



Kathmandu Declaration¹

We, all the participants with psychosocial disability, in the 'National workshop on Capacity Enhancement of Persons with psychosocial disability in the backdrop of cross disabilities', organized by KOSHISH, A National Disabled People's Organization, in the presence of representatives from the National Human Rights Commission and United Nations Development Program and other participants, and with the partnership of TCI-Asia Pacific on 19th and 20th July, 2019 at Kathmandu,

Acknowledge that,

- The Government of Nepal has included psychosocial disability in the disability welfare Act, 1982 as mental disability.
- Persons with psychosocial disabilities were able to come structurally since 2008 and that led to the psychosocial disability momentum
- The Parliament of Nepal ratified CRPD and its optional protocol without any reservation on 27 December 2009 and got UN approval on May 7, 2010.
- Endorsement of Disability Rights Act in 2017 and categorization of psychosocial disability among 10 types of disabilities for the first time in the Disability Rights Act 2017.
- In line with the Disability Rights Act, Disability Rights Regulation adoption process is going on.

Concerned that,

The Disability Rights Act 2017 is:

- Still not clear about paradigm shift of medical model to social model i.e. the definition of psychosocial disability in the act is focusing on the impairment of person (stating about memory problem, dysfunction in the brain, etc.) and not as multiple barriers i.e. social exclusion, misconception, legal discrimination, etc.
- Silent on state obligation (To take all appropriate measures, including legislation, to modify or abolish existing laws, regulations, customs, and practices that constitute

¹ The declaration has been prepared in reference to Disability Rights Act 2017, UNCRPD, UNCRPD Concluding Observation to Nepal 2018 and Bali Declaration 2018.

discrimination against persons with disabilities) on harmonization of the legal system in which provisions are discriminatory and inhumane which is against UN CRPD.

- Promoting guardianship and substitute decision-making rather than supported decision-making, which fails to ensure full legal capacity for the person with psychosocial disability in line with UN CRPD article 12 (equal recognitions before the law).
- Has provision for the establishment of a rehabilitation center in each province, which is not in line with UNCRPD Article 19. It is silent about a person with disability living independently and included in the community. In addition, such provision can promote seclusion and isolation.

We submit, the following measures to be realized, with due consideration that persons with psychosocial disability be meaningfully engaged in every step.

- Amendment of definition of psychosocial disability from a human rights perspective, focusing on barriers and not on impairment.
- Abolishment or revision of all the discriminatory laws and policies which restricts participation of persons with psychosocial disability, on an equal basis with others and legal harmonization in compliance with UNCRPD.
- Create a support system and provide community based rehabilitation services for social inclusion of person with psychosocial disability in every aspect of life, and prevent from seclusion and isolation.
- Abolish guardianship and substituted decision-making and promote supported decision-making by developing mechanisms, which respect the full legal capacity of persons with psychosocial disability.
- Reform the current mental health system to provide holistic mental health services in all the levels (Primary, Secondary, Tertiary) of health care facilities with trained human resources.
- Protect the rights of the person with psychosocial disability in employment, education, housing, shelter, food, health and hygiene in fulfilling the basic requirement of fundamental rights without discrimination.
- Guarantee the electoral and political rights (right to vote and right to be a candidate) of persons with psychosocial disability and ensure their participation in public life without legal barriers.
- Use appropriate measures to protect persons with psychosocial disability from exploitation, violation and abuse both within and outside the home.
- Use appropriate measures to obtain quality information regarding the condition of persons with psychosocial disability in upcoming census 2021, which will contribute towards enjoyment of their fundamental rights and special provision as per the constitution of Nepal.
- Pay particular attention towards marginalized groups of children with disabilities in rural and mountainous areas, in particular children with intellectual and/or psychosocial disabilities and those from indigenous groups.
- Include provisions for persons with psychosocial disability in the National DRR Policy and its subsequent Strategic Action Plan (2018-2030).

- Designate or establish independent mechanisms in compliance with Article 33 of UNCRPD to promote, protect and monitor the implementation of the Convention taking into account the human rights of persons with psychosocial disability.
- Develop monitoring mechanisms for existing private and public mental health services and make it compliant to Article 28 of UNCRPD (Adequate standard of living and social protection).

'Respect Our Choice, Our Voice and Autonomy'