

# THE UNITED NATIONS CONVENTION FOR THE PROTECTION AND PROMOTION OF THE RIGHTS AND DISABILITIES OF PEOPLE WITH DISABILITIES: USERS' GUIDE!

*"The disability field is an integral part of human rights. All the while disabled people are deprived of equal opportunities for full social participation, no-one can say that the objectives of the Declaration of Human Rights have been met".*

**Bengt Lindqvist,**  
*Ex United Nations Special Rapporteur for disability*



Since 2003, together with the States and other members of the civil society, Handicap International has been participating in the drawing up of the **United Nations Convention on the protection and promotion of the rights and disabilities of people with disabilities**, conducted by the United Nations.

This convention, **which will be binding for the ratifying countries**, will be particularly important as it will incite governments to take disability into proper consideration. It should also ensure « the full, effective and equal enjoyment of all human rights and fundamental freedoms by persons with disabilities» (article 1 of the draft Convention).

The development process of this Convention is also providing another exceptional opportunity : for the first time, the **civil society is actively participating in the debates alongside State representatives and United Nations bodies**.

Working in close collaboration with other associations, in particular disabled persons' organisations, Handicap International tries to promote its approaches of disability and the policies it defends, and to influence the negotiations.

**The work undertaken is long and complex, but it is of crucial importance. We invite you to discover the basics in this supplement and to consult the relevant Web pages for more information.**

## Human rights and disability, a long story...

**1948**

Universal Declaration of Human Rights

**1966**

- International Covenant on civil and political Rights
- International Covenant on Economic, Social and Cultural Rights
- International Convention on the Elimination of all forms of Racial Discrimination

**1979**

International Convention on the Elimination of all forms of Discrimination Against Women

**1984**

Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

**1989**

Convention on the Rights of the Child

**2007**

Convention on the promotion and protection of the rights and dignity of persons with disabilities

▲ For more information, see the column "a founding study" on our web page

## The Convention in 6 stages:

**1987**

Refusal of the first proposal of a convention, presented by the Swedish and Italian governments.

**December 2001**

- Mexican proposal to work on a new convention, accepted by the United Nations General Assembly
- Creation of the ad hoc committee

**June 2002 - June 2003**

1st and 2nd session of the ad hoc committee

**January 2004**

Setting up of a working group  
Elaboration of the draft text, basis of the negotiations

**May 2004 - August 2005**

3rd to 6th session of the ad hoc committee

**From 2006 onwards**

- Next meetings of the ad hoc committees
- Elaboration of the definite text (planned for 2007)
- Launch of the ratification process in different countries
- Implementation of the convention, and of its monitoring

▲ For more information, see the column "draft text of January 2004, and daily summaries of the ad hoc committees".

## Why do we need a specific convention for people with disabilities ?



The monitoring committees attached to the conventions should, in theory, ensure that the principles of equality and non-discrimination also apply to people with disabilities as far as implementation is con-

cerned. However, these committees have never included this mission among their priorities : people with disabilities are therefore disadvantaged compared with clearly identified groups, which are protected by a set of binding rules.

Nevertheless, in addition to improving the existing system, this convention also aims at bringing an end to the problem of **the invisibility of disabled people**. Indeed, although in theory disabled people have the same rights than people without disabilities, a study carried out for the United Nations has brought into light that in practice their invisibility has a « devastating effect on the exercising of their rights » ; thus universally recognised rights are not « applied in an egalitarian way to people with disabilities ».

## The stages of the process and the actors present



The General Assembly of the United Nations has created an ad hoc committee, in charge of examining all propositions concerning a text on persons with disabilities.

This committee is composed of

- States representatives,
- Members of civil society brought together within the International Disability Caucus (IDC),
- Different UN bodies such as the High Commission for Human Rights or the Commission for Social Development, and
- National human rights institutions.

The ad hoc committee has already held five sessions in New York. It has discussed and amended the draft document prepared in January 2004. The draft document has been drawn up by a working group composed of twenty-seven States representatives, twelve disabled persons' NGOs and one human rights institution.



