



Inclusive Development

and

**the Comprehensive and Integral International Convention on the
Protection and Promotion of the Rights and Dignity of Persons with
Disabilities**

**International Disability and Development Consortium Reflection Paper
Contribution for the 5th Session of the Ad Hoc Committee
January 2005**

**Prepared by IDDC Task Group on the UN Convention
Chaired by Handicap International**



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Katherine Guernsey and Janet Lord, Lord, Guernsey & Associates, LLC, were commissioned to incorporate the previous IDDC convention document contribution into a revised and updated IDDC contribution for the 5th Session of the Ad Hoc Committee.

This paper is a reflection paper and does not purport to represent a particular policy position of any of the individual member organizations of IDDC.

A complete list of all IDDC member organizations is at the end of this paper.

**This document and the CD-ROM
“The Disability Convention – Making it Work”
promoting the consideration of disabled people in inclusive development
through human rights are available on the IDDC website: www.iddc.org.uk
and www.iddc.org.uk/cdrom.**

About the International Disability and Development Consortium (IDDC)

What is IDDC ?

The International Disability and Development Consortium (IDDC) is a global consortium of non-governmental organizations supporting disability and development work in more than 100 countries around the world. Its aim is to promote the rights of persons with disabilities through effective collaboration and sharing of information and expertise.

These goals can only be achieved through inclusive development policy and practice.

IDDC and the UN Convention Process

Persons with disabilities have lived on the margins of society for too long. They continue to be disempowered and excluded socially, economically and politically. The process of developing a convention addressing the human rights of persons with disabilities has thus far – and must continue – to include the central participation and leadership of persons with disabilities themselves.

IDDC is committed to this process and will continue to support a convention that guarantees human rights and freedom for all persons with disabilities, including disabled people living in poverty. A strong partnership between governments and civil society can ensure that the convention process results in a quality human rights treaty on disability. IDDC is playing the following roles in its support of the convention development process:

- IDDC member organizations are facilitating the participation of under-represented groups of persons with disabilities from developing countries to participate in the convention process and are closely collaborating with organizations involved in the convention process as part of the International Disability Caucus;
- IDDC and its member organizations provide accessible information for DPOs and NGOs in order for them to understand the convention process, its implications and, ultimately, to participate in the future implementation of the convention;
- IDDC has developed a Task Group on the UN Convention that is responsible for contributions to the convention process and will continue to ensure that Inclusive Development issues are highlighted;
- IDDC member organizations are raising awareness among both NGOs and governments on issues specific to disability and development cooperation, to ensure that the UN Convention truly reflects the situation of persons with disabilities in the poorest countries.

Paper Overview

This Reflection Paper represents a contribution of the IDDC to the 5th Session of the Ad Hoc Committee on a Comprehensive and Integral International Convention to Promote and Protect the Rights and Dignity of Persons with Disabilities (Ad Hoc Committee).¹

The paper is divided into 3 parts as follows:

Part 1

“Inclusive Development in Context” provides important background information on the concept of inclusive development, including the linkages between poverty and disability and the role of inclusive, rights-based development²;

Part 2

“Inclusive Development and the Proposed UN Convention” addresses some specific issues of importance to IDDC members that should be addressed in the drafting of the Convention on a Comprehensive and Integral International Convention to Promote and Protect the Rights and Dignity of Persons with Disabilities to more fully reflect the goals of rights-based, inclusive development.

Part 2 is divided into two sub-sections: (i) Principles to Inform the Convention and Inclusive Development; and (ii) Specific Thematic Issues Relating Inclusive Development

Part 3

The final section concludes with recommendations as set forth in the paper.

¹ For the IDDC contribution to the 3rd Session of the Ad Hoc Committee, see <http://www.un.org/esa/socdev/enable/rights/ahc3iddc.htm>.

² For more on human rights and development, see <http://www.unhcr.ch/development/approaches.html>.

Part 1: Inclusive Development in Context

The United Nations estimates that some 600 million persons have a disability and that the vast majority of persons with disabilities (more than 75%) live in a developing country and are among the poorest of the poor.³ According to World Bank estimates, one of every five of the world's poorest persons is disabled.⁴ Persons with disabilities face a multitude of barriers that limits their access to education, employment, housing, transportation, health care and rehabilitation, and recreation. The economic and social exclusion that is a reality for persons with disabilities in developing countries is, without question, a major development issue.

