

Voices at the Margins: Accessing Justice as Women with Disabilities in Nepal

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To cite this article:

Khanal, N. A., Rimal, J., Bhattarai, S., & Khanal, S. (2025). Voices at the Margins: Accessing Justice as Women with Disabilities in Nepal. *Sambahak: Human Rights Journal*, 25(1), 94–125. <https://doi.org/10.3126/sambahak.v25i1.83921>

Keywords: Access to justice, margins, persons with disabilities, Justice System

Abstract

Women with disabilities in Nepal face multiple layers of marginalization due to their intersecting identities, particularly gender, caste, geographical location and type of disability. This compounded marginalization not only increases their vulnerability to violence and abuse but also significantly restricts their access to justice. Despite the critical importance of this issue, research on women with disabilities' access to justice remains limited. Existing studies tend to focus separately on disability rights or gender justice rather than examining their intersection. This paper draws on the study conducted in 2025 collaboration with leading organization on disability rights: Access Planet Organization. The study adopted a mixed method approach of survey, case study and key informant interviews focusing on four provinces in Nepal: Gandaki, Koshi, Madhesh, and Karnali. Findings reveal that Nepal's justice system is designed from an ableist perspective, assuming that justice seekers are fully physically and emotionally "capable" individuals who can navigate legal mechanisms independently or with family support.

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Background and Context

Persons with Disabilities in Nepal comprise (2.2%) of the total population of Nepal. Men with disabilities comprise 2.5% of the entire male population while 2% of the total Female population are women with disabilities (Central Bureau of Statistics, 2021). Studies show that persons with disabilities in Nepal experience various forms of discrimination at home and face barriers to access their basic rights of education, health, and freedom of expression.

Approximately 68.2% of people with disabilities have no access to education, 85% have no access to health care facilities, and 77.8% have no employment to earn their living (Paudel et al, 2017).

Girls/women with disabilities in Nepal experience further challenges; being a woman in a country with patriarchal ideologies and practices (Maya Dhungana, 2006). The experience of girls and women with disabilities are shaped by their intersectional identities of caste, class, age, marital status, education, income and geographical location (Kim et al., 2020). Number of studies have established that women with disabilities are more vulnerable to various forms of discrimination and violence in low-income countries like Nepal (Emerson & Llewellyn, 2023). Number of studies focused on Nepal shows that more than half of women with disabilities (57.7%) have experienced violence in their lifetime (Khanal, 2009; Puri et al., 2015). Despite clear evidence that violence on women with disabilities are very high, there is very limited knowledge on whether women with disabilities seek justice, if they do, what is their experience of seeking service through different justice mechanism in Nepal

The study conducted by the National Human Rights Commission of Nepal [NHRC] (2022) is the only available research in the area so far in Nepal. The study found that there has been progress in taking initiatives to make the justice mechanism more physically accessible. However, the study concluded that human resources in police, courts and other judicial bodies have not received orientation regarding special arrangements and support systems for people with disabilities. The study does not explore women with disabilities lived experience of seeking justice and the challenges they face. The current paper aims to fill this gap.

The paper is divided into five sections. The first section discusses the broader and specific objectives of the study followed by aims of the current paper. The second section presents research methodology discussing its methods and its process. Third section discusses the international and national frameworks on access to justice in relation to women with disabilities. The section ends with discussion of current justice mechanism in Nepal. Fourth section discusses ableism and elaborates how it shapes non-disabled person's experience and perception of barriers experienced by persons with disabilities. Fifth section presents three key findings:

knowledge of legal provisions, experience of violence and experience of justice seeking by women with disabilities. The paper ends with a summary of findings and recommendations for inclusive justice mechanisms. The paper is written keeping accessibility needs of readers with visual disabilities. Thus, figures and tables are accompanied by the description.

The paper is written in a way that its electronic version is accessible to readers with visual disabilities. Each figure and table are accompanied by the description.

Objective and Methodology

The paper is based on study conducted in 2025 in four provinces of Nepal: Gandaki, Koshi, Madhesh and Karnali. The broader objective of the study was to explore women with disabilities' experience in accessing justice mechanism. The study was informed by these specific objectives:

1. To understand existing formal and informal mechanisms of justice mechanism in Nepal
2. To explore women with disabilities knowledge on existing justice mechanisms in Nepal
3. To identify challenges and opportunities on women with disability's access to justice in Nepal

The current paper is based on the findings of this study. The paper is informed by the following research questions:

1. What is the level of legal knowledge of women with disabilities?
2. What forms of violence do women with disabilities experience?
3. How do women with disabilities experience process of seeking justice?

The study is informed by core value of right based movement led by persons with disabilities: "Nothing about us, without us". The study actively involved women with disabilities throughout the research process, where they led as enumerators in the field and social mobilizers, each representing a certain district and collecting data for each province. The study project was designed with feedback and inputs from Access Planet Organization to align with advocacy goals to work towards a more inclusive and accessible justice mechanism in Nepal.

The study was undertaken in four provinces of Nepal: Koshi, Gandaki, Madhesh and Karnali. To address the financial and time constraints, the research team conducted a study focusing on one district of each province. The following districts were selected purposely based on the requirement of Access Planet Organization:

Table 1*Research Site*

Province	District
Gandaki	Kaski
Koshi	Morang
Madhesh	Rautahat
Karnali	Surkhet

Note: Districts where research was conducted in each province

The study adopted a mixed-method approach combining both quantitative and qualitative methods. The study used mainly three methods: survey (200), key informant interview (19) and case study (19).

Survey

The survey was designed and finalized after several rounds of consultations with the Access Planet Organization. Population and Statistics Research Hub (PSR HUB) was also consulted to ensure survey questions were feasible and aligned with the research objectives. The questions were broadly categorized into socio-demographic information, personal experience of justice violation, knowledge and experience of justice mechanism. The survey was conducted in four provinces of Nepal: Gandaki, Koshi, Madhesh and Karnali. In each province, female enumerator with disability conducted survey face to face with 50 women with different kinds of disabilities. Enumerators collect responses using google forms in their mobile devices. Enumerators were provided with orientation and on-site guidance to conduct the survey.

Case Study

The study team collected 19 different cases of women with disabilities in different processes of seeking justice. We received 3 cases from Karnali, 9 cases from Madhesh, 3 cases from Gandaki and 4 cases from Koshi. The process of identifying the relevant case studies happened through a series of site visits and meetings with concerned stakeholders at One Stop Crisis Management Centers (OCMC), Shelter homes, Women Cell, Local Police Station, Government Lawyer's office of respective district, District court, National Federation of Disabled-Nepal (NFDN)

Offices in respective provinces. Except for documentation in OCMC, the study team had to rely on officers working in police stations and courts to identify the cases, since they were not documented. Abiding by the rule of the law and also research ethics, the study team did not seek information that would identify the survivors.

Key Informant Interviews

The study team conducted 19 Key Informant Interviews with different stakeholders: disability rights advocates, policymakers, government officials, health professionals, human rights activists and advocates.

