

Joint Kathmandu Declaration 2016

Adopted by the National Human Rights Summit of Persons with Disabilities

12 December 2016

- We recognize that disability is a condition created by various environmental, social, communicational, organizational and attitudinal barriers and we believe on the new dimension of the disability that this condition must be changed,
- Persons with disabilities in Nepal are often marginalized, discriminated and neglected from many aspects of social, economic, political and cultural affairs, are at high risk due to various barriers and thus inclusion of persons with disabilities in development is essential,
- We fully agree that all human rights related declarations, treaties, covenants or conventions to which Nepal is the state party, are equally applicable to all including persons with disabilities,
- We fully commit to implement the human rights of persons with disabilities as guaranteed by the Convention on the Rights of Persons with Disabilities (CRPD),
- We accept that there is urgent need for implementing the Incheon Strategy to “Make the Right Real” for Persons with Disabilities in Asia and the Pacific (2013-2022) to which Nepal has committed,
- We fully commit to implement the rights of persons with disabilities entitled by the Constitution of Nepal 2015,
- We place special emphasis on the need of effective implementation of legal provisions ensured by other policies, rules, regulations and guidelines for ensuring provision of different facilities and opportunities to persons with disabilities in Nepal,
- We recognize that disability is part of human diversity and persons with disabilities have varying requirements that need to be considered in all aspects of disaster risk reduction (DRR) to ensure safety and protection of persons with disabilities in emergencies and disaster situations as stipulated by the CRPD, Art.11 as well as commit towards implementation of the Sendai Framework for DRR 2015-2030, Sustainable Development Goals, Incheon Strategy (Goal 7), New Delhi Declaration 2016 and Asia Regional Plan for Implementation of the Sendai Framework,

We, all participants of the National Human Rights Summit of Persons with Disabilities including representatives of government and non-government sectors, development agencies, Disabled

Peoples' Organizations (DPOs), private sector, national and international non-governmental organizations (I/NGOs), civil society, Media and academia, are committed to implement the following action points and recommend to all concerned stakeholders to protect, promote and establish the rights of persons with disabilities in Nepal.

1. Recommendations to the Government of Nepal

- 1.1. Set-up effective and standardized information and data management system on disability at national level through partnerships, collaboration and coordination with non-governmental actors and private sector.
- 1.2. Dismiss irregularities, discrimination and dilemma related to budget allocation for persons with disabilities under the targeted program of the local bodies, and clearly specify the proportion of budget allocation on disability through well-defined procedures ensuring mandatory participation of persons with disabilities in local level planning.
- 1.3. Approve and implement the bill on the Rights of Persons with Disabilities 2015 and the National Policy and Plan of Action on Disability (NPPAD) without delay.
- 1.4. Effectively implement the Guidelines on 'Accessibility to Physical Infrastructure and Communication Services for Persons with Disabilities 2069'.
- 1.5. Prepare a separate guideline and allocate adequate budget for the effective community based rehabilitation (CBR) services.
- 1.6. Make necessary arrangements in plans, programs and budget for the improvement of various aspects of the education system such as teaching-learning techniques, examination system, curriculum, evaluation techniques, educational materials and appropriate human resource development to address varying learning needs of persons with disabilities by ensuring inclusive education approach.
- 1.7. Promote production and effective use of different educational methods and materials such as sign language, audio books, braille, audio visual, tactile, pictures, etc. as per varying learning needs of students with disabilities to make the learning process inclusive for all.
- 1.8. Ensure that physical and educational environment of school are safe and accessible to children with profound disabilities children with intellectual disabilities, children affected by autism and children with learning disabilities.
- 1.9. Improve national and district level disability data collection in line with the Sustainable Development Goals (SDGs) by setting up effective and standardized mechanisms using a functioning approach and tools such as the Washington Group questions within the

National Population Census. Ensure data sharing between the Central Statistics Bureau, national disaster management authorities and other cross-sectoral multilateral, international and national actors.

