गता: दृष्टिसम्बन्धी देहायको समस्याबाट कुनै व्यक्तिमा कुनै पनि वस्तुको आकृति, आकार, रूप र रङ्गको ज्ञान नहुने,

¹ United Nations, (2006). Convention on the Rights of Persons With Disabilities. New York.

(क) दृष्टिविहीनता: औषधि, शल्यचिकित्सा, चस्मा वा लेन्सको प्रयोगबाट पनि दुवै आँखाले हातको औंला दश फिटको दूरीबाट छुट्याउन नसक्ने वा खेलन चार्टको पहिलोलाइनको अक्षर (३/६०) मा पढ्न नसक्ने व्यक्ति ।

(ख) न्यूनदृष्टियुक्त: औषधि, शल्यचिकित्सा, चस्मा वा लेन्सको प्रयोगबाट पनि बीस फिटको दूरीबाट हातको औंला छुट्याउन नसक्ने वा खेलन चार्टको चौथो लाइनको अक्षर (६/१८) मा पढ्न नसक्ने ।

(ग) पूर्ण दृष्टिविहीन: पूर्ण रूपमा उज्यालो वा अँध्यारो छुट्याउन नसक्ने व्यक्ति ।

३. सुनाइसम्बन्धी अपाङ्गता: सुनाइका अङ्गको बनावट एवं स्वरको पहिचान, स्थान, उतारचढाव तथा स्वरको मात्रा र गुण छुट्याउन नसक्ने,

(क) बहिरा: असी डेसिबलभन्दा माथिको ध्वनि सुन्न नसक्ने वा सञ्चारका लागि सांकेतिक भाषा प्रयोग गर्नुपर्ने व्यक्ति।

(ख) सुस्तश्रवण: सुन्नलाई श्रवण यन्त्र राख्नुपर्ने वा पैंसठी देखि असी डेसिबलसम्मको ध्वनि सुन्न सक्ने व्यक्ति ।

४. श्रवण दृष्टिविहीन अपाङ्गता: सुनाइ सम्बन्धी र दृष्टिसम्बन्धी दुवै अपाङ्गता भएको वा दुईवटा इन्द्रिय सम्बन्धी अपाङ्गताको संयुक्त अन्तरक्रिया रहेको व्यक्ति ।

५. स्वर र बोलाइ सम्बन्धी अपाङ्गता: स्वर र बोलाइ सम्बन्धी अङ्गमा उत्पन्न कार्यगत सीमितताका कारण तथा बोल्दा स्वरको उतार चढावमा कठिनाइ, बोली स्पष्ट नहुने, बोल्दा शब्द वा अक्षर दोहोर्याउने व्यक्ति ।

६. मानसिक वा मनोसामाजिक अपाङ्गता: मस्तिष्क र मानसिक अङ्गमा आएको समस्या तथा सचेतना, अभिमुखीकरण, स्फूर्ति स्मरणशक्ति, भाषा, गणनाजस्ता बौद्धिक कार्य सम्पादनका सन्दर्भमा आउने समस्याको कारणले उमेर र परिस्थिति अनुसार व्यवहार गर्न समस्या हुने अवस्थाको व्यक्ति ।

७. बौद्धिक अपाङ्गता: उमेरको वृद्धिसँगै बौद्धिक सचेतनाको विकास हुन नसकी बौद्धिक विकास नभएका कारणले उमेर वा वातावरणमा सापेक्ष क्रियाकलाप गर्न समस्या हुने अवस्थाको व्यक्ति । (जस्तो: डाउन्स सिन्ड्रोम समेत)

८. अनुवंशीय रक्तश्राव (हेमोफिलिया) सम्बन्धी अपाङ्गता: अनुवंशीय असरका कारण रगतमा हुने फ्याक्टरमा विचलन आई रगत जम्ने कार्यमा समस्या उत्पन्न हुने शारीरिक अवस्थाको व्यक्ति ।

९. अटिज्म सम्बन्धी अपाङ्गता: जन्मजात नशा वा तन्तुको विकास र सोको कार्यमा आएको समस्या भएको व्यक्ति । (जस्तो: सञ्चार गर्न, सामान्य सामाजिक नियम बुझ्न र प्रयोग गर्न कठिनाई हुने तथा उमेरको विकाससँगै सामान्य व्यवहार नदेखाउनु, अस्वभाविक प्रतिक्रिया देखाउनु, एउटै क्रिया लगातार दोहोर्याइ रहनु, अरूसँग घुलमिल नहुनु वा तीव्र प्रतिक्रिया गर्ने व्यक्ति ।

१०. बहुअपाङ्गता: एउटै व्यक्तिमा माथि उल्लिखित दुई वा दुईभन्दा बढी प्रकारका अपाङ्गताको समस्या भएको व्यक्ति । (जस्तै: मस्तिष्क पक्षघात आदि)

(ख) अशक्तताको गम्भीरताका आधारमा अपाङ्गताको वर्गीकरण :

(१) पूर्ण अशक्त अपाङ्गता:

आफ्नो दैनिक क्रियाकलाप सम्पादन गर्न निरन्तर रूपमा अरुको सहयोग लिँदा पनि कठिनाई हुने अवस्थाको व्यक्ति ।

(२) अति अशक्त अपाङ्गता: वैयक्तिक क्रियाकलाप सम्पादन गर्न तथा सामाजिक क्रियाकलापमा संलग्न हुन निरन्तर रूपमा अरुको सहयोग लिनुपर्ने अवस्थाको व्यक्ति ।

(३) मध्यम अपाङ्गता: भौतिक सुविधा, वातावरणीय अवरोधको अन्त्य, शिक्षा वा तालिम भएमा अरुको सहयोग लिई वा नलिई नियमित रूपमा आफ्नो दिनचर्या र सामाजिक क्रियाकलापमा सहभागी हुन सक्ने अवस्थाको व्यक्ति ।

(४) सामान्य अपाङ्गता: सामाजिक तथा वातावरणीय अवरोध नभएमा नियमित रूपमा आफ्नो दिनचर्या र सामाजिक क्रियाकलापमा सहभागी हुन सक्ने अवस्थाको व्यक्ति ।

स्पष्टीकरण :

१. “शारीरिक अङ्गहरूको बनोट र कार्य” भन्नाले शरीर सञ्चालनसम्बन्धी, दृष्टिसम्बन्धी, स्वर र सुनाइसम्बन्धी, मानसिक, मांसपेशी र स्नायुसम्बन्धी र अन्य प्रणालीका अङ्ग र कार्यलाई जनाउँछ ।

२. “नियमित दिनचर्याका कार्यहरू र सामाजिक जीवनक्षेत्रमा सहभागिता” भन्नाले व्यक्तिको सिकाइ, दैनिक काम, सञ्चार, चलफिर, स्वयं हेरचाह, घरेलु जीवन अन्तरक्रिया, समावेशी शिक्षा, रोजगारी, सामुदायिक एवं नागरिक जीवनका क्षेत्रका कार्यहरू र सहभागितालाई जनाउँछ ।

३. “विद्यमान सामाजिक एवम् भौतिक वातावरणबाट सिर्जित अवरोध” भन्नाले मनोसामाजिक, प्रविधि, प्राकृतिक तथा मानव निर्मित वातावरण, धारणागत, सेवाप्रणाली र नीतिहरूबाट सिर्जना भएको अवरोधलाई जनाउँछ ।
४. सहभागिता, सुविधा तथा प्रतिनिधित्व समेतका लागि बौद्धिक अपाङ्गता र पूर्णअशक्तता भएका अपाङ्गता भएका व्यक्तिहरूका हकमा आमा, बाबु वा प्रत्यक्षरूपमा पालनपोषणमा संलग्न व्यक्तिलाई परिवारका सदस्य वा सरोकारवाला मानिनेछ ।

D1S1A7(B)

Disability prevalence

Global disability prevalence

According to the World Bank,² one billion people, or 15% of the world's population, experience some form of disability, and disability prevalence is higher for developing countries. One-fifth of the estimated global total, or between 110 million and 190 million people, experience significant disabilities.

Prevalence of Disability in Nepal

In Nepal, there is a dispute regarding the prevalence of disabilities. Various surveys and studies conducted by government agencies, non-government organizations (NGOs) and self-help organizations have come up with different prevalence rate for disability, ranging from 0.45 to 8.99. It is estimated that around 13,000 people have died and thousands have incurred some form of disability because of the Maoist insurgency in the country.

In accordance the national population census report of 2011 produced by Central Bureau of Statistics, among the total population of 26,494,504 (male 12,849,041 and female 13,645,463), there are 1.94 per cent persons with disabilities in Nepal. Out of the 513,321 (Male 2,80,086 and Female 2,33,235) persons with disabilities, physical disability constitutes 36.3 per cent, followed by visual disability with 18.5 per cent, hearing disability 15.4 per cent, speech disability 11.5 per cent, multiple disability 7.5 per cent, mental disability 6 per cent, intellectual disabilities 2.9 per cent and deafblind 1.8 per cent.

D1S2A1 (a)

HR Instruments

Abbreviation

² <https://www.worldbank.org/en/topic/disability>

HR Instrument

Date of Adoption

ICERD

International Convention on the Elimination of All Forms of Racial Discrimination

21 Dec 1965

ICCPR

International Covenant on Civil and Political Rights

16 Dec 1966

ICESCR

International Covenant on Economic, Social and Cultural Rights

16 Dec 1966

CEDAW

Convention on the Elimination of All Forms of Discrimination against Women

18 Dec 1979

CAT

Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

10 Dec 1984

CRC

Convention on the Rights of the Child

20 Nov 1989

ICMW

International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families

18 Dec 1990

CPED

International Convention for the Protection of All Persons from Enforced Disappearance

20 Dec 2006

CRPD

Convention on the Rights of Persons with Disabilities

13 Dec 2006

ICESCR - OP

Optional Protocol to the Covenant on Economic, Social and Cultural Rights

10 Dec 2008

ICCPR-OP1

Optional Protocol to the International Covenant on Civil and Political Rights

16 Dec 1966

ICCPR-OP2

Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty

15 Dec 1989

OP-CEDAW

Optional Protocol to the Convention on the Elimination of Discrimination against Women

10 Dec 1999

OP-CRC-AC

Optional protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict

25 May 2000

OP-CRC-SC

Optional protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography

25 May 2000

OP-CRC-IC

Optional Protocol to the Convention on the Rights of the Child on a communications procedure

14 Apr 2014

OP-CAT

Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

18 Dec 2002

OP-CRPD

Optional Protocol to the Convention on the Rights of Persons with Disabilities

13 Dec 2006

D1S2A1 (b)

The Universal Declaration of Human Rights

The Universal Declaration of Human Rights (UDHR) proclaimed and adopted by the United Nations General Assembly articulated the rights and freedoms to which every human being is equally entitled.

The UDHR promises to all the economic, social, political, cultural and civic rights that underpin a life free from want and fear. They are not a reward for good behavior. They are not country-specific, or particular to a certain era or social group. They are the inalienable entitlements of all people, at all times, and in all places — people of every colour, from every race and ethnic group; whether or not they are persons with disabilities, no matter their sex, their class, their caste, their creed, their age or sexual orientation.

Article 6 of UDHR provides right to recognition before the law, when each individual is legally protected in the same way everywhere. Similarly, Article 7 on right to equality before the law elaborates that the law is the same for everyone and should be applied in the same manner to all. Article 21 of UDHR grants right to partake in public affairs. Everyone has the right to take part in their country's political affairs and has equal access to public service. It elaborates:

(1) Everyone has the right to take part in the government of his country, directly or through freely chosen representatives.

(2) Everyone has the right of equal access to public service in his country.

(3) The will of the people shall be the basis of the authority of government; this will shall be expressed in periodic and genuine elections which shall be by universal and equal suffrage and shall be held by secret vote or by equivalent free voting procedures.

D1S2A1 (c)

Convention on the Elimination of All Forms of Discrimination against Women

(CEDAW) was adopted by the United Nations General Assembly on 18 December 1979. It entered into force as an international treaty on 3 September 1981. The Convention was the culmination of more than thirty years of work by the United Nations Commission on the Status of Women, a body established in 1946 to monitor the situation of women and to promote women's rights. The Commission's work has been instrumental in bringing to light all the areas in which women are denied equality with men. These efforts for the advancement of women have resulted in several declarations and conventions, of which the Convention on the Elimination of All Forms of Discrimination against Women is the central and most comprehensive document.

Article 3 of CEDAW mentions that the states Parties shall take in all fields, in particular in the political, social, economic and cultural fields, all appropriate measures, including legislation, to ensure the full development and advancement of women, for the purpose of guaranteeing them the exercise and enjoyment of human rights and fundamental freedoms on a basis of equality with men.

Article 7 of CEDAW grants the rights to political participation to the Women. It states that the States Parties shall take all appropriate measures to eliminate discrimination against women in the political and public life of the country and, in particular, shall ensure to women, on equal terms with men, the right:

(a) To vote in all elections and public referenda and to be eligible for election to all publicly elected bodies;

(b) To participate in the formulation of government policy and the implementation thereof and to hold public office and perform all public functions at all levels of government;

(c) To participate in non-governmental organizations and associations concerned with the public and political life of the country.

D1S2A2 (a)

Convention on the Rights of Persons With Disabilities: Principles, Implementation and Monitoring

राष्ट्रिय अपाङ्ग महासंघ नेपालका पुर्व अध्यक्ष डा. वीरेन्द्रराज पोखरेलको अपाङ्गता भएका व्यक्तिहरुको अधिकार सम्बन्धी महासन्धी: शैद्धान्तिक पक्ष, राज्यको उत्तरदायित्व र अनुगमन विषयक कार्यपत्रमा आधारित लेखको केहि अंश

मानवअधिकारको संबर्द्धन र प्रर्वद्धनका लागि संयुक्त राष्ट्रसंघले विभिन्न महासन्धी तथा विश्वव्यापी घोषणा-पत्रहरु तोकिएका वर्ग र समुदायको अधिकार सुनिश्चित गर्न अन्तर्राष्ट्रिय कानूनको रुपमा स्वीकार गरी विश्वभरी नै लागु गरेको छ । जुन हरेक अनुमोदन गर्ने सदस्य राष्ट्रहरुको लागि बाध्यकारी कानूनको रुपमा स्थापित भएको छ । त्यस्ता महासन्धी तथा घोषणा-पत्रहरु तयार पार्दा धेरै लामो छलफल, बहस, अन्तरक्रिया, अभिमत र स्वीकारोक्तिबाट मात्र सर्वसम्मत रुपमा पारित गरीएका हुन्छन् । जसलाई संयुक्त राष्ट्रसंघका हरेक राष्ट्रहरुले हस्ताक्षर र अनुमोदन गरी मूल कानूनको रुपमा ग्रहण गरेका हुन्छन् ।

सार्वभौमसत्ता सम्पन्न कुनैपनि राष्ट्रले यस्ता दस्तावेजहरु कार्यान्वयन नगर्ने र यस्को विपरीत क्रियाकलाप गरेको पाइएमा उक्त राष्ट्रका नागरिकहरुले मात्रै नभई अन्तर्राष्ट्रिय समुदाय तथा संयुक्त राष्ट्रसंघले समेत यसको कार्यान्वयनको लागि दवाव दिन सक्दछन् । तसर्थ यस्ता महासन्धी र अन्तर्राष्ट्रिय घोषणपत्रहरुलाई ज्यादै प्रवल अन्तर्राष्ट्रिय बाध्यात्मक कानूनका रुपमा लिइन्छ ।

अन्तर्राष्ट्रिय रुपमा विभिन्न प्रकारका नरम कानूनहरु समेत बेलाबखत ल्याइने गरिन्छ तर त्यस्ता कानूनहरु बाध्यात्मक अवस्थामा कुनै राष्ट्रले लागुगर्ने नभई नैतिक मुल्यमान्यताको आधारमा लागू गर्ने गर्दछन् । यस्ता दस्तावेजहरुमा सदस्य राष्ट्रहरुका लागि निर्देशनात्मक बुँदाहरु राखिएका हुन्छन् तर यस्को बाध्यात्मक कानूनी हैसियत भने रहेको हुँदैन ।

यस्तै सन् १९७१ मा पारित बौद्धिक अपाङ्ग व्यक्तिका अधिकार सम्बन्धी घोषणा-पत्र, अपाङ्ग व्यक्तिका अधिकार सम्बन्धी घोषणा-पत्र १९७५, अपाङ्ग व्यक्ति सम्बन्धी विश्व कार्ययोजना १९८२, अपाङ्गता भएका व्यक्तिहरुको लागि अवसर समानीकरण सम्बन्धी संयुक्त राष्ट्रसंघको प्रमाणीक नियमहरु १९९४, चौथो विश्व महिला सम्मेलन वेइजिङ घोषणा १९९५, एसिया प्रशान्तक्षेत्रका लागि विवाको सहस्राब्दी कार्ययोजना आदि दस्तावेजहरुलाई नरम कानूनको रुपमा लिइएको छ जसलाई राज्य सरकारले निर्देशक सिद्धान्तका आधारमा, नैतिक रुपमा मात्र लागु गर्न सक्दछ । यस्ता दस्तावेजहरु संयुक्त राष्ट्रसंघको कुनै एक साधारण सभाले पारित गरेको घोषणा वा नियमावली हुनसक्दछन् । जस्तै अपाङ्गता भएका व्यक्तिहरुको अधिकार सुनिश्चित गर्न अन्तर्राष्ट्रिय बाध्यकारी कानूनका रुपमा भूमिका निर्वाह गर्न सक्दैन । तसर्थ अन्तर्राष्ट्रिय रुपमानै अपाङ्गता भएका व्यक्तिहरुका अधिकारका लागि महासन्धी ल्याउनु पर्ने आवश्यकता सर्वत्र महशुस गरिएको हो ।

अपाङ्गता सम्बन्धी प्रबल बाध्यकारी कानूनको निर्माण

मानव अधिकार सम्बन्धि संयुक्त राष्ट्रसंघको कुनैपनि घोषणा-पत्रहरुद्वारा अपाङ्गता भएका व्यक्तिहरुको सन्दर्भमा विशिष्टकृत प्रावधानहरु नतोकिएका कारण त्यस्ता घोषणा पत्रहरुको कार्यान्वयनबाट मात्रै अपाङ्गता भएका व्यक्तिहरुको सहभागिता, सशक्तीकरण, स्वतन्त्रता र स्वाभिमान जस्ता मूलभुत अधिकारहरु सुनिश्चित हुन नसकेकोले सन् २००१ को डिसेम्बरमा संयुक्त राष्ट्रसंघको महासभाले अपाङ्गताभएका व्यक्तिहरुको अधिकार सम्बन्धि महासन्धीको मस्यौदा तयार पारी संयुक्त राष्ट्रसंघ समक्ष पेश गर्न एक निर्देशक समितिको गठन गरेको थियो । उक्त समितिले ५ वर्षसम्म विभिन्न उपक्षेत्रिय, क्षेत्रिय एवम् विश्वव्यापी रुपमा छलफल, वहस र अन्तरकृया गरी संकलन गरिएका मतका आधारमा अन्तिम मस्यौदा सन् २००६ को अगष्ट २५ तारेखका दिनमा पारित गरी संयुक्त राष्ट्रसंघ समक्ष पेश गरेको थियो । ६१ औं महासभाको बैठकले उक्त महासन्धीलाई सन् २००६ को डिसेम्बर १३ तारेखका

दिन पारित गरी हस्ताक्षर र अनुमोदनका लागि सन् २००७ मार्च ३० तारिख देखि खुल्ला गरेको छ ।

अपाङ्गता भएका व्यक्तिहरूको अधिकार सम्बन्धि महासन्धि (CRPD) को संरचना:

अपाङ्गता भएका व्यक्तिहरूको अधिकार सम्बन्धि महासन्धि (CRPD) २००६ मा २५ वटा प्रस्तावना ५० वटा धारा र १८ वटा ऐच्छिक प्रोटोकलहरू रहेका छन् । धारा १ र २ ले परिभाषाजन्य विषयवस्तुहरूलाई समेटेको छ भने धारा ३ देखि ९ ले अपाङ्गता सम्बन्धी विषयवस्तुहरूलाई उत्तरदायित्व र सैद्धान्तिक अवधारणामा प्रस्तुत गरेको छ । त्यस्तै धारा १० देखि ३२ ले निश्चित अधिकारका प्रावधानहरूलाई उजागर गरेको छ । धारा ३३ देखि ४० ले महासन्धिको कार्यान्वयन विधि र त्यसको अनुगमनका प्रावधानहरू तोकिएको छ भने धारा ४० देखि ५० सम्मका अन्तिम धाराहरूले महासन्धिको प्राविधिक पक्षलाई व्याख्या गरेको छ । ऐच्छिक प्रोटोकलले अधिकार उल्लंघनका विषयहरूमा पीडित पक्षलाई राष्ट्रिय तथा अन्तर्राष्ट्रियस्तरमा उचित उपचारको हक सुनिश्चित गरेको छ ।

महासन्धीका निर्देशित सिद्धान्त अवलम्बन गनरनु राज्यपक्षको उत्तरदायित्व

अपाङ्गता भएका व्यक्तिहरूको नैसर्गिक अधिकारको सर्वद्वन र प्रर्वद्वन गरी तीनका स्वाभीमान पुर्ण जीवन सुनिश्चित गराउनु महासन्धिको पक्षराष्ट्रहरूलाई अन्तर्राष्ट्रिय कानूनी दस्तावेजको रूपमा यस महासन्धिलाई लिइएको छ । जस अनुसार:

क. नैसर्गिक मर्यादाको सम्मान, आफ्नो लागि आफै छनौट गर्न पाउने स्वतन्त्रता लगायतका वैयक्तिक स्वायत्तता तथा व्यक्तिको स्वतन्त्रताको सम्मान

ख. गैर-भेदभाव

ग. समाजमा पूर्ण र प्रभावकारी सहभागिता तथा समावेशीकरण

घ. मानव विविधता एवं मानवीयताको अंगको रूपमा अपाङ्गता भएका व्यक्तिको भिन्नताको स्वीकार्यता

ङ. अवसरहरूमा समानता

च. पहुँचयोग्यता,

छ. पुरुष र महिला बीच समानता

ज. अपाङ्गता भएका बालबालिकाको विकासोन्मुख क्षमताको सम्मान तथा अपाङ्गता भएका बालबालिकाको आफ्नो पहिचानको संरक्षण गर्न पाउने अधिकारको सम्मान ।

D1S2A२

CRPD Contents

Some preambles of the CRPD recognise the participation of persons with disabilities within the broader human rights framework such as:

(a) Recalling the principles proclaimed in the Charter of the United Nations which recognize the inherent dignity and worth and the equal and inalienable rights of all members of the human family as the foundation of freedom, justice and peace in the world,

(b) Recognizing that the United Nations, in the Universal Declaration of Human Rights and in the International Covenants on Human Rights, has proclaimed and agreed that everyone is entitled to all the rights and freedoms set forth therein, without distinction of any kind,

(c) Reaffirming the universality, indivisibility, interdependence and interrelatedness of all human rights and fundamental freedoms and the need for persons with disabilities to be guaranteed their full enjoyment without discrimination,

(d) Recalling the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights, the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Elimination of All Forms of Discrimination against Women, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the Convention on the Rights of the Child, and the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families,

(e) Recognizing that disability is an evolving concept and that disability results from the interaction between persons with impairments and attitudinal and environmental barriers that hinders their full and effective participation in society on an equal basis with others,.

(h) Recognizing also that discrimination against any person on the basis of disability is a violation of the inherent dignity and worth of the human person,

(i) Recognizing further the diversity of persons with disabilities,

(k) Concerned that, despite these various instruments and undertakings, persons with disabilities continue to face barriers in their participation as equal members of society and violations of their human rights in all parts of the world,

(m) Recognizing the valued existing and potential contributions made by persons with disabilities to the overall well-being and diversity of their communities, and that the promotion of the full enjoyment by persons with disabilities of their human rights and fundamental freedoms and of full participation by persons with disabilities will result in their enhanced sense of belonging and in significant advances in the human, social and economic development of society and the eradication of poverty,

(n) Recognizing the importance for persons with disabilities of their individual autonomy and independence, including the freedom to make their own choices,

(q) Recognizing that women and girls with disabilities are often at greater risk, both within and outside the home of violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation,

(s) Emphasizing the need to incorporate a gender perspective in all efforts to promote the full enjoyment of human rights and fundamental freedoms by persons with disabilities,

(v) Recognizing the importance of accessibility to the physical, social, economic and cultural environment, to health and education and to information and communication, in enabling persons with disabilities to fully enjoy all human rights and fundamental freedoms,

Article 2 of the Convention defines some important terminologies used in promoting human rights of persons with disabilities such as:

“Communication” includes languages, display of text, Braille, tactile communication, large print, accessible multimedia as well as written, audio, plain-language, human-reader and augmentative and alternative modes, means and formats of communication, including accessible information and communication technology;

“Language” includes spoken and signed languages and other forms of non-spoken languages;

“Discrimination on the basis of disability” means any distinction, exclusion or restriction on the basis of disability which has the purpose or effect of impairing or nullifying the recognition, enjoyment or exercise,

on an equal basis with others, of all human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field. It includes all forms of discrimination, including denial of reasonable accommodation;

“Reasonable accommodation” means necessary and appropriate modification and adjustments not imposing a disproportionate or undue burden, where needed in a particular case, to ensure to persons with disabilities the enjoyment or exercise on an equal basis with others of all human rights and fundamental freedoms;

“Universal design” means the design of products, environments, programmes and services to be usable by all people, to the greatest extent possible, without the need for adaptation or specialized design. “Universal design” shall not exclude assistive devices for particular groups of persons with disabilities where this is needed.

Article 4 of CRPD mentions the general obligations of the state that includes taking all appropriate measures, including legislation, to modify or abolish existing laws, regulations, customs and practices that constitute discrimination against persons with disabilities.

Article 5 guarantees equality and non-discrimination of persons with disabilities which is in line with Article 18 of the Constitution of Nepal (2015).

1. States Parties recognize that all persons are equal before and under the law and are entitled without any discrimination to the equal protection and equal benefit of the law.
2. States Parties shall prohibit all discrimination on the basis of disability and guarantee to persons with disabilities equal and effective legal protection against discrimination on all grounds.
3. In order to promote equality and eliminate discrimination, States Parties shall take all appropriate steps to ensure that reasonable accommodation is provided.
4. Specific measures which are necessary to accelerate or achieve de facto equality of persons with disabilities shall not be considered discrimination under the terms of the present Convention.

Articles 6 of CRPD highlight the rights of women with disabilities. The provisions are:

1. States Parties recognize that women and girls with disabilities are subject to multiple discrimination, and in this regard shall take measures to ensure the full and equal enjoyment by them of all human rights and fundamental freedoms.
2. States Parties shall take all appropriate measures to ensure the full development, advancement and empowerment of women, for the purpose of guaranteeing them the exercise and enjoyment of the human rights and fundamental freedoms set out in the present Convention.

Article 8 of CRPD focuses on awareness-raising for the rights of persons with disabilities. Some provisions are:

- (a) To raise awareness throughout society, including at the family level, regarding persons with disabilities, and to foster respect for the rights and dignity of persons with disabilities;
- (b) To combat stereotypes, prejudices and harmful practices relating to persons with disabilities, including those based on sex and age, in all areas of life;
- (c) To promote awareness of the capabilities and contributions of persons with disabilities.

Article 9 of CRPD mentions about accessibility standards which is foremost essential for the political participation of persons with disabilities. Sub article 1 mentions that to enable persons with disabilities to live independently and participate fully in all aspects of life, states parties shall take appropriate measures to ensure access for persons with disabilities, on an equal basis with others, to the physical environment, to transportation, to information and communications, including information and communications technologies and systems, and to other facilities and services open or provided to the public, both in urban and in rural areas. These measures, which shall include the identification and elimination of obstacles and barriers to accessibility, shall apply to, inter alia:

- (a) Buildings, roads, transportation and other indoor and outdoor facilities, including schools, housing, medical facilities and workplaces;
- (b) Information, communications and other services, including electronic services and emergency services.

