

This position paper presents the impetus for integrating disability and accessibility in public procurement. It presents accessibility barriers persons with disabilities (PWDs) encounter to access WASH facilities in Rwanda. The paper suggests actionable policy recommendations to sustainably address the issue. It concludes with the implementation plan to implement the policy options.

Position Paper

Disability-Inclusive Public Procurement: Promoting Accessibility of Persons with Disability in WASH Facilities

Edward KADOZI, PhD

Policy Issue

This position paper advances a critical need for integrating disability and accessibility in the public procurement regulations in Rwanda. Does it socially and economically relevant to mainstream accessibility needs of persons with disabilities (PWDs) in the procurement regulations? If the answer is YES, by doing so, we are enormously contributing to the *disability-inclusive procurement* and non-discriminatory society. Rwanda is a signatory to the international conventions and laws aimed at promoting and protecting the rights of PWDs. This is accompanied by the strong political will to mainstream disability in all government policies and programs- as it is enshrined in the Rwandan constitution, Vision 2020, and NST1. However, PWDs still encounter barriers to access different facilities such as WASH facilities in their daily life. The sector of WASH critically touches the lives of PWDs as it does to non-disabled people. The ripple effects of the lack of access to water, hygiene, and sanitation facilities have socioeconomic consequences for PWDs and their families. Evidence from different analyses and consultations with WASH actors indicate that PWDs encounter challenges related to the inaccessibility of built water and sanitation facilities; un-upgraded built facilities; Ineffective operationalization of existing regulations; Gaps in knowledge about disability and accessibility, as well as knowledge gaps related to accessibility standards and criteria.

However, the underlying policy issue is how can needs of PWDs be fully operationalized and integrated into the national policies and laws specifically the public procurement regulations. Internationally, it's recommended that using universal design and inclusive public procurement can remove these barriers, promote accessibility, and respect the rights of PWDs. Thus, public procurement is an effective and reliable mechanism to implement the Convention on the Rights of PWDs.

Based on the review and analysis of available documentation, international best-practices, and different accessibility barriers affecting PWDs as well as recommendations suggested by WASH actors, this position paper suggests the following policy options to rectify the situation and improve accessibility of PWDs: 1. Develop and integrate Disability and Accessibility guidelines in the Public Procurement Guidelines; 2. Conduct Accessibility Audit in the WASH Facilities; 3. Elaborate an accessibility guide, 4. Awareness-raising and Enforcement on existing regulations, 5. Develop a disability policy; 6. Donor funding in the WASH Sector to prioritize disability-inclusiveness; 7. Close collaboration with RPPA to train members of tender committees; 8. Mainstream Disability in the WASH Sector Planning and Implementation. The paper concludes with the implementation plan of the recommendations.

In brief, this position paper reminds us that it's unacceptable to use public funds to create or perpetuate the inequality that inevitably results from inaccessible services and facilities by PWDs. As a result, perpetuates an unexclusive society. By promoting accessibility and independence life of PWDs, we are providing an opportunity to tap into everyone's potential.

Background

Globally, of recent years disability has increasingly gained the central stage in the development discourse. It is increasingly understood that no country would claim development while it has left a certain portion of her nationals behind. The UN wouldn't claim the realization of sustainable development goals (SDGs) while 15% of the global population is left behind (in particular people with disabilities). Recently, we observe that the policy demand for mainstreaming the needs of people with disabilities (PWDs) in the development discourse has attained "agenda-setting" within global policy discourse. António Guterres (2018) reiterates that "Societies will never achieve the SDGs without the full participation of everyone, including people with disabilities. We cannot afford to ignore or marginalize the contributions of 1.5 billion people. Upholding the rights of people with disabilities is a moral imperative. But it is not an act of charity. It is a recognition of rights and a practical necessity, if we are to build healthy, sustainable societies to the benefit of everyone – those with disabilities, and those without"¹.

Nevertheless, across the world people with disabilities continue to face discrimination of different forms. It is more alarming in developing countries such as Sub-Saharan African countries. The International Disability Alliance (2015) reports assets that people with disabilities face daily barriers ranging from inaccessible built environments, facilities, and services to negative attitudes and assumptions. Disability exists and manifests in different forms. Different publications assert that disability includes the intersection between long term impairments which may be sensory (like vision impairment) physical, intellectual or psychosocial and barriers which may be physical (like stairs) or attitudinal (like stereotypes). The Convention on the Rights of Persons with Disabilities identifies persons with disabilities as 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"². With this definition, a billion people-approximately 15% of the world's population (or one in seven persons) have disabilities. Of those, 80% live in

¹ Remark by António Guterres, United Nations Secretary-General, to the 11th session of the Conference of State Parties to the Convention on the Rights of Persons with Disabilities, 12 June 2018.

