

**3rd Draft: THE COMMONWEALTH DISABILITY INCLUSION PROTOCOL ACTION PLAN**

**[29th February 2024 after discussions with Prof. Luis Franceschi, Assistant Secretary Commonwealth Secretariat, who had formed the view that with these changes the document was more likely to be adopted at CHOGM**

**To be considered by States of the Commonwealth and to be adopted at CHOGM October 2024**

**Comments and support to R.L Rieser**

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***Preamble*** *We, the Heads of State and Governments of the Commonwealth*

***Acknowledging*** *the significant population of persons with disabilities within the Commonwealth, estimated at up to 400 million plus citizens, with over 60% being children and youth aged 30 years or under*

***Welcoming*** *the UN Convention on the Rights of Persons with Disabilities adopted on 13 December 2006, including provisions on care which should be provided based on free and informed consent informed by dignity, autonomy and the needs of the person*

***Welcoming*** *the adoption of the 2030 Agenda on Sustainable Development, particularly the Sustainable Development Goals and the Addis Ababa Action Agenda of the Third International Conference on Financing for Development*

***Considering*** *that Commonwealth Heads of States and Government meeting in 2018 and 2022 urged Member States to implement the United Nations Convention on the Rights of Persons with Disabilities (UNCRPD)*

***Further Considering*** *that 55 of 56 Commonwealth countries have ratified the UNCRPD that prohibits all forms of discrimination on the basis of disability*

***Recognizing*** *that Commonwealth countries have made various efforts to make real positive and inclusive changes of persons with disabilities and are at different levels of implementing the UNCRPD*

***Noting*** *that human rights and fundamental freedoms are universal, indivisible, interdependent and interrelated, and that the rights of every individual are recognized in international human rights instruments, including the Universal Declaration of Human Rights of 10 December 1948, the International Covenant on Economic, Social and Cultural Rights 16 December 1966 and the International Covenant on Civil and Political Rights 16 December 1966*

***Acknowledging*** *that persons with disabilities have inherent dignity and individual autonomy including the freedom to make one’s own choices*

***Recognizing*** *the diversity of persons with disabilities and including those with high support needs, as full and equal members of society*

***Concerned*** *that persons with disabilities continue to experience human rights violations, systemic discrimination, social exclusion and prejudice within political, social and economic spheres*

***Concerned*** *with the multiple forms of discrimination, high levels of poverty and the great risk of violence, exploitation, neglect and abuse faced by women and girls with disabilities*

***Concerned*** *to ensure that human rights and protections are equally enjoyed by children, youth and indigenous persons with disabilities, regardless of cultural, economic status or position*

***Determined*** *to promote and protect the rights and dignity of persons with disabilities ensuring their full and equal enjoyment of all human rights and fundamental freedoms.*

**Have agreed as follows:**

**Article 1 Definitions**

 For the purpose of this Protocol:

 “**Action Plan”** means the Commonwealth Disability Inclusion Action Plan.

**"Member States”** mean sovereign nations that have chosen to join the Commonwealth of Nations.

**"Persons with disabilities”** include those who have long-term physical, mental, intellectual or sensory impairments which in interaction with various barriers may hinder their full and effective participation in society on an equal basis with others.

**"Disabled people”** means embracing the social model, realizing that the systematic barriers of environment, attitude and organisation are what disable people with impairments and lead to prejudice and discrimination.

 **"Discrimination on the basis of disability** “means any distinction, exclusion or restriction on the basis of disability which has the purpose or effect of impairing or nullifying the recognition, enjoyment or exercise, on an equal basis with others, of all human and people’s rights in the political, economic, social, cultural, civil or any other field. Discrimination on the basis of disability includes denial of reasonable accommodation.

**"Inclusion**” ensures that all individuals, regardless of their physical or mental differences, have the opportunity to fully participate, contribute and belong within a group, organization or society. It involves creating an environment that values diversity and actively works to remove barriers, both structural and attitudinal, that may prevent individuals from fully participating and realizing their potential.

**“Barriers”** refers to any factor including communicational, cultural, economic, environmental, institutional, political, social, attitudinal or structural, which hampers the full and effective participation of persons with disabilities in society.

**"Accessibility”** refers to the design and provision of products, services, communications, environments and information in a way that allows all people, especially persons with disabilities to access, use and interact comfortably and effectivelyin all areas.

**“Communication”** includes means and formats of communication, languages, display of text, Braille, tactile communication, signs, large print, accessible multimedia, written, audio, video, visual displays, sign language, plain-language, human-reader, augmentative and alternative modes and accessible information and communication technology.