2. States Parties shall also take appropriate measures to:

- (a) Develop, promulgate and monitor the implementation of minimum standards and guidelines for the accessibility of facilities and services open or provided to the public;
- (b) Ensure that private entities that offer facilities and services which are open or provided to the public take into account all aspects of accessibility for persons with disabilities;
- (c) Provide training for stakeholders on accessibility issues facing persons with disabilities;
- (d) Provide in buildings and other facilities open to the public signage in Braille and in easy to read and understand forms;
- (e) Provide forms of live assistance and intermediaries, including guides, readers and professional sign language interpreters, to facilitate accessibility to buildings and other facilities open to the public;
- (f) Promote other appropriate forms of assistance and support to persons with disabilities to ensure their access to information;
- (g) Promote access for persons with disabilities to new information and communications technologies and systems, including the Internet;

(h) Promote the design, development, production and distribution of accessible information and communications technologies and systems at an early stage, so that these technologies and systems become accessible at minimum cost.

Article 12 of CRPD provides rights to equal recognition before the law which is foremost important for the political participation of persons with disabilities. The articles mentions:

1. States Parties reaffirm that persons with disabilities have the right to recognition everywhere as persons before the law.
2. States Parties shall recognize that persons with disabilities enjoy legal capacity on an equal basis with others in all aspects of life.
3. States Parties shall take appropriate measures to provide access by persons with disabilities to the support they may require in exercising their legal capacity.
4. States Parties shall ensure that all measures that relate to the exercise of legal capacity provide for appropriate and effective safeguards to prevent abuse in accordance with international human rights law. Such safeguards shall ensure that measures relating to the exercise of legal capacity respect the rights, will and preferences of the person, are free of conflict of interest and undue influence, are proportional and tailored to the person's circumstances, apply for the shortest time possible and are subject to regular review by a competent, independent and impartial authority or judicial body. The safeguards shall be proportional to the degree to which such measures affect the person's rights and interests.
5. Subject to the provisions of this article, States Parties shall take all appropriate and effective measures to ensure the equal right of persons with disabilities to own or inherit property, to control their own financial affairs and to have equal access to bank loans, mortgages and other forms of financial credit, and shall ensure that persons with disabilities are not arbitrarily deprived of their property.

Article 21 of CRPD guarantees the rights to freedom of expression and opinion, and access to information. The States Parties shall take all appropriate measures to ensure that persons with disabilities can exercise the right to freedom of expression and opinion, including the freedom to seek, receive and impart information and ideas on an equal basis with others and through all forms of communication of their choice, as defined in article 2 of the present Convention, including by:

- (a) Providing information intended for the general public to persons with disabilities in accessible formats and technologies appropriate to different kinds of disabilities in a timely manner and without additional cost;
- (b) Accepting and facilitating the use of sign languages, Braille, augmentative and alternative communication, and all other accessible means, modes and formats of communication of their choice by persons with disabilities in official interactions;
- (c) Urging private entities that provide services to the general public, including through the Internet, to provide information and services in accessible and usable formats for persons with disabilities;

(d) Encouraging the mass media, including providers of information through the Internet, to make their services accessible to persons with disabilities;

(e) Recognizing and promoting the use of sign languages.

The article 22 of CRPD guarantees the rights to privacy which is foremost essential for secret ballot.

The article 29 of CRPD embrace the political rights of persons with disabilities which mentions:

Article 29: Participation in political and public life

States Parties shall guarantee to persons with disabilities political rights and the opportunity to enjoy them on an equal basis with others, and shall undertake to:

(a) Ensure that persons with disabilities can effectively and fully participate in political and public life on an equal basis with others, directly or through freely chosen representatives, including the right and opportunity for persons with disabilities to vote and be elected, inter alia, by:

(i) Ensuring that voting procedures, facilities and materials are appropriate, accessible and easy to understand and use;

(ii) Protecting the right of persons with disabilities to vote by secret ballot in elections and public referendums without intimidation, and to stand for elections, to effectively hold office and perform all public functions at all levels of government, facilitating the use of assistive and new technologies where appropriate;

(iii) Guaranteeing the free expression of the will of persons with disabilities as electors and to this end, where necessary, at their request, allowing assistance in voting by a person of their own choice;

(b) Promote actively an environment in which persons with disabilities can effectively and fully participate in the conduct of public affairs, without discrimination and on an equal basis with others, and encourage their participation in public affairs, including:

(i) Participation in non-governmental organizations and associations concerned with the public and political life of the country, and in the activities and administration of political parties;

(ii) Forming and joining organizations of persons with disabilities to represent persons with disabilities at international, national, regional and local levels.

Article 31 of CRPD mention about the statistics and data collection which is foremost essential for the voters' registration of persons with disabilities. The article mention that;

1. States Parties undertake to collect appropriate information, including statistical and research data, to enable them to formulate and implement policies to give effect to the present Convention. The process of collecting and maintaining this information shall:

(a) Comply with legally established safeguards, including legislation on data protection, to ensure confidentiality and respect for the privacy of persons with disabilities;

(b) Comply with internationally accepted norms to protect human rights and fundamental freedoms and ethical principles in the collection and use of statistics.

2. The information collected in accordance with this article shall be disaggregated, as appropriate, and used to help assess the implementation of States Parties' obligations under the present Convention and to identify and address the barriers faced by persons with disabilities in exercising their rights.

3. States Parties shall assume responsibility for the dissemination of these statistics and ensure their accessibility to persons with disabilities and others.

D1S2A3

CRPD article 29 on the rights of political participation

CRPD Article 29: Participation in political and public life

States Parties shall guarantee to persons with disabilities political rights and the opportunity to enjoy them on an equal basis with others, and shall undertake to:

(a) Ensure that persons with disabilities can effectively and fully participate in political and public life on an equal basis with others, directly or through freely chosen representatives, including the right and opportunity for persons with disabilities to vote and be elected, inter alia, by:

(i) Ensuring that voting procedures, facilities and materials are appropriate, accessible and easy to understand and use;

(ii) Protecting the right of persons with disabilities to vote by secret ballot in elections and public referendums without intimidation, and to stand for elections, to effectively hold office and perform all public functions at all levels of government, facilitating the use of assistive and new technologies where appropriate;

(iii) Guaranteeing the free expression of the will of persons with disabilities as electors and to this end, where necessary, at their request, allowing assistance in voting by a person of their own choice;

(b) Promote actively an environment in which persons with disabilities can effectively and fully participate in the conduct of public affairs, without discrimination and on an equal basis with others, and encourage their participation in public affairs, including:

(i) Participation in non-governmental organizations and associations concerned with the public and political life of the country, and in the activities and administration of political parties;

(ii) Forming and joining organizations of persons with disabilities to represent persons with disabilities at international, national, regional and local levels.

D1S2A4 (A)

Universal Periodic Review (The seminar paper)

(The seminar paper presented in the Asia-Pacific Conference of UNSCAP in June 2010)

DISABLED PEOPLES' INTERNATIONAL

ASIA-PACIFIC REGION

Asian and the Pacific Disabled People's Organizations United:

Towards the Establishment of the Regional Decade on the

Effective Implementation of

The Convention on the Rights of Persons with Disabilities

21-22 June 2010

Conference Room 2, UNCC, Bangkok

Importance and Perspectives of Universal Periodic Review (UPR) and Roles of Civil Society Organisations.

Presented by

Birendra Raj Pokharel

President

National Federation of the Disabled-Nepal (NFDN)

Honourable Chairperson of the Session , UNSCAP representatives, DPIAP Chairperson, Vice Chairs, executives, representatives of MNAs, distinguished guests, National and International resource persons, ladies and gentlemen,

It is my privilege and honour to highlight the "Importance and Perspectives of Universal Periodic Review (UPR) and roles of CSOs" so that a new decade for persons with disabilities could be meaningful with their representation as "Agents of change". Before presenting the UPR process, I would like to emphasize here that the rights of Persons With Disabilities has been globally recognized and the state parties of the CRPD are obligated towards ensuring Human Rights of Persons With Disabilities who are equally contributing in National and International level by their own innovation and competence. Therefore, today is not the time to keep them away, but bring them forward to the mainstream of the Nation. At the same time, I would like to recall the words of UN High Commissioner for Human Rights Ms. Louise Arbor in the beginning of my presentation.

“It asserts that Persons With Disabilities are free to live independently in their community, to make their own choices, and to contribute to society so that we can all learn and benefit from their diverse experiences and knowledge”

Background:

Convention on the Rights of Persons With Disabilities (CRPD) will help increase public awareness of barriers faced by people with disabilities, urge law and policy changes at the national level, provide redress in individual cases of rights violations or abuses and channel resources into programs that support the rights of Persons with disabilities. Integrating disability into the global human rights framework and creating international legal standards which is necessary to strengthen Global disability rights movements. The CRPD requires the state parties to recognize that the human rights of people with disabilities deserve the same level of commitment that government demonstrates toward the rights of people without disabilities and society as a whole. For the ratifying countries of CRPD, the Convention requires to periodically reporting to the UN on its progress in implementing and enforcing the treaty obligations. Treaties are a powerful tool, and are used by advocacy groups to monitor, highlight, and promote human rights.

Background of UPR:

Based on the CRPD provision, there is CRPD committee formed under article 34 of the convention that focus particularly to the report made by the state parties about CRPD implementation where as there is special review mechanism about the overall International Human Rights Instruments for each of ratifying member states.

The Universal Periodic Review (UPR) is a unique process which involves a review of the human rights records of all 192 UN Member States once every four years. The UPR is a State-driven process, under the auspices of the Human Rights Council, which provides the opportunity for each State to declare what actions they have taken to improve the human rights situations in their countries and to fulfill their human rights obligations. As one of the main features of the Council, the UPR is designed to ensure equal treatment for every country when their human rights situations are assessed.

The objectives of the UPR is to address human rights violations, improve the human rights situation, encourage States to fulfill their human obligations and commitments, assess the positive developments and challenge, enhance the State's capacity, provide technical assistance and share best practices between stakeholders.

GENERAL GUIDELINES FOR THE PREPARATION OF INFORMATION UNDER THE UPR:

The Human Rights Council made the Decision 6/102. Follow-up to Human Rights Council resolution 5/1 at its 20th meeting, on 27 September 2007, the Human Rights Council decided to adopt, without a vote:

“Reaffirming the relevant provisions, related to the universal periodic review, of General Assembly resolution 60/251 of 15 March 2006 and of Human Rights Council resolution 5/1 of 18 June 2007 containing the institution-building package, the Council adopts the following General Guidelines:

- A. Description of the methodology and the broad consultation process followed for the preparation of information provided under the universal periodic review;
- B. Background of the country under review and framework, particularly normative and institutional framework, for the promotion and protection of human rights: constitution, legislation, policy measures, national jurisprudence, human rights infrastructure including national human rights institutions and scope of international obligations identified in the “basis of review” in resolution 5/1, annex, section IA;
- C. Promotion and protection of human rights on the ground: implementation of international human rights obligations identified in the “basis of review” in resolution 5/1, annex, section IA, national legislation and voluntary commitments, national human rights institutions activities, public awareness of human rights, cooperation with human rights mechanisms;
- D. Identification of achievements, best practices, challenges and constraints;
- E. Key national priorities, initiatives and commitments that the State concerned intends to undertake to overcome those challenges and constraints and improve human rights situations on the ground;
- F. Expectations of the State concerned in terms of capacity-building and requests, if any, for technical assistance;
- G. Presentation by the State concerned of the follow-up to the previous review.

States should consult their national human rights institutions and civil society organizations and apply the guidelines on technical and objective requirements for the submission of their candidates. In electing members of the Advisory Committee, the Council should give due consideration to gender balance and appropriate representation of different civilizations and legal systems.

South Asian Experience:

The UPR for the South Asian Countries has been convened in different sessions in the different period of time which is presented as follows;

2008

1st Session: India, 2nd Session: Pakistan, Sri Lanka.

2009

4th Session: Bangladesh, 5th Session: Afghanistan, 6th Session: Bhutan.

2010

9th session: Maldives

2011

10th session: Nepal.

The following are some of the observations within the UPR of the South Asian Countries:

of stakeholders' submission:

India-37

Bhutan-6

pages of National Report:

Shree Lanka -32

India – 16

Others more than 20 pages

Number of Recommendations to SuR:

Afghanistan -98+,

Bhutan - 99

India – 18

of Advance Written Questions to SuR:

Afghanistan – 52

India - 23.

Initiatives taken by Civil Society in Nepal:

As Nepal is going to be reviewed in February 2011 under Universal Periodic Review of the UN Human Rights Council, it is very crucial and timely for a member of civil society to discuss the New innovation in the UN human rights system, Asian Forum for Human Rights and Development (FORUM-ASIA) and Informal Sector Service Centre (INSEC) organized National NGOs Workshop on UPR Nepal from 11-13 April 2010. The aim of this workshop was to discuss on the UPR and to develop common strategies and work plans of civil society with focus on UPR.

Nepal NGO Coalition for the UPR is a loose coalition formed as an outcome of the workshop and consultation on the UPR from 11-12 April 2010. The coalition comprises national coalitions; federations; human rights NGOs, lawyers, academicians, media professionals and individuals. The secretariat of the coalition is in INSEC, which is also a secretariat of Human Rights Treaty Monitoring Coordination Committee (HRTMCC). The National Federation of the Disabled -Nepal (NFDN) is coordinating for CRPD sub-committee and the presentor is the convener of the sub-committee under HRTMCC.

In order to use the UPR mechanism effectively and raise the profile of the issues and status of the rights of persons with disabilities in Nepal, NFDN organised a one-day consultative workshop in Kathmandu with the objectives to develop a report from disability rights perspectives for the UPR. The workshop also aimed to discuss UPR process and practices. The alliance of CSOs concerning Rights of Persons With Disabilities mandated Mr. Birendra Raj Pokharel (The paper presenter) to prepare the recommendation to be accommodated in the Report of CSOs for UPR. with series of consultation and joint initiatives. The report has been presented to the alliance of CSOs. (Please see annex I).

Documentation for the review:

- 1) National report Prepared by Nepal after consultation process between Government and civil society (10 700 words (approximately 20 pages)
- 2) Compilation of information from Treaty Bodies, Special Procedures and other United Nations documents, prepared by OHCHR (5350 words (approximately 10 pages),
- 3) Summary of stakeholders' submissions prepared by OHCHR (5350 words (approximately 10 pages)

The Schedule of the review in some of the Asia-Pacific Countries:

Lao People's Democratic Republic

Working Group: May 2010,

Plenary: September 2010

Myanmar

Working Group: February 2011,

Plenary: June 2011

Nepal

Working Group: 17-28, January 2011,

Plenary: June 2011

Singapore

Working Group: May 2011,

Plenary: September 2011

Thailand

Working Group: December 2011,

Plenary: March 2012

Timor Leste

Working Group: December 2011,

Plenary: March 2012.

Recommendation for the Establishment of "New Decade of Rights of Persons With Disabilities in Asia-Pacific Region":

The implementation of the BMF has been hindered, thus the targets couldn't meet. now it is realized that the Governments strongly restricts the monitoring mechanism of the CRPD and interventions through the National Human Rights Institutions. In this context, the importance of establishing a "New Decade of Rights of Persons With Disabilities in Asia-Pacific Region" deserves paramount importance for pushing governments obligated towards rights of Persons With Disabilities.

Securing the civil, political, economic, social and cultural rights of persons with disabilities will be vital in respect to the guideline of the CRPD for mainstreaming disability in the development agendas. Since the violence on the basis of disability has victimized 1/4th of the world's population, the global solidarity is a necessity in the following decade to ensure the human rights of persons with disabilities.

D1S2A4 (B)

Concluding Observation of CRPD Committee on State report of Nepal

Advance Unedited Version

Distr.: General

1 March 2018

Original: English

English, Russian and Spanish only

Committee on the Rights of Persons with Disabilities

Concluding Observations in relation to the initial report of Nepal*

I. Introduction

1. The Committee considered the initial report of Nepal (CRPD/C/NPL/1) at its 367th and 368th meetings (CRPD/C/SR.367 and CRPD/C/SR.368), held on 19 and 20 February 2018, respectively, and adopted the following concluding observations at its 382nd meeting (CRPD/C/SR.382), held on 1 March 2018.
2. The Committee welcomes the initial report of Nepal, in which the State party endeavoured to prepare the report in accordance with the Committee's reporting guidelines, and commends the State party for the written replies (CRPD/NPL/Q/1/Add.1) to the list of issues prepared by the Committee.
3. The Committee appreciates the constructive dialogue with the State party's high level delegation, which included representatives of relevant Government ministries and departments. The Committee commends the delegation's frank responses to the questions that were posed by members of the Committee.

II. Positive aspects

4. The Committee commends the people of Nepal in enduring a decade-long armed conflict, bringing it to an end with the signing of the Comprehensive Peace Accord (the "CPA") on 21 November 2006. The Committee notes that a new Constitution came into force in 2015 which not only reflects the achievements of the People's Movement but also has implications for the implementation of the Convention.

* Adopted by the Committee at its nineteen session (14 February – 9 March 2018).

5. The Committee notes that, prior to the ratification of the Convention, Nepal had enacted a number of specific legislations for the protection and promotion of the rights of persons with disabilities such as the Disabled Protection and Welfare Act, 1982 (the “DPW Act”), and the Disabled Protection and Welfare Regulation (the “DPW Regulation 1982 DPW Act and DPW Regulation 1994). The Committee commends the State party that it is currently in the process of revising its domestic legislation to bring it into full compliance with the Convention. In particular, the Committee commends the enactment of the Disability Rights Act of 2017, and the adoption of the Thirteenth Plan (2013–2016) as a key strategy to implement the rights in the Convention.

6. The Committee commends the efforts of the State party in the preparation process of the report by bringing together a cross sectorial representation of agencies led by the Ministry of Women, Children and Social Welfare (the “MOWCSW”) and also holding consultations with a range of stakeholders represented by various government ministries, including the Office of the Prime Minister.

III. Principal areas of concern and recommendations

A General principles and obligations (arts. 1–4)

7. The Committee is concerned that the State party tends to adhere to the World Health Organisation (WHO) definition of disability with a focus on conditions arising from inherent personal or medical limitations, thereby overlooking interactions with environmental factors. While the Convention recognizes an evolving concept of disability, the State party appears to be trapped by the concept of ‘permanent disability’. The Committee is concerned that the State party still uses a classification of disability that excludes certain groups of persons with disabilities who do not fall in any of these categories such as those who are hard of hearing. The Committee is also concerned that persons with disabilities from rural areas and indigenous backgrounds face barriers in accessing disability identity cards.

8. The Committee recommends that the State party adopt a human rights model of disability that stresses human dignity of persons with disabilities and conditions arising from interactions with various barriers that may hinder their full and effective participation in society on an equal basis with others. In this regard, the State party should ensure that the classification of disability is human rights based and does not exclude certain groups of persons with disabilities. The State party should take appropriate measures to remove all barriers to ensure that persons with disabilities from rural areas and indigenous backgrounds have access to disability identity cards.

B Specific rights (arts. 5–30)

Equality and non-discrimination (art. 5)

9. While noting that the Constitution prohibits discrimination of persons with disabilities, the Committee is concerned that persons with disabilities still face multiple and intersectional forms of discrimination on other grounds such as caste, and ethnicity, in particular women and girls with intellectual and/or psychosocial disabilities, autistic persons, persons from ethnic, Dalit, Madhesi and Muslim communities.

10. The Committee recommends that the State party implement existing anti-discrimination legislation, policies and programmes in order to prevent multiple and intersectional discrimination targeting disadvantaged groups including, autistic persons, ethnic, Dalit, Madhesi and Muslim communities. The Committee also recommends that the State party establish accessible and effective mechanisms for victims of discrimination to seek redress and commensurate compensation.

Women with disabilities (art. 6)

11. The Committee is concerned about the overall lack of information on social, economic, employment and other areas of public life, and political situations of women with disabilities in Nepal. In particular, it is concerned at the overall exclusion of women with disabilities in decision-making processes. The Committee is also concerned at the reportedly high incidence of sexual violence and abuse of women and girls, including cases of gang rape of women and girls with disabilities and that some cases remain unreported.

12. The Committee urges the State party to undertake consultations with organisations representing women and girls with disabilities with a view to using these as a basis for ensuring their participation in political and public life and in implementing law reform and policy changes, - with particular attention to their family lives, education, health services, employment. The Committee recommends that the State party combat discriminatory practices as stipulated under the Three Year Interim Plan (TYIP) (2010–2013) that lays emphasis on: policy, legal and institutional reform to eliminate all forms of discrimination affecting women and girls. The Committee recommends that the State party strengthen and implement legislation and provide for accessible monitoring and reporting mechanisms to detect, prevent and combat all forms of violence, including sexual violence, against women and girls with disabilities.

Children with disabilities (art. 7)

13. The Committee is concerned about the absence of clear linkages between intended policies and actual implementation of policies such as the Ten-Year Children's National Action Plan or the Thirteenth Plan (2013–2016) aimed at protecting children. More specifically, the Committee is concerned about the absence of specific measures for supporting children with disabilities and their families, and also about the inadequacy of inclusive education for children,

particularly those from rural areas, marginalized ethnic minority and indigenous communities. The Committee is also concerned at reports of abandonment of children with disabilities who as a result are exposed to exploitation and abuse.

14. The Committee recommends that the State party take steps, which should include consultations with representative organizations of persons with disabilities and relevant ethnic minorities and indigenous groups to ensure overall improvement in increasing enrolment of children with disabilities for primary school education, implementing inclusive early childhood education, opportunities for vocational training for youth with disabilities, and undertake measures for the prevention of violence, abuse, exploitation and abandonment of children with disabilities. In doing so, the State party should pay particular attention towards marginalized groups of children with disabilities in rural and mountainous areas, in particular children with intellectual and/or psychosocial disabilities and those from indigenous groups.

Awareness-raising (art. 8)

15. The Committee is concerned at negative attitudes as manifested in everyday language and the lack of awareness regarding the rights of persons with disabilities, particularly women and girls with intellectual and/or psychosocial disabilities from ethnic, Dalit, Madhesi and Muslim communities. The Committee also notes that awareness-raising measures are inadequate to the extent that even persons with disabilities and their families, let alone public and relevant professionals in general, are not exposed to the issues concerning the rights of persons with disabilities.

16. The Committee recommends that the State party, in collaboration with representative organizations of persons with disabilities, develop and implement public awareness-raising and education programmes on the rights as well as the situation of persons with disabilities, including through sensitization of the media, public officials, judges and lawyers, the police, social workers and the general public, in order to foster a positive image of persons with disabilities as autonomous holders of human rights. In doing so, the State party should ensure that such awareness-raising recognizes the cross-cutting nature of the Convention, particularly with regards to articles 2, 3, 5, 12, 13, 15, 16 and 21 and adopt a human rights model of disability as a key strategy to strengthen positive public awareness regarding the diversity of disabilities.

Accessibility (art. 9)

17. The Committee is concerned that the State party's measures on accessibility are limited, as noted in the National Policy and the Plan of Action on Disability (2006), to persons with disabilities in urban and city environment thereby excluding all groups of persons with disabilities living in rural and remote rugged mountainous areas.

18. The Committee recommends that the State party in line with the Committee's General Comment No. 2 (2014) on accessibility:

(a) **Broaden its policy for accessibility to include all groups of persons with disabilities, including those living in rural and remote rugged mountainous areas;**

(b) **Strengthen measures, including public procurement to grant access by persons with disabilities to information and communications technologies, including by the provision of low-cost software and assistive devices for all persons with disabilities, including those living in rural areas;**

(c) **Strengthen its monitoring and enforcement mechanisms on accessibility to ensure that the National Policy and the Plan of Action on Disability (2006), the Right to Information Act, 2007, the new comprehensive Accessibility Guidelines (2013); the Thirteenth Plan (2013–2016) and the current Fourteenth Implementation Plan, are duly implemented.**

Situations of risk and humanitarian emergencies (art. 11)

19. The Committee is concerned about the lack of specific protective measures and support for persons with disabilities targeting specifically vulnerable groups who were disproportionately affected (women, people with leprosy, children and indigenous peoples) by the 2015 earthquake.

20. **The Committee recommends that the State party adopt an effective mechanism in accordance with the Sendai Framework for Disaster Risk Reduction 2015-2030 in order to have an accessible communication strategy (e.g. hotlines, a text message-warning application, general manuals in sign language and Braille, etc.), and comprehensive emergency strategy and protocols for situations of disaster and risk. The Committee also recommends that the State party require all public services to develop individual and local plans for the safe evacuation of persons with disabilities in consultations with them through their representative organizations. In this regard, the State party should ensure that post-disaster recovery and rehabilitation efforts follow a human rights based approach in order to effectively protect all persons with disabilities.**

Equal recognition before the law (art. 12)

21. The Committee is concerned that no changes of legal provisions to replace substituted decision-making with supported decision-making, which respects the person's autonomy, will and preferences of persons with disabilities, in full conformity with article 12 of the Convention and general comment No. 1 (2014) have been undertaken. The Committee is particularly concerned that while the State party is making efforts to implement supported decision making, substituted decision making is still used in the State party. The Committee is further concerned at reports that persons with intellectual or/psychosocial disabilities are sometimes expelled from governmental, judicial, institutional or private enterprises, and accordingly their equal recognition before the law is denied, contrary to the provisions of article 12 of the Convention.

22. **The Committee recommends that the State party revise its legislation in order to recognize the full legal capacity of all persons with disabilities, notwithstanding their impairment, on an equal basis with others, and**

introduce supported decision-making mechanisms in line with the Committee's general comment No. 1 (2014) on equal recognition before the law. The Committee further recommends that the State party provide training, in consultation and cooperation with persons with disabilities and their representative organizations, at the national, regional and local levels for all actors, including civil servants, judges and social workers, on the recognition of the legal capacity of persons with disabilities and on the principles of supported decision-making.

Access to justice (art. 13)

23. While noting the efforts being made by the State party to ensure access to justice by persons with disabilities, the Committee remains concerned about the lack of explicit provisions for ensuring disability type and age appropriate accommodation in situations necessary for guaranteeing access to justice for persons with disabilities. It is also concerned at reports of the insufficient use of sign language, Braille as well as Easy Read, and the lack of appropriate awareness training for judicial, legal and law enforcement professionals.

24. The Committee recommends that the State party take appropriate measures to ensure physical access, accessible legal services and qualified sign-language and tactile sign interpreters in courtrooms and police stations, including measures to ensure that persons with disabilities are not discriminated against on account of their disability (when sign language or Braille is required), or due to the lack of appropriate training of legal professionals, police and prison officers.

Liberty and security of the person (art. 14)

25. The Committee is concerned that persons with intellectual and/or psychosocial disabilities are allegedly chained or detained in houses or forcibly placed in psychiatric facilities, and that physical examinations, medical treatments and medications are sometimes carried out without the free consent of persons with disabilities as well as reported cases of chaining, torturing and over-dozing of persons with intellectual disabilities in psychiatric treatment facilities.

26. The Committee recommends that the State party take all legal and other appropriate measures necessary to stop the deprivation of liberty of persons with disabilities on the basis of actual or perceived impairment, and that any examination or treatment of persons with disabilities be undertaken after free and informed consent of the persons concerned, in line with the Committee's guidelines on the right to liberty and security of persons with disabilities, adopted by the Committee at its fourteenth session (17 August-4 September 2015) (see Report of the Committee on the Rights of Persons with Disabilities Supplement No. 55 (A/72/55), Annex). In this regard, the Committee recommends that the State party investigate, prosecute and punish cases of chaining, detention in private homes, and forcible placement and treatment in psychiatric facilities.

Freedom from Exploitation, Violence and Abuse (art. 16)

27. The Committee is concerned about the absence of any monitoring mechanism to collect disaggregated data on prosecution of cases of violence, abuse and exploitation of persons with disabilities; in particular data on the sexual exploitation and abuse of children and women with disabilities.

28. The Committee recommends that the State party take appropriate measures to protect persons with disabilities from exploitation, violence and abuse both within and outside the home.