² Convention on the Rights of Persons with Disabilities, G.A. Res 61/106, UN Doc A/RES/61/106, 2006, New York: United Nations.

developing countries³. In Africa, an estimated 60 to 80 million people are living with disabilities. Their numbers are rising due to conflict, aging, malnutrition, natural disasters, and HIV/AIDS⁴. In Rwanda, the number is estimated 446,453 based on the Fourth Population and Housing Census, Rwanda, 2012. Currently, the number might be far higher than the latter.

Data and Stakeholders Consultation

To develop this position paper, different sources of data were consulted. This involved desk review on Rwandan documentations and international best-practices. UPHLS staff and the consultant consulted relevant stakeholders individually or collectively. Focus group discussions with the representatives of organizations of PWDs were organized. Consultations involved relevant officials from government institutions and non-governmental organizations of PWDs. The discussion with participants involved their understanding of the current state of disability and accessibility in the country, particularly in the WASH sector. The existing accessibility challenges and how related barriers in WASH facilities can be addressed. How public procurement regulations can be used as policy and technical tools to address the barriers of accessibility in the WASH facilities in Rwanda. In the next sub-section, the paper presents the context of Rwanda.

Rwandan Context

In Rwanda, available evidence indicates that there are 446,453 persons with disabilities aged 5 and above living in Rwanda representing 5% of the Rwandan population (Fourth Population and Housing Census, Rwanda, 2012). If subject this percentage to the current population of Rwanda (12, 374, 397)⁵, the number increases to approximately 618,719 PWDs aged above 5 with an increase of 28%. Similar findings indicate that the count of persons with disabilities by province reflects the geographical distribution of the population in general, with the largest number being found in the Southern Province (122,319) and the

³ International Disability Alliance Draft Background Paper (2015). International Bank for Reconstruction and Development / The World Bank (2017)

⁴http://www.usaid.gov/locations/sub-saharan_africa/features/disabilities.html.

⁵ <https://www.statistics.gov.rw/statistical-publications/subject/population-size-and-population-characteristics> accessed on 23rd May 2020.

lowest in Kigali City (32,170). And the share of persons with disability is larger in rural areas than in urban areas at 5% and 3% respectively, unfortunately, where WASH facilities still encounter challenges of accessibility. Though there is no official updated statistics about the number of PWDs facing the challenges of barriers to access WASH facilities in Rwanda, the accessibility barriers experienced by this segment of the Rwandan society are still many.

In the same vein, it is continuously documented that PWDs face higher rates of multidimensional poverty compared with persons without disabilities. They encounter attitudinal and environmental barriers that hinder their full and effective participation in society on an equal basis with others. As a result, it affects the socio-economic welfare of these people and the country in general. We also learn that disability is a cross-cutting and multidimensional issue that can impact a person at any point across their lifespan. Its intersectionality across all social settings and other characteristics can lead to unique and multiple forms of exclusion and discrimination. And in most cases, exclusion and discrimination are influenced by local policies and laws, and how the same policies are implemented. In the next sub-section, we learn from international best practices.

Disability-Inclusive Procurement

The procurement of public goods and services is one of the spheres if not made disability-inclusive will continuously affect negatively the accessibility of persons with disabilities. Public procurement is the purchase of goods, services, and works by public authorities including those provided by governments. Unfortunately, in most cases for instance in developing countries, these goods and services are not accessible by people with disabilities. To promote equity and prevent exclusion, services and facilities need to be procured and designed with accessibility and inclusion in mind. Procurement is an important tool for disability-inclusive society as it; i) uses taxpayer's money and ii) buys items and facilities at a large scale which can shape market behaviors.

There are many UN conventions on the rights of PWDs and almost all countries (150) are signatories of these conventions and articles. For instance, articles related to the promotion of; accessibility (Article 9); equality and non-discrimination (Article 5); living independently and being included in the community (article 19); education (article 24); health (article 25); the adequate standard of living and social protection (article 28); participation in cultural

life, recreation, leisure and sport (article 30), etc. Even some countries have gone ahead to consider disability in their national policies and strategies including Rwanda, there is a long way to realize the policy stance of disability mainstreaming.

However, the underlying policy question remains is how to fully operationalize and integrate/mainstream the needs of PWDs in the national policies and laws. The most underpinning issue is how to operationalize international and national regulations to promote accessibility rights of PWDs mostly in areas affecting their daily life. For instance, how can accessibility needs of PWDs are reflected and implemented within the water, hygiene, and health (WASH) policies and regulations- which ultimately affect the day-to-day life of disabled and non-disabled citizens?

