



**NATIONAL INDIGENOUS DISABLED WOMEN ASSOCIATION  
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## **Report on Violence Against Indigenous Women and Girls**

**Submitted**

**To**

**Special Rapporteur on violence against women, its causes and consequences**

**Submitted by**

**Pratima Gurung**

**National Indigenous Disabled Women Association- Nepal (NIDWAN)  
Women Enabled International (WEI)  
Minority Rights Group International (MRG)  
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## Report on violence against Indigenous women with disabilities in Nepal

### I. Introduction

Among 240 million Indigenous women around the global,<sup>1</sup> roughly 28 million are Indigenous women and girls with disabilities.<sup>2</sup> In Nepal, there are 700,000 indigenous women and girls with disabilities.<sup>3</sup> This group experiences sexual harassment and gender-based violence with limited access to justice system. Violence against Indigenous women, including women with disabilities<sup>4</sup> is not limited to gender-based discrimination within Indigenous and non-Indigenous spheres, but is also due to ongoing internal/external colonization and militarism; racism and social exclusion; poverty-inducing economic and development policies related to their individual and collective rights; historical domination and oppression.<sup>5</sup> The Covid-19 pandemic has further deepened the pre-existing issue of violence against Indigenous women and girls with disabilities, by heightening the risk and vulnerability to violence and institutionalization. But this issue of violence is invisible, unheard and undebated in public sphere.

The multiple and intersecting identities of Indigenous women and girls with disabilities may lead to intersectional discrimination, deepened and unique when compared to the discrimination experienced by non-disabled indigenous women and non-indigenous women with disabilities more broadly, and resulting in several forms of violence that often remain hidden.<sup>6</sup> This submission will focus on the intersections of indigenous ethnicity, disability, and gender as it relates to violence, with a particular focus on the situation of Indigenous women with disabilities in Nepal.

### II. Background

Nepal has ratified several international human rights treaties and instruments that ensure rights for many groups, including Indigenous women with disabilities, for both individual and collective rights.<sup>7</sup> Yet, Indigenous women, including those with disabilities, are invisible in Nepal's laws,

<sup>1</sup> FAO. "Indigenous Women, Daughters of Mother Earth." FAO, 2020. <https://www.fao.org/documents/card/en/c/cb0719en/>.

<sup>2</sup> UN Women, Fact sheet on indigenous women with disabilities, 2020, <https://www.unwomen.org/en/digital-library/publications/2020/04/fact-sheet-on-indigenous-women-with-disabilities>

<sup>3</sup> NIDWAN, 2021. Indigenous Women and Girls in Nepal: A Brief Overview. Nepal. [https://nidwan.org.np/development-research/indigenous-women-and-girls-in-nepal-a-brief-overview/?doing\\_wp\\_cron=1643362864.9734780788421630859375](https://nidwan.org.np/development-research/indigenous-women-and-girls-in-nepal-a-brief-overview/?doing_wp_cron=1643362864.9734780788421630859375).

<sup>4</sup> This submission generally uses the term "indigenous women or Women with disabilities" to refer to all women and girls with disabilities throughout the lifecycle

<sup>5</sup> Minority Rights Group. 2020. World Directory of Minorities and Indigenous Peoples. Nepal. <https://minorityrights.org/country/nepal/>

<sup>6</sup> UNICEF. 2013. Breaking the Silence on Violence Against Indigenous Girls, Adolescents and Young Women. New York. [https://www.unfpa.org/sites/default/files/resource-pdf/VAIWG\\_FINAL.pdf](https://www.unfpa.org/sites/default/files/resource-pdf/VAIWG_FINAL.pdf) CRPD Committee, General Comment No. 3: Women and Girls with Disabilities, 16, U.N. Doc. CRPD/C/GC/3 (2016).

