**Inputs to the CRPD Committee for upcoming General Comment on Article 11 CRPD**

**11 February 2023 – Kathmandu, Nepal**

The present submission was adapted from a report submitted to the Committee on the Rights of the Child as input to the CRC Committee’s draft General Comment no 26 on children’s rights and the environment with a special focus on climate change. Given that climate change and its impacts also fall under CRPD Article 11, the findings submitted to the CRC Committee are being shared in this present report to the CRPD Committee. As such, the present submission is limited to the aspects of Article 11 that address climate change and climate-related disasters.

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# Introduction

## 1.1 Background

The National Federation of Deaf-Nepal (NDFN) prepared this report with the assistance of the Disability Rights Fund and the Disability Rights Advocacy Fund (DRF/DRAF) to provide input into the CRPD Committee’s General Comment on article 11 (see the Annex for more information on the organizations). This submission is based on a report submitted to the Committee on the Rights of the Child as input to the CRC Committee’s draft General Comment no 26 on children’s rights and the environment with a special focus on climate change. As climate change also falls under CRPD Article 11, we are sharing the findings with the CRPD Committee. On February 2, 2023, a consultation with children and youths with disabilities, as well as representatives from organizations for people with disabilities, was held in Kathmandu, Nepal to collect their inputs in the draft GC 26.

## 1.2 Objective

The purpose of this report is to highlight the concerns of persons with disabilities, particularly children with disabilities, about how climate change affects their lives and rights in Nepal.

## 1.3 Methodology

Participants for the consultation were invited from the DRF grantee, sub-grantee, and consortium organizations, making sure of the inclusion of people with disabilities in all their diversity. Altogether, 35 persons (18 males and 17 females) participated in the consultative workshop, including 27 persons with disabilities. These participants included three children under the age of 16 and nine youths in the age group of 16 to 25 from diverse disability groups.[[1]](#footnote-1) It was a transparent and informative consultation. Participants were informed about the subject matter and purpose of the consultation. They were also informed of the next steps following the consultation. Consent forms were signed by all participants and parental consent was obtained for the children participating in the consultation. The Consultation was respectful and child-friendly. The venue was centrally located and accessible for persons with disabilities and sign language interpretations were provided. The venue was safe and sensitive to possible risks. It was a mixed consultation involving youths, children, and adults. The workshop was facilitated by an expert on the rights of persons with disabilities and the rights of the child.

A video documentary on "climate change and its impact in Nepal" was shown at the beginning of the session. The documentary was in Nepali, making it easier for the participants to understand the subject matter and ignite the discussion. Then the participants were explained what "General Comment" is and what GC 26 is all about. The presentation was followed by group work among the participants. The majority of the event's time was spent on group work and discussions.

# Children’s rights to a clean, safe, and sustainable environment with a special focus on climate change in the Nepalese context

## 2.1 Nepal’s vulnerability to climate change

Warming in Nepal is projected to be higher than the global average. Nepal is expected to warm by 1.2°C to 4.2°C by the 2080s.[[2]](#footnote-2) The ecology in Nepal is already being significantly impacted by climate change, as species' ranges move to higher elevations, glaciers erode, and extreme precipitation events occur more frequently. Over the course of the 21st century, it is predicted that a number of natural disasters, including drought, heat waves, river flooding, and glacial lake outburst flooding, will become more severe, potentially raising the risk of catastrophe and endangering human lives.[[3]](#footnote-3) By 2030, climate change might cause the number of people yearly impacted by river flooding to more than double. The economic impact of river floods may triple at the same time. The risk posed by climate change is increased by the susceptibility of Nepal's communities, particularly those running subsistence agriculture, living in rural locations, and living in poverty.[[4]](#footnote-4) These populations might not have access to some crucial adaptation strategies, such as air conditioning, irrigation, water storage, and new crop varieties, and even with adaptation, they are likely to suffer harm and loss. Without assistance for the most vulnerable members of Nepalese society, inequality is likely to grow.[[5]](#footnote-5)

## 2.2 Children’s rights to a clean, safe, and sustainable environment in Nepal

*Constitutional and Legal Measures*

Article 30 of the Constitution of Nepal guarantees every person the right to live in a clean and healthy environment. Nepal’s Parliament passed the Environment Protection Act in 2019, replacing the Environmental Protection Act of 1997. A number of provisions in the Act are targeted at protecting and enhancing the environment. According to the preamble of the Act, those who have been harmed by pollution have the right to compensation from those who caused it. This arrangement is in accordance with Nepal’s Constitution’s ‘polluter pays principle’ as stated in Article 30(2). The Act of 2019 defines pollutants as chemical waste, heat, sound, and electronic magenta/radiations that degrade the quality of the environment. Similar to this, according to the Basel Convention of 1989, "harmful substances" refers to hazardous wastes transported over international borders. The 2019 Act provides powers as well as obligations to the federal, provincial and local governments to promote clean environment through environment impact assessment and verification of environment study reports of proposed projects in their respective jurisdictions.[[6]](#footnote-6) The Environment Protection Rule was enacted in 2020 to give effect to the provisions of the Environment Protection Act, 2019. Despite these constitutional and legal measures, Nepal seriously failed to implement these provisions.