Data Analysis

Diverse methods of data analysis were done according to the nature of the data. Quantitative data generated from the survey was analyzed via MS-Excel and SPSS. The qualitative data from FGD and case study were coded based on the themes and analyzed.

International and National frameworks on Access to Justice

This section discusses various national and national frameworks that establish persons with disabilities' rights to inclusive and accessible justice mechanism. The UN Convention on the Rights of Persons with Disabilities (CRPD) is the guiding principle to all state parties who have ratified the convention. Nepal ratified both CRPD and its optional Protocol on 27th December 2009 by legislative parliament. Nepal became state party since 7th May 2010 after submission of ratification notes to United Nations.

Article 3 of General Principles of CRPD requires that state parties should ensure that Persons with Disabilities have dignity, individual autonomy and freedom to make their choices. The article also establishes right to non-discrimination and full and effective participation and inclusion in society.

Article 12 and 13 of CRPD brings a paradigm shift in the legal recognition of the autonomy of Persons with Disabilities. Article 12 (equal recognition before the law) has five key provisions. They are as follows:

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.

It is important to note that CRPD makes three important points here. First it establishes that Persons with Disabilities have right to enjoy “legal capacity on equal basis with others” in all aspect of life. Second point it makes is that state parties need to take “appropriate measures to provide access” to persons with disabilities. The article also makes state parties responsible to ensure that “appropriate and effective safeguards to prevent abuse” are made in accordance of international human rights law

Similarly, Article 13-Access to justice has two key provisions:

1. States Parties shall ensure effective access to justice for persons with disabilities on an equal basis with others, including through the provision of procedural and age-appropriate accommodations, in order to facilitate their effective role as direct and indirect participants, including as witnesses, in all legal proceedings, including at investigative and other preliminary stages.
2. In order to help to ensure effective access to justice for persons with disabilities, States Parties shall promote appropriate training for those working in the field of administration of justice, including police and prison staff.

CRPD clearly asserts the need to recognize the legal capacity of Persons with Disabilities. Similarly, it argues that in order to ensure effective justice for persons with disabilities, there needs to be provision of “procedural and age-appropriate accommodations” envisioning persons with disabilities as both direct and indirect participants. Another important point CRPD makes is having provisions for training for personnel who work in different sectors associated with the justice mechanism.

Along with CRPD, other international treaties such as International Covenant on Civil and Political Rights (ICCPR) and the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) establish the following rights of Women and Girl’s access to justice. These include:

- ❖ Equal recognition before the law and access to justice
- ❖ Equality and non-discrimination
- ❖ Accessibility
- ❖ Effective remedy
- ❖ Fair Trial
- ❖ Legal assistance
- ❖ Effective participation in all legal proceedings through the provision of procedural, age-appropriate, disability related accommodations

In order to ensure effective implementation of CRPD, International Principles and Guidelines on Access to Justice for Persons with Disabilities has been formulated. This guideline is endorsed by the International Commission of Jurists (ICJ), the International Disability Alliance. The guideline identifies 10 universal principles:

Table 2*International Principles and Guidelines on Access to Justice for Persons with Disabilities*

Principle 1	All persons with disabilities have legal capacity and, therefore, no one shall be denied access to justice on the basis of disability.
Principle 2	Facilities and services must be universally accessible to ensure equal access to justice without discrimination of persons with disabilities.
Principle 3	Persons with disabilities, including children with disabilities, have the right to appropriate procedural accommodations.
Principle 4	Persons with disabilities have the right to access legal notices and information in a timely and accessible manner on an equal basis.
Principle 5	Persons with disabilities are entitled to all substantive and procedural safeguards recognized in international law on an equal basis with others, and States must provide the necessary accommodations to guarantee due process.
Principle 6	Persons with disabilities have the right to free or affordable legal assistance.
Principle 7	Persons with disabilities have the right to participate in the administration of justice on an equal basis with others.
Principle 8	Persons with disabilities have the rights to report complaints and initiate legal proceedings concerning human rights
Principle 9	Effective and robust monitoring mechanisms play a critical role in supporting access to justice for persons with disabilities.
Principle 10	All those working in the justice system must be provided with awareness-raising and training programmes addressing the rights of persons with disabilities, in particular in the context of access to justice.

In the next section, the paper discusses some examples of the best practices of implementation of these principles within justice mechanisms in different parts of the world. All Australian courts are equipped with ramps, lifts and assistive technologies such as hearing loops and live captioning systems. The court also provides interpreters including for sign language and documents in Braille or easy-read formats. In addition to that, Australia has programs like “vulnerable persons framework” that guide police interactions on persons with disabilities (Australian Human Rights Commission, 2013). Similarly, Canada has formulated the Accessible Canada Act (2019), which stipulates that courts and police services to identify, remove and prevent barriers for persons with disabilities. Similarly, service seekers can participate in court proceedings remotely via accessible digital platforms (Government of Canada, 2024). Similarly, Norway emphasizes universal design and inclusivity in its justice system. Police officers in Norway receive extensive training on handling disability-related cases, including gender-based violence and hate crimes. They also have special units that focus on providing service to vulnerable groups, including persons with disabilities (Norwegian Human Rights Institution, 2019).

Similarly in Nepal, in certain provinces, the government has employed a significant number of persons with disabilities in local government positions, which is a positive development. This inclusive approach is fostering employment opportunities and the empowerment of individuals with disabilities. This is a positive step towards inclusivity. Similarly, Gandaki province has a draft of the province level disability Act policy, which is being readied to be passed from their provincial assembly, showing ownership of a local level towards disability policy. Federalism has created more spaces to localize disability rights initiatives in local level as evident through the excerpt of the key informant interview below:

“There are efforts made from the partnership of local government, NGOs and disability rights organizations who are all working together in Koshi Province and have covered a wide range of issues. Examples are Disability Rehabilitation Program (अपाङ्गता पुनर्स्थापना कार्यक्रम). There is also Disability Assistance Room (अपाङ्गता सहायता कक्ष) whose procedure has been designed by provincial govt. The employment for the above-mentioned employees are funded by both local and provincial govt. There are employees (persons with disabilities) employed by the Nepal govt. There is also a disability help desk for those who want information.” - Disability rights activist, Koshi Province.

National Frameworks

Declaration of International Year of Disability (IYDP) in 1981 followed by UN Decade of Disabled Persons (1983-1992) paved the way for recognition of rights of persons with disabilities in Nepal. Nepal drafted Disabled Protection and Welfare Act (DPW) in 1982: the first policy on disability.

Disability Rights Activists have criticized this policy being informed by a welfare-oriented approach rather than rights-based approach. As indicative of its time of formulation, conceptualization of disability in the policy is gender less and gender insensitive. With the reinstitution of democracy in 1991, the disability movement in Nepal grew with active participation of women leaders with disability. This led to growing recognition of differential needs and challenges of women and girls with disabilities within the disability and women's rights movement.