The eradication of poverty will not – indeed cannot – be achieved without mainstreaming disability issues in all development policies and ensuring that persons with disabilities engage in the planning, design, implementation and evaluation of development programmes.

Approaches to Disability

Persons with disabilities⁵ have sought to combat traditional perceptions of persons with disabilities as objects of charity or sick people in need of a cure.

New models of disability redefine persons with disabilities as full members of society who have important contributions to make to their families and communities. This revised thinking is often called the “social model” of disability. It sees disability as the interaction between a person with impairment and the disabling social environment through discriminatory and isolating barriers to access and full participation in society. The social model of disability emphasizes that persons with disabilities are prevented from reaching their full potential not because of their impairment, but as a result of legal, attitudinal, architectural, communications and other discriminatory barriers. This perspective is concerned principally with identifying, exposing and examining the limitations imposed on persons with disabilities by the physical and social environments in which they live.

The social model of disability, combined with a rights-based approach: (i) recognizes persons with disabilities as rights-holders who can and should determine the course of their lives to the same extent as any member of society; and (ii) defines limitations imposed by the social and physical environment as infringements on people's rights.

³ E. Helander, Prejudice and Dignity; an introduction to community based rehabilitation, UNDP, 1992.

⁴ Ann Elwan, Poverty and Disability; a background paper for the World Development Report, World Bank, October 1999.

⁵ In this paper the term *people with disabilities* is used. We decided to use this term, as it is used during the Ad Hoc meetings.

Inclusive Development to Build an Inclusive Society

Inclusive development, as defined here, refers to ensuring that all phases of the development cycle (design, implementation, monitoring and evaluation) include a disability dimension and that persons with disabilities are meaningfully participating in development processes and policies.⁶ Inclusive development *also* implies a rights-based approach to development, understood in terms of a framework for human development as a process firmly grounded in international human rights standards and focused on the promotion and protection of human rights.⁷

In other words, inclusive development (i) ensures that persons with disabilities are recognized as rights-holding equal members of society who must be actively engaged in the development process irrespective of their disability or other status such as age, sex, race, ethnicity, religion or other status; and (ii) that development institutions, policies and programmes must take into account and be assessed in accordance with their impact on the lives of persons with disabilities, and consistent with the promotion and protection of internationally recognized human rights.

Ensuring that inclusive development is appropriately reflected in the convention currently being negotiated on the rights of persons with disabilities will: (i) Facilitate the mainstreaming of disability issues in all national development strategies, including budgetary decisions regarding the same; and (ii) Provide a framework for international cooperation to support inclusive development.

Disability and the Millennium Development Goals

Significantly for the purpose of furthering inclusive development for persons with disabilities, six out of eight Millennium Development Goals (MDGs)⁸ (the benchmarks set by UN Member States for development at the start of the new century), have fundamental links to disability and cannot be achieved without taking disability issues into account.

The MDGs call for reducing the proportion of people living on less than \$1 a day to half the 1990 level by 2015 - from 27.9 percent of all people in low and middle income economies to 14.0 percent. The Goals also call for halving the proportion of people who suffer from hunger between 1990 and 2015.

⁶ “Inclusive development” refers to the participation of *all* stakeholders in development processes. The focus of this paper is to concentrate on inclusive development as it applies specifically to persons with disabilities.

⁷ The term “rights-based development,” as understood in this paper, is consistent with the definition provided by the Office of the High Commissioner for Human Rights. See <http://www.unhchr.ch/development/approaches.html>.

⁸ For the UN website devoted to the Millennium Development Goals, see <http://www.un.org/millenniumgoals>

These six Millennium Development Goals, and some of their links to disability issues, include:

- *Eradication of Extreme Poverty and Hunger*⁹

The eradication of extreme poverty and hunger, the first MDG, is closely related to disability. Of some 600 million persons with disabilities in the world, 80% live in the developing world, and of those, the majority live in poverty. Persons with disabilities face multiple barriers to realizing socio-economic participation and inclusion and are systematically denied access to the resources necessary to meet basic needs. Attitudinal, legal, physical and social barriers result in exclusion from basic services such as education, training and employment, reinforcing marginalization and creating conditions for impoverishment.