*Situation of children’s rights to a clean, safe, and sustainable environment*

The Air Quality Index 2021 showed Nepal’s air to be unhealthy for sensitive groups that are sensitive to pollution, including young children, the elderly, those with respiratory conditions, and pregnant mothers. The index put Nepal on the list of the 10th most polluted countries out of 118 countries studied.[[7]](#footnote-7) Children do not have clean and safe open spaces and parks to play in or for recreation. Sewerage is directly mixed with the rivers and streams that flow inside the city, stinking up the nearby areas. Open spaces and cultivable land are disappearing with new construction. Deforestation is taking place. The air and water are becoming increasingly polluted. Most children living in rented rooms in urban areas had nowhere to go beyond their one or two rooms during the COVID-19-related lockdown. Most indigenous children who rely on forest, water and land for their daily lives receive polluted water, limited or almost no food from forest or land resulting them to starvation and apply alternative methods.

# Inputs from children and young people’s consultation

The participants were divided into three groups for the group discussions on three issues relevant to the GC 26 of the CRC. The rights of children and young people to a healthy environment, information and education, and participation were the focus of consultations with them.

Inputs from the consultation are presented as follows:

1. The right to a healthy environment

As rights-holders, children are entitled to protection from infringements of their rights stemming from environmental harm and to being recognized and fully respected as active environmental citizens. A clean, healthy, and sustainable environment is necessary for the full enjoyment of a broad range of children’s rights, including their rights to life, survival, and development; health; education; an adequate standard of living; housing, food, water, and sanitation; rest; play, leisure; cultural life; and protection from violence and exploitation. Conversely, environmental degradation adversely affects the enjoyment of these rights, in particular for specific groups of children, including children with disabilities, indigenous children, Dalit children with disabilities and children working in hazardous conditions.[[8]](#footnote-8)

The participants emphasized the absence of climate change information in an accessible format via information and communication media; not allowing children to participate in climate change meetings and conferences; not being able to create a curriculum about climate change in an accessible format (such as signages, pictorial, easy-to-read version, plain language, mother/local languages, braille, easily understandable language) for children with disabilities; and no consideration nor assessment of marginalized children.

So the participants highlighted the need to ensure the inclusion of climate change issues and solutions in the curriculum in the form of pictures, stories, and in other accessible formats that are understandable to all. It was also highlighted that it is equally important to plan and implement educational initiatives that help children comprehend environmental concerns and build their capacity to address climate change, for instance, by integrating the information into the curriculum.

Similarly, dissemination of climate change information in an accessible format through information and communication media—with special attention to children with disabilities—increasing awareness about climate change impacts among stakeholders, conducting a public awareness program by providing access to broad information, allowing children to participate in environmental decision-making processes, and protecting them from retaliation for participating in environment protection activities or expressing their views on environmental issues were emphasized in the workshop.

Furthermore, it is critical for children with disabilities to have news, awareness programs, and information in accessible formats and the inclusion of indigenous and most marginalized people who are from Dalits, Madhesi, Muslim, and other minority communities. Simplifying the subject matter of the impact of climate change on persons with disabilities according to a variety of disabilities through writing or sign language, mother tongue or local language was also highlighted by the participants.

1. The right to information and education

Education is one of the cornerstones of a child rights-based approach to the environment. It is instrumental in protecting children’s rights and the environment and in increasing children's awareness of and preparedness for environmental damage.[[9]](#footnote-9) Likewise, access to information is essential for enabling children and their parents or caregivers to comprehend the potential effects of environmental harm on children’s rights. It is also a crucial prerequisite for realizing the rights of children to express their views, to be heard, and to seek effective remedy on environmental issues.[[10]](#footnote-10)

In the given context, the workshop highlighted the following aspects of the right to information and education:

It was highlighted that before making a plan, a detailed study and impact assessments should be conducted on climate change to formulate policies and rules that do not affect the environment. More importantly, government and business should implement the policy of paying tax in a certain way by looking at the cost of operating the industry and the tax for certain products imported in accordance with investment transactions.