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

29. The Committee is concerned that persons with disabilities are not provided with adequate means to enable them to exercise choice and control over their lives and make all decisions concerning their lives, particularly to live independently and in communities. The Committee is further concerned that the State party has not adopted any policy measures to protect persons with disabilities against forced institutionalization.

30. In line with General Comment No. 5 (2017) on the right to independent living, the Committee recommends that the State party adopt a strategy to implement independent living schemes and ensure access to disability specific and community services. The Committee also recommends that the State party ensure that persons with disabilities who live with or are dependent on their families receive appropriate support to enable them to live independently in the community.

Personal mobility (art. 20)

31. The Committee is concerned that a majority of public infrastructure, including, government offices, hospitals, schools, colleges, banks, roads, public buildings and public transportation are not easily accessible for persons with disabilities. The Committee is also concerned that streets are not paved to accommodate users of crutches and wheelchairs. The Committee is further concerned that the situation is even worse in cases where houses, schools and health facilities are located in mountainous and hilly regions where wheelchairs and other devices cannot be used.

32. The Committee urges the State party to adopt appropriate measures to ensure mobility of all persons with disabilities in order to facilitate their participation, inclusion in community in general and in particular, to engage in education and livelihood activities, including access to quality and affordable mobility aids and assistive devices, technologies and services necessary for their unrestricted personal mobility.

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

33. The Committee is concerned at the absence of a Centre for Sign Language Research and Training of Sign Language Interpreters, and at the absence of a state system for certification and approval of sign language interpreters' qualification.

34. The Committee recommends that the State party take appropriate measures to establish a Centre for Sign Language Research and Training of Sign Language Interpreters, and ensure their certification involving representative organisations for the deaf.

Education (art. 24)

35. The Committee is concerned that the State party maintains special and segregated schools. The Committee is particularly concerned at:

(a) The lack of sufficient support and training for administrative and teaching staff with regard to inclusive education;

(b) The lack of accessibility and reasonable accommodation for students with disabilities in mainstream schools;

(c) The absence of a comprehensive strategy to promote inclusive education in urban and rural areas.

36. The Committee recommends that the State party in line with the Committee's general comment No. 4 (2016) on the right to inclusive education and Sustainable Development Goal 4, in particular targets 4.5 and 4 (a), increase its efforts towards inclusive education by:

(a) **Adopting a policy of mandatory training of teachers in the inclusive education model based on indicators and sign posts to be achieved, and to guarantee inclusive education by providing support for trained teachers, Braille and sign language as well as alternative means and modes of communication, Easy Read and other auxiliary equipment and media;**

(b) **Ensuring access to inclusive education for all persons with disabilities, at all levels of education including adult education throughout the country, and guarantee that this education model covers the most remote areas, incorporates a gender perspective and is ethnically and culturally relevant.**

Health, Habilitation and Rehabilitation (arts. 25 and 26)

37. The Committee is concerned about the limited access to comprehensive health and rehabilitation services by persons with disabilities, particularly in rural and remote areas.

38. The Committee recommends that the State party develop measures to ensure comprehensive access to health services for persons with disabilities, particularly sexual and reproductive health services, maternal and child health centres, psychosocial services, and intensify the provision of comprehensive community-based rehabilitation services including in rural and remote areas.

Work and employment (art. 27)

39. The Committee is concerned at the lack of information on the effectiveness of the employment quota for persons with disabilities in the civil service and how these posts are filled by persons with disabilities, particularly by persons

with intellectual and/or psychosocial disabilities including those from indigenous backgrounds.

40. The Committee recommends that the State party take appropriate measures to gather data and develop criteria to fill the five per cent quota for civil service positions that are reserved for persons with disabilities including undertaking a comprehensive evaluation of these jobs in terms of quality, and the extent to which persons with intellectual and/or psychosocial disabilities, including those from indigenous backgrounds, have benefitted from this quota against those who remain unemployed.

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

41. The Committee is concerned about the actual effectiveness of a number of policy measures such as the National Policy and Plan of Action on Disability, 2006 (NPPAD) and the Poverty Alleviation Fund (PAF) in ensuring a decent standard of living for persons with disabilities and allowing them to meet the additional costs of living with a disability. The Committee is also concerned about the extent to which community based rehabilitation (the "CBR") programmes have been effective in reducing the number of persons with disabilities in poverty.

42. The Committee recommends that the State party take necessary measures to ensure that persons with disabilities throughout its territory have access to community-based rehabilitation services and adequate social protection programmes that are oriented towards social and community inclusion. The Committee requests that the State party provide updated data in its next periodic report on the number and percentage of persons with disabilities who have benefitted from social protection floors from the Government, and request that this data is disaggregated by sex, age, ethnicity and in particular for persons with intellectual, and/or psychosocial disabilities, hearing or visual disabilities and multiple disabilities.

Participation in Cultural Life, Recreation, Leisure and Sports (art.30)

43. The Committee is concerned about how the National Sports Policy, 2010, which was adopted to develop and expand Para-sports in order to encourage persons with disabilities to participate in sports of their interest, has been effective in ensuring the rights of persons with disabilities under article 30, particularly those with visual, speech and hearing impairment. The Committee also notes that while the State party has signed the Marrakesh Treaty, it is yet to ratify it.

44. The Committee recommends that the State party take appropriate action and measures to ensure that persons with disabilities can participate in cultural, recreational, leisure and sporting programs. The Committee also encourages the State party to take all appropriate measures to ratify and implement the Marrakesh Treaty as soon as possible.

C. Specific obligations (arts. 31-33)

Statistics and Data Collection (art. 31)

45. The Committee is concerned that the latest census carried in 2011 through the Central Bureau of Statistics did not collect disaggregated data on disabilities and accordingly inadequately reflects the situation of disability in the State party.

46. The Committee recommends that the State party pay attention to the links between article 31 of the Convention and Sustainable Development Goal 17, target 17.18 to increase significantly the availability of high-quality, timely and reliable data disaggregated by income, gender, age, race, ethnicity, migratory status, disability, geographic location and other characteristics relevant in national contexts and to analyse the data to provide tailored services for persons with disabilities. In this regard, the Committee recommends that the State party utilises the Washington Group Set of Questions in future censuses in order to capture comprehensively data on disability.

International cooperation (art. 32)

47. The Committee is concerned that the State party's collaboration with international bodies to improve the capacity of the State party to implement the Convention does not adequately include the participation of persons with disabilities. The Committee is further concerned about the extent to which new technologies and good practices promptly reach persons with disabilities and representative organizations of persons with disabilities and also the extent to which persons with disabilities have been included in consultations or partnerships to achieve the Sustainable Development Goals.

48. The Committee recommends that the State party review international projects undertaken by the State party in partnership with global aid agencies to ensure full compliance with the principles of the Convention, and ensure the meaningful and empowered inclusion of persons with disabilities and their representative organisations in designing, implementing and monitoring disability inclusive development projects and also in achieving Sustainable Development Goals.

National implementation and monitoring (art. 33)

49. The Committee is concerned about the lack of resources and the lack of effective and comprehensive inclusion of organizations of persons with disabilities in order to facilitate their participation in the monitoring processes regarding the implementation of the Convention in accordance with article 33 (3).

50. The Committee recommends that the State party provide adequate funding for both established monitoring frameworks and organizations of persons with disabilities to enable them to monitor the implementation of the Convention across the State party, in accordance with article 33 (3) and taking into account the guidelines on independent monitoring frameworks and their

participation in the work of the Committee on the Rights of Persons with Disabilities (CRPD/C/1/Rev.1, annex).

Follow-up to concluding observations and dissemination

51. The Committee requests the State party to provide, within 12 months and in accordance with article 35, paragraph 2 of the Convention, written information on the steps undertaken to implement the recommendations contained in paragraph 20.

52. The Committee requests the State party to implement the recommendations of the Committee as contained in the present concluding observations. The Committee recommends that the State party transmit the concluding observations for consideration and action to members of the Government and Parliament, officials in the relevant Ministries, the Judiciary, law enforcement officers and members of relevant professional groups, such as education, medical and legal professionals, as well as to local authorities, the private sector, and the media, using modern social communication strategies.

53. The Committee requests the State party to disseminate the present concluding observations widely, including to non-governmental organizations and representative organizations of persons with disabilities, as well as to persons with disabilities themselves and members of their families, in accessible formats.

54. The Committee strongly encourages the State party to involve civil society organizations, in particular disabled persons' organizations, in the preparation of its second to fourth periodic reports.

Technical cooperation

55. The Committee recommends that the State party avail itself of technical cooperation from the member organizations of the Inter-Agency Support Group (IASG) for the Convention for the purpose of obtaining guidance and assistance on implementing the Convention and the present concluding observations.

Next report

56. The Committee requests the State party to submit its combined second, to fourth periodic reports by no later than 7 June 2024, and to include therein information on the implementation of the present concluding observations. The Committee invites the State party to consider submitting the above-mentioned reports under the Committee's simplified reporting procedure, according to which the Committee prepares a list of issues at least one year prior to the due date set for the report/combined reports of a State party. The replies of a State party to such a list of issues constitutes its report.

D1S2A5

Sustainable Development Goals (SDG) and Disability indicators/ targets

The 2030 Agenda for Sustainable Development clearly states that disability cannot be a reason or criteria for lack of access to development programming and the realization of human rights. The Sustainable Development Goals (SDGs) framework includes seven targets, which explicitly refer to persons with disabilities, and six further targets on persons in vulnerable situations, which include persons with disabilities. The SDGs address essential development domains such as education, employment and decent work, social protection, resilience to and mitigation of disasters, sanitation, transport, and non-discrimination – all of which are important areas of work.³

Situational overview

Persons with disabilities comprise an estimated 15 per cent of the world's population,

80 per cent live in developing countries

Overrepresented are living in absolute poverty.

Persons with disabilities often encounter discrimination and exclusion on a daily basis.

Pervasive exclusion from development programmes and funds,

Economic, political, social, civil and cultural life,

Employment, education and healthcare.

Concerns of Inclusive Development

Persons with disabilities were not referenced in the Millennium Development Goals (MDGs)

Result were excluded from many important development initiatives and funding streams

Sustainable Development includes Persons with disabilities opened doors for their participation and recognition as active contributing members of society

Persons with disabilities should be recognized as equal partners, and be consulted by Governments,

Out of the 169 targets across the 17 Goals, seven targets have an explicit reference to Persons with disabilities.

Further, all Goals and targets are applicable to Persons with disabilities by simple virtue of universality,

³ <https://www.worldbank.org/en/topic/disability>

Overarching principle of “leave no one behind.”

CRPD as a guiding framework implementing the SDGs and removing barriers,

This includes institutional, attitudinal, physical and legal

Disability Inclusive provisions in SDG

Goal 1. End poverty in all its forms everywhere

1.3 Implement nationally appropriate social protection systems and measures for all, including floors, and by 2030 achieve substantial coverage of the poor and the vulnerable

1.3.1 Proportion of population covered by social protection floors/systems, by sex, distinguishing children, unemployed persons, older persons, Persons with disabilities, pregnant women, newborns, work-injury victims and the poor and the vulnerable

Goal 4. Ensure inclusive and equitable quality education and promote lifelong learning opportunities for all

4.5 By 2030, eliminate gender disparities in education and ensure equal access to all levels of education and vocational training for the vulnerable, including Persons with disabilities, indigenous peoples and children in vulnerable situations

4.5.1 Parity indices (female/male, rural/urban, bottom/top wealth quintile and others such as disability status, indigenous peoples and conflict-affected, as data become available) for all education indicators on this list that can be disaggregated

Goal 4 contd...

4. a. Build and upgrade education facilities that are child, disability and gender sensitive and provide safe, non-violent, inclusive and effective learning environments for all

4.a.1. Proportion of schools with access to: (a) electricity; (b) the Internet for pedagogical purposes; (c) computers for pedagogical purposes; (d) adapted infrastructure and materials for students with disabilities; (e) basic drinking water; (f) single-sex basic sanitation facilities; and (g) basic hand washing facilities (as per the WASH indicator definitions)

Goal 8. Promote sustained, inclusive and sustainable economic growth, full and productive employment and decent work for all

8.5 By 2030, achieve full and productive employment and decent work for all women and men, including for young people and Persons with disabilities, and equal pay for work of equal value

8.5.1 Average hourly earnings of female and male employees, by occupation, age and Persons with disabilities

8.5.2 Unemployment rate, by sex, age and Persons with disabilities

Goal 10. Reduce inequality within and among countries

10.2 By 2030, empower and promote the social, economic and political inclusion of all, irrespective of age, sex, disability, race, ethnicity, origin, religion or economic or other status

10.2.1 Proportion of people living below 50 per cent of median income, by age, sex and Disability

Goal 11. Make cities and human settlements inclusive, safe, resilient and sustainable

11.2 By 2030, provide access to safe, affordable, accessible and sustainable transport systems for all, improving road safety, notably by expanding public transport, with special attention to the needs of those in vulnerable situations, women, children, persons with disabilities and older persons

11.2.1 Proportion of population that has convenient access to public transport, by sex, age and disability

Goal 11 contd...

11.2 By 2030, provide access to safe, affordable, accessible and sustainable transport systems for all, improving road safety, notably by expanding public transport, with special attention to the needs of those in vulnerable situations, women, children, Persons with disabilities and older persons

11.2.1 Proportion of population that has convenient access to public transport, by sex, age and disability

Goal 11 contd...

11.7 By 2030, provide universal access to safe, inclusive and accessible, green and public spaces, in particular for women and children, older persons and persons with disabilities

11.7.1 Average share of the built-up area of cities that is open space for public use for all, by sex, age and disability

11.7 By 2030, provide universal access to safe, inclusive and accessible, green and public spaces, in particular for women and children, older persons and persons with disabilities

11.7.2 Proportion of persons victim of physical or sexual harassment, by sex, age, disability status and place of occurrence, in the previous 12 months

Goal 16 Promote peaceful and inclusive societies for sustainable development provide access to justice for all and build effective, accountable and inclusive institutions at all levels

16.7 Ensure responsive, inclusive, participatory and representative decision-making at all levels

16.7.1 Proportions of positions (by sex, age, persons with disabilities and population groups) in public institutions (national and local legislatures, public service, and judiciary) compared to national distributions

16.7.2 Proportion of population who believe decision-making is inclusive and responsive, by sex, age, disability and population group

D1S3A5B

The Incheon Strategy to "Make the Right Real" for Persons with disabilities in Asia and the Pacific

The Incheon Strategy provides the Asian and Pacific region, and the world, with the first set of regionally agreed disability-inclusive development goals.

The Incheon Strategy builds on the CRPD and the BMF and Biwako plus Five

Towards an Inclusive, Barrier-free and Rights-based Society for Persons with disabilities in Asia and the Pacific.

Incheon goals and targets

The Incheon Strategy is composed of 10 interrelated goals, 27 targets and 62 indicators.

Goals describe the desired end results.

Targets are aimed to be achieved within a given time frame.

Indicators measure progress towards the targets and verify that the targets have been achieved.

Core indicators and supplementary indicators.

All indicators should be disaggregated by sex wherever possible.

Goal 1: Reduce poverty and enhance work and employment prospects

Target 1.A: Eliminate extreme poverty among Persons with disabilities

Target 1.B: Increase work and employment for persons of working age with disabilities who can and want to work

Target 1.C: Increase the participation of Persons with disabilities in vocational training and other employment-support programmes funded by governments

Goal 2: Promote participation in political processes and in decision-making

Target 2.A: Ensure that Persons with disabilities are represented in government decision-making bodies

Target 2.B: Provide reasonable accommodation to enhance the participation of Persons with disabilities in the political process

Goal 3: Enhance access to the physical environment, public transportation, knowledge, information and communication

Target 3.A: Increase the accessibility of the physical environment in the national capital that is open to the public

Target 3.B: Enhance the accessibility and usability of public transportation

Target 3.C: Enhance the accessibility and usability of information and communications services

Target 3.D: Halve the proportion of Persons with disabilities who need but do not have appropriate assistive devices or products.

Goal 4: Strengthen social protection

Target 4.A: Increase access to all health services, including rehabilitation, for all Persons with disabilities

Target 4.B: Increase coverage of Persons with disabilities within social protection programmes

Target 4.C: Enhance services and programmes, including for personal assistance and peer counseling, that support Persons with disabilities, especially those with multiple, extensive and diverse disabilities, in living independently in the community.

Goal 5: Expand early intervention and education of children with disabilities

Target 5.A: Enhance measures for early detection of, and intervention for, children with disabilities from birth to pre-school age

Target 5.B: Halve the gap between children with disabilities and children without disabilities in enrolment rates for primary and secondary education.

Goal 6: Ensure gender equality and women's empowerment

Target 6.A: Enable girls and women with disabilities to have equitable access to mainstream development opportunities

Target 6.B: Ensure representation of women with disabilities in government decision-making bodies

Target 6.C: Ensure that all girls and women with disabilities have access to sexual and reproductive health services on an equitable basis with girls and women without disabilities

Target 6.D: Increase measures to protect girls and women with disabilities from all forms of violence and abuse.

Goal 7: Ensure disability-inclusive disaster risk reduction and management

Target 7.A: Strengthen disability-inclusive disaster risk reduction planning

Target 7.B: Strengthen implementation of measures on providing timely and appropriate support to Persons with disabilities in responding to disasters.

Goal 8: Improve the reliability and comparability of disability data

Target 8.A: Produce and disseminate reliable and internationally comparable disability statistics in formats that are accessible by Persons with disabilities

Target 8.B: Establish reliable disability statistics by the midpoint of the Decade, 2017, as the source for tracking progress towards the achievement of the goals and targets in the Incheon Strategy.

Goal 9: Accelerate the ratification and implementation of the Convention on the Rights of Persons with disabilities and the harmonization of national legislation with the Convention

Target 9.A: By the midpoint of the Decade (2017), 10 more Asia-Pacific Governments will have ratified or acceded to the CRPD, and by the end of the Decade (2022) another 10 Asia-Pacific Governments will have ratified or acceded to the Convention

Target 9.B:

Enact national laws which include anti-discrimination provisions, technical standards and other measures to uphold and protect the rights of Persons with disabilities and amend or nullify national laws that directly or indirectly discriminate against Persons with disabilities, with a view to harmonizing national legislation with the Convention.

Goal 10: Advance sub-regional, regional and interregional cooperation

Target 10.A: Contribute to the Asia-Pacific Multi-donor Trust Fund managed by ESCAP as well as initiatives and programmes to support the implementation of the Ministerial Declaration on the Asian and Pacific Decade of Persons with disabilities, 2013-2022, and the Incheon Strategy

Target 10.B: Development cooperation agencies in the Asia-Pacific region strengthen the disability-inclusiveness of their policies and programmes

Target 10.C: United Nations regional commissions strengthen interregional exchange of experiences and good practices concerning disability issues and the implementation of CRPD.

D1S3A1

A historical evolution of disability movement in Nepal

अपाङ्गता संबन्धी ऐतिहासिक पृष्ठभूमि

सन् १९१० मा पहिलो मुलुकी ऐन आउनु पूर्व नेपालमा लिखित कानून थिएन । एउटै अपराधमा फरक सजाय गर्ने व्यवस्था यो ऐनमा थियो । यस ऐनमा अपाङ्गता भएका व्यक्तीहरूलाई गरिब कंगालको महलमा राखि हतै पिच्छे हण्डी (भिक्षा) र बार्षिक दुई जोडी कपडा दिने कुरा उपकारको रुपमा राखिएको थियो।

नेपालको पहिलो लिखित संविधान २००४ सालमा आयो तर कार्यान्वयन नभइ समाप्त भयो । अन्तरिम शासन विधान २००७ ले अपाङ्गता भएका व्यक्तीहरूको लागि केहि व्यवस्था गरेर शुरुवात गर्यो । यसपछि बनेका कानूनहरूमा विस्तारै अपाङ्गता सम्बन्धी थोरै थोरै प्रावधानहरू राखिन थालियो ।

संयुक्त राष्ट्र संघीय मानव अधिकार सम्बन्धी घोषणा पत्र १९४८ को धारा २६ ले घटीमा प्राथमिक तहसम्म निशुल्क शिक्षा अधिकारको रूपमा सबैले पाउनु पर्ने उल्लेख गरेको छ । सन् १९९० को जोमटिएन घोषणा पत्रले "शिक्षा सबैका लागि हो" भनी प्रतिवद्धता देखाएको छ ।

सन् १९९४ को सालामान्का घोषणाले अपाङ्गता भएका व्यक्ति लगायत विशेष शिक्षाको आवश्यकता भएका सबैलाई शिक्षाको राष्ट्रिय कार्यक्रमको मूलधारमा समावेशी गर्नु पर्ने कुरामा जोड दिएको छ । त्यसैगरी सन् २००० मा सम्पन्न डाकार सम्मेलनले विशेष आवश्यकता शिक्षा परस्वर्दन गर्नका लागि एसिया तथा प्रशान्त क्षेत्रमा विविध कार्यक्रम संचालन गर्न गराउन सम्बन्धित सरकारलाई प्रेरित गरेको थियो ।

एसिया प्रशान्त क्षेत्रमा बिवाको सहश्राव्दी कार्ययोजना, २००२ को कार्यान्वयन ढाँचाको प्राथमिक क्षेत्र भित्र तोकिएको लक्ष्य अनुसार सन् २०१५ सम्ममा शत प्रतिशत अपाङ्गता भएका बालबालिकालहरूले प्राथमिक शिक्षा पाउनु पर्ने उल्लेख गरिएको थियो । यद्यपी सन् २००८ मा यसको मध्यावधी मूल्यांकन गरिदा सो लक्ष पुरा हुने लक्षण देखिएन ।

D1S3A2

DPO's Initiatives for the Ratification of CRPD in Nepal

महासन्धि अनुमोदनका लागि नेपालमा भएका प्रयासहरू:

राष्ट्रिय अपाङ्ग महासंघ नेपालले महासन्धिक मस्यौदा कार्यका हरेक चरण देखि नै यसको पक्षमा काम गर्दै आईरहेको छ । विशेष गरेर सन् २००४ को अक्टुबर महिनामा डिपीआई कोरियाद्वारा आयो नेतृत्व विकास तालिमबाट यस महासंघका अध्यक्ष श्री वीरेन्द्र राज पोखरेलले अन्तर्राष्ट्रिय मस्यौदा समितिलाई सुझाव दिदै तदर्थ समितिको हरेक बैठकमा उठेका छलफलहरूमा आफ्नो अवधारणाहरू स्पष्ट पार्दै आईरहेको थियो । सन् २००५ को अप्रिलमा बैंकक, सेप्टेम्बरमा पाकिस्तान, सन् २००६ को जनवरीमा बंगलादेश र मे मा बैंककमा आयोजित सम्मेलनहरूमा सक्रियताका साथ मस्यौदा उपर आफ्नो अवधारणाहरू स्पष्ट गरिएको थियो । अन्तर्राष्ट्रिय स्तरमा मात्र नभै राष्ट्रिय स्तरमा समेत महासन्धिको बारेमा प्रचार/प्रसार, यसको अनुमोदनका लागि बहसको थालनी यसका प्रावधानहरू बारे जनचेतना तथा देशव्यापी संयन्त्रहरूको क्षमता अभिवृद्धिका लागि महासंघले विभिन्न गोष्ठी, अन्तरक्रिया, छलफल आदि सञ्चालन गर्दै आईरहेको छ ।

महासन्धिलाई नेपालीमा अनुबाद गरी त्यसलाई कानुन किताब खानाबाट औपचारीकता प्राप्त गर्नुका साथै महासन्धिको नेपाली भाषाको प्रकाशन यसको अनुमोदनको पक्षमा अत्यन्त महत्वपूर्ण कदम रहेको छ । महासन्धि अनुमोदन गर्ने नेपालको वैधानिक प्रक्रिया अनुसार यसलाई सम्मिलन गर्न लामो समय लाग्ने भएकाले यसको अनुमोदनको प्रक्रियालाई दुई चरणमा गराउन महासंघले रणनीतिक योजना तयार गरेको थियो । जस अनुसार पहिलो चरणमा हस्ताक्षरको कार्य सम्पन्न गराउने जुन मन्त्रीपरिषदको निर्णयबाट हुन्छ र दोस्रोमा अनुमोदनको प्रक्रिया पुरा गर्ने जसको निर्णय विधायिका संसदको दुई तिहाईबाट हुनुपर्दछ । महासंघले सन् २००६ को जनवरी देखि सन् २००८ को डिसेम्बर सम्ममा विभिन्न मन्त्रालय तहमा अठारवटा, गैरसरकारी/संवैधानिक निकायहरू तर्फ नौवटा र राजनैतिक दलहरूसँग एघारवटा छलफल र बैठक आयोजना गरी महासन्धि अनुमोदनको पक्षमा कार्य गरेको छ । क्षेत्रीय स्तरमा दशवटा गोष्ठी, राष्ट्रियस्तरमा सातवटा गोष्ठी आयोजना गरी महासन्धिको पक्षमा व्यापक जनमत तयार गरेको छ । यसको अलावा अपाङ्ग बाल अस्पतालको सहकार्यमा एक गोष्ठी आयोजना गरेको थियो भने महासंघको सदस्य संस्था अपाङ्ग मानवअधिकार केन्द्रले महासन्धिको अनुमोदनको पक्षमा विभिन्न अन्तर्राष्ट्रिय निकायहरूको साझेदारीमा महासन्धिको पक्षमा कार्य गरेको छ ।

महासन्धिको अनुमोदनको पक्षमा विधायिका संसदहरूबीच व्यापक अभिमत तयार गर्न राष्ट्रिय अपाङ्ग महासंघ नेपालले प्लान नेपाल, एचआई नेपाल, यूरोपियन कमिशन र महिला, बालबालिका तथा समाज कल्याण मन्त्रालय आदि साझेदार निकायहरूको सहकार्यमा पौष ४ २०६५ का दिन राष्ट्रिय सम्मेलनको आयोजना गरी साठी भन्दा बढी सभासदहरूलाई महासन्धिको पक्षमा अभिमुखिकरण गराएको थियो । महासन्धि अनुमोदनका लागि जनवकालत र दवाव श्रृजना गर्न महासंघका अध्यक्ष वीरेन्द्र राज

पोखरेलको संयोजकत्वमा कार्य समितिको गठन सन् २००६ को मार्च महिनामा गरिएको थियो भने उक्त कार्यदललाई महिला विकास तथा कानून मन्त्रको सहकार्यमा विस्तार गरी २० सदस्यी तुल्याईएको थियो ।

अनुमोदनको वर्तमान स्थिति

महासन्धिलाई हालसम्म नेपाल लगायत १६४ वटा राष्ट्रहरूले तथा यसको ऐच्छिक प्रोटोकलमा ९४ वटा राष्ट्रहरूबाट अनुमोदन गरिएको छ । महासन्धिलाई २० वटा राष्ट्रहरूले र ऐच्छिक प्रोटोकललाई १० वटा राष्ट्रहरूले अनुमोदन गरेपछि लागु हुने महासन्धिको प्रावधानअनुसार सन् २००८ को अप्रिल ३ तारिखमा उक्त संख्या पुरा भई मे ३ तारिखबाट महासन्धि अन्तर्राष्ट्रियस्तरमा लागु भएको हो ।

नेपालले सन् २००८ जनवरी ३ तारिखमा हस्ताक्षर गरी सन् २००९ को डिसेम्बर २७ तारिख (२०६६ पौष १२ गते) को विधायिका संसदबाट सर्वसम्मतिमा महासन्धी र यसको ऐच्छिक प्रोटोकललाई अनुमोदन गरिएको छ भने नेपाल अनुमोदन गर्ने ८६ औं राष्ट्रको रूपमा ७ मे २०१० का दिन संयुक्त राष्ट्र संघको न्यूयोर्कस्थित मुख्यालयमा दर्ता भएकोछ ।

महासन्धी कार्यान्वयन प्रकृत्यामा रहेका चुनौति:

महासन्धि अनुमोदनका लागि राष्ट्रिय अपाङ्ग महासंघ लगायत यस क्षेत्रका संघ/संस्थाहरूको व्यापक प्रयासबाट अनुमोदन प्रक्रिया पुरा भएको अवस्थामा यस ऐतिहासीक उपलब्धीको कार्यान्वयनको सम्बन्धमा अझै पनि चुनौती रहेको छ जस्तै

- राज्य रूपान्तरणको मोडमा रहेकाले अपाङ्गताको सवालले प्राथमिकता नपाउनु
- राजनैतिक दलहरूले अपाङ्गता मुलप्रवाहीकरणका लागी ओठे प्रतिवद्धताहरू मात्र व्यक्त गर्ने तर त्यसको कार्यान्वयन नगर्नु

- अपाङ्गता भएका व्यक्तिहरूद्वारा सञ्चालित केही संघ संस्थाहरूले महासन्धिको सैद्धान्तिक अवधारण बुझ्न नसक्नु साथै महासन्धिको प्रावधानहरू कार्यान्वयन गराउने सन्दर्भमा अपाङ्गताको वर्गीय चाहाना अनुसार घरेलु कानून कसरी निर्माण गरीने भन्ने कुराको ज्ञान नहुनु ।
- महासन्धी कार्यान्वयन र अनुगमनका लागि एकाकार संयुक्त प्रयासमा कमी हुनु ।

निष्कर्ष :

कानूनी राज्य, समतामूलक समाज, गैर विभेद र स्वाभिमानको सम्मान, व्यक्तिगत स्वतन्त्रता जस्ता मानवअधिकारका विशिष्टकृत सिद्धान्तहरूलाई आत्मसाथ गर्ने नयाँ नेपालले हरेक दृष्टिकोणबाट यस महासन्धिको सही कार्यान्वयन गरी नयाँ नेपालमा अपाङ्गता भएका व्यक्तिहरूको मौलिक हक अधिकार सुनिश्चित गरिनु पर्दछ । जसका लागि विद्यमान ऐन, कानूनहरूको पुनरावलोकन गरी महासन्धिको भावना विपरितका प्रावधानहरू संसोधन गर्नु पर्दछ र अविभेदी घरेलु कानूनको निर्माण गरिनु पर्दछ ।

आर्थिक, सामाजिक रूपान्तरणको यस घडीमा अपाङ्गता भएका व्यक्तिहरूलाई सामाजिक न्याय प्रत्याभुत गर्न प्रतिवद्ध सरकार तथा विधायिकाबाट यस महासन्धीको कार्यान्वयनका लागि आवश्यक प्याकेज कार्यक्रम तय गरी लागू गर्नु पर्दछ । जसबाट विकासको मूल प्रवाहिकरणमा अपाङ्गता भएका व्यक्तिहरूलाई समेत सहभागी गराउन मार्ग प्रशस्त हुनेछ र नयाँ नेपालको नयाँ संविधानमा समेत अपाङ्गता भएका व्यक्तिहरूको सवाल अधिकारमुखि रूपमा सम्बोधन गराउन सकिन्छ ।

D1S3A2(b)

Constitutional Development process in Nepal

नेपालमा संवैधानिक विकासक्रम

नेपालको संवैधानिक इतिहासको अध्ययन गर्दा धेरै लामो छैन । २००४ सालको संविधान पहिलो लिखित संविधान हो । मुलुकी ऐन आएको ९६ वर्ष पछि बनेको संविधान कार्यान्वयन नभई समाप्त भयो । त्यस पछि २००७ सालको आन्दोलनले राणा शासनको अन्त्य गरि ल्याएको नेपालका अन्तरिम शासन विधान ऐन २००७ ले भने अपाङ्गता भएका व्यक्तीहरुका लागि शिक्षा र आर्थिक हित, शिक्षा पाउने हक, बेकार, वृद्ध, अङ्गहीन आदिलाई सहायता पाउने हक, त्यस्तै अनुन्नत वर्गको सरकारी नोकरीमा आरक्षणको व्यवसाथा यसमा गरेको पाइन्छ ।

त्यस पछि २०४७ सालको प्रजातन्त्र पछिको संविधानले मात्र मौलिक हकमा अपाङ्गहरुको लागि केहि व्यवस्था गर्यो । यसमा सकारात्मक विभेदको माध्यमबाट समानताको हक स्थापित गर्ने र संरक्षण तथा उन्नतीको लागि विशेष व्यवस्थाको नीति लिने प्रावधान रहेको र संवैधानिक उपचारको व्यवस्था गरेको थियो ।

त्यस्तै अन्तरिम संविधान २०६३ ले भने केहि थप कुरा राखेको पाईन्छ । त्यो संविधानमा समानता लगायतका मौलिक हक, संरक्षण, सशक्ति करण, विकास र सामाजिक सुरक्षाको हकको व्यवस्था हुनुका साथै राज्यका सबै तहमा समानुपातिक र समावेशिको आधारमा प्रतिनिधित्व गराउने नीति लिने व्यवस्था र भत्ता समेतको व्यवस्था गर्ने भनि लेखिएको थियो।

संविधान सभाले २०७२ आश्विन ३ गते जारी गरेको संविधान भने अत्यन्तै अग्रगामी मानिएको छ।

नेपालको संविधान, २०७२ मा संबोधन भएका अपाङ्गता भएका व्यक्तीहरुको अधिकारका देहायका प्रावधानहरु रहेका छन् ।

१८. समानताको हक

(२) सामान्य कानूनको प्रयोगमा उत्पत्ति, धर्म, वर्ण, जात, जाति, लिंग, शारीरिक अवस्था, अपांगता, स्वास्थ्य स्थिति, वैवाहिक स्थिति, गर्भावस्था, आर्थिक अवस्था, भाषा वा क्षेत्र, वैचारिक आस्था वा यस्तै अन्य कुनै आधारमा भेदभाव गरिने छैन ।

(३) राज्यले नागरिकहरूका बीच उत्पत्ति, धर्म, वर्ण, जात, जाति, लिंग, आर्थिक अवस्था, भाषा, क्षेत्र, वैचारिक आस्था वा यस्तै अन्य कुनै आधारमा भेदभाव गर्ने छैन ।

तर सामाजिक वा सांस्कृतिक दृष्टिले पिछडिएका महिला, दलित, आदिवासी, आदिवासी जनजाति, मधेशी, थारू, मुस्लिम, उत्पीडित वर्ग, पिछडा वर्ग, अल्पसंख्यक, सीमान्तीकृत, किसान, श्रमिक, युवा, बालबालिका, ज्येष्ठ नागरिक, लैंगिक तथा यौनिक अल्पसंख्यक, अपांगता भएका व्यक्ति, गर्भावस्थाका व्यक्ति, अशक्त वा असहाय, पिछडिएको क्षेत्र र आर्थिक रूपले विपन्न खस आर्य लगायत नागरिकको संरक्षण, सशक्तीकरण वा विकासका लागि कानून बमोजिम विशेष व्यवस्था गर्न रोक लगाएको मानिने छैन ।

२४. छुवाछूत तथा भेदभाव विरुद्धको हक ;

(१) कुनै पनि व्यक्तिलाई निजको उत्पत्ति, जात, जाति, समुदाय, पेशा, व्यवसाय वा शारीरिक अवस्थाको आधारमा कुनै पनि निजी तथा सार्वजनिक स्थानमा कुनै प्रकारको छुवाछूत वा भेदभाव गरिने छैन ।

३१. शिक्षा सम्बन्धी हक ;

(३) अपांगता भएका र आर्थिक रूपले विपन्न नागरिकलाई कानून बमोजिम निःशुल्क उच्च शिक्षा पाउने हक हुनेछ ।

(४) दृष्टिविहीन नागरिकलाई ब्रेललिपि तथा बहिरा र स्वर वा बोलाइ सम्बन्धी अपांगता भएका नागरिकलाई सांकेतिक भाषाको माध्यमबाट कानून बमोजिम निःशुल्क शिक्षा पाउने हक हुनेछ ।

३९. बालबालिकाको हक ;

(९) असहाय, अनाथ, अपांगता भएका, द्वन्द्वपीडित, विस्थापित एवं जोखिममा रहेका बालबालिकालाई राज्यबाट विशेष संरक्षण र सुविधा पाउने हक हुनेछ ।

४२. सामाजिक न्यायको हक ;

(१) सामाजिक रूपले पछाडि परेका महिला, दलित, आदिवासी, आदिवासी जनजाति, मधेशी, थारू, अल्पसंख्यक, अपांगता भएका व्यक्ति, सीमान्तिकृत, मुस्लिम, पिछडा वर्ग, लैंगिक तथा यौनिक अल्पसंख्यक, युवा, किसान, श्रमिक, उत्पीडित वा पिछडिएको क्षेत्रका नागरिक तथा आर्थिकरूपले विपन्न खस आर्यलाई समावेशी सिद्धान्तका आधारमा राज्यको निकायमा सहभागिताको हक हुनेछ ।

(३) अपांगता भएका नागरिकलाई विविधताको पहिचान सहित मर्यादा र आत्मसम्मानपूर्वक जीवनयापन गर्न पाउने र सार्वजनिक सेवा तथा सुविधामा समान पहुँचको हक हुनेछ ।

(५) नेपालमा अग्रगामी लोकतान्त्रिक परिवर्तनको लागि भएका सबै जन आन्दोलन, सशस्त्र संघर्ष र क्रान्तिका क्रममा जीवन उत्सर्ग गर्ने शहीदका परिवार, बेपत्ता पारिएका व्यक्तिका परिवार, लोकतन्त्रका योद्धा, द्वन्द्वपीडित र विस्थापित, अपांगता भएका व्यक्ति, घाइते तथा पीडितलाई न्याय एवं उचित सम्मान सहित शिक्षा, स्वास्थ्य, रोजगारी, आवास र सामाजिक सुरक्षामा कानून बमोजिम प्राथमिकताका साथ अवसर पाउने हक हुनेछ ।

४३. सामाजिक सुरक्षाको हक ; आर्थिक रूपले विपन्न, अशक्त र असहाय अवस्थामा रहेका, असहाय एकल महिला, अपांगता भएका, बालबालिका, आफ्नो हेरचाह आफैं गर्न नसक्ने तथा लोपोन्मुख जातिका नागरिकलाई कानून बमोजिम सामाजिक सुरक्षाको हक हुनेछ ।

५१. राज्यका नीतिहरू

(ज) नागरिकका आधारभूत आवश्यकता सम्बन्धी नीति ;

(१४) यातायात सुविधामा नागरिकहरूको सरल, सहज र समान पहुँच सुनिश्चित गर्दै यातायात क्षेत्रमा लगानी अभिवृद्धि गर्ने र वातावरण अनुकूल प्रविधिलाई प्राथमिकता दिँदै सार्वजनिक यातायातलाई प्रोत्साहन र निजी यातायातलाई नियमन गरी यातायात क्षेत्रलाई सुरक्षित, व्यवस्थित र अपांगता भएका व्यक्ति अनुकूल बनाउने,

८४ संघिय व्यवस्थापिका

(३) उपधारा (२) बमोजिम राजनीतिक दलले उम्मेदवारी दिँदा अपांगता भएको व्यक्तिको समेत प्रतिनिधित्व हुने व्यवस्था गर्नु पर्नेछ ।

८६. राष्ट्रिय सभाको गठन र सदस्यहरूको पदावधि : (१) राष्ट्रिय सभा एक स्थायी सदन हुनेछ ।

(२) राष्ट्रिय सभामा देहाय बमोजिमका उनान्साठी सदस्य रहनेछन् :-

(क) प्रदेश सभाका सदस्य, गाउँपालिकाका अध्यक्ष र उपाध्यक्ष तथा नगरपालिकाका प्रमुख र उपप्रमुख रहेको निर्वाचक मण्डलद्वारा संघीय कानून बमोजिम प्रदेश सभाका सदस्य, गाउँपालिकाका अध्यक्ष र उपाध्यक्ष तथा नगरपालिकाका प्रमुख र उपप्रमुखको मतको भार फरक हुने गरी प्रत्येक प्रदेशबाट कम्तीमा तीन जना महिला, एक जना दलित र एक जना अपांगता भएका व्यक्ति वा अल्पसंख्यक सहित आठ जना गरी निर्वाचित छपन्न जना,

१७६. प्रदेश सभाको गठन ०:

७) उपधारा (६) बमोजिम राजनीतिक दलले उम्मेदवारी दिँदा अपांगता भएका व्यक्तिको समेत प्रतिनिधित्व हुने व्यवस्था गर्नु पर्नेछ ।

२५८. राष्ट्रिय समावेशी आयोग : (१) नेपालमा एक राष्ट्रिय समावेशी आयोग रहनेछ जसमा अध्यक्ष र अन्य चार जनासम्म सदस्य रहनेछन् ।

(६) देहायको योग्यता भएको व्यक्ति राष्ट्रिय समावेशी आयोगको अध्यक्ष वा सदस्यको पदमा नियुक्ति हुन योग्य हुनेछ :-

(क) कम्तीमा दश वर्ष सामाजिक समावेशीकरण, अपांगता भएका व्यक्ति, अल्पसंख्यक एवं सीमान्तकृत समुदाय तथा पिछडिएको क्षेत्र र वर्गको हक हित वा विकास वा मानव अधिकारको क्षेत्रमा महत्वपूर्ण योगदान पुर्याएको,

२५९. राष्ट्रिय समावेशी आयोगको काम, कर्तव्य र अधिकार : (१) राष्ट्रिय समावेशी आयोगको काम, कर्तव्य र अधिकार देहाय बमोजिम हुनेछ :-

(क) खस आर्य, पिछडा वर्ग, अपांगता भएका व्यक्ति, ज्येष्ठ नागरिक, श्रमिक, किसान, अल्पसंख्यक एवं सीमान्तीकृत समुदाय तथा पिछडिएको वर्ग र कर्णाली तथा आर्थिक रूपले विपन्न वर्ग लगायतका समुदायको हक अधिकारको संरक्षणका लागि अध्ययन तथा अनुसन्धान गर्ने...

D1S3A3

Democratic Electoral Process

लोकतान्त्रिक शासन व्यवस्था जनता आफै वा आफ्नो प्रतिनिधि मार्फत् सहभागी हुने र निर्णय गर्न पाउने अधिकार सहितको शासन व्यवस्था हो । लोकतन्त्रमा जनताले लेख्ने, बोल्ने, छाप्रे, सभा सं गठन गर्न पाउने, पार्टी खोल्ने र त्यसमा सहभागी हुन पाउने, प्रतिनिधि चयन गर्न र सरकार बनाउन पाउने जस्ता नागरिक तथा राजनीतिक अधिकारहरूको उपभोग गर्दछन् । जनतालाई यति धेरै अधिकार प्राप्त हुने भएकोले सबैले लोकतन्त्रलाई राम्रो शासन प्रणाली मान्दछन् ।

अर्को शब्दमा, लोकतन्त्र जनताद्वारा जनताकै निमित्त जनताले शासन गर्ने व्यवस्था हो । लोकतन्त्र बहुलतामा आधारित एवम् विविधतायुक्त हुन्छ । लोकतन्त्रले आवधिक रूपमा स्वतन्त्र तथा निष्पक्ष निर्वाचनको माध्यमबाट सबै नागरिकलाई शासन व्यवस्थामा सहभागी हुने मौका प्रदान गर्दछ । लोकतन्त्रमा विभिन्न राजनीतिक दल तथा उम्मेदवारबीच स्वच्छ र स्वतन्त्र प्रतिस्पर्धा हुन्छ । लोकतन्त्रलाई परिभाषाले मात्र अर्थ्याउन सकिन्न । लोकतन्त्रले अंगाल्ने मूल्यमान्यताले लोकतन्त्रको चरित्रलाई दर्शाउँछ ।

नेपालमा वि.सं. २००४ सालमा वैधानिक कानूनको घोषणा भएबाट संविधान निर्माण प्रक्रियाको सुरुवात भएको मानिन्छ । त्यसपछि नेपालको अन्तरिम शासन विधान २०००, नेपाल अधिराज्यको संविधान २०१५, नेपालको संविधान २०१९, नेपाल अधिराज्यको संविधान २००४, नेपालको अन्तरिम संविधान, २०६३ र २०७२ साल असोज ३ गते जारी भएको नेपालको संविधान सहित अहिलेसम्म ७ वटा संविधान कार्यान्वयनमा आईसकेका छन् ।

- An election is a formal group decision-making process by which a population chooses an individual to hold public office.
- Elections have been the usual mechanism by which modern representative democracy has operated since the 17th century.
- Elections may fill offices in the legislature, sometimes in the executive and judiciary, and for regional and local government. This process is also used in many other private and business organizations, from clubs to voluntary associations and DPOs.
- The election in this manual cover the elections of the members of the House of Representatives through the first past the post-election system and the proportional representation system.

Referred to the Act Made to Provide for the Election of the Members of the House of Representatives

Chapter

2

Electoral System

1. Electoral System:

Following election system shall be applied for the 275 members of House of Representatives:

- (a) First Past the Post Electoral System for one hundred and sixty-five members, and
- (b) Proportional Representation Electoral System for one hundred ten members.

2. First past the Post Electoral System:

For the First Past the Post Electoral System the candidate securing the highest number of votes shall be elected to the House of Representatives based on one member in each electoral constituency.

3. Proportional Representation Electoral System:

Under the Proportional Representation Electoral System, votes shall be casted having deemed the entire country as a single constituency and members to the House of Representatives shall be elected from amongst the candidates on behalf of such party in proportion to the number of votes secured by the party.

Chapter 5

Candidates and Nomination Papers

4. Qualifications of a Candidate:

Any person must meet the following qualifications to become a candidate for election:

- (a) A Nepali citizen;
- (b) Having his or her name included in the electoral roll;
- (c) Having completed the age of twenty-five years;
- (d) Not having been ineligible under federal law;
- (e) Having not held an office of profit.

Explanation: For clause (e), "office of profit" means any position other than a position to be fulfilled by an election or nomination, for which a remuneration or economic benefit is paid out of a Government fund.

D1S4A1(a)

Constitutional provision of Electoral process in Nepal

Article 84 of the Constitution mentions the composition of House of Representatives: (1) The House of Representatives shall consist of a total of two hundred and seventy-five members, as follows:

- (a) One hundred and sixty-five members to be elected through the first past the post electoral system, with one being elected from each election constituency of one hundred and sixty-five election constituencies delimited in the country on the basis of geography and population,
- (b) One hundred and ten members to be elected through the proportional electoral system where voters vote for political parties, with the whole country being considered as a single election constituency.
- (2) The Federal law shall provide that, in fielding candidacy by political parties for the election to the House of Representatives under the proportional electoral system, representation shall be ensured on the basis of a closed list also from women, Dalit, indigenous peoples, Khas Arya, Madhesi, Tharu, Muslims and backward regions, on the basis of population. In so fielding candidacy, regard shall also be had to geography and territorial balance.

Explanation: For the purposes of this clause, "Khas Arya" means Kshetri, Brahmin, Thakuri, Sanyasi (Dashnami) community.

- (3) In fielding candidacy under clause (2), political parties shall provide for representation of the persons with disabilities as well.
- (4) Election to the House of Representatives under clause (1) shall be held through secret ballots in accordance with law.

(5) Each citizen of Nepal who has completed the age of eighteen years shall have the right to vote in any one election constituency as provided for in the Federal law.

(6) A person who is qualified under Article 87 and entitled to vote in an election to the members of the House of Representatives may, subject to the Federal law, be a candidate in any election constituency.

Provided that a person shall not be a candidate in more than one election constituencies at the same time.

(7) If the seat of any member of the House of Representatives falls vacant while its term still remains for more than six months, the vacancy shall be filled in the same manner of electoral system as in which such seat was filled in.

(8) Notwithstanding anything contained elsewhere in this Part, at least one third of the total number of members elected from each political party representing in the Federal Parliament must be women. If women are not so elected as to constitute one third of the elected members of any political party under sub-clause (a) of clause (1) and sub-clause (a) of clause (2) of Article 86, such political party must, in electing members under sub-clause (b) of clause

(1) So elect that woman members constitute at least one third of the total number of members elected to the Federal Parliament from that party.

(9) Election to the House of Representatives and other matters pertaining thereto shall be as provided for in the Federal law.

D1S4A1(b)

Electoral Cycle

निर्वाचन चक्र (Electoral Cycle)

निर्वाचन एक चुनौतीपूर्ण एवं वृहत व्यवस्थापकीय कार्य हो । निर्वाचन व्यवस्थापनमा विधि र प्रक्रियालाई बढी महत्व प्रदान गरिन्छ । निर्वाचन एक दिनमा सम्पन्न हुने कार्य होइन । यो निरन्तर चलिरहने प्रक्रिया हो । निर्वाचन चक्रले निर्वाचन प्रक्रियाका मुख्य मुख्य चरण र ती चरणमा गरिने क्रियाकलापहरूको बारेमा जानकारी गराउँछ ।

निर्वाचन चक्रमा पर्ने विभिन्न चरण र क्रियाकलापहरूको स्पष्ट बुझाईले र सो अनुरूप सम्पादित क्रियाकलापहरूले मात्र स्वतन्त्र, निष्पक्ष र विश्वसनीय निर्वाचन गराउन संभव हुन्छ ।

निर्वाचनको समग्र व्यवस्थापनमा त्यस अन्तर्गतका विभिन्न साना मसीना क्रियाकलापहरूलाई समेत गहिरिएर रफार गर्नुपर्ने हुन्छ ।

क्रियाकलापहरूलाई यथोचित पहिचान र विश्लेषण गर्न सकिएन भने त्यसबाट निर्वाचनको समग्र व्यवस्थापनमै अवरोध पुग्न जान्छ । त्यसैले

निर्वाचन चक्रलाई निर्वाचनको योजना बनाउने एउटा प्रभावकारी साधनको रूपमा लिइन्छ । अतः निर्वाचन चक्रमा पर्ने विविध क्रियाकलापहरूलाई चरणबद्ध रूपमा विश्लेषण गर्न उपयुक्त हुन्छ । सामान्यतया निर्वाचन क्रियाकलापहरूलाई तीन चरणमा विभक्त गरी विश्लेषण गर्ने प्रचलन रहको छ ।

- १) निर्वाचन पूर्व pre-election phase)
- २) निर्वाचन अवधि (During Election)
- ३) निर्वाचन पश्चात् Post-election phase)

माथिको चक्रमा समावेश कतिपय क्रियाकलापहरू एक चरणबाट अर्को चरणमा पनि दोहोरिने प्रकृति हुन्छन् । सबै क्रियाकलापहरू माथि उल्लेख गरिए अनुसार नै किताबन्दी रूपमा सिमित भइरहन नसक्ने यथार्थता पनि व्यवहारमा अनुभव गर्न थालिएको छ ।

निर्वाचन पूर्वको चरण

यस चरणमा निर्वाचन सुधारका कार्यहरू तथा रणनीतिक योजनाले निर्देश गरेका क्रियाकलापहरू प्रारम्भ गरिन्छ । निर्वाचन कानून, सांगठनिक सुधार, संस्थागत एवम जनशक्तिको क्षमताको अभिवृद्धि गरिन्छ ।

नेपालको सन्दर्भमा निर्वाचनको मिति घोषणा वा मतदानको मितिभन्दा १ सय २० दिन भन्दा अगाडिको अवधि नै निर्वाचन पूर्वको चरण हो ।

निर्वाचन अवधि

निर्वाचन आयोग ऐन, २०३ का अनुसार “निर्वाचन अवधि” भन्नाले निर्वाचन हुने मितिभन्दा एकसय बीस दिन अगाडिदेखि निर्वाचनको अन्तिम परिणाम सार्वजनिक नभएसम्मको अवधि सम्झनु पर्छ । तर एक सय बीस दिनभन्दा कम अवधि रहने गरी निर्वाचन मिति घोषणा भएमा त्यसरी घोषणा भएको मितिदेखि निर्वाचनको अन्तिम परिणाम सार्वजनिक नभएसम्मको

अवधिलाई निर्वाचन अवधि मानिनेछ । यस चरणमा राजनीतिक दल तथा उम्मेदवारले प्रचार प्रसारको कार्य गर्दछन् भने निर्वाचन आयोगले निर्वाचन आचार संहिता लागु गर्दछ साथै निर्वाचनको लागि आवश्यक पर्ने निर्वाचन सामग्रीको व्यवस्थापन, जनशक्तिको आंकलन, व्यवस्थापन र तालिम तथा मतपत्र छपाई ढुवानी आदि गरिन्छ । मतदान, मतगणना तथा परिणाम घोषणा गरी निर्वाचन सम्पन्न गरिन्छ । निर्वाचन आचार संहिताको पालना गर्नु सबै नागरिक तथा सरोकारवालाहरूको कर्तव्य हो ।

निर्वाचनको अन्तिम परिणाम सार्वजनिक भइसकेपछि यो चरणको प्रारम्भ हुन्छ । यस चरणमा सम्पन्न भएको निर्वाचनको समग्र मूल्याङ्कन गरी प्रतिवेदन तयार पारिन्छ ।

निर्वाचन पर्यवेक्षण संस्थाहरूको प्रतिवेदन प्राप्त हुन्छन् । सम्पन्न निर्वाचनमा देखिएका कमी कमजोरीहरू हटाउन रणनीतिक योजनाको निर्माण गरिन्छ ।

मतदाता नामावली संकलन तथा प्रशोधन, तालिम, मतदाता/निर्वाचन शिक्षा कार्यक्रम जस्ता कार्यक्रमहरू निर्वाचन चक्रका तीनवटै चरणहरूमा निरन्तर चलिरहन्छन् ।

निर्वाचन चक्रमा गरिने कृयाकलापहरू

क) निर्वाचन प्रणालीको निर्धारण,

ख) निर्वाचन कानून तथा निर्देशिका निर्माण, परिमार्जन र सुधार,

ग) निर्वाचन क्षेत्र निर्धारण,

घ) निर्वाचन कार्यतालिका निर्माण (निर्वाचन बजेट र स्रोतसाधनको अनुमान तथा निर्धारण)

ङ) मतदाता नामावली संकलन तथा अद्यावधिक

च) निर्वाचन सरोकारवालाहरूसँग छलफल, परामर्श तथा अन्तर्क्रिया

छ) मतदान केन्द्र निर्धारण

ज) निर्वाचन सामग्री तयारी तथा व्यवस्थापन

- झ) जनशक्ति आंकलन र परिचालन
- ञ) निर्वाचन प्रशिक्षण (क्षमता अभिवृद्धि कार्यक्रम)
- ट) निर्वाचन/मतदाता शिक्षा कार्यक्रम सञ्चालन
- ठ) निर्वाचन कार्यक्रम र मनोनयन/कार्यालय स्थापना
- ड) निर्वाचन सुरक्षा व्यवस्था
- ढ) निर्वाचन आचार संहिताको कार्यान्वयन
- ण) निर्वाचन पर्यवेक्षण र अनुगमन
- त) मतदान केन्द्रको तयारी र मतदान
- थ) मतगणना र परिणाम घोषणा
- द) निर्वाचन विवाद निरूपण
- ध) प्रतिवेदन र पृष्ठपोषण

D1S4A1(c)

Electoral Cycle and Visual Impairment

दृष्टिविहिता र निर्वाचन चक्र

The Electoral Cycle

1. Pre-Electoral Period
2. Electoral Period
3. Post- Election Phase

निर्वाचन चक्र

- निर्वाचन चक्र एक चुनौतिपूर्ण एवं बृहत् व्यवस्थापकिय कार्य हो ।

- निर्वाचन चक्रले निर्वाचन प्रक्रियाका मुख्य मुख्य चरण र ति चरणमा गरिने क्रियाकलापहरुको बारेमा जानकारी गराउँछ । निर्वाचन चक्रमा पर्ने विभिन्न चरण र क्रियाकलापहरुको स्पष्ट बुझाई र सो अनुरूप सम्पादित क्रियाकलापहरुले मात्र स्वतन्त्र, निष्पक्ष र विश्वसनिय निर्वाचन गराउन सम्भव हुन्छ ।