<sup>7</sup> These instruments include instruments ICCPR, ICESCR, ICERD, UNDRIP, UNCPRD and CEDAW. The Concluding Observation (CO) of CEDAW committee has clearly outlined the gaps and recommended about the increasing rates of violence against women, in particular against indigenous women and women with disabilities to develop targeted awareness-raising programs for communities particularly affected by gender-based violence against women, including indigenous communities and communities living in temporary shelters, provide them with special opportunities for access to the gender-based violence elimination fund and promote the participation of indigenous women in the police service and to amend the Constitution to explicitly recognize the rights of Indigenous Women ensuring their right to self-determination, in line with the United Nations Declaration on the Rights of Indigenous Peoples (para 41a). Similarly, the CO of the UN CRPD has recommended groups with multiple



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plans, policies, and programs due to the state's single/monolithic linear policy, which does not consider the specific needs of persons at the intersection of gender, indigeneity, and disability. Existing laws and policies overlook the historical, systematic and structural violence faced by Indigenous women, including those with disabilities. All the marginalized groups including woman, indigenous women are seen as a homogenous group, which does not provide equal rights and justice.<sup>8</sup>

Due to prevailing ethnic, gender, and ableist stereotypes (e.g, seen as ignorant, illiterate, powerless, incapable, non-contributors) as well as structural factors (e.g, power persisting in state led mechanisms and institutions, no representation, lack of access to state resources, unfamiliarity with state entities and no respect of customary institutions), indigenous women, particularly those with disabilities, are not defined as legal entities equal to other women.<sup>9</sup> Indigenous women, including those with disabilities, continue to face stereotypes, as well as structural and historical discrimination based on a single/monolithic language, religion, cultural practices, misguided assumptions about their abilities, having been forced to leave their own land, territories and are impacted by climate change and environmental degradation and are risk to violence, abuse, rape, attempted rape and other criminal activities.<sup>10</sup>

Furthermore, in Nepal, the state lacks sensitivity towards and does not ensure accountability for issues impacting indigenous women, including those with disabilities. Furthermore, indigenous women are not in decision-making positions to discuss this issue in public debate. This means that their collective rights in Nepal—such as rights to land, territories and resources, respect for customary traditional institutions —are not recognized. It also means that national policies are not aligned international human rights standards regarding the human rights at the intersection of gender, disability, and indigeneity, including related to cultural and language rights, traditional practices and Indigenous Knowledge, and awareness of rights among public authorities.<sup>11</sup> Like in the case of attempt to rape against indigenous girls and women with disabilities during covid, accessible formats like sign language interpreter required for deaf woman and mother tongue and plain language required to their family member in accessible and safe enabling space for justice process was denied and the case was dropped and these are frequent cases for many indigenous women and girls with disabilities.<sup>12</sup> Moreover, Indigenous women, including those with disabilities, face stereotypes and stigma, have limited knowledge of their individual and collective rights, and experience improper use of existing traditional practices such as alcohol production

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and intersecting identities and women and girls with disabilities for effective measures, remedies and targeted intervention, yet the state has not taken any notable initiation to implement any of the recommendations on Indigenous women and women and girls with disabilities.

<sup>8</sup>Gurung, Pratima. 2021 Covid 19 in Nepal: The Impact on Indigenous Peoples and Persons with Disabilities, 2021, Disability and the Global South, Vol.8, No. 1, 1910-1922, available at [https://disabilityglobalsouth.files.wordpress.com/2021/01/dgs08\\_01\\_03.p](https://disabilityglobalsouth.files.wordpress.com/2021/01/dgs08_01_03.p)

<sup>9</sup> Gurung, Pratima. The Situation of Indigenous Girls and Women with Disabilities to the Committee on the Elimination of All Forms of Discrimination Against Women CEDAW on GR on Indigenous Women and Girls 79th Session, Geneva, 2021

<sup>10</sup>[https://nidwan.org.np/development-research/indigenous-women-and-girls-in-nepal-a-brief-overview/?doing\\_wp\\_cron=1643114872.1635479927062988281250](https://nidwan.org.np/development-research/indigenous-women-and-girls-in-nepal-a-brief-overview/?doing_wp_cron=1643114872.1635479927062988281250)

<sup>11</sup>NIDWAN and INWOLAG 2021. Aspiration and Realities to Imagine Violence Free lives for indigenous Women and indigenous Women with Disabilities: An Initial Step towards it, Women Fund Asia. Unpublished. [https://nidwan.org.np/development-research/research-on-violence-unheard-voices-collective-violence-against-indigenous-women-and-indigenous-women-with-disabilities/?doing\\_wp\\_cron=1641882563.4681360721588134765625](https://nidwan.org.np/development-research/research-on-violence-unheard-voices-collective-violence-against-indigenous-women-and-indigenous-women-with-disabilities/?doing_wp_cron=1641882563.4681360721588134765625)