It was also emphasized that construction planners should arrange employment by allocating reservations for persons with disabilities, especially for persons with disabilities from the most marginalized and underrepresented groups[[11]](#footnote-11); Information, education, and communication materials should be developed and widely publicized by coordinating with youth and children's clubs and conducting additional activities in this regard; priority should be given to indigenous children and youth with disabilities in remote and difficult places; an extra effort has to be made in the study and research on the impact of environmental degradation on the children with disabilities and the children from ethnic minorities whose livelihoods are heavily based on natural resources like land, forests, and livestock; and public awareness about IEC materials should be raised and targeted programmatic intervention should be focused to those particular groups

Similarly, initiatives like making websites and information accessible and promoting it, making documentary and reference materials on disability inclusive climate actions with accessible formats, organizing oratory, essay writing, painting, organizing documentaries related to to local and indigenous peoples contribution, related to environmental protection, raising public awareness among children about encouraging farmers to reduce the amount of pesticides used to increase production in agriculture, and providing nature based and practical knowledge about the effects and causes of climate change to the children and making them learn about environment protection through acts such as planting trees, managing garbage in an environmentally friendly way, etc. were also pointed out.

1. The right to participation

For voluntary, respectful, and transparent participation, children should be provided with environmental and human rights education, age-appropriate, disability inclusive and culturally appropriate information, adequate time and resources, and a supportive and enabling environment. They should receive information about the outcomes of environment-related consultations and feedback on how their views were considered, and they should have access to complaints procedures and remedies when their right to be heard in the environmental context is disregarded.[[12]](#footnote-12)

Taking measures in accordance with the law and taking appropriate actions, like dismissing the Permanent Account Number of businesses that do not comply with the standards and managing social security allowances for the tax paid, were pointed out during the workshop.

Likewise, public awareness and orientation to the staff of households, hostels, schools, and rehabilitation homes; making policies, laws, and guidelines based on the concept of "Gender Equality, Disability, and Social Inclusion" to target the participation of children and youth with disabilities; conducting research in coordination with the stakeholders; and organizing roundtable discussions between the government and businesses to promote and advocate for the participation of persons with disabilities in climate change matters were also emphasized. The participants also highlighted that the children living in the most remote locations, like the Himalayan region of Nepal, including their parents, family members, caretakers, and even their teachers, have less opportunity to participate in any kind of discussion, forum, meeting, or workshop, including those related to climate change, to fully express their opinions and to have their voices heard. The remoteness and the distances in these remote mountain communities and the extra cost associated cause further exclusion and discrimination in the equal, meaningful, and effective participation of the children and their parents in such programs.

Dissemination of information via short message service, public service announcements with a sign language interpreter, radio, and social media to provide advance warning of disaster risks; public awareness and orientation to staff of hostels, schools, and rehabilitation centers; and accessibility of disability-friendly information targeting a diverse range of disabilities were all emphasized by the participants.

# Conclusion and Recommendation

## 4.1 Conclusion

Child rights are interlinked with the right to a clean, safe, and sustainable environment. With the change in climate and global warming worldwide, economically weaker nations like Nepal are becoming much more vulnerable to the consequences, as persons with disabilities, particularly children with disabilities, are unaware of how climate change affects their lives.

Despite Nepal's constitutional and legal guarantees of environmental rights, the provisions have remained only in the text of laws, with no priority given to their implementation.

Due to excessive industrialization, modernization, and the construction of massive physical infrastructures throughout the world, especially in developed nations like the western world, a great deal of harm has been done to the earth, air, nature, and entire ecosystem. On the other hand, people living in the third world, like in Nepal, where there are few developmental activities conducted, are paying a great deal in terms of health and environmental costs despite no wrongdoing on their part.

People do not have much information about the government’s efforts to improve the sustainability of the environment and slow down climate change. Public service announcements (PSAs), notices, and information are basically available in print format. Sometimes such information is transmitted through radio and broadcast on television. Even after doing so, these PSAs, notices, and information are not accessible to some persons with disabilities. In the absence of information, people in general and, especially, children with disabilities do not have access to be included in the government’s climate-related plans and activities.

Because of too much industrialization, modernization, and building of huge physical infrastructures specially in the developed country has created lots of damage to the earth, air, nature, and in entire ecosystem contributing a lot in today’s climate change. People living in the third world like in Nepal where there is limited developmental activities conducted, the land, air, forest and nature is still in its original form, but they are paying a lot in terms of climate change and its impact for doing nothing.

