World Blind Union

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Final submission to the Committee on the rights of persons with disabilities on Articles 4.3 and 33.3 - participation in monitoring the Convention on the rights of persons with disabilities

 General comment no.7

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Introduction

The World Blind Union is a global organization that represents the worldwide community of 285 million blind and partially sighted persons. “We envision a community where people who are blind or partially sighted are empowered to participate on an equal basis in any aspect of life they choose”. Our work is based on the deep conviction that a more inclusive, accessible and equal society will lead to effective participation and involvement of blind /partially sighted persons in monitoring the progress of the CRPD.

The WBU wholeheartedly welcomes and sincerely appreciates the initiative of the United Nations Committee on the Rights of Persons with Disabilities to discuss a general comment On UNCRPD Articles 4.3 and 33.3 participation of persons with disabilities through there representative organizations in monitoring the implementation of the Convention and the consequent development of a General Comment Number 7

Over 285 million persons who are blind and partially sighted are particularly affected by the non-implementation of the rights enshrined under the CRPD. About 172 countries have ratified the above convention where this significant number of the population leave without reservations on Articles 4.3 and 33.3 respectively. This section of the population face a number of barriers when it comes to the implementation of their fundamental rights and freedoms. They face significant attitudinal, physical and communication barriers to participate in public life.

Equal participation is a precondition in the realization of the rights enshrined in the convention. It is stipulated in the principles and cuts across all the other articles. It is one of the processes through which visually impaired persons can attain full inclusion and defacto equality in society. Participation has a number of elements that enable it to become meaningful. These include:

Putting in place positive measures and procedural mechanisms that guarantee persons with visual impairments the opportunity to engage in the planning and monitoring processes.

Involvement of persons with visual impairments in key decision-making processes;

Adequate consultation of persons with disabilities and their organizations on issues that directly affect them;

And

Provision of programmes that mainstream the rights and needs of persons with visual impairments;

An example can be derived from the right to participation in the political and public life. During the preparatory processes, it is very important to engage and consult persons with visual impairments and their organizations to plan and budget for all the costs related to the reasonable accommodation of the above persons during the electro process, provision of information, communication and education materials during civic education and mainstreaming the entire program to be inclusive of persons with visual impairments, they could be great observers and would demonstrate clear monitoring benchmarks. Participation can only happen if persons with visual impairments are given information in accessible formats, accessible roads and the entire transport system, accessible technology for the blind, lack of which brings about significant barriers. The lack of accessible signage reduces the right of visually impaired persons to participate in their communities. Lack of information in accessible formats of braille, large print, electronic versions and assistive technologies limit the blind and partially sighted persons from participation in the monitoring and implementation processes. For example, if budgets are not provided in accessible formats, the above persons will not be in position to analyse and advocate for the inclusion of persons with visual impairments. If prescriptions of medicine is not in accessible formats, blind/partially sighted persons will not be in position to take the right dosage, which infringes on their right to health. A reduced connectivity in the local transportation of blind and partially sighted persons hinders their effective participation in society.

Other rights such as education, employment, social protection and rehabilitation are prerequisites for meaningful participation in society. Additionally, the lack of recreational, culture, leisure and sports accessibility significantly reduces the level of participation of blind/ partially sighted persons in their community. The effective participation and involvement of blind and partially sighted persons is inherent and key in monitoring the implementation of the CRPD. There leaved personal experiences provide a key component in analysing their human rights violations in line with the convention. It is therefore paramount that as part of the monitoring mechanism, blind/ partially sighted persons and their organizations are adequately consulted regarding the implementation of the rights enshrined in the convention.

Meaningful participation of persons with visual impairments and their representative organizations cuts across the entire spectrum of monitoring the implementation of the CRPD. However, they have always been excluded in monitoring the implementation of programmes, policies, legislation, planning and decision making at the national level. State parties simply fail to involve the above persons in the consultative frameworks of implementing the convention. They claim lack of resources to engage their full participation including provision of information in accessible formats of braille, large print, audio recordings, tactile, electronic versions to enable them synthesise the information regarding the gaps in the laws and policies; lack of funds to facilitate the support staff including live assistants who help to ensure that their reasonable accommodation needs are met. Effective participation of visually impaired persons and their organizations is very peculiar in the attainment of substantive equality and the equal enjoyment of all fundamental rights and freedoms stipulated under the CRPD. Effective participation therefore is a key principle that guarantees an opportunity for blind and partially sighted persons together with their organizations including women and girls to air out their views in terms of implementation of rights, to ensure that there are no fundamental gaps in the existing legislations and policies, to plan and budget accordingly bearing in mind their reasonable accommodation needs, to participate in decisions that affect them, and hence the concept of participation would be achieved with all these suggestions in place.

Final recommendations

General comment number 7 must highlight the intersectionality of meaningful participation of persons with visual impairments throughout the entire convention including the principles, under article 3, the obligations under article 4, political participation under article 29, participation in leisure and culture under article 30 and monitoring the implementation of the convention under article 33.

The general comment on Articles 4.3 and 33.3 must address the necessity of better mechanisms to guarantee meaningful participation of persons with visual impairments and their organizations at the national level in all aspects of monitoring the implementation of rights stipulated under the CRPD, failure of which should be treated as disability based discrimination by association and personal attribute.

The general Comment must include clear examples where the right to meaningful participation is fully respected, protected and upheld so that States parties receive clarity through the views of the Committee around these articles.

The general comment must incorporate concepts of reasonable accommodation and other support measures to promote meaningful participation of persons with visual impairments.

The general comment must set out clear recommendations regarding budget allocations for persons with visual impairments during consultative processes to enable their full and effective participation in the decision-making processes.