<sup>12</sup>Ibid, Focus group discussion held for the report NIDWAN and INWOLAG 2021. Aspiration and Realities to Imagine Violence Free lives for indigenous Women and indigenous Women with Disabilities: An Initial Step towards it, Women Fund Asia. Unpublished



within indigenous communities like excessive alcoholism in ceremonies like marriages, celebration and festivals.<sup>13</sup>

#### IV. Violence against Indigenous Women and Girls with Disabilities

Indigenous women, including those with disabilities, face significantly higher rates of violence in Nepal, for instance, a study conducted in Nepal in 2021 with 210 indigenous women with and without disabilities highlights that 87.62% of indigenous women and girls reported that they have been subjected to violence. They identified that the reasons for this violence were based on many factors that were related to discrimination based on their indigenous ethnicity, including weak educational and economic conditions (59.52%), lack of awareness (54.76%), lack of access to and understanding of justice mechanisms (53.81%), multiple layers of discrimination based on gender, ethnicity and other grounds (45.71%), the misperception that indigenous women and girls are easy to persuade (42.86%), and racism and bias against indigenous communities (36.19%).<sup>14</sup> The study found that indigenous women with disabilities were at even higher risk of violence than other women, including other indigenous women. The reasons they reported for this higher risk of violence included, among other factors, negative beliefs related to disability (60.48%), and lack of awareness about the rights of indigenous women and persons with disabilities (59.52%).<sup>15</sup>

Furthermore, women and girls with disabilities face greater exposure to a wider range of potential perpetrators, such as the people on whom they may be physically, economically, or socially dependent, including intimate partners, family members, healthcare providers, teachers, or personal care assistants. Indigenous women and girls with disabilities are more likely to stay in abusive situations for longer periods of time and remain silent, as they are often more reliant on people and may have fewer options, such as access to support networks and limited reliable safe places.<sup>16</sup> The practice of law enforcement by states and authorities have been discouraging for indigenous women with disabilities to seek justice. And the reporting process for them become challenge in many ways and when incidences of violence are reported, women with disabilities are often viewed as unreliable and their testimony tends to be disregarded, putting them at greater risk of violence.<sup>17</sup> Moreover, Indigenous women with disabilities have fear of reprisal in reporting their

<sup>13</sup> Ibid, NIDWAN and INWOLAG, 2021. *Aspiration and Realities... WFA Report* explains, “one area where women’s Indigenous Knowledge is not fully respected is around their role as the custodian of nature, holder of the indigenous knowledge and practices, and educator of the new generation. Their close ties with nature and nature-based practices are not recognized and are sometimes even criminalized. Indigenous women and indigenous women with disabilities are not in a conducive environment to enjoy their human rights due to insensitivity towards culture, languages and practices of indigenous peoples. For instance, indigenous women knowledge on alcohol making is criminalized. This criminalization then limits their Indigenous knowledge-based income, affecting their home-making, children’s education and use of their productions. This impacts indigenous women’s agency and their self-confidence as their knowledge is stereotyped” (page 20-34)

<sup>14</sup> NIDWAN, 2021. *Violence against Indigenous Women and Indigenous Women with Disabilities.* National Indigenous Disabled Women Association Nepal, MADRE <https://nidwan.org.np/development-research/research-on-violence-against-indigenous-women-and-indigenous-women-with-disabilities/>.

<sup>15</sup> NIDWAN, 2021. *Violence against Indigenous Women and Indigenous Women with Disabilities.* National Indigenous Disabled Women Association Nepal, MADRE <https://nidwan.org.np/development-research/research-on-violence-against-indigenous-women-and-indigenous-women-with-disabilities/>.

<sup>16</sup> Women Enabled International, *Fact Sheet: The Right of Women and Girls with Disabilities to be Free from Gender-Based Violence* (2018).

<sup>17</sup> NDWA, and Woman Kind. 2019. *Invisible Realities: Understanding the Lived Experiences of Women with Disabilities in Rural Nepal.* <https://www.womankind.org.uk/resource/invisible-realities-understanding-the-lived-experiences-of-women-with-disabilities-in-rural-nepal>



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cases of violence and are often uncomfortable to be part of humiliating justice system collection with insensitive and culturally inappropriate setting.<sup>18</sup>

In particular, field research conducted by NIDWAN in 2021 revealed that emotional and psychological violence is frequently used against Indigenous women, particularly Indigenous women with disabilities, in Nepal. Most Indigenous women, including indigenous women with disabilities, face discriminatory remarks, narratives, comments based on appearance and physical features, and are assumed to be uneducated and incapable, based on their culture and ethnicity.<sup>19</sup> This makes them feel humiliated, uncomfortable, disrespected, and ashamed in public places. Human rights activists working on Indigenous peoples' rights are frequently stigmatized, demeaned, threatened, humiliated and publicly criticized which are forms of emotional and psychological violence.