Nepal ratified Convention on the Rights of Persons with Disabilities (CRPD) on 27th December 2009 and followed by optional protocol on 7th May 2010. The convention is a legally binding universal tool that guarantees the states which have ratified the convention are accountable to promote and protect the rights of Persons with disabilities. Gender equality is one of the key principles that CRPD promotes, Article 6 of CRPD establishes the state's obligation to take appropriate measures to ensure the rights of women and girls with disabilities. These measures include legislations, policies, and programs.

Government of Nepal formulated a new policy, "The Act Relating to Rights of Persons with Disabilities" (ARPD) in 2017, after rigorous consultations with Organizations of People with Disabilities (OPDs) and stakeholders concerning rights of persons with disabilities. This policy/act was formulated for application of CRPD and to replace the earlier disability policy based on welfare-oriented approach.

Article 15 of ARPD has specific provisions relating to the right to access to services, facilities and justice". The act mentions:

1. *The persons with disabilities shall have the right to have easy access to other services and facilities that are open or provided for the public, including educational institutes, housing, workplaces, buildings, roads, transportation, and electronic communication services*
2. *The persons with disabilities shall have the right to free legal aid in order to ensure that they have access to justice.*

Considering the intersectional challenges of women with disabilities, Chapter-4 of ARPD entitled “Additional Rights of Women and Children with Disabilities” recognizes the rights of women and girls with disabilities. The act also acknowledges specific needs of women and girls with disabilities such as reproductive rights:

- 1) The Government of Nepal shall make necessary provisions as prescribed to protect the rights of women and girls with disabilities and to create an environment that is conducive to the maximum use of their knowledge, skill, and potential.
- 2) The Government of Nepal shall make necessary provisions for the protection of their health and reproductive rights, taking into account, considering the special situation of the women and girls with disabilities.

Justice mechanisms in Nepal remain exclusionary towards women experiencing various forms of gender-based violence. Survivors with disabilities experience further challenges as justice mechanisms are not disability friendly. Review of policies and programs relating to justice mechanisms shows that “access to justice for women with disability” is not prioritized within both policies and programs.

The Government of Nepal has taken a positive step through formulation of the Access to Justice Commission on 25 July 2017. The commission has identified a target group that has challenges to access justice mechanisms. These target groups are identified as follows: children, women, indigenous/ethnic groups, persons with disability, poor and excluded people who are unable to seek justice. To fulfil its aim to make justice mechanisms inclusive and gender friendly, the annual plan of 2023-2024 mentions that the program will be designed and implemented to increase the access of justice to female survivors, marginalized people including persons with disabilities. The commission has formulated “Guideline for Interpreters” on 5th January 2016, but the guideline only includes language interpreters, excluding sign language interpreters, which is crucial to ensure access to justice for the deaf and hard of hearing.

During the study, the research team could access the Second Strategic Plan of Nepali Judiciary (2009-2014) and Fourth Strategic Plan of Nepali Judiciary (2020-2024). In the second plan, the need to make justice mechanisms inclusive for disability was acknowledged as feedback given by right holders’ organizations. The fourth plan identifies representation and inclusiveness as one of the nine values. However, the plan does not clarify stakeholders and right holders for whom the judiciary has to become inclusive. This shows that leadership in the judiciary in Nepal are not sensitized about issues and concerns of women with disabilities and their barriers to justice. Similarly, the study team reviewed annual reports of Nepal police, and the report does

not have any mention of persons with disabilities and its move towards making its services more inclusive and disability friendly.

The study also reviewed Gender Equality and Social Inclusion (GESI) strategy for the Judiciary (2021/22-2025/2026). The GESI strategy follows the conventional method of using gender identity as a main reference point. The strategy only uses Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) as its reference point and ignores CRPD altogether as its guiding principle. Further review of the strategy showed that persons with disability only comprised 1% of the total workforce within the judiciary. In strategy 6” create a conducive environment for women and people from target groups to continue their judiciary service”, the GESI strategy mentions “disability friendly restrooms” and “disability friendly or obstacle-free workrooms or working environments”. These are positive indications of understanding of physical accessibility. However, the GESI strategy does not offer nuanced understanding of intersectional barriers that women with disabilities experience to access justice.

One of the key challenges that Nepal faces in access to justice of persons with disability is lack of a constitutional body to coordinate and monitor rights of persons with disability. Many of the countries who have ratified CRPD have formulated an independent autonomous commission on disability. Nepal currently does not have a commission on persons with disabilities. The newly formed National Inclusion Commission has identified disability as one of the priority areas. However, the commission does not have any representation from the disability community. This violates the spirit of “nothing about us, without us”. It is important that the commission have representative members of persons with disability, and more importantly women with disability as a member.

There is provision for the Steering Committee and Coordination Committee in chapter 9 of ARPD Persons with Disability (2017). Section 38 of the chapter mentions that the committee is responsible to coordinate, monitor, and promote the activities related to the rights, facilities, services and protection of persons with disability.

The demand for autonomous commission on disability has been raised by disability rights activists, which has been largely ignored. To ensure that the rights of persons with disability is mainstreamed, the government need to step up to do following: 1) Appoint persons with disability, including at least one woman with disability in National Inclusion Commission, 2) Form National Commission of Persons with Disability Nepal ensuring inclusion of women with disability. In addition to this, women with disabilities need to be included within every commission and constitutional body that has been formed to work on human rights, gender

equality and social inclusion. So far women with disabilities have not been included within any of the key commissions such as National Women's Commission, National Human Rights Commission.