नेपालमा निर्वाचन पूर्वको अवधि

- मतदाता दर्ता, मतदान केन्द्रहरुको पुनरावलोकन, सरोकारवालाहरूसँगको सम्पर्क समन्वय, राजनीतिक दल दर्ता जस्ता नियमित काम,मिति तोक्ने अधिकार आयोगसँग नभएकोले पूर्व तयारीका सामान्य काम मात्र हुन्छन्

निर्वाचन अवधि

- उम्मेदवारको मनोनयनपत्र दर्ता, प्रचार प्रसार, आगासंहिता कार्यान्वयन र अनुगमन, मतपत्र लगायतका सामग्री व्यवस्थापन, जनशक्तिको क्षमता विकास सम्बन्धि विभिन्न तालिम, मतदाता शिक्षा, मतदान, मतगणना र मतपरिणाम घोषणा आदि निर्वाचन सम्बन्धि मुख्य क्रियाकलाप

निर्वाचन पश्चातको अवधि

- निर्वाचनको समिक्षा, निर्वाचन कानून प्रक्रियामा सुधार, क्षमता विकास, संस्थागत सुदृढिकरण, निर्वाचन शिक्षा, मतदान शिक्षा आदि काम हुन्छन्

निर्वाचन चक्र

निर्वाचनका प्रक्रियामा हुने क्रियाकलापहरु

- मतदाता दर्ता

- राजनीतिक दल दर्ता। कानुनि संरचना

- निर्वाचन कार्यक्रम

- मतदाता शिक्षा

- प्रचारप्रसार

- आचारसंहिता

- मतदान

- मतगणना। मतपरिणाम

- पर्यवेक्षण । अनुगमन

- निर्वाचन विवाद निरुपण

□ निर्वाचनपूर्वको अवधि

निर्वाचन खर्च एकिन गर्ने

प्रचारप्रसार

कानूनि संरचना

निर्वाचन क्षेत्र निर्धारण

मतदाता दर्ता

मतदाता तथा नागरिक शिक्षा

निर्वाचन अवधि

- प्रचारप्रसार
- उम्मेदवार दर्ता
- मतदान
- विवाद निरूपण र निर्णय
- नतिजा

• मतगणना र तालिकीकरण

२ वटा निर्वाचन विचको अवधि

- निर्वाचनको समीक्षा
- व्यवसायिकतामा विकास
- निरन्तर मतदाता दर्ता
- संस्थागत क्षमता विकास
- प्रविधिमा सुधार
- रणनीतिक योजना
- निर्वाचन प्रणालि र निर्वाचन क्षेत्रको सुधार
- निर्वाचन व्यवस्थापनमा सुधार

दृष्टिविहिन व्यक्तिहरूका लागि सहभागिता वृद्धि गर्न सुधारका उपाय अपनाउन सकिने क्रियाकलाप

1. २ वटा निर्वाचन बिचको अवधि

- दल उम्मेदवार सम्बन्धि नियमहरू
- कोटा सम्बन्धि कानून
- निर्वाचन संरचना सुधार
- निर्वाचन समिक्षा
- निर्वाचनमा दृष्टिविहिन व्यक्तिहरूको क्षमता अभिवृद्धि

2. निर्वाचन पूर्वको अवधि

- दर्ता क्रियाकलाप

3. निर्वाचन अवधि

- मतदान कर्मचारिमा सन्तुलन
- मनोनय दर्ता
- मतदानको लागि उपयुक्त व्यवस्था
- निर्वाचनको पर्यवेक्षण
- मतदानमा परिवारको प्रभाव

निर्वाचन पूर्वको अवधि

- परिचयपत्रमा दृष्टिविहिनता उल्लेख गर्ने नगर्ने निम्नयौल गर्नका लागि डिपिएओसँग परामर्श गर्ने ।
- मतदानको लागि आवश्यक परिचयपत्र सम्बन्धि कागजातमा दृष्टिविहिन व्यक्तिहरूलाई पहुँच भएको सुनिश्चित गर्ने ।
- पहुँचयुक्त मतदाता दर्ता तथा मतदान केन्द्रको छनौट गर्ने ।
- पहुँचयुक्त ढाँचामा नागरिक मतदाता शिक्षा सञ्चालन गर्ने ।
- वैकल्पिक मतदान विधिहरू जस्तै अग्रिम मतदान वा घुम्ती मतपेटिकाको प्रयोग आदि सम्बन्धि नीति प्राथमिकता दिने सम्बन्धि नीति निर्माण गर्ने ।
- मतदान गर्न प्रथमिकता दिने सम्बन्धि नीति निर्माण गर्ने ।
- उपयुक्त अनुकूलताका लागि आवश्यक स्रोत विनियोजन गर्ने ।

निर्वाचन पूर्वको अवधि...

- मतदाता शिक्षा सम्बन्धि गतिविधिहरूमा दृष्टिविहिन व्यक्तिहरूलाई समावेश गर्ने ।
- पहुँचयुक्त ढाँचामा मतदान केन्द्रहरूका प्रारूप निर्माण गर्ने ।
- मतदान सम्बन्धि तालिम निर्देशिकामा दृष्टिविहिनता सम्बन्धि विषयलाई समावेश गर्ने र मतदानमा खटिने कर्मचारीहरूलाई दृष्टिविहिन व्यक्तिहरूले मतदान गर्ने सम्बन्धमा तालिम प्रदान गर्ने
- आकार ठुलो देखाउने चशमा, हिलचयेर प्रयोगकर्ताका लागि पहुँचयुक्त मतदानस्थल, स्पर्श संचार सहितको स्टिकर भएको मतपेटिका, मोटो आकारका कलमहरू आदि खरिद गर्ने ।
- स्पर्श संचारको ढाँचामा निर्माण गरिएको निर्देशिका
- दृष्टिविहिन पर्यवेक्षकहरूलाई पर्यवेक्षण अनुमति दिने ।

निर्वाचन अवधि

- निर्वाचन पर्यवेक्षणको सूचिमा पहुँच सम्बन्धि प्रश्नहरू समावेश गर्ने ।
- सञ्चार माध्यमहरूलाई पहुँचयुक्त ढाँचामा सूचनाहरू प्रसारण गर्न प्रशिक्षित गर्ने ।
- निर्वाचनको प्रयोजनकोलागी तयार गरिएको एप्सहरू पहुँचयुक्त सूचना प्रविधिको स्तरयुक्तताको आधारमा निर्माण गरिएको हुनु पर्ने।
- निर्वाचन आचारसंहिता बनाउँदा डिपिओलाई संलग्न गराउने ।
- दृष्टिविहिन व्यक्तिहरूलाई उम्मेदवार बनाउने र पहुँचयुक्त ढाँचामा निर्वाचन बहस गराउने
- निर्वाचन परिणाम पहुँचयुक्त ढाँचामा प्रसारण गर्ने ।
- निर्वाचन सम्बन्धि उजुरिको निरूपण पहुँचयुक्त रूपमा भएको सुनिश्चित गर्ने ।
- सुरक्षाकर्मीहरूलाई अभिमुखिकरण गर्ने ।

२ वटा निर्वाचन बिचको अवधि

- निर्वाचन व्यवस्थापन निकायको वेबसाइट पहुँचयुक्त बनाउने ।
- निर्वाचनका सिकाई सम्बन्धि क्रियाकलापहरूमा डिपिओहरूलाई संलग्न गराउने ।
- निर्वाचन व्यवस्थापन निकाय र डिपिओहरू बिचमा सम्बन्ध स्थापित गर्ने ।
- सिआरपिडिको प्रावधान र सिआरपिडि समितिले नेपाललाई दिएको निश्कर्ष सुझाबको आधारमा हुने गरी निर्वाचन सम्बन्धि कानुनहरूमा संशोधन गर्ने ।
- मतदान गर्न पाउने अधिकार सम्बन्धि कानुन क्षमतालाई रोक्रे प्रावधानहरू हटाउने ।
- पहुँचयुक्त डेजी वा ईपबको ढाँचामा राजनीतिक मञ्च सम्बन्धि जानकारी वितरण गर्ने ।

D1S4A2

Election Commission

नेपालमा निर्वाचन व्यवस्थापन गर्ने निकाय निर्वाचन आयोग हो । नेपालको संविधानको भाग २४, धारा २४५ मा नेपालमा निर्वाचन व्यवस्थापन गर्ने निकायको रूपमा निर्वाचन आयोग रहने संवैधानिक व्यवस्था गरिएको छ ।

संविधान अनुसार नेपालको निर्वाचन आयोग स्वतन्त्र संवैधानिक निकाय हो । निर्वाचन आयोगमा प्रमुख निर्वाचन आयुक्त र अन्य ४ जना आयुक्त रहने व्यवस्था गरिएको छ । प्रमुख निर्वाचन आयुक्तले आयोगको अध्यक्ष भई काम गर्ने व्यवस्था रहेको छ ।

निर्वाचन आयोगले संविधान र संघीय कानूनको अधीनमा रही राष्ट्रपति, उपराष्ट्रपति, संघीय संसदका सदस्य, प्रदेश सभाका सदस्य, स्थानीय तहका सदस्यको निर्वाचनको सञ्चालन, रेखदेख, निर्देशन र नियन्त्रण गर्ने, निर्वाचनको प्रयोजनका लागि मतदाताको नामावली तयार गर्ने कार्य निर्वाचन आयोगले गर्दछ,

निर्वाचन आयोगले संविधान र संघीय कानून बमोजिम राष्ट्रिय महत्वको विषयमा जनमत संग्रह गराउन सक्ने, राष्ट्रपति, उपराष्ट्रपति, संघीय संसदका सदस्य, प्रदेश सभा सदस्य स्थानीय तहका सदस्यका लागि उम्मेदवारीको मनोनयन दर्ता भइसकेको तर निर्वाचन परिणाम घोषणा भई नसकेको अवस्थामा कुनै उम्मेदवारको योग्यता सम्बन्धमा कुनै प्रश्न उठेमा त्यसको निर्णय गर्ने

राजनैतिक दलको भुमिका

नेपालको संविधानको भाग २९ मा राजनीतिक दल सम्बन्धी व्यवस्था गरिएको छ । धारा २६९ मा

राजनीतिक दलको गठन, दर्ता र सञ्चालन, धारा २० मा राजनीतिक दललाई प्रतिबन्ध लगाउन बन्देज, धारा २१ मा राजनीतिक दलको रूपमा निर्वाचनका लागि मान्यता प्राप्त गर्न दर्ता गराउनु पर्ने तथा धारा २२ मा राजनीतिक दल सम्बन्धी अन्य व्यवस्था राखिएको छ ।

१. समान विचारधारा दर्शन कार्यक्रमप्रति प्रतिवद्ध व्यक्तिहरूले संविधान र कानूनको अधिनमा रही निर्वाचन आयोगमा कानुनी रीत पुर्याई राजनीतिक दल दर्ता गर्न गराउन पाउने दलको अधिकार,

२. राजनीतिक दलका रूपमा संविधान बमोजिम गठन र दर्ता भएका राजनीतिक दल संचालन गर्न पाउने, दलको दर्शन, विचारधारा र कार्यक्रमप्रति समर्थन र सहयोग पाउन प्रचार प्रसार गर्न पाउने,

३. राजनीतिक दलको क्रियाकलापलाई बन्देज गर्ने गरी कानून निर्माण गर्न नहुने त्यस्तो कानून निर्माण भए स्वतः संविधान प्रतिकूल भै अमान्य हुने संवैधानिक ग्यारेन्टी गरिएको,

४. राजनीतिक दल दर्ता हुन पाउने अधिकार,

५. प्रक्रिया पुर्याई राजनीतिक दल विभाजन वा संयुक्त हुन पाउने अधिकार,

६. राष्ट्रपति, उप-राष्ट्रपतिदेखि वडा सदस्यसम्म तोकिएको शर्तको अधिनमा रही उम्मेदवारी दिन पाउने अधिकार,

७. व्यक्ती सरह आफ्नो नामबाट उजुर नालिस गर्न पाउने अधिकार,

८. व्यक्ती सरह चल अचल सम्पति प्राप्त गर्ने, उपभोग गर्ने, वेचविखन गर्ने वा अन्य किसिमले व्यवस्था गर्न पाउने अधिकार,

९. दल एक अविच्छिन्न उत्तराधिकारवाला स्वशाशित र संगठित संस्था हुने अधिकार ।

१. कुनै पनि दलको सदस्यता पाउन १८ वर्षको उमेर हुनु पर्ने,
२. नैतिक पतन देखिने फौजदारी कसूरमा कैदको सजाय नपाएको (भ्रष्टाचार,

D2S1A1

UNCRPD Article 9: Accessibility

1. To enable persons with disabilities to live independently and participate fully in all aspects of life, States Parties shall take appropriate measures to ensure to persons with disabilities access, on an equal basis with others, to the physical environment, to transportation, to information and communications, including information and communications technologies and systems, and to other facilities and services open or provided to the public, both in urban and in rural areas. These measures, which shall include the identification and elimination of obstacles and barriers to accessibility, shall apply to, inter alia:

- (a) Buildings, roads, transportation and other indoor and outdoor facilities, including schools, housing, medical facilities and workplaces;
- (b) Information, communications and other services, including electronic services and emergency services.

2. States Parties shall also take appropriate measures to:

- (a) Develop, promulgate and monitor the implementation of minimum standards and guidelines for the accessibility of facilities and services open or provided to the public;
- (b) Ensure that private entities that offer facilities and services which are open or provided to the public take into account all aspects of accessibility for persons with disabilities;
- (c) Provide training for stakeholders on accessibility issues facing persons with disabilities;
- (d) Provide in buildings and other facilities open to the public signage in Braille and in easy to read and understand forms;
- (e) Provide forms of live assistance and intermediaries, including guides, readers and professional sign language interpreters, to facilitate accessibility to buildings and other facilities open to the public;
- (f) Promote other appropriate forms of assistance and support to persons with disabilities to ensure their access to information;
- (g) Promote access for persons with disabilities to new information and communications technologies and systems, including the Internet;

(h) Promote the design, development, production and distribution of accessible information and communications technologies and systems at an early stage, so that these technologies and systems become accessible at minimum cost.

D2S1A2

Barriers to persons with Visual Impairment in Electoral process

दृष्टिविहीन छोरी जन्मिदाको अवस्था

- दृष्टिविहीन छोरी जन्मियो भनेर के भनिन्थ्यो
- हेलाको अवस्थामा हेर्ने
- अपहेलन गर्ने र बोझको रुपले हेर्ने
- जिन्दगी वर्बाद भयो भन्ने
- यो रोग अरुलाई पनि सर्छफेरी अको बच्चा जन्माउँदा पनि यस्तै बच्चा जन्मिन्छ भनेर भन्छन् ।
- यदी त्यस्तो बच्चा जन्मियो भने समाज र परिवारमा त्यो बच्चालाई बोझको रुपमा लिने र घृणाको दृष्टिले हेर्ने गर्दछन् ।

निर्वाचन प्रक्रियामा दृष्टिविहीन महिला हरुको प्रतिनिधित्वमा रहेको चुनौती

- दृष्टिविहीन महिलाहरुलाई राजनितिक दलहरुले आफू अनुकूल मत प्रभावित पार्ने समस्या
- दृष्टिविहीन महिलाहरुलाई राजनितिक दलहरुप्रति पारिवारिक दबाव
- दृष्टिविहीन महिलाहरुलाई मतदान सम्बन्धि ज्ञानको अभाव
- दृष्टिविहीन महिलाहरु चुनावी प्रचार प्रसारमा सहभागी हुन कठिन

दृष्टिविहीन महिलाहरुलाई मतदान स्थलसम्म पुग्न कठिनाई

- यातायातको असुबिधा
- दृष्टिविहीनमैत्री चुनावी वातावरणको अभाव
- दृष्टिविहीनमैत्री मत परिचय पत्र नहुनु
- दृष्टिविहीन महिलामैत्री सहयोगीको अभाव
- बुथको पहिचान गर्न असहज
- मतदान गर्ने सानो कोष्ठ वा चिन्ता हुनु साथै धेरै संख्यामा चिन्हहरु हुनु
- भोटिङ मेसिन नहुनु
- राजनैतिक हस्तक्षेप
- कर्मचारीले दृष्टिविहीनको समस्यामा ध्यान नदिनु
- घरपरिवार तथा समाजका व्यक्तिहरुले उपयुक्त स्थानमा उपयुक्त वातावरण नबनाउनु
- चुनाव सम्बन्धि गरिने विभिन्न जनचेतनामुलक कार्यक्रमहरुमा सहभागी हुने अवसर नदिनु
- चुनाव सम्बन्धि प्रवचार प्रसारका सामाग्रीहरु ब्रेलमा नबनाइनु

D2S2A1(a)

Constitutional provision for rights of Women

The citizenship provision of the constitution of Nepal in its Article 12 highlights the citizenship with identity of descent and gender. The provisions mention that a person who obtains the citizenship of Nepal by descent in accordance with this Constitution may obtain a certificate of citizenship of Nepal with gender identity by the name of his or her mother or father.

The article 38 of the constitution mention about the Rights of women:

- (1) Every woman shall have equal lineage right without gender-based discrimination.
- (2) Every woman shall have the right to safe motherhood and reproductive health.
- (3) No woman shall be subjected to physical, mental, sexual, psychological or other form of violence or exploitation on grounds of religion, social, cultural tradition, practice or on any other grounds. Such act shall be punishable by law, and the victim shall have the right to obtain compensation in accordance with law.
- (4) Women shall have the right to participate in all bodies of the State on the basis of the principle of proportional inclusion.
- (5) Women shall have the right to obtain special opportunity in education, health, employment and social security, on the basis of positive discrimination.
- (6) The spouse shall have the equal right to property and family affairs.

The Members to the House of Representatives Proportional Election Directives, 2017 Defines "Inclusive Group" means women, Dalit, Advise Janjati, Khas Arya, Madhesi, Tharu, Muslim communities.

The article 13 of this act under the provisions of Closed list of candidates to be submitted mention that in the list referred to in clause (a), at least fifty percent women must be included from each of the inclusive groups and in case the number of women to be included while determining the fifty percent is in decimal, the name must be included according to the full figure above that decimal.

a) In case any party has submitted the closed list of candidates having included 110 candidates and in case it is found from inquiry that the number of two women from the Khas Arya community is less, the party shall, while rectifying such list, erase names of male candidates in serial numbers 12 and 13 and names of women candidates have to be added, names of such women shall be added as serial numbers of 111 and 112 and serial numbers 12 and 13 shall be blank.

(3) While determining the number of seats to be won by a party pursuant to sub-section (1), the number to be represented from women and other inclusive groups based on the number of votes secured by the party shall also be determined.

(5) While determining the number of women to be represented from the election to be held under the proportional election system pursuant to sub-section (3), it shall be determined in such a manner that at least 33 percent of the total number of members are represented by women from the first past the post-election system and the proportional election system.

(1a) Notwithstanding anything mentioned under Sub Rule (1), if incase, any party obtaining less than ten percent of seats gives a valid reason that such a party cannot select the candidate from inclusive group then the Commission shall also approve the list where no any name of candidate from inclusive group has been mentioned.

Provided that, at least thirty three percent of women shall be selected mandatorily out of the total members representing at house of Representative and shall be submitted.

D2S2A1(b)

UNCRPD Article 6: Women with disabilities

1. States Parties recognize that women and girls with disabilities are subject to multiple discrimination, and in this regard shall take measures to ensure the full and equal enjoyment by them of all human rights and fundamental freedoms.

2. States Parties shall take all appropriate measures to ensure the full development, advancement and empowerment of women, for the purpose of guaranteeing them the exercise and enjoyment of the human rights and fundamental freedoms set out in the present Convention.

D2S2A2(c)

CEDAW

महिला विरुद्ध हुने सबै प्रकारको भेदभाव उन्मूलनसम्बन्धी महासन्धी १९८६

मानवअधिकार सम्बन्धी विभिन्न अन्तर्राष्ट्रिय दस्तावेजहरूले विश्वमा महिलालाई कानूनी अधिकार प्रदान गरे पनि महिलाविरुद्ध भेदभाव कायम नै रहेको विशेषगरी आर्थिक र सामाजिक विकासको अधिकारबाट महिलाहरू बञ्चित रहेका छन् । तसर्थ महिला सम्बन्धी महासन्धीले नागरिक र राजनीतिक तथा समाजिक र आर्थिक अधिकारबीचको खाडललाई पुर्न खोजेको छ । त्यसैले दुई सन्धी एक साथमा भन्ने प्रचलन पनि छ । अर्थात् नागरिक तथा राजनीतिक अधिकारसम्बन्धी अनुबन्ध (ICCPR, 1966) तथा समाजिक, आर्थिक तथा सांस्कृतिक अधिकारसम्बन्धी अनुबन्ध (ICESCR, 1966) द्वारा प्रदत्त अधिकारलाई महिलासम्बन्धी महासन्धीले समावेश गरी महिलाको मानवअधिकारको मात्र कुरा नगरी समाजिक र आर्थिक अधिकारको व्यापक कुरा गरेको छ । विशेषगरी समाजमा व्याप्त सांस्कृतिक, सामाजिक भेदभावको स्थितिबाट महिलालाई मुक्त गर्ने उपायहरूको व्यवस्था विशेषरूपमा महासन्धीले गरेको छ ।

महिलाविरुद्ध हुने सबै प्रकारको भेदभाव उन्मूलनसम्बन्धी महासन्धी महिला समानता र विकाससम्बन्धी सबै पक्षहरू समेटी संयुक्त राष्ट्र संघको महासभाले पारित गरेको र महिलाको मानवअधिकारलाई वैधानिक मान्यता दिइएको एक महत्वपूर्ण दस्तावेज हो । त्यस्तै यो महासन्धीलाई स्वीकार गर्ने हरेक राष्ट्रका लागि यो आन्तै देशको कानून सरह लागू हुन सक्ने कानूनी लेखोट पनि हो ।

यो महासन्धीले महिलाविरुद्ध भेदभाव समाजमा रहेको तथ्यलाई स्वीकार्दै यस्तो भेदभाव सामाजिक व्यवहारको उपज हो भनेको छ । तसर्थ भेदभावको विस्तृत परिभाषा यस महासन्धिको धारा १ ले दिएको छ । उक्त परिभाषाले महिलाको निमित्त गरिएका विशेष व्यवस्थालाई भेदभाव मानेको छैन जस्तै Affirmative Actions वा प्रसूतिको समयमा दिइने सुविधा आदि । तर अर्कोतिर संरक्षित उपाय (जसले महिलाको मानवअधिकारको उल्लंघन गर्दछ) लाई भेदभावको परिभाषा भित्र राखेको छ ।

D2S2A2(d)

Constitutional provision of rights of Women

Article 38 of the Constitution mentions the rights of women:

- (1) Every woman shall have equal lineage right without gender-based discrimination.
- (2) Every woman shall have the right to safe motherhood and reproductive health.
- (3) No woman shall be subjected to physical, mental, sexual, psychological or other form of violence or exploitation on grounds of religion, social, cultural tradition, practice or on any other grounds. Such act shall be punishable by law, and the victim shall have the right to obtain compensation in accordance with law.
- (4) Women shall have the right to participate in all bodies of the State on the basis of the principle of proportional inclusion.
- (5) Women shall have the right to obtain special opportunity in education, health, employment and social security, on the basis of positive discrimination.
- (6) The spouse shall have the equal right to property and family affairs.

D2S2A4

Measures to be taken to ensure political rights of women with visual impairment

दृष्टिविहीन महिलाहरूको मतदाता नामावलीमा नाम नछुटोस् भनेर स्वयम्सेवकहरूको परिचालन गर्ने गराउने

- पारिवारिक जनचेतना अभियान फेलाउने
- आधुनिक सूचना प्रविधिको प्रयोग गर्ने बानी बसाल्ने
- निर्वाचन स्थलसम्म सहज यातायातको पहुँचको व्यवस्था गर्ने
- भौतिक संरचना अपाङ्गतामैत्री बनाउने
- भरपर्दो सहयोगीको व्यवस्था

- दृष्टिविहीन महिलाहरुका लागि व्यवस्थित शौचालय र सेनेटरी प्याडको व्यवस्था
- सम्बन्धित निकायबाट जातायातको व्यवस्था
- लाइनमा नबसी सिधै मतदान गर्ने व्यवस्था
- दृष्टिविहीन महिलाहरुको संकलन लिन निर्वाचन आयोगले घरघरमा कर्मचारी खटाउने
- दृष्टिविहीन महिलाहरुलाई मतदान स्थल सम्म लैजान महिला सहयोगीको व्यवस्था गर्ने
- मतदान स्थलमा दृष्टिविहीन महिलाहरुको सुरक्षाका लागि महिला हरुलाई नै व्यवस्था गर्नुपर्ने
- दृष्टिविहीन महिलाहरुलाई उमेद्वारी बन्न ध्वर परिवारबाट नै प्रोत्साहित गर्ने
- सुरक्षाको व्यवस्था मजबुत हुनुपर्ने
- सहयोगीले मतपेटिका सम्म सहज तरिकाले लाने
- अरुको करकाप र दवावमा नलाग्ने
- सेतो छडी अनिवार्य रुपमा प्रयोग गर्ने
- आफ्नो निर्णय लिन सक्ने क्षमताको विकास गर्ने
- घर परिवारबाट सहज बातावरणको सिर्जना गर्ने
- भौतिक संरचना दृष्टिविहीन मैत्री बनाइनु पर्ने
- दृष्टिविहीन सम्बन्धि काम गर्ने संघ संस्थाका प्रतिनिधिहरुलाई निर्वाचन समिक्षामा सहभागी गराउने

D2S3A1

Members to the House of Representatives Proportional Election Directives

According to the Members to the House of Representatives Proportional Election Directives, 2017, "Proportional election system" means the election system in which votes shall be casted having deemed the entire country as a single constituency pursuant to Section 5 of the Act and members to the House of Representatives shall be elected from amongst the candidates on behalf of such party in proportion to the number of votes secured by that party.

Article 13 of the act on the election of House of Representatives mentions the **provisions concerning submission of closed list of candidates**

13. Closed list of candidates to be submitted:

(1) A party shall, while nominating candidates for the election to be held under the proportional election of candidates in the format referred to in Annex 12 and submit to the Returning Officer within the time)

(2) While submitting the closed list of candidates, names of 110 candidates in the maximum and of 11 in the minimum shall be listed.

(3) While preparing the closed list of candidates pursuant to sub-section (1), a party shall have to prepare the list having followed the inclusion policy as follows: -

a) Names of candidates shall be included so as to have the representation of the following percent based on the population of Dalit, Adivasi Janjati, Khas Arya, Madhesi, Tharu and Muslim: -

1.

Dalit

13.8 %

2.

Adivasi Janajati

28.7 %

3.

Khas Arya

31.2 %

4.

Madhesi

15.3 %

5.

Tharu

6.6 %

6.

Muslim

4.4 %

b) In the list referred to in clause (a), at least fifty percent women must be included from each of the inclusive groups and in case the number of women to be included while determining the fifty percent is in decimal, the name must be included according to the full figure above that decimal.

c) While listing the names of candidates pursuant to clauses (a) and (b), it shall be listed in such a manner that at least four-point three percent of the candidates shall be listed from the backward region.

d) While listing the names of candidates pursuant to clauses (a) and (b), names of the persons with disability shall also be included.

(4) While determining the numbers of representation to be made from the various inclusive groups out of the candidates having their names included in the closed list of candidates pursuant to sub-section

(3), the determination shall be made based on the voting result divider formula referred to in section 32 based on the number allotted for the concerned inclusive group.

(5) The number of candidates belonging to inclusive groups to be included while submitting the closed list of candidates shall be as stated in Annex - 13.

(6) While submitting the closed list of candidates, it shall be approved by the central committee of the party and an authentic copy of the decision shall also be submitted.

(7) While approving the closed list of candidates on behalf of the parties registered at the Commission to take part in the election jointly having opted single election symbol, it shall be approved by the central committees of all such parties collectively or separately.

(8) While submitting the closed list of candidates by a party, an authenticated copy of the Nepali citizenship certificate or of the Voter's Identity Card or a memo showing the candidate's name included in the electoral rolls shall also be accompanied.