- 1.10. Promote support service system including production of assistive devices in-country and setting the minimum standards for such services. Arrange sign language interpreters at important public places such as government offices and hospitals to ensure easy communication with persons with hearing impairments.
- 1.11. Provide adequate social security allowances to persons with profound disability for their livelihood needs and take special actions to eliminate discrimination and negligence within their families.
- 1.12. Provide adequate favorable environment and reasonable accommodation to persons with all types of disabilities for providing opportunities to receive education, health services, employment and training, taking into consideration the severity of their disability as well as poverty status.
- 1.13. Draft and implement effective transportation policy to promote safe and accessible transportation services to all and take required actions to implement the subsidy in fare in public transportation for persons with disabilities.
- 1.14. Provide free medical treatment and counseling services to those persons with disabilities who are taking regular medicines as well as regular medical check-ups and counseling for persons with hemophilia, persons with psychosocial disability, intellectual disabilities, multiple disabilities, spinal cord injuries and other persons with severe and profound disabilities.
- 1.15. Formulate required legal provisions to stop misuse of disability identity cards and introduce legal provisions for penalty. Eliminate confusion and ambiguity in the existing definition and classification of disability as well as in the guidelines for disability ID card distribution. Include/ cover the types of disabilities which are not covered by present definition of the disability.
- 1.16. Ensure reproductive health rights of women and youth with disabilities.
- 1.17. End all kinds of violence against women with disabilities with zero tolerance policy and make special arrangements with relevant service providers at district level for ensuring protection, adequate psychosocial support and legal access to the affected women as quickly and effectively as possible.
- 1.18. Ensure that persons with disabilities can equally participate and be represented in the government structures and mechanism such as federal parliament, state parliament,

national assembly, inclusion commission and local governance bodies as stipulated in the Constitution of Nepal by ensuring that relevant provisions are included in the electoral laws and regulations. Ensure the rights of all persons with disabilities to participate in casting vote and end all types of barriers that exclude persons with disabilities to participate in voting.

- 1.19. Design and implement required policy and programs to ensure equal access of persons with disabilities to the labor market of private and government sectors and build favorable environment for temporary teachers and employees with disabilities to include them in permanent service.
- 1.20. To promote self-employment of persons with disabilities, provide self-employment training, distribute seed money, promote cooperatives, saving and credit programs, provide soft loans and perform market promotional activities.
- 1.21. Institutionalize representation of persons with disabilities or their representative at any decision making process or program and plan formulation including monitoring and evaluation that affect the lives of persons with disabilities.
- 1.22. Promote and develop technology and means of communication such as sign language interpretation, braille, audio books, Digital Accessible Information System (DAISY) technology, Optical Character Recognition (OCR), screening, reading software, tactile sign language, speech interpreter, accessible websites, etc. to ensure access to information and communication by persons with disabilities.
- 1.23. Ensure all-of-society and inclusive approach to disaster risk reduction through meaningful participation of persons with disabilities and their representative organizations in all aspects of disaster risk reduction (DRR), including planning, implementation, monitoring and evaluation of inclusive risk reduction, prevention, preparedness and response initiatives from local to national levels, promoting effective cross-sectoral partnerships and capacity building.
- 1.24. Ensure meaningful participation of persons with disabilities and their representative organizations in decision-making processes related to disaster risk reduction (DRR)-and that all DRR-related policies, strategies, guidelines and action plans (e.g. National Disaster Risk Management Strategy, National DRR Action Plan, National Disaster Response Plan, District Disaster Preparedness and Response Plans, Post-disaster Recovery Framework, DRR mainstreaming guidelines, etc.) are disability-inclusive. Ensure that disability-related policies, strategies and action plans (e.g. National Policy

and Plan of Action on Disability) address the Article 11 of the CRPD, protection and safety of persons with disabilities in disasters and emergency situations.

- 1.25. Ensure DRR-related information, safety messages and early warning systems are provided in accessible formats for everyone including persons with various functioning limitations.
- 1.26. Ensure representation and meaningful participation of persons with disabilities and their representative organizations in the local governance structures and disaster relief committees, and that humanitarian response is inclusive taking into account specific needs of persons with disabilities including but not limited to health, WASH and education sectors in line with the Minimum Standards for Age and Disability Inclusion and Sphere.
- 1.27. Ensure that disaster preparedness and response, recovery, rehabilitation and reconstruction are based on “build back better” principles, including addressing the root causes of risk and vulnerability for achieving equitable economic, social, health and cultural resilience of all people including persons with disabilities.
- 1.28. Ensure that all newly built infrastructure including schools, hospitals and shelters are made safe and accessible following the principles of Universal Design and “build back better”.

2. Recommendations to the donor agencies

- 2.1. Include disability issues in the development policy, strategy and implementation, especially in programs of bilateral and multi-lateral development agencies focusing on inclusion of marginalized groups. Ensure that persons with disabilities equally benefit from all development activities implemented through the government, other partners or directly by the donor agencies.
- 2.2. Provide orientation and training on the concept of disability, CRPD and issues related to disability as minimal to their partners, staff and policy makers.
- 2.3. Ensure the collection of disaggregated data on disability while developing information system and instruments for monitoring and evaluating the development work, as well as participation of persons with disabilities, their representative organizations or related experts during monitoring and evaluation.
- 2.4. Invest resources in areas related to empowerment of persons with disabilities, capacity building, economic empowerment, educational development, provision of assistive devices, training, support services, promotion of accessible technology, self-

employment, access to market and human resource development with professional skills. Also support mobilization and technical enhancement of service providers for early identification and intervention, setting up data and knowledge management system, study and research on disability, construction of accessible infrastructure, etc. and support and encourage government to work in these sectors.

