

# **Surkhet Declaration on the Human Rights Relating to the Persons with Disabilities**

**16<sup>th</sup> November, 2017, Surkhet**

Several voices have been intensifying on the issues of human desire and necessity from the very beginning of human civilization. The issues of inhuman treatment on the basis of discrimination and unequal treatment not recognizing the differences are also prevailing from the initial phase of human civilization. Human rights are defined by the Universal Declaration of Human Rights promulgated on 10 December, 1948 by the UN General Assembly. To protect the human rights of citizens is the obligation and duty of every state. Though the United Nations and International Networks adopted various declarations for the development and empowerment of persons with disabilities from 1960s to 2000s, these all could not offer noteworthy contribution for Persons with Disabilities. Welcoming the adoption of the **Convention on the Rights of Persons with Disabilities 2006** by the 61<sup>st</sup> UN General Assembly and ratification by Nepal, the provisions in the Constitution of Nepal, the **Disability Rights Act 2074**,

During two day Provincial Conference organized by National Human Rights Commission on 15<sup>th</sup> to 16<sup>th</sup> November, 2017 at Birendranagar, Surkhet on **Rights Relating to the Persons with Disabilities** participants consist of the Commission, representatives of various state agencies, District Women and Children's Offices, National Federation of Disabled Persons Nepal, Persons with Disabilities, Civil Society, representatives of human rights sector and other institutions specially acknowledging the inaugural remarks made by Honorable Member Sudip Pathak and commitments by participants this **Surkhet Declaration on the Human Rights of the Persons with Disabilities 2017 (2074)** is proclaimed.

- Realizing the principles of universality and effectiveness of fundamental liberty and human rights reminding the right to respect, equality and inalienability of all human beings,
- Reminding the interrelated values and principles like universality, indivisibility and interdependence of all human rights expressed in the Universal Declaration of Human Rights 1948,
- Reaffirming the need for the full implementation of the provisions in **the Convention on the Rights of Persons with disabilities 2006 and its Optional Protocol 2006** adopted by United Nations General Assembly,
- Reaffirming the role of the National Human Rights Commission for the protection and promotion and, realizing coordination and collaboration with the National Human Rights Commission, Civil Society, Non-governmental Organizations and concerned agencies for the protection and promotion of the human rights of the Persons with Disabilities,
- Expressing support, effort and contribution to build strong solidarity, coordination, collaboration for the following acts respecting the mechanisms and provisions for effective implementation, protection and promotion of human rights enshrined in the preamble, fundamental rights chapter as well as directive principles of State of the **Constitution of Nepal (2072)**,

- Recalling the **Disability Rights Act 2074** in the changing context, we express solidarity for necessary effort, coordination and collaboration for the implementation of following issues related to the persons with disability on behalf of the Conference concluded at Birendranagar, Surkhet.
1. **Education:** fully implement the provisions of free and effective education in the community based and private educational institutions, similarly implement preparing the disability friendly infrastructures for providing education making effective to the special education (*Bisesh Kshisha*). (physical infrastructure, resources, assistants, transportation, compulsory provision of sign language and intellectual disability focused trained teachers, ensuring easy access and cheaper necessary reading materials including braille alphabet.
  2. **Health:** ensure free health services to the persons with disabilities in all levels of state in the government owned health institutions, effort for free distribution of all medicines, ensure access and free health insurance initiated by the state to the persons with disabilities, ensure the right to reproductive health to women with disabilities and legal treatment. There must be free beds and compulsory provision of sign language interpreters in the hospitals.
  3. **Employment:** There should be an increase in the employment opportunity provided by the Public Service Commission from 5 percent to 10 percent for persons with disabilities. There should be at least 5 employers in the private or government funded organizations if the employers are 25 or more, provide skill development training including income generation activities to the persons with disabilities in accordance with their ability, and their easy access to services should be ensured, including employment merging helpdesk of Office of the Women and Children at the local level.
  4. **Participation:** There should be meaningful and compulsory participation of the persons with disabilities in all levels of state, non- governmental organizations, public agency, chamber and commerce, private sectors, communication and transportation. Ensure the representation in accordance with the Constitution of Nepal (2072) as political representatives as well as ensuring compulsory participation in the local level government amending the Constitution, intensely demanding for the formation of a National Commission for all round development of persons with disabilities.
  5. **Access:** All the governmental and public infrastructures should compulsorily be constructed in a disability friendly manner for equal access for all including other persons to the persons with disabilities. Conduct public awareness program down to grassroots level on the issues of disability friendly physical infrastructures and ensure free of cost and easy availability of accessory materials in accordance with adaptability.
  6. **Transportation:** Ensure implementation of the discount provision on air transportation and public transportations (implementation of 50 percent discount in public buses, and 100 percent discount to those who are fully disable, 75 percent for those with severe disabilities, 50 percent to those with moderate disabilities and 25 percent to those with mild disabilities with compulsory quota in the domestic as well as international air transportations.