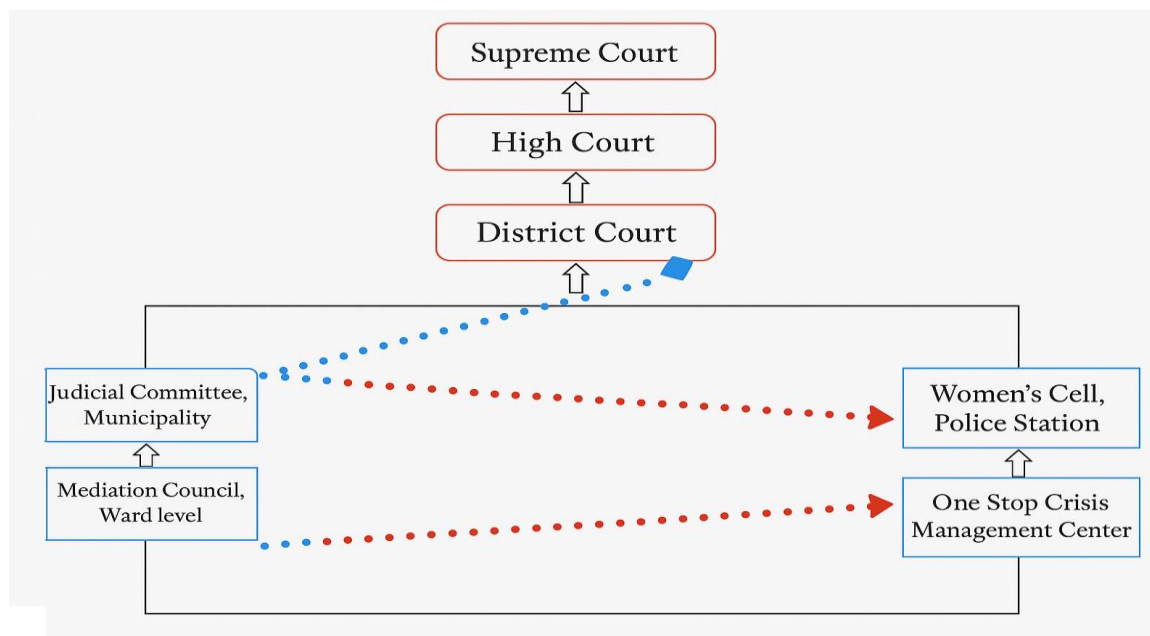
Justice Mechanism in Nepal

Nepal transitioned into a federal democratic republic after the promulgation of its new constitution in 2015. With federalism, the justice system was restructured to align with the country's new political and administrative divisions, distributing powers across three levels of government: federal, provincial, and local. Federal court is represented as supreme court, followed by Appellate court as provincial and district court as local. Based on the focus group discussion and site visits for the case study, the justice system mechanism can be visualized as below.

Federal governance system also conceptualizes informal justice mechanisms through mediation councils in respective wards of rural and urban municipalities. Nepal currently has 753 judicial committees operating at the rural and urban municipalities. These informal justice mechanisms have been created to address the problem of lengthy and expensive judicial processes.

Figure 1

Justice Mechanism of Nepal (based on the study)



Note: The image is a flowchart showing formal and informal pathways to justice in Nepal. At the top center is the Supreme Court, followed by the High Court and District Court in a vertical hierarchy. Below the District Court, the chart branches into two directions. On the left are Judicial Committee, Municipality and Mediation Council, Ward Level. On the right are Women's Cell, Police Station and One Stop Crisis Management Center. A blue dotted arrow flows from the local bodies on the left to the District Court, showing the path to the formal justice system. Red dotted arrows point from the left-side bodies to the right-side services, indicating referral for protection or emergency support. The chart illustrates how community-level mechanisms interact with both legal institutions and crisis response services.

The figure above is visualized by the study team based on the qualitative study. The dotted yellow lines refer to the informal network between the institutions. During our study visit, we found that some judicial committee of the municipality helped connect the survivors to the women's cell in the police station and OCMC. In some cases, district courts also refer to the decisions made by the judicial committees in areas where there is better coordination between the justice mechanisms.

Understanding Ableism and Barriers

The paper argues that justice mechanism in Nepal is designed from ableist perspective build on assumptions that justice seekers are fully physically and emotionally “capable” individuals who can navigate legal mechanisms independently or with family support. The paper discusses the perspective of ableism to elaborate how people in decision making positions are unaware about the intersectional barriers that women with disabilities experience in their everyday lives.

Fiona Kumari Campbell, a leading scholar in disability rights, defines ableism as "a network of beliefs, processes, and practices that construct a particular type of self and body—the 'corporeal standard'—projected as perfect and typical of the species, and therefore essential and fully human" (Campbell, 2012, p. 2013). Ableism molds people's perceptions to view individuals with disabilities as inherently “less than” those without disabilities, warranting differential treatment. This includes perpetuating harmful stereotypes, misconceptions, and generalizations about persons with disabilities. Ableism also encompasses the practice of “othering,” relegating individuals with disabilities to the status of “different” and “other” (Mike-Meyer, 2016). Campbell (2012) identifies four core tenets of ableism:

Normalcy and Naturality: Ableism dictates what is deemed normal and natural in society, often marginalizing persons with disabilities and characterizing their bodies as abnormal and objects of pity.

Idealized Citizenship: Persons with disabilities are viewed as burdens on societal systems, contributing little to the economy or society—a reflection of charity-based welfare models.

Self-autonomy and Independence: Ableism glorifies independence, shaped by capitalist and patriarchal ideologies, disregarding the interdependent nature of human society where mutual support is vital.

Forced Segregation: Those deemed outside the norm are segregated and excluded from mainstream society, evident historically in practices like institutionalization and segregation in educational and residential settings.

These ableist perspectives are commonly held by non-disabled individuals, influencing their daily realities (Chaturvedi, 2020), including policymakers and people working in justice mechanism who do not have experience of disability. Thus, we argue that justice mechanism in Nepal is built in through ableist perspective, which makes people working in justice mechanism unaware about intersectional barriers that women with disabilities experience.

Intersectional Barriers

The United Nations Conventions on the Rights of Persons with Disabilities [CRPD], (2006, preamble) recognizes the connection between disability and barriers in the following way:

“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”

The CRPD brings a historical shift on how disability has been understood worldwide, limiting it to physical and medical aspects of disability. This definition clearly points out that the marginalization and vulnerability that persons with disabilities experience has little to do with their physical and medical condition. Rather, the major cause of marginalization of persons with disability are the barriers they face.

This points to the need for conceptual clarity on how barriers are defined and conceptualized. The World Health Organization [WHO] (2011) describes barriers as being more than just physical obstacles.

“Barriers are factors in a person’s environment that, through their absence or presence, limit functioning and create disability.”

A barrier can also be understood as an obstacle or anything that prevents a person with a disability from fully participating in all aspects of society because of their disability.

Barriers can be both visible and invisible. Visible barriers are easily seen and recognized. Invisible barriers such as social stigma, discrimination and stereotypes cannot always be seen directly, but they are felt deeply by the persons with disabilities who experience it. Thus, in this report we combine both forms of barriers. Earlier, barriers were broadly categorized into two areas: physical and attitudinal. Decades of research on persons with disabilities have now expanded these barriers into several categories. Scholars have identified six barriers: attitudinal, communication, physical, policy, programmatic, and social.

Synthesizing the literature review and the experiences of barriers of women with disability, the research report focuses on four key barriers: Social, Physical, Communication and Institution and Policy. The definition of these barriers are also explored in the table below.

Table 3

Definition of barriers

Type of Barrier	Definition
Institutional & Policy Barrier	Institutional and policy barriers occur due to a lack of awareness or enforcement of existing laws and regulations to protect the rights of persons with disabilities. Additionally, this also includes programmatic barriers that limit the effective delivery of a public or private program for persons with disabilities.
Social Barrier	Social barriers are related to the conditions in which people are born, grow, live, learn, work and age – or social determinants of health – that can contribute to decreased functioning among people with disabilities. This also includes stigma, prejudice and stereotypes about persons with disabilities that impede their full participation in all aspects of society.
Physical Barrier	Physical barriers are structural obstacles in natural or manmade environments that prevent or block mobility (moving around in the environment) or access.
Communication Barrier	Communication barriers are difficulties experienced by persons with disabilities that limit their capacity to receive or send information, and to communicate with people.