*“I am an educated and independent indigenous woman with disability however, most often I am publicly humiliated, harassed and demeaned and my capacity to contribute is questioned all the time in public forums by my counterparts (disabled and indigenous colleagues). I feel that I don't need to be physically beaten or raped; embarrassing in offensive way in public forum to person like me in my absence itself is a gross human rights violation and ethnic and disability based violence because I belong to certain group and work for their issues. With these behaviors in regular intervals of time with other psychological behaviour and activities, puts me psychologically distressed. I often get different psychological threatening phone call which makes me more defeated in my personal and profession life and feel unsafe and insecure.” (Field visit, 2021)<sup>20</sup>*

Most indigenous women with disabilities's works are discredited, are viewed as not capable of doing anything, over-protected or over reacted. They often work in conditions in which their rights to life, personal integrity, non-discrimination, freedom of expression, association, and assembly are curtailed and limited. Therefore, they are often excluded in decision-making and public spaces. That is why most indigenous women and women with disabilities do not feel comfortable/safe to speak in the public sphere, as safe, enabling spaces and respect for their individual identity are limited and remain limited at home and meaningful participation and public space remains challenge for them.

Indigenous women and girls with disabilities further face multiple and intersecting forms of violence in their daily lives both in private sphere, at the hands of partners, family members, and caregivers and in public sphere from state and non-state actors. Because of discrimination at the intersection of gender, disability, and indigeneity—such as lack of education, language and other communication barriers, stigma and cultural aspects —many indigenous women and girls with disabilities and their families may face barriers recognizing, defining, and describing the violence.

<sup>18</sup>Focus Group Discussion on Violence, of NIDWAN report held in March 2021 and AIPP, 2021. 16 Days of Activism against Gender Based Violence, Joint Statement of AIPP, NIWA on Violence against Indigenous women and girls <https://aippnet.org/wp-content/uploads/2021/12/Statement-on-VAIW-10Dec2021-web.pdf>

<sup>19</sup>Ibid, NIDWAN and INWOLAG, 2021. Aspiration and Realities to Imagine Violence Free lives for indigenous Women and indigenous Women with Disabilities: An Initial Step towards it, Women Fund Asia, WFA. Unpublished

<sup>20</sup>Interview with indigenous woman with disability during the information collection of the report NIDWAN, 2021. Violence against Indigenous Women and Indigenous Women with Disabilities, MADRE



*“I don’t know whether to explain or not about my daughter, I feel unsafe as a mother and sex, disability, age, our ethnicity, our local community’s perception, even my maternal home status and the way we are socialized matters! I am often told to remain silent regarding my daughter and so many things have happened in her life and might happen again but I realize that we have not been able to what we should have done, we have limitations and not access in so many things so just to remain silent is the way we have chosen” (Field visit, 2021)<sup>21</sup>!!*

## VI. Violence during the pandemic

Insufficient and inaccessible humanitarian responses,<sup>22</sup> severe health related problems,<sup>23</sup> limited access to information, basic services and safety nets, insecure and poor health infrastructures, racial and gender-based discrimination, and limited access to participation in decision-making are putting the human rights of Indigenous women and girls with disabilities in peril during the pandemic. The extended forms of gross human rights violation in the forms of collective violence like militarisation and fire attack to Chepang Indigenous communities<sup>24</sup> and food scarcity, increasing rates of violence, rape, abuse<sup>25</sup> and harassment are fueling threats particularly to indigenous women, including indigenous women with disabilities<sup>26</sup> who also have additional responsibilities to cope with the pandemic.