7. **Entertainment:** Ensure the right to entertainment for persons with disabilities on an equal basis with all other people, ensure participation in fairs, programs, meetings, cultural programs and availability of materials and participation based on their capabilities in the areas of sports. Matrimonial life of the persons with disabilities should be made easier, housing programs should be launched to the homeless, landless and poor persons with disabilities.
8. **Area of Information and Communication:** Initiate necessary efforts to establish access to organizational, information and communication as well as public service with full and effective implementation of the Accessible Physical Structure and Communication Service Directive for the Persons with Disabilities 2069. Ensure facilitation of sign language interpreters and assistants in public service and programs. Ensure the effectiveness of Help Desks. Take forward the concept of Universal Design in the construction of physical infrastructure, production and services.
9. **Rehabilitation of the Persons with Disabilities:** Ensure rehabilitation of the persons with disabilities in communities providing different income generation training, education, skill development, medical treatment and the skills oriented employment opportunity.
10. **Data Collection and Research:** Collect the data of the Persons with Disabilities from province no 6, conducting research and preparing the report on the overall issues like prospects, challenges and difficulties as well as the life style of the persons with disabilities and move forward in accordance with this research.
11. **Declaring the Special Zone:** Declare Karnali and the former disadvantage areas (Humla, Jumla, Mugu, Dolpa, Kalikot, Jajarkot, Salyan, Western Rukum) as special area in the sector of disability, adapting the principles accordingly, participation should be ensured in all level's programs, policies and decision making in the state. In addition, priority should be given to the principle of proportional development of province no. 6 from the national level, formulate and implement the provincial level policy creating easy access to every services and facilities due to disadvantageous geographical location.
12. **Act and Law Implementation:** This conference acknowledges the **Act Relating to the Rights of Persons with Disabilities 2017 (2074)** approved by Rt. Honorable President of Nepal on 15<sup>th</sup> October, 2017 after it was passed by the parliament on 6<sup>th</sup> August 2017. Similarly, demand strongly to monitor the implementation of the act for its effectiveness and to commence drafting and implementing the rules. Make efforts to full implement the laws related to the Persons with Disabilities. Though various laws have been promulgated, implementation is not satisfactory. In case of non-implementation of the rights, services and facilities ensured by the Act and laws, language related to disability and treatment, make effort to punish the concerned person and agency who fail to use appropriate language finding the facts through monitoring.
13. **Human Rights Protection and Promotion:** Increase coordination and dialogue with concerned governmental agencies, civil society, human rights organizations including all the stakeholders for the protection and promotion of human rights of Persons with Disabilities, awareness raising programs related to the rights of Persons with Disabilities.

14. **Right to Dignified Life:** End discrimination against the Persons with Disabilities, to respect their civil, political, economic, social and cultural rights, make efforts to ensure the environment of self-help and respectful life empowerment of Persons with Disabilities, and including them in the process of policy formulation and development.
15. Monitor and protect in case of violation of human rights of the Persons with Disabilities by the National Human Rights Commission using its complaint handling mechanism. Similarly, make an effort to ensure justice and provide compensation to the victims on the basis of national and international norms and values.
16. Ensure coordination and collaboration by National Human Rights Commission with the governmental agency, civil society, National Federation of the Disabled Nepal for capacity building of organizations working in the sector of disability.
17. Political Participation: Provision of drawing attention to establish the political rights from the Local, Province to Federal level in the context of various Acts and Laws being developed and amended if the issue of disability in this moment is not prioritized it is certain that accomplishment of rights can go a decade further and achievements of the change cannot be realized for Persons with Disabilities.
18. It is certain that the Local Level can prepare and implement the laws, by-laws, rules, policy and guidelines. In such a situation the issues of the Persons with Disabilities shall be prioritized if the issues are identified and recognized by the Local Level. There should be campaign in the days ahead on this basis.
19. Provision of day care to the children with Learning Disability, Autism, Cerebra Vascular Accident and individual having health problems, provision of individual assistant to those with Complete Disability and Sever Disability with self-respect and life sustained enough social security.
20. Policy and Program formulation and Budget Allocation to ensure the human rights of the Persons with Complete and Sever Disabilities recognizing the Independent Living Concept in the Federal, Provincial and Federal Level.
21. Prioritization with easy access in the distribution of driving license to all types of Persons with Disabilities who can drive vehicles.
22. Special provision to protect the Abandoned and Orphaned Persons with Disabilities, management of protection homes, construction and operation of at least one rehabilitation center in two districts per provincial under this provision.
23. There shall be made the disability friendly constructions in the Provincial and Local level. Continuous coordination and collaboration between the Local, Provincial and Federal governments as well as the concerned agencies to include the issues of disability in all laws which will be enacted in the Federal, Provincial and Local level.
24. Provision of immediate testing of fake identification cards to ensure the reservation facility to the needy and targeted persons and distribution of the identification cards easily at the

local level with revision of the size of the identification card should be in the size of citizenship being distributed recently.

Finally, we persons and agency participated in the conference are committed to implement all the issues mentioned in the declaration. We would like to specially thank Persons with Disabilities, the National Human Rights Commission, Offices of Women and Children, Journalists and all the Concerned Agencies participated in this historical conference. Similarly, we would like to specially request journalists to support for publication and broadcasting the spirit of the Surkhet Declaration 2017 which is made public through this Provincial level conference of the Persons with Disabilities. In addition to this, we are committed to regular monitoring and review of the implementation status of this declaration.

**Thank You!**