- *Achieve Universal Primary Education*¹⁰

The second MDG is achieving Universal Primary Education. Children with disabilities are the least likely to receive an education. Often, children with disabilities have no access to education at all, due to discriminatory practices, such as explicit rules excluding them from participating in primary education, or physical barriers to access that prevent their participation.

Rigid educational systems with inflexible curricula and lack of disability awareness among teachers means that children with different learning needs and learning styles are not appropriately accommodated, resulting in complete exclusion altogether as well as high drop out rates. Unless children with disabilities are appropriately accommodated in the primary education system, the goal of Universal Primary Education will not be achieved.

This requires primary educational systems to be responsive to the diverse needs of all children, including children with disabilities. Inclusive development in this context means ensuring that development programmes in the education sector fully support disability.

⁹ For Guidelines on a Human Rights Approach to Poverty Reduction that are consistent with the understanding of inclusive development as set forth in this paper, see <http://www.unhcr.ch/development/povertyfinal.html#preface>.

¹⁰ For more on barriers to accessing education for children with disabilities, see Sue Stubbs, "Inclusive Education - Where there are Few Resources" (Norwegian Association of the Disabled and the Atlas Alliance, 2002). *See also* Save The Children UK, Schools for All (2002). For more resources on inclusive education, see http://www.iddc.org.uk/dis_dev/strategies/inclus_edu.shtml.

- *Promote Gender Equality and Empower Women*¹¹

The third MDG is gender equality and the empowerment of women. Women and girls with disabilities are subject to double discrimination. Studies indicate that they are at higher risk for abuse and violence which, in turn, can either aggravate existing disabilities or create additional disabilities such as psycho-social trauma.

Finally women and girls with disabilities are often the last to receive the necessary supports (e.g., education, employment, appropriate general health care services) to enable them to lead productive lives outside of poverty.

- *Reduce Child Mortality*¹²

The reduction of child mortality, the fourth MDG, is linked to poverty and disability. In many instances, infants with disabilities who could lead productive lives in the community with appropriate supports are allowed to die – or in some cases are killed – on the basis of disability.

In other cases, lack of knowledge, skills and resources are accentuated by local fears and superstition about disability. As a result, children with disabilities are often abandoned, sometimes to institutions where they are at high risk for violence or ill-treatment that puts their lives at risk. Some 70% of deaths before age five are caused by disease (or a combination of diseases) as well as malnutrition, all of which would be preventable in a high-income country.¹³

Disease and malnutrition are disabling conditions that often lead to poverty for individuals and households. Children with disabilities are at even greater risk in many cases of additional disabilities as a result of diseases and malnutrition.

- *Improve Maternal Health*

Worldwide, more than 50 million women suffer from poor reproductive health.¹⁴ Women with disabilities are far less likely to receive reproductive health care services as they are falsely assumed to lead asexual lives. They may also be regarded as unfit for parenting or in other cases may be falsely told that having a child would be unsafe or unwise because of their disability.

Improving maternal health will not be achieved without ensuring that women with disabilities have access to general health care services which must include gynecological and reproductive health services.

¹¹ For more on the multiple forms of discrimination faced by women and girls with disabilities and related gender disability issues, see http://www.iddc.org.uk/dis_dev/specific_groups/gender.shtml

¹³ This statistic is provided by the World Bank Group, see http://www.developmentgoals.org/Child_Mortality.htm

¹⁴ This statistic is provided by the World Bank Group, see http://www.developmentgoals.org/Maternal_Health.htm

- *Combat HIV/AIDS, Malaria and other Diseases*¹⁵

HIV/AIDS, malaria and other diseases are linked to disability and impoverishment. For persons with disabilities, these diseases increase the risk of additional disabilities. They also increase child mortality and compromise maternal health. In many instances, persons with disabilities do not have access to information, educational programmes, and health care services regarding such diseases.

This, in turn, creates greater risk of contracting diseases and additional barriers to appropriate health care services for treatment. This is especially important given that women with disabilities are at greater risk of experiencing violence and abuse which, in turns, increases their risk of contracting HIV/AIDS and other diseases. HIV/AIDS programmes must include persons with disabilities in their services and outreach which requires appropriate training of service providers.

Those working in the context of disability and development have in recent years emphasized both the social and human rights dimensions of disability.¹⁶ This is leading to some promising changes in terms of how development programmes assisting and serving persons with disabilities are designed, implemented, monitored and evaluated. Yet much more is needed in order to achieve the promise of inclusive development.

