

## **Summary and Key Recommendations**



Sameet, an eight-year-old boy with a possible hearing impairment or intellectual disability, is studying in Class 1 for the third time. The other children in his class are five or six years old. Human Rights Watch found that children with disabilities in mainstream schools repeatedly fail and are more likely to repeat a class.





# FUTURES STOLEN

Photographs by Shantha Rau Barriga/Human Rights Watch

**Amman, a 16-year-old boy with a physical disability that limits his movement and speech, started attending school two years ago in his village in far western Nepal. He is now in Class 2. His classmates are between seven and ten years old. His 11-year-old brother attends the same school but studies in Class 4.**

Amman uses a tricycle, which is pushed by his mother or other children in the community, to get to school. Because the school entrance has two steep steps and no ramps, Amman has to crawl to his classroom.

His mother, Lakshmi, told Human Rights Watch,

*Amman sits [alone] on a smaller chair in the corner. He sometimes drools, so the other children don't feel easy about sitting near him.*

He has to refrain from using the toilet while in school from 10 am to 4 pm. When he needs to use the toilet during the day, another child has to run home to fetch his mother to assist him. The teachers say that if he has stomach problems, his mother should not bother bringing him to school.





(above) Amman, a 16-year-old boy with physical disabilities who attends a mainstream school.

(left) These steps lead up to Amman's school so he has no choice but to crawl to his classroom. Few schools in Nepal have an accessible environment for children with disabilities, which in many cases effectively denies these children their right to education.



Balkumari, 21, has a physical disability that limits the movement of one side of her body. When she was 11, she began attending a school for children with intellectual disabilities.

When Krishna was five years old, a doctor told his mother that he would not live his life like a “normal child” because of developmental delays. His parents tried to enroll him in school, but no public or private school would admit him. “If he were in school from 10 to 3,” his mother said, “it would really help the family.”

Instead, Krishna spends his entire day locked in a room in their home. His mother told Human Rights Watch:

*I offer food and bring him tea. If he does toilet in the room, I clean it up. I have to take care of the whole house—I can’t just look after him. If I spend the whole day with him, my other child will miss his bus, everything will be in disarray.*

She takes Krishna outside to see the sun once or twice a day.

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Balkumari, a young woman with a physical disability, told Human Rights Watch that she did not attend to school until she was 11 years old. Her father said that she could not go to the mainstream school, which her brother and sister attended, because she had difficulty walking. Instead, Balkumari was enrolled in a class for children with intellectual disabilities. She told Human Rights Watch:

*I didn’t like that school. I used to cry when my father took me there. I didn’t feel like I was like the other children.*

Because of her disability, Balkumari could not wear shoes and had difficulty walking barefoot to school since there were often pieces of broken glass on the road. Some days, she would just have to return home.

Balkumari aspires to help children with disabilities in her community. She visits the homes of children who have been denied admission to school and encourages the parents to send them to school. She said:

*I want to serve people like me. I want to help those who cannot go to school. I want the children [with disabilities] to learn to write their name and address. If they get lost, at least they can write where they live and someone can help them.*











**Children with disabilities are entitled to attend school like all other children, however, tens of thousands of children with disabilities in Nepal are deprived of this right.**

There are 120 to 150 million children with disabilities under the age of 18 worldwide.<sup>1</sup> The United Nations Educational, Scientific and Cultural Organization (UNESCO) estimates that children with disabilities represent more than one-third of the 67 million children who are out of school worldwide.<sup>2</sup> In some countries, the chances of a child with a disability not attending school is two or three times greater than a child without a disability.<sup>3</sup>

There is no clear data on the total number of children with disabilities in Nepal and how many of them are out of school. Based on the government's conservative figures from a 2001 analysis, there are, at the very least, 207,000 children with disabilities in the country.<sup>4</sup>

The Government of Nepal and the United Nations acknowledge that, while Nepal has made important progress toward achieving universal primary education as part of its commitment to the Millennium Development Goals (MDGs), children from marginalized communities, such as children

Mayakuna sits outside her home with her three children. Her six-year-old daughter has a physical disability and possible developmental disability and does not attend school. Mayakuna told Human Rights Watch, "Sometimes I am very angry. I think: why is this type of child with me? I feel that I should give her something to eat so she can die." Human Rights Watch found that children with disabilities who are not admitted to school often face abuse and neglect because of limited government support for parents of children with disabilities.

with disabilities, represent a significant portion of the approximately 330,000 primary school aged children who remain out of school in Nepal.<sup>5</sup> Nepal has ratified a number of international human rights treaties, including the UN Convention on the Rights of Persons with Disabilities (CRPD), which articulates that children with disabilities are entitled to the same rights as other children, including the right to inclusive education. This means that children with and without disabilities should be able to attend schools in their communities without discrimination. The focus of such a system is to adapt the environment and teaching methods to support the needs of all students.