It has been internationally identified and recommended that using universal design and inclusive public procurement can remove these barriers and respect rights. Public procurement could be the most effective and reliable mechanism used to implement the Convention on the Rights of Persons with Disabilities ("the Convention"). It is against this background, this position paper focuses on disability-inclusive procurement as an unexplored policy tool that effectively creates a more accessible environment within WASH facilities in Rwanda.

Regardless of whether a country has signed or ratified the Convention on the Rights of Persons with Disabilities, there are opportunities to reduce discrimination and promote accessibility for all through public procurement. Public procurement can set new and better standards and benchmarks, so investments include people with disabilities. At least 5 to 20% of Gross Domestic Product (GDP) is usually allocated through public procurement. This percentage might be high in developing countries because they use public procurement more frequently. Similarly, donors (use procurement to promote the rights of PWDs), countries, and companies encourage innovation and competition through procurement. Therefore, inclusive public procurement deserves priority attention, especially to promote:

-  **Non-discrimination and equality** for people with disabilities in line with Article 5 of the convention for example as a de facto equality measure to reserve contracts for disadvantaged groups such as persons with disabilities.

🌐 **Accessibility** *in line with Article 9 of the convention through making online procurement portals accessible, adding technical accessibility standards to tender specifications so procured public services and facilities are accessible.*

🌐 **Universally designed** and environmentally sustainable products and facilities for example when building or renovating schools, hospitals, making sure accessibility is incorporated, supporting the concept of 'build back better'.

International Best-Practices

In terms of mainstreaming accessibility in the national procurement, the concept of disability-inclusive procurement across the world is at different levels. Some countries still lag even though they signed and ratified UN conventions. Others mostly from the west are advanced. They are advanced in terms of promoting the accessibility needs of people with disabilities in their national laws and regulations.

For instance, on 26 February 2014, the European Union (EU) passed the Public Procurement Directive (PPD) 2014/24/EU of the European Parliament and the Council, which requires its Member States to utilize procurement to enhance accessibility⁶. The Directive was established in the context of the European Disability Strategy, 2010-2020, the region's policy response to implement the Convention on the Rights of Persons with Disabilities (CRPD). The Disability Strategy prioritizes accessibility as one of the priority areas. The Act mandates that products and services must employ a 'design for all' approach: equivalent to a universal design approach with a wider category of goods and services. Member States and companies in the EU region are obliged to ensure that products and services meet accessibility requirements. European Union Directive 2004/18/EC Article 23 (1) states "technical specifications should be defined to take into account accessibility criteria for people with disabilities or design for all users"⁷. In America, the Disability Act is stipulating accessible design standards Americans with Disability Act 2010 standards⁸.

In Japan, Voluntary Product Accessibility Templates (VPATs) has been put in place and reinforced. The rule aims to include an accessibility criterion for the bidding of public

⁶ EUR-Lex, Access to European Union Law, 2014.

⁷ <http://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:32004L0018&from=en>

⁸ Americans with Disability Act 2010 standards Accessed 16 March 2015

procurement tenders and would apply to all ministries in Japan when procuring ICT products and services.

In Sweden, a public procurement act states that "technical specifications in tender documentation should, where possible, be determined about the criteria in respect of accessibility for persons with disabilities or be formulated with a view to the needs of all users"⁹. *Australia developed an Accessibility Design Guide to provide practical advice on how Australian aid activities involving the development of infrastructure (schools, health facilities, public buildings, roads, and transport) can be more accessible to people with disability*¹⁰.

The Kenyan Government has a Special Needs Education Policy of 2009 addressing accessibility in several areas. For example, about the accessibility of physical environments, the Policy strategy includes calls to provide resources to make learning institutions accessible to children with special needs and disabilities; to ensure the provision of adequate and friendly buildings, furniture and equipment, among other things, in learning institutions for learners with special needs and disabilities; and to ensure appropriate modification of tuition, boarding and sanitation facilities in response to the needs of learners with special needs and disabilities.

Concerning facilities and technology, the Policy includes calls to provide information on available technical aids; to enhance accessibility and utilization of the software that will enhance easy access to information and education materials; to acquire, standardize, produce, fabricate, adopt, repair and maintain supportive devices in provincial assessment workshops and other service providers; and provide teachers who will train learners with special needs and disabilities in the use of supportive devices¹¹.