¹⁵ For recent work exposing the link between HIV/AIDS and disability, see Gaskins S. Special Population: HIV/AIDS among the deaf and hard of hearing. *Journal of the Association of Nurses in AIDS Care* 1999; 35: 75-78; Groce, Nora. HIV/AIDS and people with disability. *The Lancet*. 2003; 361: 1401-1402; Groce, Nora. Yale/World Bank *Global Survey on HIV/AIDS and Disability: Capturing Hidden Voices* (New Haven: Yale School of Public Health, 2004). For more resources on HIV/AIDS and disability, see http://www.iddc.org.uk/dis_dev/key_issues/hiv_aids.shtml

¹⁶ For more on the recognition that inclusive development must be based upon a rights-based social model of disability, see DFID, *Disability, Poverty and Development* (February 2000).

Part 2

Inclusive Development and the Proposed UN Convention

The link between human rights and development was at least implicitly recognized in the establishment of the Ad Hoc Committee which is currently negotiating the drafting of a convention on the human rights of persons with disabilities.

In the UN General Assembly Resolution which initiated the process calls for the establishment of an Ad Hoc Committee mandated to elaborate “a comprehensive and integral international convention to protect and promote the rights and dignity of persons with disabilities, based on the holistic approach in the work done in the field of *social development, human rights and non-discrimination*.”¹⁷

The effort to draft an international convention on the human rights of persons with disabilities represents an important opportunity to strengthen inclusive development by building into the convention:

- ❖ (i) concepts of participation and empowerment of persons with disabilities at the individual level, and support for their representative organizations at the collective and systems level for political influence.
The removal of barriers alone will not create inclusion for persons with disabilities. Conditions should be present to foster the individual empowerment of persons with disabilities from birth onwards (to develop maximum functioning), and to facilitate the formation of organisations from the community-level upwards. ‘Mainstreaming’ is not the only answer. At the same time there must also be specific focus on disabled persons and disability issues to enable persons with disabilities to become empowered participants.¹⁸
- ❖ (ii) ensuring that the rights of persons with disabilities are part of all development programmes, from planning and design through monitoring, implementation and evaluation will be important tools in achieving inclusive development.

¹⁷ *Comprehensive and Integral International Convention to Promote and Protect the Rights and Dignity of Persons with Disabilities*, Third Committee, 56 Sess., Agenda Item 119(b), U.N. Doc. A/C.3/56/L.67/Rev.1 (28 Nov. 2001)

¹⁸ For more on the importance of this “twin-track” approach, see DFID, *Disability, poverty and development*, February 2002.

Principles to Inform the Convention and Inclusive Development

The draft convention text put together by the Working Group in January 2004 includes the following general principles, in brief: (i) autonomy & independence; (ii) non-discrimination; (iii) full inclusion and participation; (iv) respect for difference; and (v) equality of opportunity.¹⁹

The addition of a provision on general principles to guide the specific elaboration of treaty obligations and to aid treaty interpretation and implementation is a well established practice in international law. The following section elaborates on general principles of particular relevance to inclusive development and addresses the addition of other principles into the draft convention text.

- *Non-discrimination*

Non-discrimination is captured in the general principles of the draft convention, and the related concepts of equality and non-discrimination are also elaborated extensively in draft Article 7 (Equality and Non-discrimination). Failure to promote the principle of non-discrimination for persons with disabilities would not only constitute a human rights abuse, but would be antithetical to the concept of inclusive development.

Poverty reduction and other development strategies must be equally accessible to persons with disabilities. In promoting inclusive development for persons with disabilities, it may be preferable to address issues of discrimination and diversity in a holistic manner. This approach can ensure complementarities between measures to eliminate discrimination on the basis of disability, sex, race, and other cross-cutting issues.²⁰

- *Participation*

The principle of participation appears as a general principle in the draft convention, and is also reflected in specific obligations throughout the treaty text. However, it is essential that governments ensure meaningful empowerment and participation of persons with disabilities and their representative organizations *at all levels* of decision-making, policy and programme development relevant to inclusive development strategies. In this context, participation in development decision-making, proposed as an addition by some governments to Article 18 (Participation in Political and Public Life) is particularly relevant.²¹

¹⁹ See Article 2 of the Working Group draft convention text at: <http://www.un.org/esa/socdev/enable/rights/ahcwgreportax1.htm>

²⁰ For more on this approach, see European Disability Forum, *EDF Policy Paper – Development Cooperation and Disability*, 2002, pp.60-61. Available at: http://www.iddc.org.uk/dis_dev/mainstreaming/edf_policy.pdf.