86.67% indigenous women with disabilities opined that the incidence or potential of violence against them have increased due to the Covid-19 pandemic. The safety and security of Indigenous women, including women with disabilities during the lockdown came under threat with an increase in gender-based violence such as domestic violence, harassment and rape (within families and communities) even in public quarantine centres. For instance, an eight-year-old girl from an indigenous community was raped, but the incident was recorded as falling down from the tree<sup>27</sup> and no intervention and action was done during the pandemic. The voices of indigenous women have been disproportionately suppressed and dispersed because of lock-downs and restrictions disallowing mass gathering and movement restrictions. Cases often go unreported due to social pressure, lack of awareness on complaints procedures, and lack of access to the justice system. At the same time, mainstream media’s focus and coverage on issues impacting indigenous women, including those with disabilities, remains limited.<sup>28</sup>

<sup>21</sup>Interview with indigenous woman with a disability during the information collection of the report NIDWAN and INWOLAG, 2021 Aspiration and Realities to Imagine Violence Free lives for indigenous Women and indigenous Women with Disabilities: An Initial Step towards it, Women Fund Asia. Unpublished.

<sup>22</sup>NIDWAN, 2021. Covid-19 and Its impact on Persons with Disabilities and Marginalized Groups in Nepal, UNDP and MRG <https://nidwan.org.np/publications/research-and-reports/covid-19-and-its-impact-on-persons-with-disabilities-and-marginalized-groups-in-nepal/>

<sup>23</sup>NIW Federation, et.al. 2020, Report on Indigenous Women of Nepal on COVID 19, Submitted to United Nations Special Rapporteur on the Rights of Indigenous Peoples.

<sup>24</sup>Amnesty International.2021, Violations in the Name of Conservation, available [https://www.amnesty.at/media/8655/amnesty\\_report\\_nepal\\_violations-in-the-name-of-conservation.pdf](https://www.amnesty.at/media/8655/amnesty_report_nepal_violations-in-the-name-of-conservation.pdf).

<sup>25</sup>NIW Federation, et.al. 2020, Report on Indigenous Women of Nepal on COVID 19, Submitted to United Nations Special Rapporteur on the Rights of Indigenous Peoples.

<sup>26</sup>[https://thehimalayantimes.com/nepal/man-held-for-raping-differently-abled-minor-in-rautahat/?fbclid=IwAR0OIJOLJnONefvnj6HLxqJc\\_ji1hRQjZ4EHDAfxzoWTQZvbFBRrmCax](https://thehimalayantimes.com/nepal/man-held-for-raping-differently-abled-minor-in-rautahat/?fbclid=IwAR0OIJOLJnONefvnj6HLxqJc_ji1hRQjZ4EHDAfxzoWTQZvbFBRrmCax)

<sup>27</sup>[https://ekantipur.com/pradesh5/2020/06/08/159163436052946781.html?fbclid=IwAR39e\\_HIpbW2Mh9P\\_ApePKiEbpfRRwI0PrTHC9\\_fui0FOyXdG3LqjXuTXtPw0](https://ekantipur.com/pradesh5/2020/06/08/159163436052946781.html?fbclid=IwAR39e_HIpbW2Mh9P_ApePKiEbpfRRwI0PrTHC9_fui0FOyXdG3LqjXuTXtPw0)

<sup>28</sup>Ibid, NIWF Covid Report on Indigenous women of Nepal 2021



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## VII. Recommendations

1. Acknowledge and include in policies the role of indigenous women, including women with disabilities, as ‘contributors’ and formulate inclusive, intercultural policies in line with UNDRIP, CEDAW and CRPD to create enabling safe space for indigenous women, including women with disabilities;
  2. Implement the recommendations of CEDAW and CRPD Committees regarding; ending discrimination and violence against Indigenous women and girls with disabilities in all our diversities;
  3. Stop violating and manipulating the rights of Indigenous women and girls in the name of development, political process, Covid-19 pandemic and emergencies;
  4. Ensure access to justice for indigenous women with disabilities that is accessible and effective and respects their language and culture.
  5. Disaggregate data by sex, gender, age, indigenous identity, language, religion and type of disability and increase the research available on indigenous women and marginalized genders with disabilities, analyzing data and its impact accordingly.
  6. Ensure that specific measures are developed to tackle the increased and unique barriers faced by indigenous women with disabilities regarding violence, including gender-based violence.
  7. Adopt policies and programs that address the indigenous, gendered, and disability impacts of the pandemic, and develop a legal framework, in line with both the CRPD and the UNDRIP, to provide the legal mechanisms to monitor and respond to the inequitable disability, gender, indigenous, health, and social effects of Covid-19.
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