Developing inclusively designed facilities: WaterAid Madagascar collaborated with Handicap International to design and construct accessible public latrines and water points, using an iterative and consultative 'inclusive design' process. A key part of the process was an *accessibility audit* by disabled people to assess whether the facilities were accessible and

⁹ UNCRPD (2012): Initial reports submitted by States parties under article 35 of the Convention – Sweden: see <http://www.ohchr.org/Documents/HRBodies/CRPD/Future/CRPD-C-SWE-1_en.doc> accessed on November 10, 2013

¹⁰ Accessibility Design Guide, DFAT (Link to accessible PDF)

¹¹ Republic of Kenya, *The National Special Needs Education Policy Framework (2009) cited in the toolkit on Disability for Africa, Accessibility, United Nations.*

usable for intended users, and identify any problems. Designs were then adjusted and further facilities were constructed based on the findings of the audit (WaterAid Madagascar 2010b). But how is disability-inclusive procurement manifests in Rwanda?

The Problem of Accessibility in the WASH Sector

Accessibility is not just about ramps, automatic doors, and other physical features, but refers to any features that make an environment accessible and usable. The sector of water, hygiene, and sanitation critically touches the lives of people with disabilities as it does to non-disabled people. The ripple effects of the lack of access to water, hygiene, and sanitation facilities can have serious socioeconomic consequences for persons with disabilities and their families.

For instance, in most cases for PWDs to access basic services, their disability increases dependency on others to access WASH facilities- this has its side effect such as loss of self-esteem and increases risks of exploitation of PWDs. The World Bank (2017) notes that dependency on others for accessing water resources— including drinking, sanitation, hygiene, and irrigation—can result in adverse and unsafe personal consequences for persons with disabilities. The biggest concern is that dependency on others for basic sanitation and water needs highly increases the risks of sexual and financial exploitation, as well as deteriorating health and hygiene.

These limitations attributed to dependency, environmental barriers tend to reflect on family and community perceptions of an individual's worth, perpetuating negative stereotypes of disability. Indeed, *during the focus group discussion with the representatives of PWDs in Rwanda, they claimed that the inability to access these facilities pushes a person with a disability to rely on someone for help, as a result of that takes away self-esteem from that person.* On this note, it is worth noting that, being able to control and manage one's basic sanitation and water needs independently is also strongly linked to human dignity and self-esteem. We also know that certain categories of persons with disabilities are more affected, and their effects have ripple effects on the society. For example, disabled women face additional privacy and access challenges in dealing with menstrual hygiene, childbirth, and related side effects such as fistula and incontinence. Lack of access to the water and sanitation facilities affect economic and education participation by disabled women and

girls in economic activities. The United Nations Children's Fund (UNICEF) lists inaccessible toilets and water facilities as a major factor for girls and boys with disabilities dropping out of school.

Overall, children with disabilities attend and complete primary and secondary education at lower rates than children without disabilities¹². The gaps are as high as 40–60% in low- and middle-income countries such as Cambodia, Bolivia, and Indonesia¹³. Inclusive education efforts are further undercut when children prefer not to go to school due to inaccessible toilets. For example, a study showed that adolescent girls with disabilities in Uganda were dropping out because the latrine design prevented them from entering and closing the door. Besides, caregivers—most often mothers and siblings—miss work and school to assist children at schools with inaccessible WASH facilities. Similarly, in Rwanda, such issues (such as inaccessibility of toilets and inaccessible blackboards) exist and were highlighted by the participants (DPOs) during focus group discussion.

We, therefore, know that exclusion of disabled people in water and sanitation services and resources has multiplier economic and social effects on the households, community, and society as a whole. Safe and reliable access to WASH facilities is a predominant factor in educational, economic, and social participation for persons with disabilities. For instance, Wateraid claims that exclusion of persons with disabilities from the labor market (either in economic activities and education) is estimated to cost middle- income countries from US\$338.55 billion up to US\$480.21 billion, and low-income countries between US\$135.36 billion and US\$192.00 billion¹⁴.

Disability-Accessibility and Public Procurement in Rwanda

Rwanda is not exceptional in terms of mainstreaming disability and accessibility in public procurement regulations. The government of Rwanda has strongly prioritized effectively

¹² Center for Universal Design, 1997, Universal Design Principles, accessed June 14, 2017, from https://www.ncsu.edu/ncsu/design/cud/about_ud/udprinciples.htm.

¹³ UNICEF (United Nations Children's Fund), 2015, "Good Practices in the Provision of Accessible and Inclusive Wash Services," UNICEF country offices, accessed June 2, 2017, https://www.unicef.org/disabilities/files/UNICEF_Accessible_Inclusive_WASH_Mapping_2_1.pdf.