Although in theory the government promotes an inclusive education policy, in practice, it supports a system of segregated resource classes designated for children with disabilities in mainstream schools and separate schools for deaf, blind and children with physical and intellectual





disabilities. While it takes time to transition from resource classes and special schools to a fully inclusive education system, the government has not done enough to ensure that children with disabilities attend school and that the education system is accessible, appropriate, and of good quality for children with disabilities, particularly those with intellectual disabilities. Furthermore, the government's inclusive education policy does not appear to be serious since there is no clear plan for the integration of children with disabilities, particularly intellectual or developmental disabilities, into mainstream schools.

This report is the outcome of interviews carried out between February and July 2011 with nearly 100 disability advocates, teachers, government officials and children or young people with disabilities and their families in Nepal. It examines the barriers faced by children with disabilities in obtaining an inclusive and quality education.

More than half of the 29 children and young people with disabilities or their family members interviewed by Human Rights Watch reported that the children did not attend formal school. In all of these cases, the children were denied admission by schools—both public and private—or the parents were not aware that their children had the right to attend school.

Officials in the Ministry of Education told Human Rights Watch that children with disabilities have lower enrolment

Teachers in day care centers for children with intellectual and development disabilities like the one pictured here receive no training from the government.

and higher dropout rates than other children. Based on our research, this is due to a lack of awareness of the right to education among parents, inadequately trained teachers, lack of appropriate teaching materials, inaccessibility of and long distance to schools, lack of funds for transportation, and negative parental attitudes about the learning capabilities of their children. In each of the resource classes, Human Rights Watch visited, less than half of the 15-20 students enrolled were in attendance.

Despite national policies on inclusive and “child-friendly” schools,<sup>6</sup> the government is failing to make the school environment accessible for children with disabilities, which in many cases effectively denies these children their right to education. Several children and young people with disabilities and their families told Human Rights Watch about the lack of access to school—in terms of physical access (no ramps or disability-friendly toilets), communication barriers (no sign language instruction or Braille teaching materials), negative attitude of teachers and a curriculum that does not adequately address children with different learning needs. Under the CRPD, Nepal is required to make the necessary



accommodations to the school environment based on the individual needs of children with disabilities to enable them to attend school with others.

Furthermore, schools are often inadequately staffed, have no flexible curriculum and limited teaching materials, leading to an inferior quality of education for children with disabilities, compared to other children. The government provides minimal special education training only to teachers working in special schools or resource classes. Teachers in mainstream schools do not receive adequate training on how to integrate children with disabilities in their classrooms, thereby undermining the principle of inclusive education. No training is provided by the government for staff at day care centers run by NGOs or parents' groups for children with intellectual or developmental disabilities.

In addition, all children are still expected to follow the same lessons, disregarding differences in learning abilities and needs of the children. As a result, children with disabilities in mainstream schools repeatedly fail and are more likely to repeat a class. In some instances, children repeated a class several times. Also, children in classes designated for children with intellectual disabilities stay in the same resource class for years.<sup>7</sup>

Most students in resource classes for the blind, deaf, and intellectually disabled stay in residential facilities at the school. There is one government-paid caretaker who looks after the 10 or more children who stay there (some of whom have severe disabilities). However, the Deputy Director of the Ministry of Education confirmed that these caretakers do not

The Nirmal Bal Vikas School for children with disabilities in Kathmandu, Nepal. Its toilets, located outside the building, are not fully accessible for children with physical disabilities.

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receive any training, despite the fact that they are with the children all day and night. This can lead to a host of problems including lack of supervision, physical neglect and opportunities for abuse.

All children with disabilities in Nepal are entitled to receive social security benefits, including disability identity cards and allowances based on the severity of the disability. Human Rights Watch found that children with disabilities are often not benefitting from these provisions because of long distances to the district administration office (where the cards are distributed), high transportation costs, and parental attitudes that such cards will further marginalize and thus foster discrimination against their children. Also, some children with disabilities have never been diagnosed while others have been wrongly diagnosed. This in turn has had a negative impact on their access to education.