- 2.5. Initiate effective actions to end discrimination faced by persons with disabilities in receiving equal services as others from different insurance companies. Also, dismiss the discriminatory policies that violate the right to have bank account and use ATM cards by persons with disabilities and formulate appropriate policies.
- 2.6. Take needful initiation to adopt the Marrakesh Treaty to Facilitate Access to Published Works for Persons who are Blind, Visually Impaired or Otherwise Print Disabled by the government of Nepal.
- 2.7. Ensure that all humanitarian and development programs supported by the donor community are inclusive and risk aware, and prioritize inclusion of most at-risk groups including persons with disabilities in disaster risk reduction planning and programming.

3. Recommendations to the UN agencies

- 3.1. Create required environment to implement the Convention on Right of Persons with Disabilities (CRPD), monitor the implementation status of the convention and enhance capacity of government and other key stakeholders to implement the convention.
- 3.2. Provide orientation to the UN staff and its partner agencies on the rights-based approach to disability and the CRPD.
- 3.3. Invest in capacity enhancement of Disabled Peoples' Organizations and their mobilization as well as support in leadership development and meaningful participation.
- 3.4. Advocate with the government and provide support to the government agencies in enhancing their capacities to implement the CRPD.
- 3.5. Monitor the implementation status of the CRPD and provide suggestions and recommendations to the government.
- 3.6. Ensure that persons with disabilities are included and equally benefit from development initiatives supported by the UN agencies either through the government or any other partner.
- 3.7. Provide technical support to the government and other mainstream actors for fostering cross-sectoral engagement and planning, implementation, monitoring and evaluation of disability-inclusive disaster risk reduction from community to regional levels.

- 3.8. Ensure meaningful participation of persons with disabilities and their representative organizations in the UN-supported humanitarian and development programs including DRR-related policy development and practice.
- 3.9. Support establishment of effective and standardized mechanisms for national and district level disability data collection using a functioning approach and tools such as the Washington Group questions. Foster cross-sectoral sharing and learning, including research on the disaggregated data and relation between disability and disaster risk (e.g. study on the impact of the Nepal earthquake on persons with disabilities).

4. Recommendations to the international and national Non-Governmental Organizations (I/NGOs)

- 4.1. Ensure access to and inclusion of persons with disabilities in development programs supported and implemented by national and international non-governmental organizations in areas such as education, health, employment, construction/ infrastructure development, capacity building, leadership development, information technology, etc. Keep the disaggregated data of persons with disabilities in the beneficiary data information system.
- 4.2. Ensure that persons with disabilities are included during implementation of all development initiatives targeted at marginalized groups recognizing that there might be persons with disabilities among various ethnic, economic, gender and geographic groups.
- 4.3. Provide adequate orientation on the new dimension of disability, Convention on the Rights of Persons with Disabilities, disability-inclusive development, definitions and classifications of disability adopted by Nepal, existing policy and legal framework, available services and benefits to all staff working in I/NGOs Nepal.
- 4.4. Collaborate and partner with Disabled Peoples' Organizations (DPOs), specialized organizations on disability and specialized service providers while implementing targeted programs for persons with disabilities.
- 4.5. Invest resources to implement the state policy and programs related to disability and focus on capacity development, participation and mobilization of the DPOs.
- 4.6. Increase investment for capacity development of DPOs, production, promotion and distribution of modern assistive devices, technical capacity enhancement for early identification, intervention and rehabilitation, employment and self-employment of

persons with disabilities and inclusive education creating accessible environment to enable government structures and mechanisms work on the issues of disability.