## Disabled people in the world

The United Nations estimate that there are **600 million disabled people** in the world and that the immense majority of them (more than 75 %) live in developing countries. According to World Bank estimations, 1/5<sup>th</sup> of the poorest people in the world are disabled. Poverty, discrimination and disability are problems that feed off each other in a vicious circle: the eradication of poverty will not be – and could not be – achieved without including the issue of disability in all development policies.

## Our action

### Participation in the civil society group (IDC)

**The International Disability Caucus** is a group composed of organisations of disabled persons and their allies. This group represents the voice of the civil society **and influences the debates on the Convention with its expertise.**

Together, the associations member of the IDC are defining a common strategy, whose strength will lie in the fact that it represents « one unified voice». The coherence of the IDC's message and the solidarity between its members on subjects as various as complementary, will allow the civil society, strong and credible in the eyes of the States, to bring an effective contribution to the text of the convention. Handicap International is a member of IDC. The association provides logistical support, for example, to its secretariat during the ad hoc committee meetings. This secretariat is held by the team of the South-Eastern Europe Programme. Our programmes in this area and in Central America support Disabled Persons Organisations, for them to take part in the ad hoc committees and relay the information in their country.

### Our position

● **Handicap International contributes to the ad hoc committee meetings** by being in charge of the International Disability and Development Consortium's (IDDC) « Working group on the UN Convention ». IDDC, as a member of IDC, brings together associations working in the fields of disability and development. As the leader of this group, Handicap International develops positions on development practices and makes proposals. The working group has submitted an **amendment proposal** to the Convention, which aims at reinforcing inclusive approaches to development, both at the level of the national development policy of each State, and within the framework of international cooperation.

● The IDDC group wanted the **link between human rights and development** to be present from the very beginning of the process of drawing up of this convention. This text thus offers an opportunity for strengthening inclusive development, through :

- **empowerment** : participation of persons with disabilities at the individual and collective levels (promotion of the political influence of disabled persons' organisations) ;

- **mainstreaming** : inclusion of the disability issue in each development programme and in every phase of its elaboration (programming, implementation, monitoring and, evaluation).organisations de personnes handicapées) ;

## Inclusive development as a catalyst for change

In their country of intervention, the teams of Handicap International carry out a task of identification of development practices as regards inclusion of persons with disabilities.

- A CD Rom: "the disability convention, making it work" has thus been elaborated in collaboration with IDDC. It is composed of a hundred of documents, produced by international organisations, likely to help humanitarian actors and organisms of development aid to integrate the disability issue in their strategy.

- A report has also been published by the programme Handicap international South Eastern Europe. It lists the practices implemented by NGOs, authorities and international agencies to encourage the full participation of persons with disabilities. It shall be the basis of the work and advocacy to the regional actors.

▲ *For more information, see the column "The position of Handicap International and the practices of inclusive development as a catalyst for change" and "presentation of the convention by handicap international".*

● The implementation of the convention **will be based both on traditional human rights instruments**, such as the monitoring committees and, on **the identification and diffusion of good development and international cooperation practices**. In this respect, Handicap International intends to play an identifying and promoting role in the innovating methods initiated in the countries in which it operates.

## Information on the process

In participating in the ad hoc committee meetings, Handicap International lets the States and civil society share information in the text's development process and the negotiations underway. The association also intends to raise other disability stakeholders' awareness on the new text so that they may also influence its development : creation of a web page devoted to the subject, translation of the daily summaries produced at the ad hoc committee meetings, production of an accessible information document on the convention, etc.

Our programmes and sections do also relay this information in their country. The Morocco-Tunisia programme and the regional coordination of Western and Central Africa (Coraoc) are collaborating with the United Nations in organising regional seminars

▲ *For more information, consult the website [www.handicap-international.org](http://www.handicap-international.org) (sub-site "Zoom").*

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