According to international and national law, children with disabilities are entitled to free basic education. However, Human Rights Watch found that, in some instances, at government-run schools, families are requested to pay fees for admission, exams or uniforms, and as a result some parents may not enroll their children in school.



For many parents, the fact that their children with disabilities are not admitted to school presents profound dilemmas. Some see no choice but to lock their children with disabilities in a room or tie them to a post because they have other responsibilities (taking care of other children, doing daily chores, working, etc.). Human Rights Watch research indicates that this is most often the case for children with intellectual, developmental, psychosocial, or multiple disabilities.

In addition to physical abuse, children with all types of disabilities also experience stigma and verbal abuse in the school and the community.

The Ministry of Education initiated “orientations” on inclusive education for district education officers, who are in turn required to organize trainings for school administrators and teachers in each district. According to the Deputy Director of the Ministry of Education, who also serves as the Chief of the Inclusive Education Section, “We have disseminated the idea, but to implement that idea it depends on the school management committee and teachers.”<sup>8</sup> It is clear, however, that brief orientation programs do not provide local government officials with the necessary skills to train teachers and other school staff on how to adapt teaching methods, the curriculum and the environment to include children with diverse learning needs. As a result, the government is failing to meet its obligation to ensure inclusive schools for students with disabilities, as dictated by its own inclusive education policy as well as international law.

While international donors and UN agencies are seemingly aware of the lack of targeted efforts to ensure children with disabilities are in school, they have not done enough to ensure that funding for education is distributed without discrimination and equitably benefits children with disabilities.

Despite Nepal’s political commitments to people with disabilities, particularly children, in practice, the government is falling short in implementation where it is most needed. To address this, the government of Nepal, with support from international donors, needs to ensure that schools are available and accessible for children with disabilities and that teachers have the adequate skills to give all children an inclusive and quality education. This right is inextricably linked to the enjoyment of other rights, such as employment, health, and political participation. The failure to ensure that children with disabilities receive quality education also translates into higher social and financial costs for society in terms of health and social security mechanisms. According to the UNESCO, “To not invest in education [of persons with disabilities] as a preparation for an active and productive adult life can be very costly and profoundly irrational in economic terms.”<sup>9</sup>

<sup>1</sup> UNESCO, “Education: Primary Education,” 2011, [http://portal.unesco.org/education/en/ev.php-URL\\_ID=32969&URL\\_DO=DO\\_TOPIC&URL\\_SECTION=201.html](http://portal.unesco.org/education/en/ev.php-URL_ID=32969&URL_DO=DO_TOPIC&URL_SECTION=201.html) (accessed June 1, 2011). The WHO estimates that between 93 million and 150 million children (0–14 years) live with a disability. World Health Organization, “World Report on Disability,” 2011, [http://whqlibdoc.who.int/publications/2011/9789240685215\\_eng.pdf](http://whqlibdoc.who.int/publications/2011/9789240685215_eng.pdf) (accessed June 13, 2011).

<sup>2</sup> UNESCO, Education for All Global Monitoring Report 2007, p. 74. UNESCO, Education For All Global Monitoring Report 2011, p. 1.

<sup>3</sup> UNESCO, “Education for All Global Monitoring Report 2008: Education for All by 2015 - Will We Make It?,” 2008, <http://www.unesco.org/new/en/education/themes/leading-the-international-agenda/efareport/reports/2008-mid-term-review/> (accessed August 4, 2011), p. 48. A. Eide and M. E. Loeb, “Living Conditions among People with Activity Limitations in Zambia,” September 2006, Oslo. A. Eide, S. Nhiwathiwa, J. Muderedzi, and M. E. Loeb, “Living Conditions among People with Activity Limitations in Zimbabwe,” 2003, Oslo. A. Eide and M. E. Loeb, “Living Conditions among People with Activity Limitations in Malawi,” 2004, Oslo.

<sup>4</sup> National Planning Commission/UNICEF/New Era, “A situation analysis of disability in Nepal,” 2001, <http://rcrdnepa.files.wordpress.com/2008/05/a-situation-analysis-of-disability-in-nepal-2001.pdf> (accessed May 27, 2011). In 2009, UNICEF reports that there were 12,712,000 children in Nepal in 2009. UNICEF, “Statistics: Demographic Indicators,” 2009, [http://www.unicef.org/infobycountry/nepal\\_nepal\\_statistics.html#78](http://www.unicef.org/infobycountry/nepal_nepal_statistics.html#78) (accessed May 16, 2011).