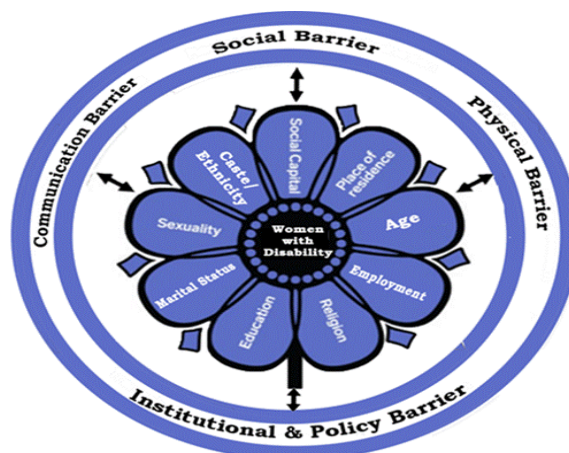
Note: The table presents these barriers separately for conceptual categorization and clarity of understanding. However, none of these barriers work in isolation. These barriers are deeply interconnected and are shaped by intersectional identities of women with disabilities.

In Nepal, the justice system faces several barriers that impede fair and efficient access to justice for its citizens. These obstacles range from structural and systemic issues to socio-economic and cultural factors. Some of the key barriers include complex and slow judicial process, limited

access to legal services, corruption and political interference and ineffective legal aid systems. These challenges become further complex for women with disabilities who experience intersectional barriers that are shaped by their intersectional identities of being women with disability.

Figure 2:

Intersectional Barriers experienced by Women with Disability



Note: The figure above explains the four different types of barriers (social barrier, physical barrier, communication barrier and institutional and policy barrier) faced by women with disabilities. The figure also integrates an intersectional approach within these barriers by including caste/ethnicity, sexuality, marital status, education, religion, employment, age, place of residence and social capital.

Existing data and statistics related to women with disability in Nepal is very rare and scarce, often resulting in inconsistency and contradictions (Poudyal et al. 2018). The present study aims to bring experience of access to justice for women with disabilities in four different provinces (Gandaki, Karnali, Koshi, Madhesh) in Nepal. The main objective of this research is to fill the research gap on women with disabilities by focusing on justice violation and justice mechanisms.

The next section of the paper discusses the findings of the study. The paper presents three key findings: legal knowledge of women with disabilities, experience of violence and experience of justice mechanism.

Legal Knowledge of Women with Disabilities

This section presents legal knowledge of women with disabilities in two areas: knowledge of legal provisions and knowledge of service providers of justice.

The research participants from all four provinces were asked about their knowledge on all the international and national legal frameworks that guarantee rights of women and persons with disabilities. The stated provisions, presented on abbreviated forms were as follows: (Convention on the Rights of Persons with Disabilities (CRPD), Act Relating to the Rights of Persons with Disabilities (ARPD), Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW).

Table 4:

Knowledge on all the international and national legal frameworks

Province	CRPD	CEDAW	ARPD	None of the above
Gandaki	37	25	34	14
Karnali	35	18	22	9
Koshi	15	2	18	26
Madhesh	11	2	2	39

When asked about the knowledge of justice and legal provisions among research participants, the table shows that most of them are aware of CRPD (Gandaki:37, Karnali: 35, Koshi: 15 and Madhesh: 11). Regarding CEDAW, the numbers are as given (Gandaki: 25, Karnali: 18, Koshi: 2, Madhesh: 2). On knowledge about ARPD, the numbers are as given (Gandaki: 34, Karnali: 22, Koshi: 18, Madhesh: 2). For those participants who are not aware about any of the legal provisions, the numbers are as follows: (Gandaki: 14, Karnali: 9, Koshi: 26, Madhesh: 39)

While comparing the above given table, it is clear that participants from Madhesh are not very aware about the legal provisions. In comparison, participants from Gandaki province are much more aware. Our research has shown similar data, since it has been clear that access to justice in Madhesh province is much more difficult for women with disabilities than other provinces.

This disparity is most visible in Madhesh province, where the majority of participants reported a complete lack of awareness. These findings clearly show issues of regional inequality in legal

literacy and justice mechanism information among women in Madhesh province. In contrast, Gandaki province shows higher levels of awareness on legal provisions among women with disabilities, showcasing better outreach and advocacy mechanisms. Broader issues of marginalization in Madhesh province shows significant lack of awareness regarding justice mechanisms and reflects the need of intervention through better awareness programs and inclusive initiatives to help understand their legal rights better.

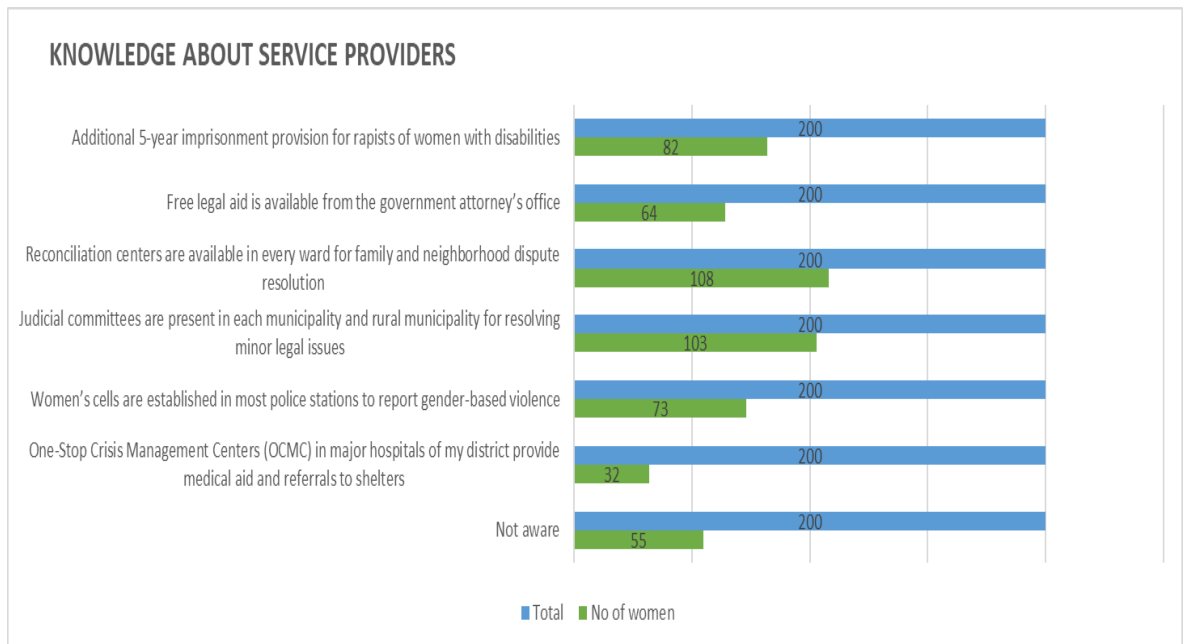
“Women with disabilities face multiple marginalization. When they get married, many will not register their marriage and will have increased dowry expectations for marrying a woman with disability. In some cases, these women are accused of being a witch after they get married. The overall justice mechanism is not inclusive and the mindset among lawmakers is also negative when it comes to women with disabilities” - Shelter Home Counselor, Janakpur

Knowledge of Service Providers

We asked the research participants if they are aware about different services within the justice mechanism in Nepal.