¹⁴House, S. Ferron, M.Sommer, and S. Cavill, 2014, Violence, Gender and WASH: A Practitioner's Toolkit - Making water, sanitation and hygiene safer through improved programming and services, WaterAid and SHARE

implemented public procurement as a model aimed at promoting accountable governance in the country. And, it has bared positive results in the area of efficient governance, transparency, and public financial management in recent years. However, the public procurement law and its instruments are salient about disability-inclusive procurement particularly in terms of promoting accessibility by people with disabilities. Starting from public procurement law up to the last phase of contract management of goods and services, the procurement law and its guidelines are salient about disability and accessibility.

At the policy framework, there is a strong political will to integrate disability in all policies and development strategies of the GoR. The constitution of 2003 catered for PWDs and the law of 2006 focused on disability and ex-combatants. The current constitution of Rwanda (article 16, 51 & 139) defines a person with a disability and provides policy orientation on how they should be facilitated. Different laws and ministerial orders (for example for public transport and building codes) categorize people with disabilities and provide provisions on how their needs should be catered for.

In terms of the policy and strategy, though disability policy is yet to put in place, disability is one of the cross-cutting areas from the vision 2020, EDPRS (1& 2), and the current National Strategy for Transformation (NST1). In the EDPR 2, it is stipulated that *"Rwanda does not intend to leave any of its citizens behind in its development. As such, specific steps will be taken to ensure that people with disabilities (PWDs) and other disadvantaged groups can contribute actively to the country's development and to benefit from it¹⁵"*. And disability is catered for through different institutions and organizations from central to the local level. Accordingly, public institutions (for instance NCPD) and other structures from central to decentralized entities have been put in place to implement the above policies and laws. Different national and international civil society organizations operate in Rwanda and work closely with the GoR to implement programs targeting PWDs. The strategic plan of Water and Sanitation for 2018-2024 for instance highlights the importance of mainstreaming disability as one of the cross-cutting components. However, the strategy stops on that statement. It does not define how to operationalize the disability component in the strategy. Nevertheless, "Practical Guide for Disability Mainstreaming in WASH" has been elaborated. The presidential order No 144/01 of 13/04/2017 determining modalities for

¹⁵ http://www.minecofin.gov.rw/fileadmin/General/EDPRS_2/EDPRS_2_FINAL1.pdf, p.88

recruitment, appointment, and nomination of a public servant, article 19¹⁶ stipulates that a candidate who achieves a cumulative grade of at least seventy percent (70%) of total marks in all exams is considered successful. If no candidate obtains this grade, the vacancies are re-advertised and other exams are conducted. If two (2) candidates obtain equal marks for one post and one of them is a person with a disability, the latter is given preference. There are other ministerial orders which focus on promoting accessibility by PWD. These include ministerial order providing accessibility by PWDs to medical insurance, public transport, public buildings¹⁷, and public works. The latter signal positive developments in the areas of transport and construction services in terms of disability and accessibility.

The National Institute of Statistics published a national thematic report on disability in Rwanda in the year 2012. Though there is a strong need for the updated disability and accessibility audit, the sector still encounters an enormous scarcity of data. The issue still affects informed-decisions and interventions in the field of disability in the country.

However, with all the above developments, enforcing and operationalizing the above laws and policies (either at national or international) is not yet reached. Currently, there is a lack of instruments and standards that condition and guide the behaviors of service providers (public and private) to cater for the accessibility needs of people with disabilities. We learn from available data that people with disabilities still face challenges of accessing education, health, water, and sanitation facilities in Rwanda. Accordingly, NUDOR¹⁸ identified access to education and health as the biggest issues affecting persons with disabilities. Indeed, NUDOR finds that the number of primary age children attending school is far lower for children with disabilities (68%) than for children without disabilities (89%). As a result, the same study claims that literacy rates amongst persons with disabilities in Rwanda are much

¹⁶

A candidate who achieves a cumulative grade of at least seventy percent (70%) of total marks in all exams is considered successful. If no candidate obtains this grade, the vacancies are re-advertised and other exams are conducted.

If two (2) candidates obtain equal marks for one post and one of them is a person with disability, the latter is given preference.

¹⁷ Law n° 01/2007 of 20/01/2007 relating to the protection of disabled persons in general; 2) Law n°02/2007 of 20/01/2007 relating to the protection of disabled former war combatants; 3. Ministerial order n° 01/Cab.M/09 of 27/07/2009 determining the modalities of constructing buildings providing various public services to ease the access of persons with disabilities; 4. Ministerial Order N° 01/09/MININFOR of 10/08/2009 determining the modalities of facilitating persons with disabilities in matters relating to the communication; 5; Rwanda Building Code

¹⁸ <http://www.nudor.org/wp-content/uploads/2015/12/Persons-with-Disabilities-in-Rwanda.pdf> accessed on 26th May 2020.

lower than for persons without a disability: 50% of persons with a disability can read, compared to 72% of people without disabilities. Similarly, a study conducted by the National Council of Persons with Disabilities and National Commission for Children on 49 centers caring for children and young adults with disabilities found that 34% of the centers and their facilities were in poor quality and needed immediate attention. And 26% of their facilities had adequate standards¹⁹.