<sup>5</sup> Government of Nepal, National Planning Commission/United Nations Country Team of Nepal, “Nepal Development Goals, Progress Report 2010,” September 2010, <http://www.undp.org.np/pdf/MDG-Layout-Final.pdf> (accessed June 4, 2011), p. 29. Education For All Fast Track Initiative, “Joint Appraisal Document,” 2010, [http://issuu.com/efa-fti/docs/np-ssrp-jad-082109-cln/48?mode=a\\_p](http://issuu.com/efa-fti/docs/np-ssrp-jad-082109-cln/48?mode=a_p) (accessed June 16, 2011), p. 43.

<sup>6</sup> UNICEF has developed a framework for rights-based, child-friendly schools and education systems that are characterized as “inclusive, healthy and protective for all children, effective with children, and involved with families and communities - and children”. UNESCO and Sheldon Shaeffer, “Progress on Programme Priorities: Improving Access to, and Quality of, Education,” Education Update: Curriculum and Learning, 2000. UNICEF, “Life Skills: Child-friendly schools,” October 8, 2004, [http://www.unicef.org/lifeskills/index\\_7260.html](http://www.unicef.org/lifeskills/index_7260.html) (accessed May 12, 2011).

<sup>7</sup> Disability advocates prefer the term “intellectual disability” as opposed to “mental retardation” because it reflects a rights-based approach and aligns with current professional practices to provide support tailored to individuals to enhance their functioning. American Association on Intellectual and Developmental Disabilities, “FAQ on Intellectual Disability,” 2011, [http://www.aamr.org/content\\_104.cfm](http://www.aamr.org/content_104.cfm) (accessed August 9, 2011).

<sup>8</sup> Human Rights Watch telephone interview with Arun Tiwari, Deputy Director, Department of Education, and Chief of the Inclusive Education Section, Ministry of Education of the Government of Nepal, June 7, 2011.

<sup>9</sup> UNESCO, “Policy Guidelines on Inclusion in Education,” 2009, [www.unesdoc.unesco.org/images/0017/001778/177849e.pdf](http://www.unesdoc.unesco.org/images/0017/001778/177849e.pdf) (accessed August 3, 2011), p. 13.

# KEY RECOMMENDATIONS

## MINISTRY OF EDUCATION

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- **Work with the National Center for Educational Development to:**
    - Revise the teacher training materials to reflect inclusive education methods and adequate information on children with disabilities.
    - Train all teachers, school administrators, caregivers and community development workers on inclusive education methods, including basic sign language.
  - **Train and support parents of children with disabilities, including through regular parents' meetings to exchange information and provide peer support.**
  - **Work with the Curriculum Development Centre to:**
    - Develop an appropriate curriculum and assessment system for children with developmental or intellectual disabilities.
    - Develop the curriculum for children learning in sign language and Braille.
  - **Involve children with disabilities and their parents or family members in consultations and decision-making and monitoring processes.**
  - **Develop and implement a longer-term inclusive education plan that clarifies the concept of inclusive education in line with the CRPD and outlines steps to integrate children with disabilities, particularly with intellectual, developmental or psychosocial disabilities, into mainstream schools.**
  - **Strengthen and regulate monitoring of schools by district education officers and assessment center coordinators to ensure that the inclusive education approach is implemented.**
  - **Together with the Ministry of Women, Children and Social Welfare, carry out awareness-raising campaigns on the right to education, non-discrimination, and other rights of persons with disabilities, targeting the public at large, teachers, school administrators and parents.**
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- **The Ministry of Women, Children and Social Welfare, the Ministry of Education, other relevant ministries, and members of Parliament, together with disabled peoples' organizations and other stakeholders, should comprehensively review all domestic legislation and policies (including the National Policy and Plan of Action on Disability), propose amendments to fully comply with the Convention on the Rights of Persons with Disabilities, and implement compliance and enforcement mechanisms.**
  - **The Ministry of Women, Children and Social Welfare, the Ministry of Education, the Central Bureau of Statistics, multilateral and bilateral donors, and UN agencies should strengthen data collection on children with disabilities, including in birth registration, and should disaggregate data by type of disability and gender.**

Detailed recommendations are given at the end of this report.





Suraj, a 9-year-old boy with a physical disability, does not attend school because his parents thought that no school would admit him. He recently started attending a nearby daycare center for children with intellectual disabilities.