(9) Explanation: For this clause, "Voter's Identity Card" means the Voter's Identity Card issued by the Commission in the year 2017.

(10) A party shall, while submitting the closed list of candidates under this section, include an authenticated copy of the disability identity card issued by the concerned agency of Government of Nepal in case of the person with disability included in such list.

(11) While submitting the closed list of candidates, the party shall also include the deed of consent executed by the concerned candidate in the format referred to in Annex - 15.

(12) While submitting the closed list of candidates, it must be signed by the official of the central committee as authorized by a decision of the central committee.

(13) While submitting closed list of candidates on behalf of the parties registered at the Commission to take part in the election jointly having opted single election symbol, if the central committees of all such parties have decided collectively or separately to authorize such official on this matter, such official and if the central committees have decided to authorize separate officials for that purpose, such officials shall jointly sign and submit the closed list of candidates.

(14) While submitting closed list of candidates on behalf of the parties taking part in the election jointly having opted single election symbol, it shall be also stated that which candidates to belong to which party.

(15) While submitting closed list of candidates, a bank voucher against payment of deposit of the said amount in the deposit account or a cash receipt if the deposits is paid to the Commission have also to be attached.

(16) The candidate to represent the backward region and the candidate with disability having his or her name included in the closed list of candidates to be submitted by a party shall also deemed to have represented the concerned inclusive groups, backward regions and persons with disability as well. While

determining the number of women to be represented from the election to be held under the proportional election system pursuant to sub-section (3), it shall be determined in such a manner that at least 33 percent of the total number of members are represented by women from the first past the post-election system and the proportional election system.

D2S3A2

Representation modality in Federal Parliament

Article 5 of the Constitution mentions the term of House of Representatives: (1) Unless dissolved earlier pursuant to this Constitution, the term of the House of Representatives shall be five years.

(2) Notwithstanding anything contained in clause (1), the term of the House of Representatives may be extended by a Federal Act for a period not exceeding one year in cases where a proclamation or order of a state of emergency is in effect.

(3) The term of the House of Representatives extended under clause

(2) shall ipso facto expire upon the expiry of six months from the date of voidance of the proclamation or order of the state of emergency.

86. Composition of National Assembly and term of office of its members: (1) The National Assembly shall be a permanent House.

(2) The National Assembly shall consist of fifty nine members as follows:

(a) fifty six elected members consisting of at least three women, one

Dalit and one from persons with disabilities or minorities, from each State by an electoral college composed of members of the

State Assembly, chairpersons and vice-chairpersons of the

Village Bodies, and Mayors and Deputy-Mayors of the

Municipalities, with different weightage of vote by members of the State Assembly, chairpersons and vice-chairpersons of the Village Bodies, and Mayors and Deputy-Mayors of the

Municipalities, as provided for in the Federal law,

(b) Three members consisting of at least one woman nominated by the President on recommendation of the Government of Nepal.

D2S3A3

Public Interest Litigation submitted for ensuring political participation in the proportional representation

श्री सर्वोच्च अदालतमा चढाएको

निवेदनपत्र (केहि अंश मात्र)

विषय : नेपालको संविधानको धारा ४६, १३३ (२) र (३) बमोजिम परमादेश लगायत अन्य उपयुक्त तथा उचित आदेश समेत जारी गरि पाउँ

जिल्ला प्रशासन कार्यालय, काठमाण्डौमा दर्ता नं. ५३९ बाट दर्ता भएको ललितपुर जिल्ला ल.पु.म.न.पा. वडा नं १० कुपण्डोल, ललितपुर स्थित कार्यालय रहेको अपाङ्गता अधिकार र विकासका लागि क्रियासिल- नेपाल को तर्फबाट अख्तियार प्राप्त अध्यक्ष ल.पु.जि.ल.पु.उ.म.न.पा.वडा नं. १० बस्ने डा. विरेन्द्र राज शर्मा पोखरेल (९८५१०४३३९९).....१

निवेदक

विरुद्ध

श्री सम्माननीय प्रधानमन्त्री, प्रधानमन्त्री तथा मन्त्रिपरिषदको कार्यालय, सिंहदरबार, काठमाडौं१

श्री प्रधानमन्त्री तथा मन्त्रिपरिषदको कार्यालय, सिंहदरबार, काठमाडौं२

श्री व्यवस्थापिका संसद, संसद सचिवालय, सिंहदरबार, काठमाडौं३

श्री कानून तथा न्याय मन्त्रालय, सिंहदरबार, काठमाडौं.....४

श्री निर्वाचन आयोग, बहादुरभवन, दरबारमार्ग, काठमाडौं.....५

विपक्षी

हामी निवेदक निवेदन वापत लाग्ने दस्तुर यसै साथ राखी निम्न लिखित निवेदन गर्दछौं ।

1= अपाङ्गता अधिकार र विकासका लागि क्रियासिल नेपाल, नामक संस्था संस्था दर्ता ऐन २०३४ को दफा (४) बमोजिम मिति २०६५/०८/११ मा दर्ता नं. ५३९ बाट दर्ता भएको एक गैरसरकारी, गैरनाफामुलक गैरराजनैतिक अपाङ्गता भएका व्यक्तिहरूको संबैधानिक हक अधिकारको संरक्षण, सम्बर्धन र प्रवर्धन गर्ने एक सामाजीक संस्था हो।... म निवेदक दृष्टिबिहिन नेपाली नागरिक पनि हुँ ।

2= नेपालको संविधान बहुजातीय, बहुभाषिक, बहुधार्मिक, बहुसांस्कृतिक, तथा भौगोलिक विविधतायुक्त विशेषतालाई आत्मसात गरी विविधता बीचको एकता, सामाजीक सांस्कृतिक ऐक्यबद्धता, सहिष्णुता र सद्भावलाई संरक्षण एवं प्रवर्धन गर्दै, वर्गिय, जातीय, क्षेत्रीय, भाषिक, धार्मिक, लैंगिक विभेद र सबै प्रकारका जातीय छुवाछुतको अन्त्य गरी आर्थिक समानता, समृद्धि र सामाजीक न्याय

सुनिश्चित गर्न समानुपातिक समावेशी र सहभागितामुलक सिद्धान्तका आधारमा समतामुलक समाजको निर्माण गर्ने संकल्पका साथ नेपालको संविधान २०७२ असोज ३ मा जारी भै कार्यान्वयनमा आएको छ । उक्त संविधानको धारा ४२ को प्रथम संसोधनले सामाजीक न्यायको हकको उपधारा (१) मा आर्थिक, सामाजीक वा शैक्षिक दृष्टिले पछाडि परेका महिला, दलित, आदिवासी जनजाति, मधेशी, थारु, मुस्लिम, पिछडा वर्ग, अल्पसंख्यक, सिमान्तीकृत, अपाङ्गता भएका व्यक्ति, लैंगिक तथा यौनिक अल्पसंख्यक, किसान, श्रमिक, उत्पीडित वा पिछडिएको क्षेत्रका नागरिक तथा आर्थिक रुपले बिपन्न खस आर्यलाई समानुपातिक समावेशी सिद्धान्तका आधारमा राज्यका निकायमा सहभागिताको हक हुनेछ भन्ने संवैधानिक व्यवस्था गरेको छ । सोही धाराको उपधारा (३) मा अपाङ्गता भएका नागरिकलाई बिबिधताको पहिचान सहित मर्यादा र आत्मसम्मानपुर्वक जीवनयापन गर्न पाउने र सार्वजनिक सेवा तथा सुबिधामा समान पहुचको हक हुनेछ भन्ने समेत संवैधानिक व्यवस्था रहेको छ ।

3= उपरोक्त मौलिक हकका अतिरिक्त धारा ८४ मा प्रतिनिधि सभाको गठनको उपधारा (१) को खण्ड (ख) मा सम्पूर्ण देशलाई एक निर्वाचन क्षेत्र मानी राजनीतिक दललाई मत दिने समानुपातिक निर्वाचन प्रणाली बमोजीम निर्वाचित हुने एक सय दश सदस्यका लागि उपधारा (२) मा समानुपातिक निर्वाचन प्रणाली बमोजीम हुने प्रतिनिधि सभाको निर्वाचनका लागि राजनितिक दलले उम्मेदवारी दिदा जनसंख्याको आधारमा महिला, दलित, आदिवासी जनजाति, खस आर्य, मधेशी, थारु, मुस्लिम, पिछडिएको क्षेत्र समेतबाट बन्द सुचिका आधारमा प्रतिनिधित्व गराउने व्यवस्था संघिय कानून बमोजिम हुनेछ । त्यसरी उम्मेदवारी दिदा भुगोल र प्रादेशीक संतुलनलाई समेत ध्यान दिनु पर्नेछ भन्ने संवैधानिक व्यवस्था रहेको छ । यस्तै सोही धाराको उपधारा (३) मा उपधारा (२) बमोजीम राजनितिक दलले उम्मेदवारी दिदा अपाङ्गता भएको व्यक्तिको समेत प्रतिनिधित्व हुने व्यवस्थामा गर्नु पर्नेछ भन्ने व्यवस्थाले उक्त बन्द सूचिमा अपाङ्गता भएका व्यक्तिको समेत प्रतिनिधित्व हुने व्यवस्था गर्नुपर्ने बाध्यकारी संवैधानिक व्यवस्था रहेको छ । त्यस्तै धारा १७६ मा प्रदेश सभाको गठनको उपधारा (१) को खण्ड (क) मा सम्बन्धित प्रदेशबाट प्रतिनिधि सभामा पहिलो हुने निर्वाचित हुने निर्वाचन प्रणाली बमोजीम निर्वाचित हुने सदस्य संख्याकोदोब्बर संख्यामा हुन आउने सदस्य, खण्ड (ख) मा खण्ड (क) बमोजिम कायम हुने सदस्य संख्यालाई साठी प्रतिशत मानी बांकी चालिस प्रतिशतमा समानुपातिक निर्वाचन प्रणालीबाट निर्वाचित हुने सदस्यका लागि उपधारा (६) मा समानुपातिक निर्वाचन प्रणाली बमोजीम हुने प्रदेश सभाको निर्वाचनका लागि राजनितिक दलले उम्मेदवारी दिदा जनसंख्याको आधारमा महिला, दलित, आदिवासी जनजाति, खस आर्य, मधेशी, थारु, मुस्लिम, पिछडिएको क्षेत्र अल्पसंख्यक समुदाय समेतबाट बन्द सुचिका आधारमा प्रतिनिधित्व हुने व्यवस्था संघिय कानून बमोजीम हुनेछ । त्यसरी उम्मेदवारी दिदा सम्बन्धित प्रदेशको भौगोलीक सन्तुलनलाई समेत ध्यान दिनु पर्नेछ भन्ने संवैधानिक व्यवस्था रहेको छ । यस्तै सोही धाराको उपधारा (७) मा उपधारा (६) बमोजीम राजनितिक दलले उम्मेदवारी दिदा अपाङ्गता भएका व्यक्तिको समेत प्रतिनिधित्व हुने व्यवस्थामा गर्नु पर्नेछ भन्ने संवैधानिक व्यवस्था गरी अपाङ्गता भएका व्यक्तिको समेत प्रतिनिधित्व हुने गरी बन्दसूचिको व्यवस्था गर्नेपर्ने संवैधानिक बाध्यता छ ।

4= उपरोक्त धारा ४२ को उपधारा (१) र (३), धारा ८४ को उपधारा (१) को खण्ड (ख) र उपधारा (२), (३) त्यस्तै धारा १७६ को उपधारा (१) को खण्ड (क) र (ख), उपधारा (६) (७) को संवैधानिक व्यवस्थाले संघिय प्रतिनिधि सभा र प्रदेश सभामा समानुपातिक निर्वाचन प्रणालीबाट निर्वाचित हुने सदस्यहरूमा अपाङ्गता भएका व्यक्तिहरूलाई समेत समानुपातिक समावेशी सिद्धान्तका आधारमा अनिवार्य समावेश गराउनु पर्ने बाध्यतात्मक संवैधानिक व्यवस्था रहेको छ । हाल नेपाल सरकारबाट संघिय प्रतिनिधि सभा र प्रदेश सभाको निर्वाचन आगामी मंसिर १० र २१ गते हुने भनि मिति समेत घोषणा भै सकेको अवस्था छ । साथै निर्वाचन आयोगले २०७४/०५/२६ गते आगामी मंसिर १० र २१ गते हुने प्रतिनिधि सभा र प्रदेश सभा सदस्य निर्वाचन कार्यक्रम सार्वजनिक गरी राजनितिक दलहरूले उम्मेदवारको बन्द सूचि २०७४/६/२९ गते भित्र दिनुपर्ने गरी कार्य तालिका समेत प्रकासित गरी सकेको छ ।

5= सोही मंसिर १० र २१ गते हुने संघिय प्रतिनिधि सभा र प्रदेश सभाको निर्वाचन प्रयोजनका लागि प्रतिनिधि सभा सदस्य निर्वाचन ऐन, २०७४ र प्रदेश सभा सदस्य निर्वाचन ऐन, २०७४ व्यवस्थापिका संसदबाट पारित भै नेपाल राजपत्रमा २०७४/५/२२

मा प्रकाशित समेत भै सकेको अवस्था छ । उपरोक्त ऐनहरूलाई हेर्ने हो भने, प्रतिनिधि सभा सदस्य निर्वाचन ऐन २०७४ को दफा २८ मा उम्मेदवारको बन्द सुचि तयार गर्ने व्यवस्था गरिएको छ । उक्त दफाको उपदफा ५ मा दलले यस दफा बमोजीम उम्मेदवारहरूको बन्द सुचि तयार गर्दा भुगोल र प्रादेशीक सन्तुलनलाई समेत ध्यान दिई जनसंख्याको आधारमा अनुसुचि १ मा उल्लेख भए बमोजीम दलित, आदिवासी जनजाति, खस आर्य, मधेशी थारु र मुस्लिम समेतको प्रतिनिधित्व हुने गरी समावेशी सिद्धान्त बमोजीम तयार गर्नु पर्नेछ भन्ने कानूनी व्यवस्था देखिन्छ । त्यस्तै उपदफा (६) मा दलले उम्मेदवारको बन्द सुचि तयार गर्दा पिछडिएको क्षेत्र तथा अपाङ्गता भएका व्यक्तिको समेत प्रतिनिधित्व हुने गरी गर्नुपर्नेछ भन्ने कानूनी बाध्यात्मक व्यवस्था रहेकोछ । त्यस्तै प्रदेश सभा सदस्य निर्वाचन ऐन २०७४ को दफा २८ उम्मेदवारको बन्द सुचि तयार गर्ने दफाको उपदफा (५) मा दलले यस दफा बमोजीम उम्मेदवार हरूको बन्द सुचि तयार गर्दा सम्बन्धित प्रदेशको भौगोलिक सन्तुलनलाई समेत ध्यान दिई जनसंख्याको आधारमा यथासम्भव दलित, आदिवासी जनजाति, खस आर्य, मधेशी, थारु, मुस्लिम, पिछडिएको क्षेत्र तथा अल्पसंख्यक समुदाय समेतको प्रतिनिधित्व हुने गरी समावेशी सिद्धान्त बमोजीम तयार गर्नुपर्नेछ भन्ने कानूनी व्यवस्था देखिन्छ । त्यस्तै उपदफा ६ मा दलले उम्मेदवारको बन्द सुचि तयार गर्दा अपाङ्गता भएको व्यक्तिलाई समेत समावेश गर्नु पर्नेछ भन्ने कानूनी बाध्यात्मक व्यवस्था रहेको छ ।

6= यसरी संबिधानको धारा ४२ को उपधारा (१) र (३), धारा ८४ को उपधारा (१) को खण्ड (ख) र उपधारा (२) (३), त्यस्तै धारा १७६ को उपधारा (१) को खण्ड (क) र (ख), उपधारा ६ र ७ को बाध्यात्मक संवैधानिक व्यवस्था बमोजीम प्रतिनिधि सभा सदस्य निर्वाचन ऐन २०७४ को दफा २८ को उपदफा ५, ६ र प्रदेश सभा सदस्य निर्वाचन ऐन २०७४ को दफा २८ को उपदफा ५, ६ मा अपाङ्गता भएको व्यक्तिलाई समेत समानुपातिक निर्वाचन प्रणाली अर्न्तगतको समानुपातिक निर्वाचनमा समावेश गराउने भन्ने संवैधानिक तथा कानूनी व्यवस्था राखिएता पनि प्रतिनिधि सभा सदस्य निर्वाचन ऐन २०७४ को दफा २८ को उपदफा (५) र दफा ६० को उपदफा (६) संग सम्बन्धित अनुसुचि १ मा क्रमशः दलित १३.८, आदिवासी जनजाती २८.७, खस आर्य ३१.२, मधेसी १५.३, थारु ६.६, मुस्लिम ४.४ मात्र उल्लेख गरी राष्ट्रिय जनगणना २०६८ बमोजिम १.९४ जनसंख्या भएको अपाङ्गता भएको व्यक्तिलाई अनुसुचिमा समावेश गरिएको छैन । जुन कार्यले संबिधानको धारा ४२ को उपधारा १ र ३, धारा ८४ को उपधारा (१) को खण्ड (ख) र उपधारा (२) र (३) त्यस्तै धारा १७६ को उपधारा १ को खण्ड (क) र (ख), उपधारा ६ र ७ को बाध्यात्मक संवैधानिक व्यवस्था र अपाङ्गता भएका व्यक्तिहरूको अधिकार संवन्धि महासन्धि एवं स्वेच्छिक प्रोटोकल २००६ (Convention on the Rights of Persons with Disabilities and Optional Protocol 2006) को धारा २९ मा भएको व्यवस्था अनुसार अपाङ्गता भएका व्यक्तिहरूलाई राजनितिक तथा समग्र सामाजीक जीवनमा सहभागीता हुने अधिकार समेतको घोर उल्लंघन हुन गएकोले संघिय प्रतिनिधि सभा र प्रदेश सभाको समानुपातिक निर्वाचन प्रयोजनको लागि अपाङ्गता भएको व्यक्ति समेत लाई अनुसुचिमा समावेश गर्नु गराउनु भनि संबिधानको धारा ४२ को उपधारा (१) र (३), धारा ८४ को उपधारा (१) को खण्ड (ख) र उपधारा २ र ३ त्यस्तै धारा १७६ को उपधारा १ को खण्ड (क) र (ख), उपधारा ६, ७, अपाङ्गता भएका व्यक्तिहरूको अधिकार संवन्धि महासन्धि एवं स्वेच्छिक प्रोटोकल २००६ को धारा २९ तथा संबिधानको धारा ४६, १३३ (२) र (३) बमोजीम बिपक्षिहरूको नाउँमा संवैधानिक तथा कानूनी प्रश्नको निरूपणका लागि आवश्यक तथा उचित उपचार प्रदान गरी उक्त संवैधानिक तथा कानूनी हकको प्रचलन गराई पाउँन यो रिट निवेदन लिई उपस्थित भएका छौ । र्

7= तः नेपालको संबिधानको धारा ४२ को उपधारा (१) र (३), धारा ८४ को उपधारा (१) को खण्ड (ख) र उपधारा २ र ३, त्यस्तै धारा १७६ को उपधारा १ को खण्ड (क) र (ख), उपधारा ६, ७, प्रतिनिधि सभा सदस्य निर्वाचन ऐन, २०७४ को दफा २८ को उपदफा ५, ६ र प्रदेश सभा सदस्य निर्वाचन ऐन २०७४ को दफा २८ को उपदफा ५, ६, अपाङ्गता भएका व्यक्तिको अधिकार सम्बन्धी संयूक्त राष्ट्र संघिय महासन्धी, २००६ को धारा २९ बमोजीम प्रतिनिधि सभा सदस्य निर्वाचन ऐन, २०७४ को अनुसुचि-१ मा अपाङ्गता भएको व्यक्तिहरूको उम्मेदवारीको बन्दसूचिको लागि समावेशी समानुपातिक आधारमा राष्ट्रिय जनगणना २०६८ बमोजिम १.९४ प्रतिशत जनसंख्या भएको अपाङ्गता भएका व्यक्तिलाई समेत समावेश गरी प्रतिनिधित्व गराउन उम्मेदवारको

बन्दसूचि को लागी समावेशी आधार तय गर्न, गराउन नेपालको संविधानको धारा १८, ४२ (१) (३), २८३ बमोजिम धारा ४६, १३३ (१) (२) बमोजिम परमादेश लगायत जो चाहिने उपयुक्त तथा उचित आदेश बिपक्षिहरूका नाउँमा जारी गरी पाउँ ।

8= साथै मंसिर १० र २१ गते हुने संघिय प्रतिनिधी सभा र प्रदेश सभाको निर्वाचन प्रयोजनका लागी नेपाल सरकारले राजनितिक दलहरूले उम्मेदवारको बन्द सूचि २०७४/६/२९ गते भित्र दिनुपने गरी कार्य तालिका समेत प्रकासित गरेको हुँदा सो प्रकासित तालिका बमोजिम अनुसूचि-१ बमोजिमको बन्दसूचिको लागी समावेशी आधार भएमा अपाङ्गता भएको व्यक्तिहरूको संवैधानिक तथा कानुनी व्यवस्था बमोजिमको प्रतिनिधित्व छुटन गई अपाङ्गता भएका व्यक्तिहरूको प्रतिनिधित्वको पहुँच लगायतका संवैधानिक तथा कानुनी हकको गम्भीर उल्लंघन हुन गई अपाङ्गता भएको व्यक्तिहरूलाई अपुरणीय क्षति पुग्न जाने हुँदा प्रस्तुत मुद्दाको टुंगो नलाग्दा सम्म संघिय प्रतिनिधी सभा र प्रदेश सभाको निर्वाचनका लागी राजनैतिक दलहरूबाट अपाङ्गता भएका व्यक्तहरूको १.९४ प्रतिशतलाई समावेश नगरेको समानुपातिक बन्द सूचि नलिन, यथास्तीथीमा राष्ट्र भनी सर्वोच्च अदालत नियमावली २०७४ को नियम ४९ बमोजिम अन्तरिम आदेश जारी गरी पाउँ । प्रस्तुत मुद्दा गम्भीर प्रकृतिको सार्वजनिक सरोकारको विषय समावेश भएको हुनाले सर्वोच्च अदालत नियमावली २०७४ को नियम ७३ बमोजिम अग्राधिकार दिई अन्तिम सुनुवाई हुने पेशी तारिख समेत तोकी पाउन सादर अनुरोध गर्दछौ ।

निवेदक

निज अख्तियार प्राप्त डा. विरेन्द्र राज शर्मा पोखरेल

ईति सम्वत २०७४ साल आश्विन महिना ०४ गते रोज ४ शुभम्र.

D2S4A1

Election Commission and its function

Article 245 of the Constitution of Nepal mentions about the Election Commission.

(1) There shall be an Election Commission of Nepal, consisting of a Chief Commissioner and four other Commissioners. The Chief Commissioner shall act as the chairperson of the Election Commission.

(2) The President shall, on the recommendation of the Constitutional Council, appoint the Chief Election Commissioner and Commissioners.

(3) The term of office of the Chief Election Commissioner and Commissioners of the Election Commission shall be six years from the date of appointment.

The article 246 further mention about he functions, duties and powers of the Election Commission.

(1) The Election Commission shall, subject to this Constitution and the Federal law, conduct, supervises, direct and controls the election to the President, Vice-President, members of the Federal Parliament, members of State Assemblies and members of Local level. For these purposes, the Election Commission shall prepare electoral rolls.

(2) The Election Commission shall hold a referendum on a matter of national importance pursuant to this Constitution and the Federal law

(3) If, after nomination of candidacy for the President, Vice-President, member of the Federal Parliament, member of State Assemblies or member of Local level has been filed but before the election results are declared, a question arises about the qualification of a candidate, the Election Commission shall decide that question.

(4) The Election Commission may so delegate any of its functions, duties and powers to the Chief Election Commissioner, Election Commissioner or any government employee as to be exercised and complied with subject to the specified conditions.

(5) Other functions, duties and powers and rules of procedure of the Election Commission shall be as provided for in the Federal law.

The article 247 mention the provision of providing necessary assistance to Election Commission. The Government of Nepal, State Government and Local Government shall provide such employees and other assistance to the Election Commission as may be required to perform its functions pursuant to this Constitution.