Figure 3:

Knowledge about service providers



Note: We asked if the participants are aware of the knowledge about the services (related to justice mechanism) provided at their provinces and asked them to let us know all provisions they are aware about. As this was a multiple-choice question for the total number of research participants (n=200), out of the total participants (462), 82 are aware about the Additional 5-year imprisonment provision for rapists of women with disabilities. 64 are aware about Free legal aid that is available from the government attorney's office. 108 participants know that Reconciliation centers are available in every ward for family and neighborhood dispute resolution. 103 participants know that Judicial committees are present in each municipality and rural municipality for resolving minor legal issues. 73 survey participants know that Women's cells are established in most police stations to report gender-based violence. Only 32 participants are aware that One-Stop Crisis Management Centers (OCMC) in major hospitals provide medical aid and referrals to shelters and 55 of them are not aware about any of the legal provisions.

These findings suggest a significant gap in knowledge of available justice mechanism services, mainly those designed to support women from vulnerable and marginalized groups. Shockingly, limited knowledge about a critical service as OCMC shows the need for better outreach and government initiatives to further promote it. Out of 200 participants, 55 participants not being aware of any of the available legal provisions show that there is an urgent need to develop initiatives to help women with disabilities learn about access to justice and protective mechanisms that are available to them.

Experience of Violence

The participants were asked if they have faced violence from family, community, workplace and in public spaces. Majority of the participants (79%) reported experiencing violence in their lifetime in comparison to 21% who reported not facing any form of violence till date.

The table below presents the incidence of violence in relation to the province that women with disabilities live in. Participants in Koshi province (47) reported experiencing highest level of violence followed by Karnali (45), Gandaki (34) and Madhesh (32).

Table 5:*Incidence of violence*

Violence Ever Faced			
	No	Yes	Total
Gandaki	16	34	50
Karnali	5	45	50
Koshi	3	47	50
Madhesh	18	32	50
	42	158	200

Case Study: Prolonged Multiple Sexual Abuse (Gandaki Province)

Nisha (Pseudonym) is a 15-year-old girl from Janajati community. She was born with low vision. She was the youngest child in a family with five children. Both of her parents worked as laborers to make ends meet. They also drank alcohol regularly. Her parents sent Nisha to work in a hotel nearby. They, however, did not check on her welfare lost in their own work and alcohol consumption. The hotel where she worked sold heavy alcohol and meat. The customers started sexually abusing her. For a period of more than a year, she was regularly sexually abused by several people who frequented the hotel as customers. Community leaders sensing something was not going right, reported about this to a well-known shelter home run by Kopila Nepal. The shelter home rescued her. She had severe infection on her vagina due to prolonged multiple sexual abuse. She also showed signs of sex addiction. She would frequently masturbate or ask staff at shelter homes to touch her private parts. She is receiving regular physical and psychological care in a shelter home which is helping her recovery. However, the legal team at the shelter home is in a dilemma on how to report and file the case. The justice system requires

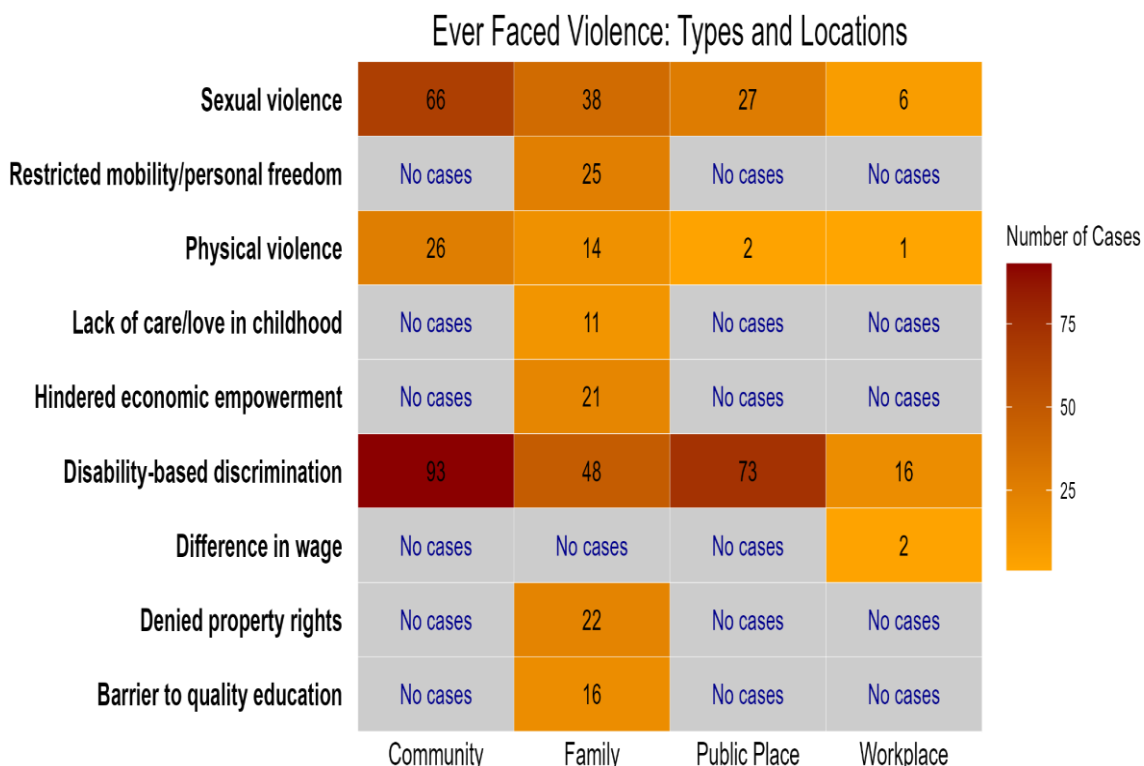
the identification of the perpetrator to file the case. Being a minor with low vision, she does not have the memory and visual recollection of who violated her.

The case study presented above shows that young girls with disabilities belonging to marginalized and poor families are at high risk of sexual abuse. The nature of the case as discussed above also shows how justice system procedures that places the “burden of proof” on survivors can create complication for disabled survivors of sexual abuse. In this case, a minor girl with low vision’s quest for justice has been impeded due to the system’s requirement of identification of the abusers.

The heatmap presented below shows the nature of violence in faced in four different domains: family, community, workplace and public spaces.

Table 6:

Violence Heatmap



The table shows that the “disability-based discrimination” was the most experienced form of violence in community (93), public space (73) followed by family (48) and workplace (16).

Majority of the participants (77%) were unemployed. That explains the reason for low reporting of various forms of violence in the workplace.