In health, though 85% of persons with disabilities have some form of health insurance, NUDOR claims that the same group of people lack rehabilitation services which could help them participate fully in society. There are also many barriers to general healthcare, including but not limited, for example to physical accessibility and communication barriers²⁰.

Furthermore, a study by MINEDUC in 2016 found that facilities were not of consistent quality, and there was some evidence of inappropriate or poorly completed construction – for example, ramps at the school's location. And some buildings had been built too steeply or that did not run to the ground, making them inaccessible or difficult to use. Pathways over drains were not always covered, and pathways to toilets (and the toilets themselves) were often inaccessible²¹. The owners admit it as a challenge for PwDs but refuse to revise them because of related costs implied.

Moreover, other than areas of health, education, and hygiene, the challenge of accessibility still exists in buildings and public spaces. For example, Collins found that only 4% of buildings in Rwanda were accessible by PWDs²². According to Collins, some buildings were accessible but the slope of the ramps put in place to access the buildings are incorrect and hard for PWDs to traverse. Indeed, anecdotally, the Thirty-year-old Nuwamanya, an accountant in the same article claims that *"The city is full of places that I can't go to due to lack of facilities to aid my access. There are many places where I can't work due to lack of disabled persons' user-friendly facilities,"* said Nuwamanya, who gets around on a wheelchair and occasionally crutches. To her, *"the challenge is not only staircases but also*

¹⁹https://www.ncc.gov.rw/fileadmin/templates/document/National_Assessment_of_Centres_Caring_for_CW_Ds.pdf accessed on 26th May 2020.

²⁰ National Union of Disabilities' Organisations of Rwanda, Persons with Disabilities in Rwanda

²¹ MINEDUC (2016); A study on children with disabilities and their right to education: Republic of Rwanda

²² The New Times. 27 Nov 2013. [http://www.newtimes.co.rw/section/read/71133/.](http://www.newtimes.co.rw/section/read/71133/))

access to facilities such as washrooms and cashpoints. As the city develops, it looks like some of us will have to be left 'behind.'"

The above secondary evidence is complemented by the primary data from consultations UPHLS and the consultant had with different relevant stakeholders. The following are issues raised by the stakeholders (representatives of DPOs, government officials, and officials from development partners):

Challenges of Accessibility according to the WASH Actors

1) Inaccessibility Remains an Issue even in newly built water and sanitation facilities.

The majority of existing WASH facilities do not cater for the accessibility of people with disabilities. Representatives of DPOs acknowledge existing interventions and emphasize that it is still a drop in an ocean. For instance, participants of FGD provided the vivid examples of the current water and cleaning facilities meant for the prevention of COVID-19 (for washing hands-Kandagira ukarabe) installed or built-in different public places. These facilities are not accessible by people with disabilities. Anecdotally, *"many of these facilities use stepping and washing hands facilities (kandagira-ukarabe) at the entrance of different places, but this has been a big challenge to the people with disabilities like people with disability of blindness, dwarf, or with no legs, etc.. they face the challenge of using these facilities."*

2) The challenge of upgrading already built facilities. Most facilities are already built do not serve/fit the accessibility needs of PwDs based on how they were badly built. And upgrading them is expensive. As a result creates dis-incentive for correcting such barriers.

3) Accessibility Facilities are not built in the WASH Facilities. The majority of public schools, hospitals, offices, etc do not have signs to guide PwDs. In schools for example blackboards are inaccessible by PwDs hence limiting disabled students. The majority of schools, markets, hospitals, hotels, and public places do not have hygiene facilities specifically for PwDs such as specialized toilets or washrooms and cleaning taps. Most of the boreholes at schools and in rural water points are still inaccessible by PwDs. This is compounded by access to water which is still a challenge mostly in rural areas.