D2S4A2

Legal capacity for voting

सहयोगीको साथमा मतदान गर्न पाउने

दृष्टिविहीन वा शारीरिक रूपले अशक्त मतदाताको सहयोगको लागि साथमा आएको एकाघरको परिवारको सदस्य ।

D2S4A4

Electoral Education

निर्वाचन प्रणालीबारे मतदाता शिक्षा

पहिलो हुने निर्वाचित हुने निर्वाचन प्रणाली

बढीमत/बहुमत निर्वाचन प्रणालीको सबैभन्दा सरल रूप हो । सदर मतको पूर्ण बहुमत नभए पनि अरूभन्दा बढी मत प्राप्त गर्ने उम्मेदवार विजयी हुन्छ । यो प्रणाली एक सदस्यीय निर्वाचन क्षेत्रमा प्रयोग गरिन्छ र यसमा मतदाताले राजनीतिक दललाई नभई उम्मेदवारलाई मत दिन्छन् ।

समानुपातिक निर्वाचन पद्धति

यस प्रणालीमा मतदाताहरूले आफूलाई मन परेको एउटा दललाई मतदान गर्दछन् तर उम्मेदवारहरूलाई मतदान गर्दैनन् । सबैभन्दा बढी मत प्राप्त गर्ने दलले निर्वाचन क्षेत्रका सबै स्थान दायिअप मा (एकमुष्ट) जित्ने गर्दछन् ।

बहुनिर्वाचन क्षेत्रबाट प्राप्त सदरमतको प्रतिशतको आधारमा दल वा उम्मेदवारलाई स्थान तोकिन्छ । यस प्रणाली अन्तर्गत सूचीमा आधारित समानुपातिक प्रतिनिधित्व र एकल संक्रमणीय निर्वाचन प्रणाली पर्दछन् ।

यस प्रणाली अन्तर्गत निर्वाचनमा सहभागी हुने प्रत्येक दलले निर्वाचन क्षेत्रको लागि उम्मेदवारहरूको सूची प्रस्तुत गर्दछन् ।

मतदाताहरूले दलका निम्ति मतदान गर्दछन् र दलहरूले पाएको मतको सम्पूर्ण हिस्साको अनुपातमा स्थान वितरण गरिन्छ । यो प्रणालीमा प्रचलनमा आएका सूचीहरू मध्ये बन्द सूची र खुला सूचीका नामले बढी परिचित छन् ।

सम्पूर्ण मुलुकलाई एक निर्वाचन क्षेत्र मानी राजनीतिक दललाई मत दिने समानुपातिक निर्वाचन प्रणाली अन्तर्गत हुने निर्वाचनका निमित्त महिला, दलित, उत्पीडित जाति/आदिवासी जनजाति, पिछडिएको क्षेत्र, मधेसी, खस आर्य, अपाङ्गता भएका व्यक्तीहरू तथा अन्य समूह समेतको समानुपातिक प्रतिनिधित्व हुने गरी राजनीतिक दलले उम्मेदवारको नाम समावेश गरी आयोग समक्ष पेश गरेको सूची नै उम्मेदवारको बन्दसूची हो (हाम्रो देशको सन्दर्भमा आयोग समक्ष पेश भएको अन्तिम बन्दसूचीमा रहेका नाम उपर कसैले थपघट वा परिवर्तन गर्न नपाउने हुनाले यसलाई बन्दसूची भनिएको हो)। तर यस्तो बन्दसूची भन्नाले खामबन्दी वा गोप्य भन्ने अर्थ लिनु हुँदैन ।

उम्मेदवारको बन्दसूचीमा रहेको नामावली निर्वाचन व्यवस्थापन निकायले सार्वजनिक गर्नेछ ।

खुला सूची: समानुपातिक निर्वाचन प्रणाली अन्तर्गत प्रयोग गरिने एक स्वरूप हो, जसमा मतदाताले दल वा समूह दुवैलाई एउटामा प्राथमिकता प्रकट गर्न सक्छन् वा कुनै समयमा दल वा समूह भित्रका उम्मेदवारहरूलाई प्राथमिकता तोकि मत प्रकट गर्न पाउने अधिकार प्रदान गरिन्छ । यस सम्बन्धमा दलको तर्फबाट उम्मेदवारहरूको सूची प्रस्तुत गर्दा नै निर्वाचित हुने उम्मेदवारको प्राथमिकताक्रम निर्धारण गरी पेश गरिन्छ र जुन कुरा मतदातालाई अग्रिम जानकारी हुन्छ ।

पहिलो हुने निर्वाचित हुने निर्वाचन प्रणाली

बढीमत/बहुमत निर्वाचन प्रणालीको सबैभन्दा सरल रूप हो । सदर मतको पूर्ण बहुमत नभए पनि अरूभन्दा बढी मत प्राप्त गर्ने उम्मेदवार विजयी हुन्छ । यो प्रणाली एक सदस्यीय निर्वाचन क्षेत्रमा प्रयोग गरिन्छ र यसमा मतदाताले राजनीतिक दललाई नभई उम्मेदवारलाई मत दिन्छन् ।

समानुपातिक निर्वाचन पद्धती

यस प्रणालीमा मतदाताहरूले आफूलाई मन परेको एउटा दललाई मतदान गर्दछन् तर उम्मेदवारहरूलाई मतदान गर्दैनन् । सबैभन्दा बढी मत प्राप्त गर्ने दलले निर्वाचन क्षेत्रका सबै स्थान दियेअप मा (एकमुष्ट) जित्रे गर्दछन् ।

बहुनिर्वाचन क्षेत्रबाट प्राप्त सदरमतको प्रतिशतको आधारमा दल वा उम्मेदवारलाई स्थान तोकिन्छ । यस प्रणाली अन्तर्गत सूचीमा आधारित समानुपातिक प्रतिनिधित्व र एकल संक्रमणीय निर्वाचन प्रणाली पर्दछन् ।

यस प्रणाली अन्तर्गत निर्वाचनमा सहभागी हुने प्रत्येक दलले निर्वाचन क्षेत्रको लागि उम्मेदवारहरूको सूची प्रस्तुत गर्दछन् ।

मतदाताहरूले दलका निम्ति मतदान गर्दछन् र दलहरूले पाएको मतको सम्पूर्ण हिस्साको अनुपातमा स्थान वितरण गरिन्छ । यो प्रणालीमा प्रचलनमा आएका सूचीहरू मध्ये बन्द सूची र खुला सूचीका नामले बढी परिचित छन् ।

सम्पूर्ण मुलुकलाई एक निर्वाचन क्षेत्र मानी राजनीतिक दललाई मत दिने समानुपातिक निर्वाचन प्रणाली अन्तर्गत हुने निर्वाचनका निमित्त महिला, दलित, उत्पीडित जाति/आदिवासी जनजाति, पिछडिएको क्षेत्र, मधेसी, खस आर्य, अपाङ्गता भएका व्यक्तीहरू तथा अन्य समूह समेतको समानुपातिक प्रतिनिधित्व हुने गरी राजनीतिक दलले उम्मेदवारको नाम समावेश गरी आयोग समक्ष पेश गरेको सूची नै

उम्मेदवारको बन्दसूची हो (हाम्रो देशको सन्दर्भमा आयोग समक्ष पेश भएको अन्तिम बन्दसूचीमा रहेका नाम उपर कसैले थपघट वा परिवर्तन गर्न नपाउने हुनाले यसलाई बन्दसूची भनिएको हो)। तर यस्तो बन्दसूची भन्नाले खामबन्दी वा गोप्य भन्ने अर्थ लिनु हुँदैन ।

उम्मेदवारको बन्दसूचीमा रहेको नामावली निर्वाचन व्यवस्थापन निकायले सार्वजनिक गर्नेछ ।

खुला सूची: समानुपातिक निर्वाचन प्रणाली अन्तर्गत प्रयोग गरिने एक स्वरूप हो, जसमा मतदाताले दल वा समुह दुवैलाई एउटामा प्राथमिकता प्रकट गर्न सक्छन् वा कुनै समयमा दल वा समुह भित्रका उम्मेदवारहरूलाई प्राथमिकता तोकि मत प्रकट गर्न पाउने अधिकार प्रदान गरिन्छ । यस सम्बन्धमा दलको तर्फबाट उम्मेदवारहरूको सूची प्रस्तुत गर्दा नै निर्वाचित हुने उम्मेदवारको प्राथमिकताक्रम निर्धारण गरी पेश गरिन्छ र जुन कुरा मतदातालाई अग्रिम जानकारी हुन्छ ।

D3S1A1

Defining Reasonable Accommodation and disability specific terminology

According to the article 2 of CRPD, Discrimination on the basis of disability” means any distinction, exclusion or restriction on the basis of disability which has the purpose or effect of impairing or nullifying the recognition, enjoyment or exercise, on an equal basis with others, of all human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field. It includes all forms of discrimination, including denial of reasonable accommodation;

“Reasonable accommodation” means necessary and appropriate modification and adjustments not imposing a disproportionate or undue burden, where needed in a particular case, to ensure to persons with disabilities the enjoyment or exercise on an equal basis with others of all human rights and fundamental freedoms;

“Universal design” means the design of products, environments, programmes and services to be usable by all people, to the greatest extent possible, without the need for adaptation or specialized design. “Universal design” shall not exclude assistive devices for particular groups of persons with disabilities where this is needed.

Barriers to full social and economic inclusion of persons with disabilities include inaccessible physical environments and transportation, the unavailability of assistive devices and technologies, non-adapted means of communication, gaps in service delivery, and discriminatory prejudice and stigma in society.

Poverty may increase the risk of disability through malnutrition, inadequate access to education and health care, unsafe working conditions, a polluted environment, and lack of access to safe water and sanitation. Disability may increase the risk of poverty, through lack of employment and education opportunities, lower wages, and increased cost of living with a disability.

D3S1A2

Election Dispute Resolution Body

निर्वाचन विवाद निरूपण समिति (Election Dispute Resolution Committee)

नेपालको सम्बन्धमा निर्वाचन आयोग ऐन, २०१७, निर्वाचन कसुर तथा सजाय ऐन, २०१७ तथा विभिन्न तहको निर्वाचन म्वन्धी ऐनले मतदाता नामावली संकलन र दर्ता तथा निर्वाचनको समयमा निर्वाचन विवाद, हिंसा र कसुर हुन सक्ने विषयलाई मनन गरी यस्तो अवस्थामा हुन सक्ने विवादको सुनुवाई गर्ने विभिन्न संयन्त्रको व्यवस्था गरेको छ ।

निर्वाचन विवादका सन्दर्भमा अदालतले न्यायिक निरूपण गर्दछ भने निर्वाचन अयोगले अर्धन्यायिक निकायको रुपमा विवाद निरूपणको कार्य गर्ने कानुनी व्यवस्था रहेको छ । यसै सन्दर्भमा यहाँ अदालती संयन्त्रमा भन्दा पनि निर्वाचन आयोग मातहत रहने विवाद सुनुवाईको संयन्त्रका सम्बन्धमा विषय वस्तुलाई बढी केन्द्रित गरिएको छ ।

D3S1A3

Constitutional Commissions

National Human Rights Commission

There is provision of National Human Rights Commission (NHRC) in Article 246 of the Constitution. NHRC is the human rights monitoring body during the electoral process as well.

The legal basis of the National Human Rights Commission: (1) There shall be a National Human Rights Commission of Nepal, consisting of a Chairperson and four other members.

(2) The President shall, on the recommendation of the Constitutional Council, appoint the Chairperson and members.

(3) The term of office of the Chairperson and members of the National Human Rights Commission shall be six years from the date of appointment.

The article 247 of the constitution mention about the functions, duties and powers of National Human Rights Commission.

(1) It shall be the duty of the National Human Rights Commission to respect, protect and promote human rights and ensure effective enforcement thereof.

(2) For the accomplishment of the duty mentioned in clause (1), the National Human Rights Commission shall perform the following functions:

(a) to inquire, on its own initiative or on petition or complaint presented in or sent to the Commission by a victim or any person on his or her behalf or on information received by the Commission from any source, into and investigate complaints of violations of human rights of an individual or group or abetment thereof, and make recommendation for action against the perpetrators,

(b) if any official who has the responsibility or duty to prevent violations of human rights fails to fulfill or perform his or her responsibility or duty or shows reluctance in the fulfillment or performance of his or her responsibility or duty, to make recommendation to the concerned authority to take departmental action against such official,

- (c) if it is required to institute a case against any person or organization who has violated human rights, to make recommendation to file a case in the court in accordance with law;
 - (d) to coordinate and collaborate with the civil society in order to enhance awareness on human rights,
 - (e) to make recommendation, accompanied by the reasons and grounds, to the concerned body for taking departmental action against and imposing punishment on those who have violated human rights,
 - (f) to carry out periodic reviews of the relevant laws relating to human rights and make recommendation to the Government of Nepal for necessary improvements in and amendments to such laws,
 - (g) if Nepal has to become a party to any international treaty or agreement on human rights, to make recommendation, accompanied by the reasons therefor, to the Government of Nepal; and monitor whether any such treaty or agreement to which Nepal is already a party has been implemented, and if it is found not to have been implemented, to make recommendation to the Government of Nepal for its implementation,
 - (h) to publish, in accordance with law, the names of the officials, persons or bodies who have failed to observe or implement any recommendations or directives made or given by the National Human Rights Commission in relation to the violations of human rights, and record them as violators of human rights.
- (3) In discharging its functions or performing its duties, the National Human Rights Commission may exercise the following powers:
- (a) to exercise all such powers as of a court in respect of the summoning and enforcing the attendance of any person before the Commission and seeking and recording his or her information or statements or depositions, examining evidence and producing exhibits and proofs,
 - (b) on receipt of information by the Commission in any manner that a serious violation of human rights has already been committed or is going to be committed, to search any person or his or her residence or office, enter such residence or office without notice, and, in the course of making such search, take possession of any document, evidence or proof related with the violation of human rights,
 - (c) in the event of necessity to take action immediately on receipt of information that the human rights of any person are being violated, to enter any government office or any other place without notice and rescue such person,
 - (d) to order for the provision of compensation in accordance with law to any person who is a victim of the violations of human rights;
- (4) The National Human Rights Commission may so delegate any of its functions, duties and powers to the Chairperson of the Commission, any of its Members or a government employee as to be exercised and complied with subject to the specified conditions.

(5) Other functions, duties and powers and rules of procedure of the National Human Rights Commission shall be as provided for in the Federal law.

National Women Commission

Article 250 of the Constitution mentions about the National Women Commission. The legal basis of National Women Commission of Nepal: This consists of a Chairperson and four other members.

(2) The President shall, on the recommendation of the Constitutional Council, appoint the Chairperson and members of the National Women Commission.

(3) The term of office of the Chairperson and members of the National Women Commission shall be six years from the date of appointment.

The article 251 further mention about the functions, duties and powers of National Women Commission.

(1) The functions, duties and powers of the National Women Commission shall be as follows:

(a) to formulate policies and programs concerning the rights and interests of the women and submit them to the Government of Nepal for implementation.

(b) to monitor as to whether laws concerning the rights and interests of the women and obligations under the international treaties to which Nepal is a party have been implemented, and make suggestions, accompanied by the measures for their effective compliance and implementation to the Government of Nepal,

(c) in order to have the women included in the mainstream of national development and ensure proportional participation in all organs of the State, to assess, monitor and evaluate the existing policies and programs, and make recommendation to the Government of Nepal for their effective implementation,

(d) to carry out study and research work on the legal provisions relating to gender equality, empowerment of women and women, make recommendations to the concerned bodies on reforms to be made on such laws, and monitor the same.

(e) to make suggestions to the Government of Nepal about the preparation of reports to be submitted by Nepal in accordance with the provisions contained in the international treaties or agreements concerning women's rights, to which Nepal is a party,

(f) if it is necessary to file cases against any persons or bodies on matters of violence against women or being subjected to social ill- practices or infringement of or deprivation of enjoyment of women's rights, to make recommendations to the concerned bodies to file such cases in courts in accordance with the law.

(2) The National Women Commission may so delegate any of its functions, duties and powers to the Chairperson of the Commission, any of its members or any employee of the Government of Nepal as to be exercised and complied with subject to the specified conditions.

(3) Other functions, duties and powers and other relevant matters of the National Women Commission shall be as provided for in the Federal law.

National Inclusion Commission

The article 256 of the Constitution mentions about the National Inclusion Commission.

(1) There shall be a National Inclusion Commission of Nepal, consisting of a Chairperson and four other members. The legal basis of National Inclusion Commission:

(2) The President shall, on the recommendation of the Constitutional Council, appoint the Chairperson and members of the National Inclusion Commission.

(3) The term of office of the Chairperson and members of the National Inclusion Commission shall be six years from the date of appointment.

(6) A person shall be eligible to be appointed as the Chairperson or a member of the National Inclusion Commission if he or she possesses the following qualification:

(a) being a person having rendered outstanding contribution, for at least ten years, to the field of social inclusion, rights and interests or development of persons with disabilities, minority and marginalized communities and backward areas and classes or human rights,

(b) in the case of the Chairperson, holding a bachelor's degree from a recognized university,

(c) having attained the age of forty five years,

(d) not being a member of any political party at the time of appointment, and

(e) Being of high moral character.

The article 257 further mention about the functions, duties and powers of National Inclusion Commission.

(1) The functions, duties and powers of the National Inclusion Commission shall be as follows:

(a) to conduct study and research works for the protection of the rights and interests of the communities, including Khas Arya, Pichhada class, persons with disabilities, senior citizens, labours, peasants, minorities and marginalized community, backward class, people of Karnali and the indigent class,

(b) to study the status of implementation of the policies and laws adopted by the Government of Nepal for the inclusion of the community, class and region mentioned in clause (a) and make suggestions to the Government for reforms,

(c) to study as to whether there has been appropriate representation of the community, class and region mentioned in clause (a) in the organs of the State and make suggestions to the Government of Nepal to review the special provisions made for the representation of such community, class and region,

- (d) to study as to whether the protection, empowerment and development of the community, class and region mentioned in clause (a) has been satisfactory and make recommendations to the Government of Nepal about policies to be pursued in the future,
 - (e) to make suggestions to the Government of Nepal about policies and programs to be pursued for the development and prosperity of the Karnali and backward regions,
 - (f) to make recommendations for timely revisions of laws concerning minority and marginalized communities,
 - (g) to monitor the status of implementation of rights and interests guaranteed for minority and marginalized communities and make recommendations for revision upon necessary review on the basis of periodic national census and human development index.
- (2) The National Inclusion Commission may so delegate any of its functions, duties and powers to the Chairperson of the Commission, any of its members or any employee of the Government of Nepal as to be exercised and complied with subject to the specified conditions.
- (3) Other functions, duties and powers and other relevant matters of the National Inclusion Commission shall be as provided for in the Federal law.

D3S2A1

Role of different entities of the electoral process

Chapter - 2 of the the Laws Relating to Electoral Rolls mentions the role of different entities of the electoral process.

Voters and Electoral Rolls

Voter:

The following person whose name has been registered in the final electoral rolls for the purpose of casting vote in the following election shall be the voter for such election: -

- (a) Members of the Federal Parliament and State Assembly for purpose of electing President and Vice President.
- (b) A person whose is permanently residing in respective ward of Municipality or Rural Municipality of the concerned constituency for the purpose of electing the members of Federal Parliament and State Assembly.
- (c) Member of each State Assembly, Mayor and Deputy Mayor of Municipality and Chairperson and Vice Chairperson of Rural Municipality for the purpose of electing the member of National Assembly.

- (d) Person who is a permanent resident of concerned ward of Municipality for the purpose of electing the Mayor and Deputy Mayor of such Municipal Executive.
- (e) Person who is a permanent resident of concerned ward of Municipality for the purpose of electing the Chairperson and Vice Chairperson of such Village Executive.
- (f) Person who is a permanent resident of concerned ward for the purpose of electing the Ward-Chairperson and members of ward of each Municipality and Rural Municipality.
- (g) Member of Municipal Assembly for the purpose of electing the member of Municipal Executive.
- (h) Member of Village Assembly for the purpose of electing the member of Village Executive.

Role of Election Commission:

4. To collect and update Electoral Rolls:

- (1) The Commission, for the purpose of casting vote in the election under its direct inspection, control, supervision and direction, shall carry out the act of collection and updating of the Electoral Rolls of the voters in the Wards of the Rural Municipality and Municipality of each election constituency.
- (2) While collecting or updating the Electoral Rolls by the Commission pursuant to sub-section (1), the Commission shall fix the time in a manner that such collection or updating shall be done at the place and time determined by the Commission at one time or at several times.
 - (1) That while collecting or updating the Electoral Rolls of one ward of a particular Rural Municipality or Municipality, it shall be done at the same time.
 - (2) That no name shall be registered in the Electoral Rolls after the announcement of an election.
 - (3) The dissemination of the information to the general public regarding the collection and update of Electoral Rolls shall be as prescribed.

Name Registration Officer:

- (1) The Commission may designate one Chief Name Registration Officer and Name Registration Officer and Assistant Name Registration Officer as required in each district to collect names and other necessary details of voters, to prepare or update Electoral Rolls and carry out all other acts as required in that respect.
- (2) The Commission may depute or engage employees of the Government of Nepal or State Government or Local Level or an employee of any entity owned or controlled by, Government of Nepal or State Government or employee of an entity operated with the grant of the Government of Nepal or teachers of community schools in work, so as to assist the Name Registration Officer in the performance of the functions as referred to in subsection (1).
- (3) The Office of the Name Registration Officer shall be located in the place prescribed by the Commission.

Name registration as a voter:

(1) The following person's name shall be registered in the Electoral Rolls:

- (a) A Nepali citizen
- (b) A person who has completed 18 years of age on the date prescribed by the Commission to publish notice on the Nepal Gazette.
- (c) A person who has permanent residence in the concerned Ward of any Rural Municipality or Municipality in any election constituency.

Deemed to be residing permanently:

(1) For the purposes of subsection (c) of Section 6 a person who is habitually residing in the concerned Ward of a Rural Municipality or a Municipality shall be deemed to have permanently resided there.

(2) Notwithstanding anything contained in sub-section (1), a residence in any of the following situations shall also be deemed to have resided permanently:

- (a) Situation where a person, whose name is registered in the Electoral Rolls of a Ward of a Rural Municipality or Municipality in an election constituency and who has been elected as a people's representative, if such person remains absent from the election constituency during his or her tenure;
- (b) Situation where a person remains absent from a Ward of a Rural Municipality or Municipality in an election constituency where his or her name has been registered, owing to trade, business, study, teaching, governmental or non-governmental service, medical treatment or any other special work or reason or owing to being detained or imprisoned according to the law.

Persons not to be deemed as residing permanently:

For the purposes of Subsection (c) of Section 6, the following persons shall not be deemed to have resided permanently in the concerned Ward of a Rural Municipality or Municipality.

- (a) Where a house belonging to someone else is being rented for the purpose of operating any industry, trade or business or keeping an office, the tenant and his or her family on the mere ground of renting such house.
- (b) Employees working or serving in offices of governmental, semi-governmental and non-governmental organizations, and residing in quarters made for employees of such office, army, armed police force or police barracks, temporary camps or cantonments or Industrial enterprises and residing in the quarter of such enterprises and persons staying in hospitals, clinics, nursing homes, schools, colleges and hostels, orphanages, old age homes, prisons and any similar other place.

Registration of voters of another election constituency:

(1) Where a voter whose name has been registered in the Electoral Rolls of any Ward of a Rural Municipality or Municipality of an election constituency has migrated, because of marital or other reason, to any Ward of a Rural Municipality or Municipality in another election constituency and reside therein,

the name of such person may be registered in the concerned Ward of the Village Municipality or Municipality of the election constituency where he or she has been so residing.

(2) While getting registered his or her name pursuant to sub-section (1), such person shall submit evidence proving the marriage or migration to the Name Registration Officer.

(3) A person who wishes to register pursuant to sub-section (1) shall submit evidence proving name registration.

Prohibition on registration of name in two places:

Except in the situation mentioned in Chapter 3, no person shall register or get registered his or her name in the Electoral Rolls of more than one Rural Municipality or Municipality or more than one Ward of any Rural Municipality or Municipality.

Seeking additional evidence for registration of name:

(1) Where it is so required if date of birth or age or place of his or her residence is not clear in the citizenship, while registering the name of a person in the Electoral Rolls pursuant to this Act, the Name Registration Officer may ask to submit land ownership certificate or any identity card or educational qualification certificate or copy of passport or license.

(2) In the event of failure to submit the evidence sought pursuant to sub-section (1), the Name Registration Officer may ask such person to submit a recommendation of the concerned Ward of the concerned Rural Municipality or Municipality.

(3) The name of a person who fails to submit even the recommendation referred to in sub-section (2) shall not be registered in the Electoral Rolls.

D3S2A2

Role of NAB and its network for political participation

दृष्टिविहीनहरूको राजनितिक अधिकार प्राप्तिको लागि नेपाल नेत्रहिन संघ को भूमिका:

- सबै दृष्टिविहीन व्यक्तिहरूलाई राजनितिक अभिमुखिकरण गर्ने
- राजनितिक दलहरूसँग दृष्टिविहीनका राजनैतिक सवालहरूका बारेमा बहस तथा छलफल गर्ने
- दृष्टिविहीनमैत्री कानून निर्माण गर्न राजनितिक दलहरूलाई दबाब दिने
- कर्मचारी वर्ग तथा अन्य सरोकारवालाहरूसँग दृष्टिविहीनका सवालहरूको बारेमा अन्तर्क्रिया गर्ने
- ग्रामीन क्षेत्रका दृष्टिविहीनहरूका लागि क्षमता अभिवृद्धि गर्न विभिन्न कार्यक्रमहरू संचालन गर्ने
- नेतृत्व विकास सम्बन्धि तालिम दिने
- संबिधानमा राजनैतिक दलहरूले दृष्टिविहीनहरूको प्रतिनिधित्व शिनिश्चित गर्न दबाब दिने
- दृष्टिविहीनहरूको राजनैतिक अधिकार प्राप्तिका लागि राजनितिक दलहरूले गर्नु पर्ने कार्यहरू:

- दृष्टिविहीनका लागि आरक्षणको व्यवस्था गर्नुपर्ने
- दृष्टिविहीनहरूलाई जीत्ने गरी समानुपातिक समावेशि सिद्धान्तको आधारमा सहभागिताको व्यवस्था गर्ने
- राजनीतिक दलहरूले दृष्टिविहीन प्रति सकारात्मक सोचको विकास गर्नु पर्ने
- राजनीतिक दलहरूले दृष्टिविहीनहरूको राजनीतिक अधिकार प्रति आफ्नो भातृ संगठनहरूलाई सचेत गराउने
- राजनीतिक दलहरूले दृष्टिविहीनहरूलाई निर्वाचनको समयमा आफ्नो घोषणा पत्रमा गरिएका प्रतिवद्धताहरू दृष्टिविहीन मैत्रीहुनु पर्ने वा पहुँच युक्तता हुनुपर्ने
- दृष्टिविहीनहरूको राजनैतिक अधिकार प्राप्तिका लागि नागरिक र सञ्चार माध्यमको भूमिका
- मतदाता परिचयपत्र दिलाउनकि लागि नागरिक समाजको महत्त्व पूर्ण भूमिका रहन्छ
- गाउँस्तर देखि जिल्ला स्तरसम्म दृष्टिविहीन व्यक्तिको महत्त्वपूर्ण जिम्मेवारी हुनुपर्दछ
- सञ्चार माध्यमले धेरै प्रचार- प्रसार गर्ने
- सञ्चार माध्यमले दृष्टिविहीनहरूलाई राजनीतिमा सहभागी गराउन जोड दिने
- दृष्टिविहीनहरूको राजनैतिक अधिकार प्राप्तिका लागि निर्वाचन आयोगको भूमिका
- संविधान बमोजिम प्राप्त अधिकारलाई कानुन बनाई दृष्टिविहीनको प्रतिनिधित्व बाध्यकारी बनाउनु पर्ने
- मतदान गर्न दृष्टिविहीनहरूले इच्छाएको व्यक्ति लैजान पाउने व्यवस्था मिलाउने
- दृष्टिविहीन मतदाताको संख्या बढाउन बालिक दृष्टिविहीनहरूको पहिचान गरी घरघरबाट नामावली संकलन गर्ने व्यवस्था मिलाउने
- दृष्टिविहीनहरूको लागि विधुतीय भोटिङ्ग मेसिनबाट मतदान गर्ने व्यवस्था मिलाउने
- दृष्टिविहीनहरूको राजनैतिक अधिकार प्राप्तिका लागि दृष्टिविहीन स्वयम् को भूमिका
- आफ्नो क्षमता अभिवृद्धि गर्नुपर्ने
- राजनीतिक दलहरूसँग सम्पर्क र समन्वय गर्ने
- इच्छाएको पार्टीमा सक्रियता बढाउन सहजिकरण गर्ने

मतदाता परिचयपत्र बनाउन प्रेरित गर्ने।

D3S2A2

DPOs affiliated in NFDN

राष्ट्रिय अपाङ्ग महासंघ नेपाल सँग आवद्ध बएका जिल्ला स्तरिय संस्थाहरू

प्रदेश १ अन्तर्गतका संस्थाहरू

- जागृति अपाङ्ग संघ, इलाम
- इलाम नेत्रहिन संघ, इलाम
- बौद्धिक अपाङ्गता सशक्तिकरण केन्द्र ईलाम, इलाम
- त्रियूगा बौद्धिक अपाङ्गताका अभिभावक संघ, उदयपुर
- अपाग विकास संघ, उदयपुर
- अपाग महिला संघ, उदयपुर
- बहिरा तथा सुस्तरश्रवण संघ, उदयपुर
- शारिरिक अपाङ्ग संघ, उदयपुर

- उदयपुर नेत्रहीन संघ, उदयपुर
- समावेशी विकासका लागि विकलाङ्ग मञ्च नेपाल, ओखलढुंगा
- अपाङ्ग सेवा संघ, खोटाङ
- पुर्वाञ्चल बहिरा संघ, झापा
- दमक अपाङ्ग सहयोग समिति, झापा
- झापा नेत्रहीन संघ, झापा
- समाज सेवा सुधार यूवा संघ अपाङ्ग सहयोग समिति, झापा
- नेपाल राष्ट्रिय अपाङ्ग पुनर्स्थापना समिति, झापा
- मेची बहिरा संघ, झापा
- शान्ती अपाङ्ग संघ, झापा
- पुकार अपाङ्ग अशक्त समाज, झापा
- विर्तामोड अपाङ्ग स्वावलम्बन सस्था, झापा
- ग्रामिण अपाङ्गता पुनर्स्थापना समिति, झापा
- अपाङ्ग उत्थान समाज, ताप्लेजुङ्ग
- अपाङ्गता सशक्तिकरण तथा पुनर्स्थापना केन्द्र, तेह्रथुम
- अपाङ्ग सेवा संघ, धनकुटा
- बौद्धिक अपाङ्ग अभिभावक संघ, धनकुटा
- धनकुटा बहिरा संघ, धनकुटा
- अपाङ्ग सेवा संघ, पाँचथर
- भोजपुर बहिरा संघ, भोजपुर
- नेपाल अपाङ्ग महिला संघ, मोरङ
- सुस्त मनस्थिति अभिभावक संघ, मोरङ
- पुनर्स्थापना र विकास मञ्च, मोरङ
- शारिरिक अपाङ्ग संघ, मोरङ
- मोरङ्ग नेत्रहीन संघ, मोरङ
- सी.वि.आर. विराटनगर, मोरङ
- कोशी बहिरा संघ, मोरङ
- पुर्व क्षीतिज विराटनगर, मोरङ
- सामर्थ्य समाज विराटनगर, मोरङ
- संखुवासभा अपाङ्ग संघ, संखुवासभा
- सुनसरी नेत्रहीन संघ, सुनसरी
- नेपाल चेलीवेटी अपाङ्ग महिला समाज, सुनसरी
- असहाय उत्थान तथा विकास केन्द्र नेपाल, सुनसरी
- पुर्वाञ्चल अपाङ्ग र असहाय वृद्धा सेवा संघ, सुनसरी
- संकल्प समुदायमा आधारित पुनर्स्थापना, सुनसरी
- अपाङ्ग हकहित सरोकार संघ, सुनसरी
- प्रगतिशिल अपाङ्ग सहयोग नेपाल, सुनसरी