²¹ Support for inclusion of participation in development decision-making may be found in ILO Convention concerning Indigenous and Tribal Peoples in Independent Countries. Available at: <http://www.ilo.org/ilolex/english/convdisp2.htm>. Article 7 of that Convention provides:

Furthermore, development strategies must ensure the meaningful participation of *all stakeholders*, as inclusive development has relevance for all sectors and at all levels.

Thus, for the rights of persons with disabilities to be realized, collaboration between government, disabled peoples' organizations, mainstream development agencies, disability service development agencies, families and communities is essential - not an option. In many instances, partnerships offer the most effective model for ensuring meaningful, empowering and productive participation, and in this regard the draft article on general obligations (Draft Article 4) must be strengthened to include an obligation for States to work in partnership with disabled people and their representative organizations.

- *Representation*

Rule 18 of the UN Standard Rules on the Equalization of Opportunities for Disabled Persons²² recognizes the principle of representation and its importance in successful implementation of the Standard Rules.

The principle of "representation" is related to the principle of participation, but specifically addresses the right of persons with disabilities and organizations *of* persons with disabilities to speak and act on behalf of themselves and others in the disability community. The principle of representation is essential to ensure that the disability community can contribute its ideas and concerns in all processes that affect persons with disabilities.

For this principle to be meaningfully upheld, governments and others must respect the choices of the disability community in selecting who has the authority to speak on behalf of persons with

1. The peoples concerned shall have the right to decide their own priorities for the process of development as it affects their lives, beliefs, institutions and spiritual well-being and the lands they occupy or otherwise use, and to exercise control, to the extent possible, over their own economic, social and cultural development. In addition, they shall participate in the formulation, implementation and evaluation of plans and programmes for national and regional development which may affect them directly.

2. The improvement of the conditions of life and work and levels of health and education of the peoples concerned, with their participation and co-operation, shall be a matter of priority in plans for the overall economic development of areas they inhabit. Special projects for development of the areas in question shall also be so designed as to promote such improvement.

3. Governments shall ensure that, whenever appropriate, studies are carried out, in co-operation with the peoples concerned, to assess the social, spiritual, cultural and environmental impact on them of planned development activities. The results of these studies shall be considered as fundamental criteria for the implementation of these activities.

²² UN Standard Rules on the Equalization of Opportunities for Disabled Persons, Rule 18, available at: <http://www.un.org/esa/socdev/enable/dissre00.htm>. Specifically, the Rule states: "States should recognise the rights of organisations of persons with disabilities to represent persons with disabilities at national, regional and local levels. States should also recognise the advisory role of organisations of persons with disabilities in decision-making on disability matters."

disabilities in such processes, and also respect the diversity of representation so that all members of the disability community are effectively engaged.

Representation may be most usefully reflected, along with other concepts of participation, in Article 4 (General Obligations) of the draft convention, as well as in Article 2 (General Principles).

- *International Cooperation*

International cooperation is both an established general principle in international law and is also broadly understood to encompass a wide range of collaborative actions to facilitate implementation, not only between developed and developing countries, but between all countries.²³

The addition of a general principle of international cooperation in the convention will provide the necessary foundation for collaborative actions in pursuit of inclusive development. Respect for the principles of participation and representation will also ensure that collaborative actions at the international level are responsive to, and respectful of, local disability stakeholders, expertise, needs, and preferences, thus providing meaningful assistance to community based support initiatives.

International cooperation can help to sustainably assist and empower disabled people in their national and local context to represent themselves, thereby making services known and accessible to all.

Principles of particular relevance to inclusive development that should be included in the new convention include: non-discrimination, participation, representation, and international cooperation.

²³ In the human rights context, international cooperation is referenced as an *implementation measure* in the International Covenant on Economic, Social and Cultural Rights (Articles 2(3), 22 and 23), and the Rights of the Child Convention (Article 4). The obligation to cooperate is included in virtually all international environmental agreements (bilateral, regional, global), and appears as well in international criminal law, law of the sea, and other international agreements. The recent WHO Convention on Tobacco Control has as one of its general principles that of international cooperation (Article 4(3)).