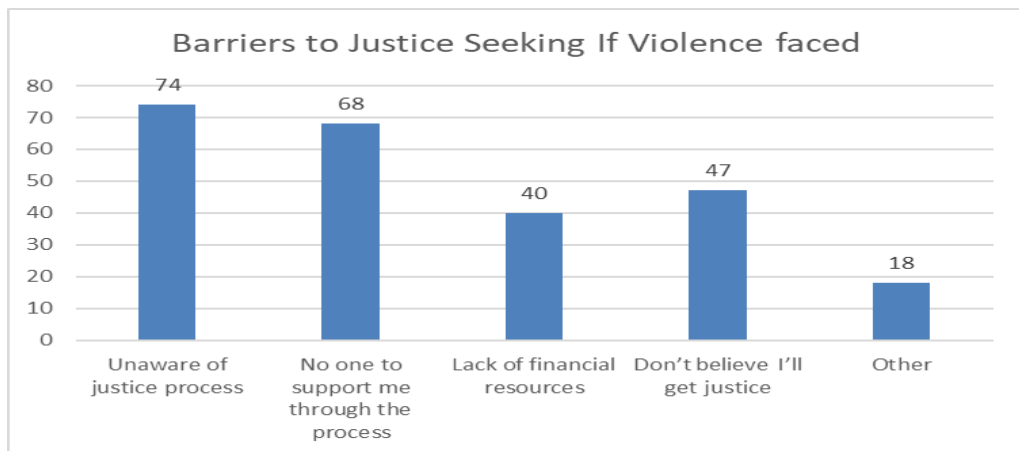
The data shows women with disabilities are most vulnerable to sexual violence within community (66), followed by family (38), public space (27) and workplace (6). It is also alarming to see that the highest number of various forms of violence happened within family (195) followed by community (185). This shows that women with disabilities are most vulnerable within their own family, an institution which is associated with love and care. This also creates more complex challenges in seeking justice due to shame and stigma associated with the experience of violence within the family.

Experience of Justice Mechanism

The survey asked those who reported experience of violence (158), if they had sought any process of seeking justice. More than half (64%) reported that they did not seek any process of justice. We asked multiple choice questions to those who did not seek services. Among 174 responses collected, the majority (74) reported that they were not aware of the justice process followed by their challenge of not having anyone to support them through the process (68). Similarly, lack of financial resources (40) and lack of belief in justice system (47) were the reasons for participants not seeking justice despite having experience of violence.

Figure 4:

Barriers to justice if violence faced



Among those who sought the process (36%), majority of participants reported having gone to police station (93.4%), followed by going to ward-level mediation center (3.3%) and OCMC and Judicial Committee (1.6%).

Among the ones who went through process of justice mechanism, majority (58%) reported having positive experience.

Table 7:

Process of justice mechanism

Experience of the service used	Frequency	Percent
Negative	24	42
Positive	33	58
Total	57	100

Note: When asked about their experience while using justice mechanism services, out of 57 participants, 58% (33 participants) said they have positive experience and 42% (24 participants) said they have negative experience.

However, the women with disabilities lived experience of seeking justice is in contrast with the reported positive experience as reported in survey. The case study presented below shows how women with disabilities face multiple challenges and many intersectional barriers that hinder their access to justice.

Case Study: Survivor turned hostile (Karnali Province)

Sunita (Pseudonym) is a 27-year-old woman with physical disability born in remote district Dailekh. With support of her family members, she pursued her higher education in pharmacy. She had been successful in obtaining a licence to run a pharmacy. Considering the reservation for persons with disabilities as government officials, Sunita started to prepare for the civil service examination. She moved to the center of Karnali province: Birendranagar. In order to meet the cost of living in the city, she ran a small pharmacy with investment from her friends and family. A young man came into contact with her through facebook. She showed interest in her and professed his love towards her. He also started talking about marrying and having a future together. As a disabled woman in society, which views marriage prospects of women with disabilities next to non-existent, Sunita fell into his trap. The man not only sexually abused her but also started extorting money from her to fund his own living expenses. He was also coincidentally preparing for the civil service examination. He got selected for the government

job and was transferred to Rukum, a different district. He started ignoring her and stopped his contact all together. Sunita reached out to disability rights organizations and women rights organizations who helped her to register the case. The case was filed at the district police station. She also had her physical examination, which was delayed. The case moved on further to the court. Sunita faced pressure from the perpetrator and family to drop the case. She also felt societal stigma and judgement towards her. In the court, she said that “everything that happened between her and the man was based on her consent”. This resulted in the case being dismissed.

The case presented above shows that even though women with disabilities seek formal justice process, the shame and stigma associated with their disability and gender makes the Participants who said they had negative experiences shared that they have been discriminated against because of their disability.

Participants who reported positive experience were asked to elaborate on the nature of the experience. More than half of participants (54%) reported that they had experience of accessible and disability friendly infrastructure. Similarly, others reported that staff were friendly and helpful (13.1%), disability-specific accommodation was provided (11.5%) and staff addressed their disability-related needs (9.8%).

Case Study: Discrimination within Justice Mechanism (Madhesh Province)

Srijana (Pseudonym) is a 20-year-old woman with intellectual disability. She belongs to the Majhi (fisherman) community, a marginalized indigenous group in Nepal. Her family was very poor. Her parents and family members showed signs of mental health issues. Social workers while visiting the field, came to know about her history of being sexually abused by the man in the neighborhood. She was four weeks pregnant. Social worker brought her to the safe house. She had a miscarriage within 12 days of arrival in a safe house. Social workers shared the challenge of filing the case. The safe house took her to OCMC to get her physical examination. The forensic examination had lost its significance due to its delay of several months after incidence of rape. Safe house directed her case to the police station. The Police officers were dismissive of registering her case. They told the social workers “She is disabled, she cannot speak well enough to give testimony for filing of the case. However, social workers were able to support her to receive disability identity card. This has enabled her to receive disability allowance given by the government. However, the survivor was returned to the community by the safe house due to the limited capacity of the house. She is now back in the same community where her perpetrator lives. She is very vulnerable to abuse in future.