- 4) **Ineffective Operationalization of existing Regulations.** Currently, there are no procurement regulations or directives officially developed for promoting the accessibility of PwDs in the WASH facilities. However, in some areas such as public transport and public buildings ministerial orders have been put in place. However, they have not been fully effective. There are directives requiring builders and public buses to cater for PwDs, but implementation has not yet been effective. In some places, facilities are built while in other buildings are not. In other buildings revisions or upgrading have not yet been done. For instance, the ministerial order relating to insolvency practitioners published in the Official Gazette no. Special of 16/04/2019 specify all kinds of buildings and how they can ensure the accessibility of PWDs²³. However, in this field, it is not guidelines still missing instead, but enforcement across.
- 5) **There is Knowledge Gap about Disability and Accessibility.** The general knowledge about the accessibility of PwDs is still very low across stakeholders and the public. Including regulators, implementers, and service providers. Some laws and directives are there but the majority do not know about these laws. Accordingly, participants from consultations and FGD discussions expressed the need for more education and awareness mostly the suppliers of WASH facilities- the service providers. There is a need for awareness and awareness training to the service providers and regulators.
- 6) **There are Gaps in terms of Knowledge about accessibility standards.** Tender committees for example in public institutions do not know about disability and accessibility needs. They also don't know the rationale of mainstreaming disability in government policies, programs, and actions. More to that, they don't have standard guidelines and criteria to follow in the tender process. A targeted accessibility capacity building program for this group is imperative. This should go hand in hand with having an accessibility guide developed for members of the tender committee and other users.

²³ All buildings shall be designed to the satisfaction of the Building Consent Authority in such a manner as will facilitate the access to, and use of, that building and its facilities by persons with disability. Buildings that have to comply with accessibility requirements for the disabled include all public buildings, governmental facilities and institutions, office buildings, residential buildings, commercial buildings, health facilities, educational institutions restaurants, recreational facilities, sports facilities, religious buildings and all other building types normally used by the general public.

Fortunately, Rwanda Public Procurement Authority welcomes the need to mainstream disability and accessibility in the public procurement laws and regulations, however, RPPA suggests that integration and mainstreaming can be done in procurement guidelines rather than the law. This is a welcome note that needs to be built-on to rectify the situation. But, the law also needs a statement specifying how disability and accessibility can be mainstreamed in public procurement. The guidelines can be based on the latter statement.

Policy Options

Given the state of the issue, this position paper suggests the following policy options to rectify the situation. The policy options are based on the issues and challenges raised from consultations and the review of existing documentation about disability in the WASH sector.

1. **Develop and integrate Disability and Accessibility guidelines in the Public Procurement Guidelines.** This will not only address the issue in the WASH sector but also across other sectors. At this stage, accessibility regulations and guidelines are critically needed to provide details on how the accessibility needs of PWDs can be mainstreamed in the public procurement process. They will set standards and criteria to guide the practices and behaviors of regulators and users including procurers (tender committees) and private sector (the users/implementers). This position paper suggests the guidelines to be hinged on a high-level statement related to the disability and accessibility captured in the Rwanda public procurement law.
2. **Conduct Accessibility Audit in the WASH Facilities.** Currently, there is no credible and updated state of evidence about accessibility status in Rwanda. This affects a lot of evidence-based policy decisions and interventions. A separate sector analysis is required to generate evidence that will guide the implementation and more advocacy activities. The data could set the baseline state of the accessibility status in Rwanda.
3. **There is a need for Disability Policy.** It all revolves around the policy. A policy is imperatively needed in all aspects. It will set a base where the guidelines and other regulations could be hinged-on. The policy will provide policy orientations for mainstreaming disability even in other sectors of the economy including disability-budgeting.

4. **Awareness-raising and Enforcement on existing regulations.** Raising awareness about the accessibility needs of PWDs to the procurers, implementers and service providers is critically important, as equally critical for strong enforcement of the same guidelines. Procurers and suppliers need a good understanding of accessibility and implementation of accessibility criteria and standards in WASH facilities, and other areas.
5. Close follow-up and supervision are needed to be aided by the collective efforts of all stakeholders; government institutions, regulators, and organizations of disabilities.
6. **Close collaboration with RPPA to train members of tender committees** for the successful implementation of disability-inclusive procurement. Members of tender committees from public institutions translate public works projects (WASH projects) into facilities through the procurement process. They need to better understand disability-inclusive procurement, guidelines, criteria, and how to integrate them into the tendering process. More importantly, how the same guidelines can be customized in the technical specifications and bid evaluation process to ensure the end product has an accessible built environment.
7. **Donor funding in the WASH Sector to prioritize disability-inclusiveness.** WASH sector is one of the sectors that benefit highly from donor funding and the majority of these funds are used to build WASH facilities. As it is applied elsewhere, disability and accessibility of WASH facilities by PWDs could be one of the funding conditions or criteria to ensure effective disability mainstreaming in the WASH sector. The outcome of this strategy could be examined through different mechanisms including sector working groups (SWG). A separate commissioned study could be conducted to examine how funding has effectively been disability-inclusive.
8. **Mainstream Disability in the WASH Sector Planning and Implementation.** Disability and accessibility needs of PWDs need to be effectively mainstreamed in the planning, implementation, and M&E of the WASH sector. Disability mainstreaming should not stop on a statement in the WASH strategy only instead, it should be translated into the planning process and implementation. For this to happen, the WASAN secretariat and WASH sector working group should develop disability and accessibility indicators and targets to guide implementation and M&E. The latter indicators and targets could be monitored during the backward and forward sector

working group. In this regard, MINFRA and its stakeholders should play an important role.