Specific Thematic Issues of Relating Inclusive Development

The following issues are of particular relevance for persons with disabilities and should be addressed in the draft UN convention if inclusive development goals are to be successfully met.

- *Community Based Support*

Disabled persons live in communities, and inclusive development begins in the home and community. In many societies the concept of community has special significance, and for many disabled persons communities constitute their primary resource. For example, it is estimated that 80% of information, skills, and resources that disabled persons need to enable them to fully participate and access their rights can be met within local communities.

However, for these resources to be successfully utilized, governments must recognize local leadership, the interdependence of different sectors of the community and, where necessary, provide financial and other collaborative support to enable community resources to have maximum impact. Where appropriate services and resources are not yet available at the community level, governments must be prepared to provide financial and other resources to leverage existing local knowledge and assets, and promote the development of such programmes and services.

Governments have a responsibility to ensure that persons with disabilities have the possibility to access their rights within their own communities, and that accessible, affordable, relevant services are available in these communities.

Draft articles in the convention where such strategies have particular relevance include Article 15 (living independently and being included in the community), but also in a number of other articles such as: 5 (promotion of positive attitudes to persons with disabilities), 17 (education), 18 (participation in political and public life), 19 (accessibility), 20 (personal mobility), 21 (right to health and rehabilitation), 22 (right to work), 23 (social security and adequate standard of living) and 24 (participation in cultural life, leisure, recreation and sport).

Governments must ensure, through collaboration at all levels with all relevant stakeholders, that persons with disabilities have the possibility to access their rights within their own communities and that accessible, affordable, relevant services are available in these communities.

- *Social Security and Adequate Standard of Living*

Under international law, where an individual is unable to enjoy gainful employment freely chosen by them, States must ensure the enjoyment of an adequate standard of living for the individual and their family, including adequate food, clothing and housing.²⁴ Relatedly, international law also recognizes the right of all people to social security, including social insurance.²⁵

For those persons with disabilities for whom freely chosen gainful employment is not available or not possible due to a lack of effort and from organizations or governments (and not unavailable because of discrimination against persons with disabilities in hiring and/or employment practices), States thus have a duty to ensure that persons with disabilities have access to programs and services that ensure their adequate standard of living, as well as equal access to poverty reduction strategies.

If development and poverty reduction strategies are to be successful, programmes and services ensuring the maintenance of adequate standards of living and provision of social security and social insurance must be inclusive of persons with disabilities. As is noted in the current draft of Article 23 (Social Security and an Adequate Standard of Living), it is important that strategies for inclusion of persons with disabilities pay particular attention to women, girls, elderly people and others who may experience discrimination in access or enjoyment of such programmes.

The Committee on Economic, Social and Cultural Rights has issued General Comments providing further guidance on the enjoyment of an adequate standard of living, specifically enjoyment of the rights to food,²⁶ water,²⁷ and housing.²⁸

Of particular relevance for those engaged in development activities and development agendas, the Committee has noted the need to: (i) ensure sustainable, long-term access to these components of adequate standard of living; (ii) ensure accessibility for persons with disabilities and other population groups; (iii) develop comprehensive national plans through the participation of stakeholders in decision-making processes; and (iv) ensure that assistance does not undermine the functioning of local/community level providers.

Programs and policies to guarantee an adequate standard of living, and provision of social security, where necessary, must be equally accessible to persons with disabilities.

²⁴ See International Covenant on Economic, Social and Cultural Rights, Article 11.

²⁵ See International Covenant on Economic, Social and Cultural Rights, Article 9.

²⁶ Committee on Economic, Social and Cultural Rights, General Comment No. 12. Available at: [http://www.unhchr.ch/tbs/doc.nsf/\(Symbol\)/3d02758c707031d58025677f003b73b9?Opendocument](http://www.unhchr.ch/tbs/doc.nsf/(Symbol)/3d02758c707031d58025677f003b73b9?Opendocument).