## 4.2 Recommendation

Organizations of persons with disabilities and Nepali children recommend that the CRC Committee consider the following issues while finalizing General Comment No. 26:

* Provide a separate section on the impact of climate change on children with disabilities including indigenous and underrepresented children and the responsibility of the government to protect them;
* Impose an obligation on states and businesses to provide information on accessible formats on the right to the environment and the effects of climate change to all children, including children with disabilities;
* Put the obligation on states to educate children and youths on their right to the environment and the impact of climate change on children with disabilities through various means and methods, including school curricula and in other recreational activities through targeted intervention.
* Put an obligation on states to make sure of the participation of children in general and children with disabilities in particular with diverse marginalized/ underrepresented groups are integrated in their plans, programs, and activities to improve the sustainability of the environment and slow down climate change.
* Put an obligation on the international community to assess the world’s developmental activities and their impact on the environment and climate change, and also make all countries and regions accountable for the results of their conduct causing the degradation of the environment and climate change. Impose additional obligations on those countries and regions to be more responsible and accountable for past environmental damage.
* The international community should assess the world’s developmental activities and its impact on the environment and climate change and also should make all the countries and region accountable for the results of their conducts causing the degradation of environment and climate change.

# Annex

**About the NFDN**

National Deaf Federation Nepal (NDFN) was established as an umbrella organization of people with hearing disabilities (based on visual signs for communication) named as deaf of Nepal in 1996. NDFN has been advocating and working in the recognition, development and dissemination of Nepali Sign Language (NSL), formation and capacity building of local deaf associations, interpreter training and service to deaf people, leadership, awareness and policy advocacy for the rights, political rights, disability inclusive disaster management, social equality and discrimination free deaf community in Nepal. Still majority of the deaf people do not have access to basic rights like communication, education, health, skill training, employment etc.  NDFN is a member of World Federation of the Deaf (WFD) and World Federation of the Deaf Regional Secretariat Asia Pacific (WFD RS A/P)

**About DRF/DRAF**

The [Disability Rights Fund and Disability Rights Advocacy Fund](https://disabilityrightsfund.org/) serve to resource, strengthen, and connect organizations of persons with disabilities (OPDs) through participatory grantmaking, advocacy, and technical assistance. DRF/DRAF support OPDs in the Global South to advance the recognition of rights as set forth in the Convention on the Rights of Persons with Disabilities (CRPD) and to engage in human rights, inclusive development, climate action, and peace and security at local, national, and global levels, for the equal and full participation and inclusion of persons with disabilities in society.

**Organizations contributing to this submission**

1.      Central Secondary School for the Deaf

2.      Nepal Association of the Blind (NAB)

3.      Blind Women Association Nepal (BWAN)

4.      KOSHISH

5.      National Federation of the Deaf Nepal (NDFN)

6.      Federation of the Women with Disability Nepal (FWDN)

7.      National Indigenous Disabled Women Association Nepal (NIDWAN)

8.      Society of Deaf-blind Parents Nepal (SDBP)

9.      Nepal Indigenous Disabled Association (NIDA)

10.   Access Planet

11.   Pahichan Nepal

1. People with disabilities: 27 (Male11, Female:16), Out of 27, Physical Disability:3, Visual Impairment:9, Hearing Impairment:6, Deaf-blindness: 3, Psychosocial Disability: 2, Parents of Deaf Blindness: 4 [↑](#footnote-ref-1)
2. Climate Risk Country Profile Nepal, World Bank Group and Asian Development Bank, 2021 <https://www.adb.org/sites/default/files/publication/677231/climate-risk-country-profile-nepal.pdf> [↑](#footnote-ref-2)
3. Ibid. [↑](#footnote-ref-3)
4. Id. [↑](#footnote-ref-4)
5. Id. [↑](#footnote-ref-5)
6. Chapter 2, Section 3 of the Environment Protection Act, 2019. [↑](#footnote-ref-6)
7. Air Quality in Nepal, <https://www.iqair.com/nepal> last accessed on February 4, 2023 [↑](#footnote-ref-7)
8. GC 26, no. 6-7 [↑](#footnote-ref-8)
9. GC 26, no. 31 [↑](#footnote-ref-9)
10. GC 26, no. 84 [↑](#footnote-ref-10)
11. The Underrepresented groups is as defined by the International Disability Alliance - <https://www.internationaldisabilityalliance.org/intersectionalities#:~:text=These%20underrepresented%20groups%20include%20persons,psychosocial%20disabilities%2C%20and%20autistic%20people>. These underrepresented groups include persons who are deafblind, persons with intellectual and psychosocial disabilities, and autistic people. Sometimes, these groups can also include women, children, older people and indigenous persons, as well as faith, ethnicity, caste, class, sexual orientation or gender identity minorities. The identities that make people more vulnerable to discriminación are different in different countries and contexts. [↑](#footnote-ref-11)
12. GC 26, CRC, no. 57 [↑](#footnote-ref-12)