प्रदेश २ अन्तर्गतका संस्थाहरू

- सिराहा बहिरा संघ, सिराहा

- बौद्धिक अपाङ्ग अभिभावक संघ सिराहा, सिराहा
- अपाङ्ग विकास केन्द्र, सिराहा
- अपाङ्ग पुनर्स्थापना केन्द्र सिराहा, सिराहा
- बौद्धिक अपाङ्गताका अभिभावक संघ सप्तरी, सप्तरी
- सगरमाथा अपाङ्ग कल्याण संघ, सप्तरी
- अपाङ्ग समाज जनकपुर, धनुषा
- श्री. विश्वकर्मा अपाङ्ग संघ, महोत्तरी
- तराई अपाङ्ग कल्याण संघ, महोत्तरी
- लोकतान्त्रीक अपाङ्ग संघ, महोत्तरी
- ग्रामिण अपाङ्ग सरोकार केन्द्र, धनुषा
- श्री दिव्य कल्याण अपाङ्ग सहयोग समिति, रौतहट
- नेपाल अपाङ्ग संघ, पर्सा
- नेपाल अपाङ्ग सेवा संघ, बारा
- अपाङ्ग हकहित संरक्षण केन्द्र, धनुषा
- ग्रामिण अपाङ्ग उत्थान केन्द्र, धनुषा
- राष्ट्रिय अपाङ्ग कल्याण संघ नेपाल, रौतहट
- सिरहा अपाङ्ग समाज सेवा संघ, सिराहा
- नेपाल अपाङ्ग संघ, सर्लाही
- समावेशी अपाङ्ग संघ, सप्तरी
- बारा नेत्रहीन संघ, बारा
- लोकतान्त्रिक अपाङ्ग जिल्ला समन्वय समिति नेपाल, रौतहट
- सप्तरी बहिरा संघ, सप्तरी
- पर्सा बहिरा संघ, पर्सा
- महोत्तरी नेत्रहीन संघ, महोत्तरी
- प्रदेश ३ अन्तर्गतका संस्थाहरु
- नेपाल अल्पदृष्टि युक्त संघ, काठमाडौं
- सामाजिक कार्यकालागि सम्पूर्ण शक्ती (ईप्सा नेपाल), काठमाडौं
- फरक क्षमता भएको व्यक्तिहरुको समुह नेपाल, काठमाडौं
- नेपाल अपाङ्ग फुटबल संघ, काठमाडौं
- श्रुती, काठमाडौं
- राष्ट्रिय सुस्तमनस्थिति कल्याण संस्था नेपाल, काठमाडौं
- असम्बादी कल्याण संघ, काठमाडौं
- नेत्रहीन महिला संघ, काठमाडौं
- अपाङ्गता सिप विकास तथा पुनर्स्थापना केन्द्र, काठमाडौं
- राष्ट्रिय अपाङ्ग एकता केन्द्र, काठमाडौं
- अटिजम केयर नेपाल, काठमाडौं
- सुनगाभा महिला व्यवसायिक तालिम केन्द्र, काठमाडौं
- काठमाडौं नेत्रहीन संघ, काठमाडौं
- पुनर्स्थापना शसक्तीकरण तथा विकास नेपाल, काठमाडौं
- नेपाल नेत्रहीन संघ, काठमाडौं

- नेपाल दृष्टिबिहीन टेबुलटेनिस संघ, काठमाडौं
- अपाङ्गता भएका व्यक्तिहरूका लागि स्वावलम्बन जीवन पद्धती केन्द्र, काठमाडौं
- राष्ट्रिय शारीरिक अपाङ्ग टेबुलटेनिस संघ, काठमाडौं
- नेपाल दृष्टिबिहीन सहयोग संघ, काठमाडौं
- नेपाल अपाङ्ग सशक्तीकरण समाज, काठमाडौं
- नेपाल एम्प्युटी नेपाल, काठमाडौं
- राष्ट्रिय अपाङ्ग युवा संजाल नेपाल, काठमाडौं
- क्रियाशिल होचापुङ्का महिला संघ, काठमाडौं
- कोशिस, काठमाडौं
- हेमोफिलिया सोसाईटी नेपाल, काठमाडौं
- नेपाल स्पाइनल कर्ड इन्जरी खेलकुद संघ, काठमाडौं
- अपाङ्गता भएका व्यक्तिहरूका लागि बोसिया संघ, काठमाडौं
- अपाङ्ग स्वावलम्बन बिकास संघ नेपाल, काठमाडौं
- नेपाल भकभके संघ, काठमाडौं
- बहिरा दृष्टिबिहीन अभिभावक समाज, काठमाडौं
- नेत्रहीन क्रिकेट संघ, काठमाडौं
- नेपाल डाउनसिण्ड्रोम संघ, काठमाडौं
- अपाङ्गता मानव अधिकार प्रबद्धन समाज, काठमाडौं
- राष्ट्रिय अपाङ्ग पुनर्स्थापना केन्द्र, काठमाडौं
- नेपाली अपाङ्ग तथा असहाय बालबालिकाको भविष्य, काठमाडौं
- नेपाल पाराओलम्पिक कमिटी, काठमाडौं
- नेपाल अपाङ्ग समाज, काठमाडौं
- नेपाल होचापुङ्का संघ, काठमाडौं
- बौद्धिक अपाङ्ग तथा अभिभावकहरूको राष्ट्रिय संघ, काठमाडौं
- नेपाल अपाङ्ग मानव अधिकार केन्द्र, काठमाडौं
- अपाङ्ग पुनर्स्थापना केन्द्र नेपाल, काठमाडौं
- काठमाडौं बहिरा संघ, काठमाडौं
- राष्ट्रिय बहिरा तथा सुस्तश्रवण संघ, काठमाडौं
- नेपाल अपाङ्ग महिला संघ, काठमाडौं
- अपाङ्ग अनाथ बाल सचेतना -नेपाल, काठमाडौं
- नेपाल राष्ट्रिय अपाङ्ग संघ, काठमाडौं
- परस्पर उत्थान अभियान - नेपाल, काठमाडौं
- नेपाल एकिकृत नेत्रहीन विकास संघ, काठमाडौं
- नेत्रहीन युवा संघ - नेपाल, काठमाडौं
- हाम्रो प्रयास , काठमाण्डौ
- उज्यालो विश्व अभियान नेपाल , काठमाण्डौ
- बौद्धिक तथा बहुअपाङ्गता अभिभावक संघ , काठमाण्डौ
- नेपालपारा साईकिलिङ्ग संघ , काठमाण्डौ
- सक्षम नेपाल , काठमाण्डौ

- परीवर्तनका लागि जोडिएका हातहरु , काठमाण्डौ
- नेपाल सुस्त श्रवण संघ, काठमाण्डौ
- बौद्धिक अपाङ्ग संघ , काठमाण्डौ
- अपाङ्गता अधिकारका लागि महिला समुह , काठमाण्डौ
- नेपाल अपाङ्ग संघ, काभ्रे
- सुस्तमनस्थिती पुनस्थापना केन्द्र, काभ्रे
- पोर्टेज तथा पुनस्थापना संस्था, काभ्रे
- काभ्रे बहिरा बिकास संस्था, काभ्रे
- सुषुम्ना नाडी घाईते मैत्रीय समाज, चितवन
- अपाङ्ग जागरण अभियान, चितवन
- बौद्धिक अपाङ्गता अभिभावक संघ चितवन, चितवन
- चितवन बहिरा संघ, चितवन
- अपाङ्ग समाज चितवन, चितवन
- चितवन नेत्रहीन संघ, चितवन
- जफे अपाङ्ग उत्थान संरक्षण संघ, दोलखा
- अपाङ्ग तथा दृष्टिबिहीन समुदाय सेवा संघ, दोलखा
- अपाङ्ग जागरण संस्था, धादिङ
- अपाङ्गता पुनस्थापना समाज, धादिङ
- धादिङ्ग नेत्रहीन संघ, धादिङ
- बौद्धिक अपाङ्गताका अभिभावक संघ, धादिङ
- अपाङ्ग एकता केन्द्र, धादिङ
- अपाङ्ग कल्याण संघ, धादिङ
- अपाङ्ग पुनस्थापना केन्द्र, धादिङ्ग
- गुप्तेश्वरी अपाङ्गता संघ , धादिङ्ग
- अपाङ्ग सेवा संघ, नुवाकोट
- उद्यमशिल तथा सिप बिकास संघ, नुवाकोट
- अपाङ्ग मानव अधिकार मञ्च, नुवाकोट
- नुवाकोट बहिरा संघ , नुवाकोट
- सुस्तमनस्थिती अभिभावक संघ, नुवाकोट
- नुवाकोट नेत्रहीन संघ, नुवाकोट
- नुवाकोट अपाङ्ग महिला संघ, नुवाकोट
- भक्तपुर बहिरा संघ, भक्तपुर
- भक्तपुर नेत्रहीन संघ, भक्तपुर
- समानताका लागि आवाज, भक्तपुर
- अपाङ्ग स्वाबलम्बन जीवन पद्धती केन्द्र, मकवानपुर
- अपाङ्ग सरोकार केन्द्र, मकवानपुर
- बौद्धिक अपाङ्ग अभिभावक संघ हेटौडा, मकवानपुर
- मकवानपुर बहिरा संघ, मकवानपुर
- रसुवा अपाङ्ग पुनस्थापना केन्द्र, रसुवा
- अपाङ्ग सचेतन सेवा केन्द्र, रामेछाप

- नेपाल ख्रिश्चियन अपाङ्ग समाज, ललितपुर
- नेपाल अपाङ्ग महिला समाज, ललितपुर
- नेपाल अपाङ्ग सेवा समिति ललितपुर, ललितपुर
- राष्ट्रिय दृष्टिविहिन खेलकुद संघ, ललितपुर
- दृष्टिविहिन सहयोग केन्द्र नेपाल, ललितपुर
- नेपाल अपाङ्ग कल्याण समाज सेवा, ललितपुर
- स्वावलम्बन जीवन पद्धती केन्द्र, ललितपुर
- ललितपुर नेत्रहीन संघ, ललितपुर
- अपाङ्गता सशक्तिकरण समाज ललितपुर, ललितपुर
- नेपाल आदिवासी जनजाती अपाङ्ग संघ, ललितपुर
- बौद्धिक अपाङ्गता आमा समाज, ललितपुर
- राष्ट्रिय शारीरिक अपाङ्ग संघ, ललितपुर
- जाउलाखेल हिवलचियर खेलकुद क्लब , ललितपुर
- राष्ट्रिय आदिवासी जनजाति अपाङ्ग महिला संघ नेपाल , ललितपुर
- बागमती नेत्रहीन क्रिकेट संघ , ललितपुर
- जलः अपाङ्ग समाज , ललितपुर
- अपाङ्ग विकास समाज नेपाल , ललितपुर
- राष्ट्रिय पारा भारोत्तलन खेलकुद संघ , ललितपुर
- अपाङ्ग सशक्तिकरण केन्द्र, सिन्धुपाल्चोक
- सिन्धुपाल्चोक नेत्रहिन संघ, सिन्धुपाल्चोक
- नेत्रहिन विकास संस्था, सिन्धुपाल्चोक
- सिन्धुपाल्चोक बहिरा संघ, सिन्धुपाल्चोक
- अपाङ्ग सुरक्षा तथा ग्रामिण विकास संस्था, सिन्धुपाल्चोक
- अपाङ्ग समन्वय तथा सिप विकास केन्द्र , सिन्धुपाल्चोक
- अपाङ्ग अधिकार तथा स्वावलम्बन केन्द्र , सिन्धुपाल्चोक
- अपाङ्ग कल्याण संघ, सिन्धुली

प्रदेश ४ अन्तर्गतका संस्थाहरु

- अपाङ्गता स्वावलम्बन विकास संघ, कास्की
- बौद्धिक अपाङ्गता अभिभावक संघ, कास्की
- बौद्धिक अपाङ्गताका अभिभावक संघ, म्याग्दी
- अपाङ्ग संघ म्याग्दी, म्याग्दी
- बाग्लुङ्ग बहिरा संघ, बाग्लुङ्ग
- अपाङ्गता सरोकार संघ, बाग्लुङ्ग
- बाग्लुङ्ग नेत्रहीन संघ, बाग्लुङ्ग
- मुस्ताङ्ग अपाङ्ग समाज, मुस्ताङ्ग
- नेपाल अपाङ्ग उत्थान समाज, पर्वत
- राष्ट्रिय अपाङ्ग वकालत संघ कास्की, कास्की

- नेत्रहीन क्रिकेट संघ, कास्की
- नवलपरासी नेत्रहीन संघ, नवलपरासी
- समुदायमा आधारित पुनर्स्थापना सेवा, कास्की
- स्यागजा बहिरा संघ, स्याङ्जा
- कास्की नेत्रहीन संघ, कास्की
- गोरखा नेत्रहीन संघ, गोरखा
- श्री प्रगतिशिल अपाङ्ग संघ, गोरखा
- नेपाल अपाङ्ग सेवा संघ, गोरखा
- अन्नपूर्ण बौद्धिक मन्दता अभिभावक संघ, लमजुङ्ग
- लमजुङ्ग बहिरा संघ, लमजुङ्ग
- लमजुङ्ग नेत्रहीन संघ, लमजुङ्ग
- अपाङ्ग संरक्षण समाज, लमजुङ्ग
- ग्रामिण अपाङ्ग समाज नेपाल, लमजुङ्ग
- मेरुदण्ड पक्षघात संघ नेपाल, कास्की
- तनहुँ बहिरा संघ, तनहुँ
- अपाङ्गता महिला सशक्तीकरण समाज, तनहुँ
- तनहुँ नेत्रहीन संघ, तनहुँ
- अपाङ्गता भएका व्यक्तिहरुको अधिकार र विकासको लागि श्रोत केन्द्र, तनहुँ
- पेन्तिकोस पैरवी समाज तनहुँ, तनहुँ
- सृजनशिल अपाङ्ग समाज कास्की, कास्की
- समुदायमा आधारित पुनर्स्थापना समाज, कास्की
- श्रवण दृष्टिविहीन संघ - नेपाल, कास्की
- स्वावलम्बन जीवन पद्धति केन्द्र, कास्की
- गण्डकी बहिरा संघ, कास्की
- नेपाल अपाङ्ग महिला संघ गोरखा , गोरखा
- लामाचौर अपाङ्गता स्वावलम्बन समाज , कास्की
- अपाङ्ग महिला सशक्तीकरण केन्द्र , कास्की
- अपाङ्ग पुनर्स्थापना समन्वय परिषद् , नवलपरासी
- नमुना अपाङ्ग केन्द्र , नवलपुर
- नेपाल अपाङ्ग महिला संघ , कास्की

प्रदेश ५ अन्तर्गतका संस्थाहरु

- श्री प्रगतिशिल अपाङ्ग संघ अर्घाखाँची, अर्घाखाँची
- देउराली अपाङ्गता उत्थान समाज, अर्घाखाँची
- सृजनशिल अपाङ्ग सरोकार केन्द्र, अर्घाखाँची
- छत्रगञ्ज अपाङ्ग उत्थान समाज, अर्घाखाँची
- अर्घाखाँची नेत्रहीन संघ, अर्घाखाँची
- सृजनशिला अपाङ्ग विकास केन्द्र, अर्घाखाँची

- श्री नव प्रतिभा अपाङ्ग समाज गुल्मी, गुल्मी
- गुल्मी नेत्रहीन संघ, गुल्मी
- सृजनशिल अपाङ्ग स्वावलम्बन केन्द्र, पाल्पा
- अपाङ्गता र अभिभावक मैत्री संघ पाल्पा, पाल्पा
- अपाङ्ग मानव अधिकार समाज, पाल्पा
- समुदायिक अपाङ्गता सेवा केन्द्र, नवलपरासी
- जनजागृति अपाङ्ग संस्था नवलपरासी, नवलपरासी
- अपाङ्ग एवं अभिभावक संघ, नवलपरासी
- सामुदायिक अपाङ्ग सेवा केन्द्र नेपाल, नवलपरासी
- नवलपरासी अपाङ्ग पुनर्स्थापना केन्द्र, नवलपरासी
- कपीलवस्तु नेत्रहीन संघ, कपिलवस्तु
- अपाङ्ग उत्थान समाज, कपिलवस्तु
- बौद्धिक अपाङ्गता अभिभावक संघ, रुपन्देही
- दृष्टिविहीन क्रिकेट संघ लुम्बिनी, रुपन्देही
- रुपन्देही नेत्रहीन संघ, रुपन्देही
- सुस्तमनस्थिति बाल विध्या मन्दिर, रुपन्देही
- अपाङ्ग पुनर्स्थापना समाज, रुपन्देही
- नेपाल दृष्टिविहीन उत्थान संघ, रुपन्देही
- रुपन्देही अपाङ्ग पुनर्स्थापना केन्द्र, रुपन्देही
- स्वतन्त्र विकास समाज नेपाल, रुपन्देही
- प्रदेश स्तरीय बहिरा तथा सुस्त श्रवण संघ , रुपन्देही
- दाङ्ग नेत्रहीन संघ, दाङ्ग
- अपाङ्गता सेवा केन्द्र दाङ्ग, दाङ्ग
- राप्ती बहिरा संघ, दाङ्ग
- सुस्त मनस्थिति अभिभावक संघ दाङ्ग, दाङ्ग
- समावेशी अपाङ्ग संघ दाङ्ग, दाङ्ग
- अपाङ्ग समाज सुधार केन्द्र, दाङ्ग
- अपाङ्ग सेवा संघ , दाङ्ग
- अपाङ्ग मानव अधिकार तथा सरोकार मञ्च, दाङ्ग
- अपाङ्ग सशक्तीकरण एवं संचार केन्द्र, बाँके
- अपाङ्ग नवजीवन केन्द्र, बाँके
- रारा अपाङ्ग संघ, बाँके
- बाँके नेत्रहीन संघ, बाँके
- अपाङ्ग स्वावलम्बन केन्द्र कोहोलपुर बाँके, बाँके
- नौवस्था अपाङ्ग संघ, बाँके
- नेपालगञ्ज सुस्तमनस्थिति अभिभावक संघ, बाँके
- टिटिहिरिया अपाङ्ग संघ, बाँके
- स्वावलम्बी अपाङ्ग महिला शसक्तीकरण केन्द्र बर्दिया, बर्दिया
- समुदायमा आधारित पुनर्स्थापन केन्द्र (सिबिआर), बर्दिया
- बर्दिया नेत्रहीन संघ, बर्दिया

- बर्दिया अपाङ्ग पुनर्स्थापना केन्द्र, बर्दिया
- राष्ट्रिय अपाङ्ग सेवा संघ प्यूठान, प्यूठान
- बौद्धिक अपाङ्गताका अभिभावक संघ गुल्मी, गुल्मी

नेपाल अपाङ्ग संरक्षण मञ्च रुकुम

प्रदेश ६ अन्तर्गतका संस्थाहरु

- कल्याणकारी अपाङ्ग सेवा संघ, सल्यान
- श्री मुकुटेश्वर अपाङ्ग सेवा समिति, डोल्पा
- पञ्चकोशी अपाङ्ग विकास मञ्च दैलेख, दैलेख
- अपाङ्ग उत्थान केन्द्र जाजरकोट, जाजरकोट
- अपाङ्ग शसक्तिकरण केन्द्र डेक सुर्खेत, सुर्खेत
- नेत्रहिन सेवा संघ सुर्खेत, सुर्खेत
- सुर्खेत अपाङ्ग समाज, सुर्खेत
- सुर्खेत नेत्रहिन संघ, सुर्खेत
- सामुदायिक अपाङ्गता विकास केन्द्र नेपाल साटाखानी, सुर्खेत
- पाथीभरे अपाङ्ग समाज सेवा संघ, सल्यान
- अपाङ्ग पुर्णस्थापना तथा ग्रामीण विकास संस्था डार्डो नेपाल, मुगु
- अपाङ्ग पैरवी एवं सशक्तिकरण केन्द्र दैलेख, दैलेख
- अपाङ्ग पुनर्स्थापना तथा विकास केन्द्र, जुम्ला
- अपाङ्ग बहुउद्देश्यीय पुनर्स्थापना केन्द्र, रुकुम
- हिमाली शिक्षा र विकास, हुम्ला
- महिला अपाङ्ग समाज, सुर्खेत
- अपाङ्ग पुर्णस्थापना केन्द्र, कालिकोट
- बौद्धिक अपाङ्गता अभिभावक संघ, सुर्खेत
- मध्यपश्चिमाञ्चल बहिरा शसक्तिकरण संघ, सुर्खेत
- शारिरीक अपाङ्ग सेवा संघ, सुर्खेत
- अपाङ्ग पुनरुत्थान विकास केन्द्र, रुकुम
- अपाङ्गता नगर सन्जाल, दैलेख
- अपाङ्गता महिला श्रोत केन्द्र, दैलेख
- कर्णाली नेत्रहिन सेवा, जुम्ला

प्रदेश ७ अन्तर्गतका संस्थाहरु

- अपाङ्गता युवा सरोकार मञ्च, कैलाली
- अपाङ्गता भएका व्यक्तिहरुका लागि स्वावलम्बन जीवन पद्धती केन्द्र, कैलाली

- राष्ट्रिय दृष्टिविहीन संघ नेपाल, कञ्चनपुर
- अपाङ्ग सेवा संघ, कञ्चनपुर
- जिल्ला अपाङ्ग संघ बैतडी, बैतडी
- दृष्टिविहिन क्रिकेट संघ कञ्चनपुर, कञ्चनपुर
- जिल्ला अपाङ्ग सुरक्षा संजाल, बझाङ्ग
- दार्चुला अपाङ्ग संघ, दार्चुला
- अपाङ्ग सेवा संघ डोटी, डोटी
- जिल्ला अपाङ्ग कल्याण सेवा समिति डडेल्धुरा, डडेल्धुरा
- फूलबारी अपाङ्ग संघ, कैलाली
- घोडा घोडी अपाङ्ग सेवा समाज, कैलाली
- कैलाली नेत्रहीन संघ, कैलाली
- कैलाली अपाङ्ग सेवा संघ, कैलाली
- अपाङ्ग एकता समाज, कैलाली
- अपाङ्ग उत्थान समूह अछाम, अछाम
- सर्वाङ्गीण अपाङ्गता विकास नेपाल, कैलाली
- नेपाल अपाङ्ग महिला संघ, कैलाली
- नेपाल अपाङ्ग महिला संघ, कञ्चनपुर
- अपाङ्ग मानव अधिकार संरक्षण केन्द्र मोहन्याल, कैलाली
- अपाङ्ग चेतना समाज, कैलाली
- अपाङ्ग एकता समाज, कञ्चनपुर
- बहिरा संघ कैलाली, कैलाली

D3S3A1

MOCK ELECTION IDEAS FOR UNDERSTANDING LECTORAL PROCESS BY PERSONS WITH VISUAL IMPAIRMENT

Listed below are a number of ideas that you may use in developing your mock election programmes.

- Invite candidates to participate in a role-play exercise. Invite them to take the role of different stakeholders such as electoral officers, voters, candidates, volunteers, security personnel, persons with visual impairment and media.
- In addition to the candidates for local bodies, the candidates for the Main Senate and Main House of Representatives can be contacted to participate.

- Visit one of the many mock election related sites. Share information with other friends about your mock election activities.
- Establish a mock election taskforce in the group.
- Divide the role into political parties and have each group write and produce its own video and/or audio commercials using mobiles or recorders.

Suggested activities for visual impaired participants

- Design political news letters in Braille or in audio using headlines and news from newspaper articles.
- Prepare ballot paper, ballot box, polling booth, staffs, list of voters, candidates, code of conduct, ink and stamp pad, seal (Swastika)

Organize a mock press conference or analyze a real press conference. Focus on famous native politicians/historical figures. Also, you might have students track statewide election results.

D3S4A1The road map for promoting political participation of persons with visual impairment

The plan of action can be developed based on the circumstances of local context.

The sample frame of the roadmap is as follows:

S.No.

Activity (What)

Method (How)

Time frame (When?)

Responsible entity (Who?)

Assisting entity (With whom?)

Annex 1: Pre and post evaluation form

D1S1A5

Pre-Evaluation Form

We appreciate your feedback. The information you provided will be used internally to improve similar programmes in the future.

Participant's Information

Date:

.....

Participants' ID:

Gender: ☐ M ☐ F ☐ Others

Age Group:

☐ A ☐ B ☐ C ☐ D

☐ E ☐ F ☐ G

Educational Background:

☐ Preliterate ☐ Basic Literate ☐ Primary School ☐ Secondary School
☐ Higher Sec School ☐ Bachelor's Degree ☐ Above Bachelors

As per the content of the workshop, please fill in the following questions based on your knowledge of the subject matter.

1. Which annex of the Act of Election of Parliament allocates cluster of persons with disabilities in proportional representation?

A. 1 B. 26 C. 60 D. 66

2. Which article in the Constitution of Nepal provides rights to equality?

A. 12 B. 18 C. 24 D. 84

3. Which article in the Constitution of Nepal provides rights to political participation?

A. 84 B. 86 C. 176 D. All of above

4. Which of the article of CRPD provides rights to political participation?

A. 12 B. 24 C. 29 D. None of them

5. In context of Nepal, which election system promotes inclusion?

A. First past the post (FPTP) B. Proportionate Participation (PP) C. A&B D. None of Above

D3S4A3

Post-Evaluation Form

We appreciate your feedback. The information you provided will be used internally to improve similar programmes in the future.

Participant's Information

Date:

.....

Participants' ID:

Gender: ☐ M ☐ F ☐ Others

Age Group:

☐ A ☐ B ☐ C ☐ D

☐ E ☐ F ☐ G

Educational Background:

☐ Preiterate ☐ Basic Literate ☐ Primary School ☐ Secondary School
☐ Higher Sec School ☐ Bachelor's Degree ☐ Above Bachelors

Based on your experience of the workshop, please rate the following:

S.N.

Criteria

Strongly Agree

Agree

Disagree

Strongly Disagree

1

There was good time management during the sessions.

☐

☐

☐

☐

2

There were opportunities for question and answer in an interactive way.

☐☐☐☐

3

The content was clear and in an organized manner.

☐☐☐☐

4

The content was interesting.

☐☐☐☐

5

The workshop methodology was compatible for Visually Impaired people.

6

The workshop was relevant for my capacity building.

☐☐

☐☐

7

The workshop clarified the Constitutional provision on political rights of persons with disabilities

☐☐☐☐

8

The workshop enhanced my knowledge on the democratic and electoral system.

☐☐☐☐

9

I will apply and share what I have learnt.

☐☐☐☐

10

Overall the workshop met my expectation.

☐☐☐☐

11

The venue was disable friendly.

☐☐☐☐

12

I was satisfied with the venue.

☐☐☐☐

13

I was satisfied with the food at the venue.

☐☐☐☐

What is the most important knowledge you bring from this workshop?

1. Which annex of the act of Election of Parliament allocate cluster of persons with disabilities in proportional representation?

A. 1

B. 26

C. 60

D. 66

2. Which article in the constitution of Nepal provides rights to equality?

A. 12

B. 18

C. 24

D. 84

3. Which article in the constitution of Nepal provides rights to political participation?

A. 84

B. 86

C. 176

D. All of above

4. Which of the article of CR PD provides rights to political participation?

- A. 12 B. 24 C. 29 D. None of them

5. On context of Nepal, which election system promotes inclusion?

- A. First past the post (FPTP) B. Proportionate Participation (PP) C. A&B D. None of Above