²⁷ Committee on Economic, Social and Cultural Rights, General Comment No. 15. Available at: [http://www.unhchr.ch/tbs/doc.nsf/\(Symbol\)/a5458d1d1bbd713fc1256cc400389e94?Opendocument](http://www.unhchr.ch/tbs/doc.nsf/(Symbol)/a5458d1d1bbd713fc1256cc400389e94?Opendocument).

²⁸ Committee on Economic, Social and Cultural Rights, General Comment No. 4. Available at: [http://www.unhchr.ch/tbs/doc.nsf/\(Symbol\)/469f4d91a9378221c12563ed0053547e?Opendocument](http://www.unhchr.ch/tbs/doc.nsf/(Symbol)/469f4d91a9378221c12563ed0053547e?Opendocument).

- *Risk Situations*

While the link between poverty and disability is prevalent across disability population sectors, it is particularly powerful for certain groups who are exposed to greater risk of human rights abuse owing to their status, such as: women; children and youth; elderly people; people from racial, ethnic, linguistic, and religious minorities; indigenous persons; and people living in rural, remote, and small island communities;²⁹ people who are refugees and/or internally displaced as a result of conflicts and natural disasters; and people for whom non-institutional living options have not yet been made available.

Persons with disabilities who belong to such groups are at particular risk of human rights abuses, often because of systemic discrimination against such groups. If such abuses are to be prevented and if development goals are to be met, governments must be prepared to take specific measures to address the situation of these groups of persons with disabilities.

Situations of conflict, emergency and disaster, and refugee and stateless populations are also particularly challenging for persons with disabilities. These situations are a major cause of disability and can include the intentional disablement of people as a weapon of war or form of torture. Persons living with disabilities when emergency situations arise are especially vulnerable to the breakdown of basic infrastructures such as family support, and access to basic health and education facilities.

In post-conflict situations, disabled civilians are generally disadvantaged in comparison with their military counterparts, who are often perceived as war heroes and eligible for state support. Furthermore, steps must be taken to ensure that groups of disabled people at particular risk are able to participate effectively in decision-making and other processes through which policies and programmes are developed to fulfill their rights and address their specific needs. Government obligations in this regard may best be incorporated in the new convention under a new article on groups at risk, as has already been proposed by a number of delegations.

Governments must address persons with disabilities at particular risk and in especially difficult circumstances, and ensure that development programmes and policies adequately meet their specific needs.

²⁹ List drawn from People with Disability Australia, <http://www.pwd.org.au/disabilityconvention>.

- *Information Sharing*

Information sharing is necessary to make informed choices and decisions. Accessibility of information and knowledge is thus needed for the development of NGOs and DPOs at national level. Governments and international agencies should ensure that organizations have the chance to exchange their experiences at national and international level.

Information sharing, including, for example, study tours and exchanges, or collaborative research to develop applicable guidelines, standards and accessible information, could enhance the necessary technical expertise to ensure that financial resources are used in ways that foster local capacity building, and that disabled people have the resources to represent themselves and promote access for persons with disabilities in both the short and long-term. For persons with disabilities, accessible information regarding such programmes is of particular importance, for without such information it is not possible for disabled people to exercise informed decision-making.

Accessibility and exchange of information is an important requirement for the implementation of the convention. The availability of knowledge resources is needed to enable informed decisions and to ensure the implementation of the convention.

- *International Cooperation as Implementation Measures*

As noted in the section on General Principles above, the principle of international cooperation is broadly understood to encompass collaborative activities between and among all countries, not merely between developed and developing countries. In addition, it is broadly understood to encompass a wide range of collaborative activities, not merely the provision of financial assistance.

For example, a) information sharing; b) consultation; c) participation in decision-making; d) cooperative research; e) professional exchange and training; and f) training and awareness raising activities, are all considered appropriate and forms of international cooperation that, when conducted with meaningful participation by persons with disabilities and their representative organizations, can lead to positive development outcomes. An effective framework for international cooperation should be a means of improving services and access, but also, a means of developing services where they do not yet exist.

Implementation of international cooperation obligations in the convention that emphasizes information sharing could have a particularly positive impact for persons with disabilities.

For example, in many instances the cost of providing accessibility for persons with disabilities, e.g. physical accessibility in a school or workplace, is negligible relative to the overall cost of a building project, as long as accessibility is incorporated up front.

Many countries may therefore already have the financial resources to provide access to persons with disabilities, but if they lack the necessary knowledge and expertise the issue of accessibility will not be addressed in an appropriate or timely manner.