- 4.7. Strengthen capacities of persons with disabilities and their representative organizations to support their meaningful contribution to all phases of Disaster Risk Reduction (DRR) and ensure meaningful participation of persons with disabilities, including women, children and youth, and senior citizens in community-based DRR initiatives.
- 4.8. Carry out inclusive community risk assessments and DRR planning at the local level, including household data collection using a functioning approach and tools such as the Washington Group short set of questions (e.g. as part of the community Vulnerability and Capacity Assessments).
- 4.9. Support improving access to DRR information, communication and services for persons with disabilities (e.g. inclusive and accessible early warning systems, inclusive evacuation plans and simulation exercises/drills, etc.).
- 4.10. Support establishment of a pool of human resources on disability-inclusive DRR including facilitators and trainers with disabilities, training of first responders on disability-inclusive disaster response, etc. and promote good practices and resource materials on inclusive community-based DRR.
- 4.11. Promote Universal Design and assistive technology in DRR for accessible physical infrastructure, communication and services to ensure participation and reduce risk for all.
- 4.12. Promote disability-inclusive disaster preparedness to adopt “build back better” principle for effective response and recovery, rehabilitation and reconstruction.

5. Recommendations to the private sector

- 5.1. Promote accessible work-place, market, shopping centers, information technologies, road and transportation services, and production and sale of other goods and services capitalizing on the premise that persons with disabilities are productive labor force and are equally capable customers.
- 5.2. Ensure equal access for persons with disabilities to any development works or physical construction for public use supported by private sector.
- 5.3. Make all tourism places in Nepal accessible to all including persons with disabilities and establish at least Universal Access to World Cultural Heritages to promote accessible tourism in Nepal.

- 5.4. Ensure that private transportation services are accessible for all providing equal access to persons with disabilities as others in transportation services operated by private sector.
- 5.5. Ensure that all services, benefits and programs of private sector are inclusive and operated without risks.

6. Recommendations to the Media

- 6.1. Manifest the issues of rights of persons with disabilities in media and discourage the traditional approach of portraying persons with disabilities from the charity perspective.
- 6.2. Provide orientation on the issues of persons with disabilities to employees and journalists of the media houses and give priority to the disability issues while reporting on social issues.
- 6.3. Give priority to the articles, feature stories, etc. related to the rights of persons with disabilities and discourage negative social image towards disability and persons with disabilities.
- 6.4. Promote rights-based approach to disability and discourage using disrespectful words, phrases, sentences and literature that give or indicate negative social image towards disability and persons with disabilities in mass media.
- 6.5. Increase role of media in disaster risk reduction (DRR) and safety-related information, education and awareness raising, ensuring universal and equitable access to information by all including persons with disabilities.

7. Recommendations to the Disabled Peoples' Organizations (DPOs)

- 7.1. Raise public awareness about rights of persons with disabilities in community and inform persons with disabilities and local stakeholders about the state laws, rules, policy and programs.
- 7.2. Collect information, data, case studies and evidence related to status, challenges and barriers faced by persons with disabilities at local level and advocate ensuring access of persons with disabilities to services and opportunities based on the collected information and evidence.
- 7.3. Orient local stakeholder agencies about the rights of persons with disabilities and facilitate to make them sensitive and responsive towards services and priorities of the persons with disabilities.

- 7.4. Advocate to mainstream disability issues in various services and economic, social and cultural empowerment programs at local level.
- 7.5. Develop network and collaboration with local organizations, private sector, media, etc. to raise the strong voice for the rights of persons with disabilities at local level.
- 7.6. Implement capacity development programs to enhance the capacity of persons with disabilities in various sectors and enable them to speak out about their rights.
- 7.7. Coordinate and collaborate with concerned stakeholders including government to deliver existing and available services and benefits to persons with disabilities.
- 7.8. Perform various actions to ensure rights of persons with disabilities at local level as well as bring positive changes in their lives.
- 7.9. Ensure that safety and protection of persons with disabilities in disaster and emergency situations (CRPD Art.11) is addressed in the national disability-related policy advocacy, development and practice.
- 7.10. Focus on internal human resource development on disability-inclusive disaster risk reduction (DiDRR) for effective advocacy and partnerships as well as representation and meaningful participation of persons with disabilities in DRR-related mechanisms from local to national levels.

8. Recommendations to the service providers

- 8.1. Provide specialized services including rehabilitation service, assistive devices, treatment, physiotherapy, counseling services, etc. to persons with disabilities considering these as their basic rights rather than welfare.
- 8.2. Provide quality services considering varying needs and requirements of persons with disabilities and respect their right to choice and decision-making.
- 8.3. Decentralize the services and facilities to rural areas.
- 8.4. Transfer skills, knowledge and experience of service providers to different parts of the country and provide opportunities for persons with disabilities to learn and utilize those skills.

9. Recommendations to the civil society

- 9.1. Raise the voice and rights of persons with disabilities in different forums and ensure participation of persons with disabilities in different civil society programs.
- 9.2. Foster local leadership and forums on disability-inclusive disaster risk reduction.