The Preferred Course of Action

The preferred course of action section presents the most preferred recommendation/s required to address the pressing issues outlined here above. Based on the analysis of options and the order of priorities, the section suggests the following actionable recommendations moving forward. The suggested recommendations are prerequisites for other options to build on.

- ❖ **Integrate accessibility needs of PWDs in the public procurement guidelines.** This will involve a joint exercise with the Rwanda Public Procurement Authority (RPPA) purposely to elaborate accessibility guidelines to be integrated within the public procurement guidelines. The guidelines will determine what the procurers will consider during the tender process to ensure accessibility of PWDs in the WASH facilities is catered for. Concurrently, there will be a need to elaborate as well as a statement related to the disability and accessibility and be integrated into the public procurement law.
- ❖ **Awareness raising and enforcement of existing directives to promote accessibility needs of PWDs.** More targeted awareness is critically needed. It should target procurers, enforcement agents (officials at different levels), users, and service providers. Awareness should focus on existing regulations (ministerial orders) and the one that will be developed by RPPA. This will need to go hand in hand with strong enforcement targeting WASH facilities.
- ❖ **Elaborate accessibility guide** for procurers, regulators, and service and goods providers. The guide provides a checklist of all accessibility criteria targeting all different WASH facilities.

Plan for Implementation

Recommendations	Details	Output	Stakeholders
1. Integrate accessibility needs of PWDs in the public procurement guidelines	- Preparation of disability and accessibility statement to be integrated into the public procurement law.	- Disability and accessibility statement integrated within procurement law	UPHLS + RPPA
	- Elaborate disability-accessibility guidelines to be integrated within the public procurement guidelines;	- Disability-accessibility guidelines integrated within procurement guidelines	UPHLS + RPPA+NCPD
	- Elaborate accessibility Toolkit or guide for WASH sector users	- Accessibility Toolkit/guide for WASH sector	UPHLS + NCPD+ MINFRA + MINISANTE+ Rwanda Associations of Engineers
2.Awareness raising and enforcement of existing regulations to promote accessibility needs of PWDs	- Several awareness-raising activities to the DPOs, procurers, users, and goods and services providers of WASH facilities are needed. And awareness needs to be targeted at both central to decentralized levels respectively. It should focus on the elaborated accessibility guidelines, accessibility guidelines, and building codes determined by Ministerial order relating to insolvency practitioners published in the Official Gazette no. Special of 16/04/2019. This should go hand in hand with strong enforcement by concerned authorities.	- # awareness events and trainings organized - # of audit outreaches organized checking the compliance of building codes and other accessibility requirements	UPHLS + NCPD+ MINFRA + MINISANTE+ Rwanda Associations of Engineers + Police
3. Accessibility Audit(or disability sector analysis) in the WASH Facilities is needed.	- The purpose of an access audit is to assess how a particular building or environment performs in terms of access and ease of use by a wide range of actual and potential users, including persons with disabilities, and to recommend access improvements. Accessibility audit will establish a credible and updated state of evidence about the accessibility status of WASH facilities.	- Accessibility Audit Report	UPHLS + NCPD + MINFRA
Disability Policy	- Disability policy should set out the policy orientation of both disability and accessibility interventions. And different disability interventions should be informed and hinged on the policy including regulations and directives promoting the accessibility of WASH facilities by PWDs.	- Disability Policy	MINALOC + NCPD+ UPHLS

Training of members of public tender committees (priority for WASH sector) on disability and accessibility guidelines	- Training of public tender committee members should increase understanding about disability-inclusive procurement. Tender committee members should be educated on how to use accessibility guidelines within public procurement guidelines to promote accessibility to the WASH facilities by PWDs.	- Tender committee members trained on how to promote disability and accessibility within the tender process of WASH facilities	NCPD+ UPHLS + MINFRA
Disability and Accessibility sector indicators	- Collaboratively work with sectors to develop disability and accessibility indicators to effectively inform effective disability mainstreaming. - The above indicators will inform sector targets for promoting disability and accessibility during planning, implementation, and M&E	- Sector indicators developed and approved	NCPD+ UPHLS + MINFRA