**‘’Commonwealth Secretariat means’’** the coordinating and administrative arm of the Commonwealth.

 **“Legal capacity”** means the ability to hold rights and duties and to exercise those rights and duties.

“**Reasonable accommodation”** means necessary and appropriate modifications and adjustments where needed in a particular case, to ensure to persons with disabilities the enjoyment or exercise on an equal basis with others of all human and people’s rights.

**“Disability Equality Training”** is training delivered by disabled people based on Social Model/Human Rights paradigm, who have been trained in applying this thinking to empower persons with disabilities in their right to equality and to identify barriers and solutions for them in environmental and social structures.

**“Twin Track Approach”** integrates disability-sensitive measures into all Commonwealth Secretariat and Commonwealth country policies and programmes and provides impairment-specific accommodations, support and accessibility for the inclusion and empowerment of persons with disabilities.

**“Universal design”** means the design of products, environments, programmes and services to be usable by all people, to the greatest extent possible, without the need for adaptation or specialized design. “Universal design” shall not exclude assistive devices for particular groups of persons with disabilities where this is needed.

 **Article 2 Purpose**

The purpose of this Action Plan is to promote inclusion, protect and ensure the full and equal enjoyment of all human rights and fundamental freedoms by persons with disabilities living throughout the Commonwealth, by the Commonwealth Secretariat, Governments and other relevant agencies.

**Article 3 General Principles**

This Action Plan shall be interpreted and applied in accordance with the following general principles:

* Ensuring inherent dignity and respect including the freedom to make one's own choices
* Non-discrimination
* Equality between men and women
* Full and effective participation and inclusion in society
* Respect for difference and acceptance of persons with disabilities (disabled people) as part of human diversity and humanity
* Accessibility
* Reasonable accommodation
* Respect for the evolving capacities of children with disabilities and respect for the right of children with disabilities to preserve their identities.

**Article 4 Equality and Non discrimination**

1. Member States recognize that persons with disabilities are equal before the law and are entitled without any discrimination to the equal protection and equal benefit of the law.

2. Member States shall prohibit all discrimination, on the basis of impairment and guarantee to persons with disabilities equal and effective legal protection against discrimination on all grounds.

3.Member States shall promote equality and take all appropriate steps to ensure that individualized reasonable accommodation is provided for persons with disabilities.

4. Member States shall take all appropriate legislative, administrative, budgetary and other measures in order to implement the United Nations Convention on the Rights of Persons with Disabilities (UNCRPD) and promote equality for persons with disabilities.

**Article 5 Human Rights Model of Disability**

Commonwealth Secretariat and Member States shall take appropriate and effective measures to remove systematic attitudinal, communication and infrastructural barriers that discriminate against persons with disabilities within the Commonwealth, by fully implementing the social model/human rights model of disability in line with United Nations Convention on the Rights of Persons with Disabilities (UNCRPD).

**Article 6 Equal and Meaningful Participation**

1. Commonwealth Secretariat and Member Countries commit to include persons with disabilities in a meaningful way in their work, and to effectively incorporate a disability-inclusive approach in all their research, policies, programmes, projects and operations.
2. Commonwealth Secretariat shall be intentional in including persons with disabilities as speakers and moderators during conferences, meetings and proactively ensure accessibility.
3. Commonwealth Secretariat and Governments shall ensure measures to ensure that women with disabilities enjoy these priorities equally with men with disabilities.
4. Commonwealth Secretariat and Member States commit to promote physical and digital accessibility both at headquarters and in field offices through the implementation of Universal Design principles, and through the proactive identification, removal and prevention of barriers.
5. Commonwealth Secretariat commits to ensure the accessibility of all meetings, conferences and events, whether they are conducted face to face or virtually, at Secretariat and in the field.
6. Commonwealth Secretariat and Member States shall put in place appropriate measures to effectively remove barriers, transform society and bring about changing attitudes towards persons with disabilities.
7. Member States shall establish clear accessibility standards for all communications and online and face-to face meetings to ensure they are inclusive of persons with disabilities.
8. Commonwealth Secretariat and Governments shall ensure that all documents, presentations, and materials shared during meetings are created in accessible formats.
9. The Commonwealth will adopt a twin-track approach to Implementation of Disability Rights. This means generally including a disability equality perspective across all activities (as the first track), but also recognizing that persons with different types and degrees of impairment require specific reasonable accommodations and support to exercise equality.