The case discussed above shows how people working within justice mechanism can create further complication and vulnerability for disabled survivors and family. First, the delay in identifying the abuse caused forensic examination to lose its significance to establish the incidence of rape. Second, based on experience of survivor, police officers refused to register the case, citing “she cannot speak to give her own testimony”. This shows that how justice mechanism in Nepal designed from ableist perspective insists on for women with disabilities to fit in and abide to it’s procedure. This is a violence of Article 12 and 13 of CRPD, which requires that justice mechanism make “procedural accommodation. Due to lack of space and also skilled manpower within safe house, the survivor was returned to the community, making her more vulnerable

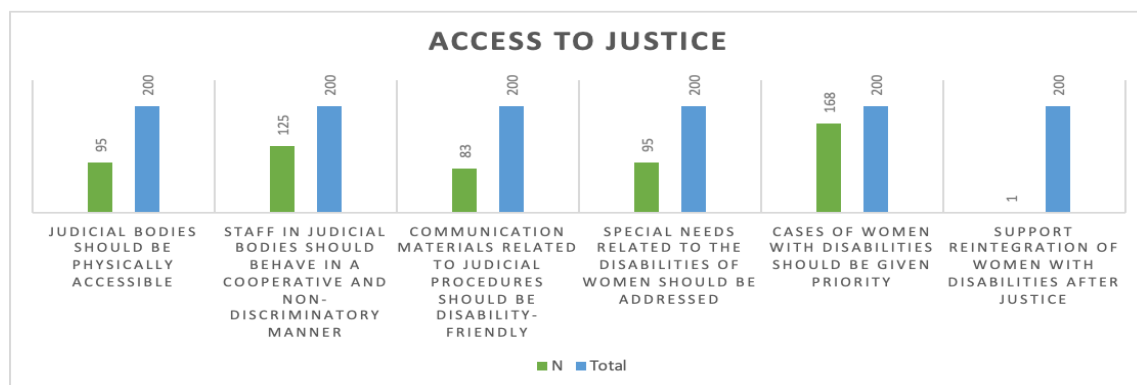
Recommendations for Inclusive Justice Mechanism

The survey participants were asked to choose different enabling conditions that would help in access to justice mechanisms for women with disabilities. We provided multiple choices and asked them to choose all that they think is important.

In the **chart below** among the total participants (200) responses received, 95 participants have shared that Judicial bodies should be physically accessible. 125 participants have shared that Staff in judicial bodies should behave in a cooperative and non-discriminatory manner. 83 participants have shared that Communication materials related to judicial procedures should be disability friendly. 95 participants believe that Special needs related to the disabilities of women should be addressed. 168 participants have shared that Cases of women with disabilities should be given priority and 1 participant shared that there should be Support to reintegration of women with disabilities after justice.

Figure 5:

Access to justice



The case study presented below shows how removal of communication barriers can bring a big difference to people with speech and hearing disabilities.

“There is a need to disseminate the reports by development partners to various government entities with findings related to women with disabilities. Every province needs to work together to continue this kind of program. There is a need to develop strategies and planning that are focused on women with disabilities in order to understand their needs and cater accordingly. Additionally, this will also help in awareness raising.” - Government Employee, Koshi Province

Case Study: Removal of Communication Barrier (Koshi Province)

Tara (pseudonym) is an 18-year-old Janajati woman with speech and hearing disability. Her parents had made arrangements for her education and care in an education institution for persons with disability. Her parents came to know that she has experienced sexual abuse. She was also 12 weeks pregnant by that time. Tara’s parents registered the case in the police station. The police station directed Tara to local OCMC for her physical examination. The OCMC had hired the sign language interpreter. The interpreter was able to take the history of abuse and Tara was able to identify that it was her teacher who abused her. This was followed by DNA tests of Tara’s aborted Fetus and perpetrators. The case is currently ongoing. The staff at OCMC are positive that the outcome of Tara’s case will be positive.

Summary of Findings

The section below presents brief summary of key findings in three key areas that paper covered.

Legal Knowledge of Women with Disabilities

- There is regional disparities in legal knowledge of women with disabilities. Women with disabilities in Gandaki province show significantly higher awareness of legal provisions (CRPD, CEDAW, ARPD) than those in Madhesh, where 39 out of 50 participants were unaware of any provisions.
- More than a quarter of participants (27.5%) did not have any knowledge of any of the services of justice mechanism
- Only 32 out of 200 participants knew about One-Stop Crisis Management Centers (OCMC), a first service that provides integrated services for survivors of violence.
- Majority of participants knew about ward level reconciliation centers (108) followed by Judicial committee (103) in municipalities.

Experience of Violence

- More than one third of women with disabilities (79%) reported experiencing violence in their lifetime.
- The highest incidence of violence was reported in Koshi Province (47/50) followed by Karnali Province (45/50).
- Disability-based discrimination was the most frequent form of violence experienced by women with disabilities in community (93), public space (73) followed by family (48) and workplace (16).
- Violence within family recorded the highest number of incidents (195) ranging from sexual violence, restricted mobility/personal freedom, hindered economic empowerment, lack of love and care among others. Incidences of violence within community (185)
- Women with disabilities are most vulnerable to sexual violence within sexual violence within community (66), followed by family (38), public space (27) and workplace (6).

Experience of justice mechanism

- 64% of survivors did not seek justice after experiencing violence. The major reason behind not seeking justice was lack of knowledge, followed by not having anyone to support. Similarly, lack of belief in justice system and lack of financial resources were other reasons that prevented women with disabilities to seek justice despite experiencing violence.
- Majority of participants who sought justice went to the police station (93.4%). Only 1.3% went to OCMC, an integrated service and first responding service for survivors.
- The survey showed that, majority of participants (58%) who sought justice process had positive experience. However, lived experience of women with disabilities based on case study showed that women with disabilities experience discrimination and prejudice during the process of seeking justice.

Conclusion

This paper was based on the mixed-method study conducted in four provinces of Nepal: Koshi, Gandaki, Madhesh and Karnali. This study reveals the deeply entrenched structural, social, and systemic barriers that impede women with disabilities in Nepal from accessing justice. Despite constitutional guarantees and international commitments such as the CRPD and CEDAW, women with disabilities remain one of the most marginalized groups within the justice system.

The justice mechanisms continue to operate from an ableist perspective, often failing to accommodate or even recognize the intersectional identities and lived experiences of disabled women. The paper showed that justice mechanism in Nepal like elsewhere is built through ableist perspective. The result of this is that people in decision making positions within justice mechanism are unaware about the intersectional barriers that women with disabilities experience while accessing justice.

The findings show that women with disabilities have very limited knowledge about legal provisions and available services within justice mechanisms. Majority of the women with disabilities who experience violence do not seek any process of seeking justice. The reason behind this is due to lack of knowledge, lack of a person to support and financial resources. Another major reason is also lack of faith in justice mechanism.

Federal governance has expanded the possibility of localizing disability rights initiatives in all spheres, including justice mechanism. There are positive practices such as accessible infrastructure or disability-sensitive personnel in some areas. However, these issues remain more the exception rather than the norm. Case studies shows that women with disabilities lived experience of navigating justice mechanism is full of challenges. Women survivors with disability are not being supported well. Instead, they are often retraumatized, disbelieved, or forced to abandon the due process of justice before completion due to stigma, procedural inaccessibility, or lack of sustained institutional support.

This calls for systematic transformation of justice mechanism in Nepal, a departure from ableist perspective. The justice mechanism in Nepal needs to be reimaged and restructured from the standpoint of lived experience of persons with disabilities and women with disabilities.

Recommendations

- Improve legal literacy and awareness programs for women with disabilities, particularly in regions like Madhesh province.
- Strengthen outreach and advocacy mechanisms to promote justice mechanism services.
- Address systemic barriers and negative mindsets among lawmakers and service providers to create a more inclusive justice system through capacity building and providing them with real life examples.
- Implement initiatives to support women with disabilities in reporting violence and accessing justice.

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