International cooperation is an essential principle and implementation measure – it must be exercised in a manner that respects the participation and representation of persons with disabilities, and furthers development goals – particularly at the community level. International cooperation should be broadly understood to have applicability across countries, and to encompass collaborative activities beyond financial donations, such as through sharing of information and technical expertise.

- *Monitoring*

Monitoring the implementation of convention obligations is central to the meaningful implementation of the convention. Providing a framework for national, regional and international level monitoring will help evaluate the degree to which implementation of the convention has occurred, and whether the convention is contributing to the achievement of inclusive development goals.

However, for the monitoring itself to be effective, it must be rooted in existing human rights monitoring structures, to enhance the complementarity of the convention with other human rights instruments. The monitoring must also be linked to the development system, and in this regard the MDG and poverty reduction strategy papers (PRSPs) mechanisms are important areas of intersection.³⁰ Such mechanisms have the potential to be an invaluable source of information that should be incorporated into a monitoring reporting system.

Monitoring must also occur at all relevant levels, to account for actions at the individual, community, state, regional and international levels. Such monitoring must encompass analysis of programmes and practices that have a direct impact on the lives of persons with disabilities, in order to identify ‘good practices.’³¹

Lastly, but perhaps most importantly, any monitoring mechanism must be inclusive of the unique expertise offered by persons with disabilities themselves.

Monitoring is an essential component of the convention. Any monitoring mechanisms established must: address the various levels of implementation (national, regional, and international); be firmly situated within the existing human rights monitoring framework; link to development mechanisms such as PRSPs; and be inclusive of the expertise provided by persons with disabilities themselves.

³⁰ For more information on the intersection of disability and the PRSPs system, see World Bank, “Poverty and Disability: Disability and the PRSP Process,” http://web.worldbank.org/WBSITE/EXTERNAL/TOPICS/EXTSOCIALPROTECTION/EXTDISABILITY/0,,contentMDK:20193783~menuPK:419389~pagePK:148956~piPK:216618~theSitePK:282699,00.html#Disability_and_the_PRSP_Process.

³¹ For more information on the relevance of examination of such policies and programmes, see Disability Rights Promotion International, “Phase I Report: Opportunities, Methodologies and Training Resources for Disability Rights Monitoring,” p. 5, 2003, available at: http://www.yorku.ca/drpi/files/DRPI_Phase_I_Report.pdf.

Part 3: Conclusions and recommendations

- The economic and social exclusion that is a reality for persons with disabilities in developing countries is a major development issue.
- Six out of eight MDGs have fundamental links to disability and cannot be achieved without taking disability issues into account: eradication of extreme poverty and hunger; achieve universal primary education; promote gender equality and empower women; reduce infant mortality rate; improve maternal health; and combat HIV/AIDS, malaria and other diseases.
- Achieving inclusive development requires adopting a rights-based approach to the social model of disability, and in this regard the proposed UN convention has the potential to make a substantial contribution by further elaborating the human rights of persons with disabilities.
- Principles of particular relevance to inclusive development that should be included in the new convention include: non-discrimination, participation, representation, and international cooperation.
- Governments must ensure, through collaboration at all levels with all relevant stakeholders, that persons with disabilities have the possibility to access their rights within their own communities and that accessible, affordable, relevant services are available in these communities.
- Programs and policies to guarantee an adequate standard of living, and provision of social security where necessary must be equally accessible to persons with disabilities.
- Governments must address persons with disabilities at particular risk and in especially difficult circumstances, and ensure that development programmes and policies adequately meet their specific needs.
- International cooperation is an essential principle and implementation measure – it must be exercised in a manner that respects the participation and representation of persons with disabilities, and furthers development goals – particularly at the community level. International cooperation should be broadly understood to have applicability across countries, and to encompass collaborative activities beyond financial donations, such as through sharing of information and technical expertise.
- Accessibility and exchange of information is an important requirement for the implementation of the convention. The availability of knowledge resources is needed to enable informed decisions and to ensure the implementation of the convention.
- Monitoring is an essential component of the convention. Any monitoring mechanisms established must: address the various levels of implementation (national, regional, and international); be firmly situated within the existing human rights monitoring framework; link to development mechanisms such as PRSPs; and be inclusive of the expertise provided by persons with disabilities themselves.

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