**Article 7 Promote Disability-Inclusive** procurement of goods and services, including for employment of third party contractors who work for Commonwealth Secretariat and Commonwealth Governments.

**Article 8 Inclusion of Persons with Disabilities in Policy Development**

1. Commonwealth secretariat and Member States shall ensure that when developing, adopting and implementing policies, laws and programs relating to persons with disabilities, there is direct engagement, consultation and involvement of them as experts through their recognized representatives, to ensure perspectives of persons with disabilities are incorporated.

**Article 9 Equal Employment of Disabled Staff**

1. Commonwealth Secretariat shall champion recruitment of persons with disabilities and ensure Member States are putting in place effective measures and strategies to ensure barriers are progressively removed to enable a wide range of persons with disabilities to be employed in the public and private sector, including by reserving and enforcing minimum job-quotas for disabled employees.

**Article 10 Implementation**

The Secretariat and Member States shall ensure the implementation of this Action Plan and shall indicate in their periodic reports submitted to the Commonwealth Secretariat, including the legislative and other measures undertaken for the full realization of the rights and strategies recognized in this Action Plan and by collaborating with implementing the Action Points.

**Article 11 Emergency Situations and Risk Reduction**

Persons with disabilities have been shown to be most at risk in the recent global Covid-19 pandemic and in the increasing hazards created by climate change and natural disasters. Persons with disabilities should be maximally involved in emergency measures and risk reduction programmes and procedures.

**Article 12 Capacity Building**

Commonwealth Secretariat and Member States shall take all appropriate legislative, administrative, budgetary and other measures, in order to build capacity of Government Ministers, Members of Parliament, Civil Servants, Advisors and Non-Governmental Organizations in understanding Disability Equality.

**Article 13 Cooperation within Commonwealth Secretariat, Member Countries and Accredited Organizations**

Cooperation with member States and within the Commonwealth Secretariat, at the level of headquarters and through Country Teams and Accredited Organizations to ensure effectiveness and consistency in implementing disability inclusion throughout the system, while considering each organization’s unique needs and characteristics**.**

**THE COMMONWEALTH DISABILITY INCLUSION ACTION PLAN - ACTION POINTS**

**The CHOGM leaders agree in collaboration with the Commonwealth Secretariat to progressively realize the above 13 Articles and the following Action Points:**

1. That within 2 years of this agreement CHOGM agree to hold a meeting of Commonwealth Ministers with responsibility for Disability to consider and share experiences on its implementation with a view to this becoming a regular Commonwealth event;
2. To gather disaggregated statistics in line with the Washington Group questions and protocols in Census, Household Surveys and other statistical activities;
3. To agree to collaborate in setting up a Commonwealth Country Dashboard on progress on the Disability Inclusion Action Plan and implementation of the UNCRPD;
4. Commonwealth Secretariat will support country members and civil society organisations in the reporting requirements to the UN CRPD Committee in Geneva;
5. For ongoing collaboration in expertise and financial assistance between member countries, especially between those more economically developed and the rest to develop implementation of the UNCRPD and disability equality;
6. To ensure that reasonable accommodations over access to buildings, access to information and accommodation is increasingly built into the planning of Commonwealth events;
7. Over time, developing a pool of Disability Equality Trainers and Access Auditors, within and between Commonwealth countries to facilitate Disability Equality Training and Access Audits of buildings and infra-structure;
8. Agree to developing the capacity to run systematic Disability Equality Training for Government Ministers, Members of Parliament, Civil Servants, Advisors and Non-Governmental Organizations;
9. To run all Development Plans through the requirements of the UNCRPD and the need for disability equality;
10. To increase the number and seniority of persons with disabilities employed in the Governments and the Commonwealth Secretariat;
11. To work with the private sector to develop cheap and effective assistive devices & technology and ensure its distribution to those who would benefit most;
12. To develop inter-country training and exchange of technicians who are able to develop the necessary competency to utilize such devices;
13. To implement the UNCRPD the Commonwealth should give priority to collaborate in developing Inclusive Education, Health Care, Work opportunities for persons with disabilities and supporting measures that will enable persons with disabilities to take part in elections and stand for office.
14. Set up a Commonwealth Disability Advisory Committee with representation from DPOs in the Regions, CDPF, Reps of State Parties, Commonwealth UNCRPD Committee Members and others relevant.

**TO BE ADOPTED BY THE COMMONWEALTH HEADS OF GOVERNMENT IN SAMOA, OCTOBER 2024 [including the agreement to implement the Action Points]**