

## Submission in follow-up to HRC resolution 15/25 “The Right to development”

### Disabled People’s International

There are 650 million persons with disabilities worldwide (World Health Organization). This makes up 10% of the world’s population. One third of the world’s persons with disabilities are children, and two thirds have become disabled secondary to preventable diseases or accidents.

In March 2008, the United Nations Convention on the Rights of Persons with Disabilities (CRPD) came into force. The CRPD is intended as a human rights instrument with an explicit, social development dimension; it adopts a broad categorization of persons with disabilities and reaffirms that all persons with all types of disabilities must enjoy all human rights and fundamental freedoms (UN Enable, 2010). Building on several existing United Nations Treaties and Conventions, including the Convention on the Elimination of All Forms of Discrimination Against Women and the Convention on the Rights of the Child, the CRPD is the first and only international agreement to explicitly stipulate the rights of persons with disabilities in international law.

*Article 9 of the CRPD addresses the obligations of States Parties shall take appropriate measures to ensure to persons with disabilities access, on an equal basis with others, to the physical environment, to transportation, to information and communications, including information and communications technologies and systems, and to other facilities and services open or provided to the public, both in urban and in rural areas. These measures, which shall include the identification and elimination of obstacles and barriers to accessibility*

*Article N°24 of the CRPD addresses the obligation of States Parties shall recognize the right of persons with disabilities to education. With a view to realizing this right without discrimination and on the basis of equal opportunity, States Parties shall ensure an inclusive education system at all levels and life long learning*

*Article N° 32 of the CRPD addresses the obligation of States Parties recognize the importance of international cooperation and its promotion, in support of national efforts for the realization of the purpose and objectives of the present Convention, and will undertake appropriate and effective measures in this regard, between and among States and, as appropriate, in partnership with relevant international and regional organizations and civil society, **in particular organizations of persons with disabilities***

### **The Right to Development**

The 13<sup>th</sup> item of the "**Declaration on the Right to Development 41/128**" adopted by the UN General Assembly on December 06, 1986, "*Recognizing that the human person is the central subject of the development process and that development policy should therefore make the human being the main participant and beneficiary of development*"

Item III.A.10. of the **report of the working group on the Right to the development** on the eleventh session held on June 10th 2010 (Geneva, April 26-30 2010: A/HRC/15/2) affirming that

*“The right to development must encompass the promotion of good governance, the rule of law and effective anti-corruption measures, and include the principles of participation based on non-discrimination and gender equality, transparency, access to information and accountability”*

The “**Position Paper of Disabled Peoples’ International (See [www.dpi.org/](http://www.dpi.org/)) on the Millennium Development Goals**” affirming that “*Disability and poverty influence a person’s ability to access health services, education and employment, especially women. Not addressing these barriers severely undermines the effectiveness of anti-poverty programs and reinforces gender disparity and the dependence of persons with disabilities on others for survival.*”

**Disabled peoples' International recalls that:**

1. 80% of people with disabilities are living in poor countries and a large majority of the remaining 20% are living under development countries conditions that maintain them in poverty whatever the development level of the country they live.
2. Where they exist, pensions and allocation systems do not encourage people with disabilities to work, if all the other barriers (such as access to premises, transport, education levels etc) are overcome thus enabling the person with a disability to become part of the workforce.
3. The present economic conditions cause a major barrier to persons with disabilities to celebrate the diversity that they bring to society
4. The adoption of the UNCRPD was the success of thirty years of collaborated efforts by Disabled Peoples’ Organisations (DPO) and showed the value of utilizing Civil Society in the drafting of such instruments.
5. National and Regional laws should now be adapted to the standards of the UNCRPD. Countries should be encouraged not to add Declarations or Reservations nor an interpretation of the UNCRPD not in line with the Human Rights ethos in which the UNCRPD was developed
6. The need for personal support to be independent is a source of oppression that promotes frequent violations of the human rights of persons with disabilities who are affected by situations that have similar aspects to those resulting from colonialism, neo-colonialism or apartheid
7. An effect of the UNCRPD has been that budgets adopted by individual countries and the institutions/organizations selected to implement the UNCRPD are often institutions/organizations that in many cases do not associate people with disabilities as an equal partner
8. People with disabilities are employed less than non-disabled people and people with disabilities who are working in special workshops and these workshops are not covered under employment equality legislation and do not have the same opportunities for career development as their peers

**Disabled Peoples' International therefore recommends:**

- (a) *The right to development criteria and operational sub-criteria of the task force.*  
(A/HRC/15/WG.2/TF/Add.2)

- To include all people whatever their abilities in the right to development criteria and sub-criteria with the objective to measure the potential of the people and the barriers that restrict them reaching their potential. (For example income of adult persons with disabilities compared with national and international poverty rates)
- To ensure that all citizens' needs and potentials are taken into account in national statistics, data collection or census of population

(b) *The consolidation of findings of the task force (A/HRC/15/WG.2/TF/2/Add.)*

- Development aid should refer to the UNCRPD and in particular on “*Article 31 Statistics and data collection* » and « *Article 32 International cooperation* »,
  - To include data on disability within the consolidation of findings of the task force mechanisms. (For example free primary school education for all, so the number of children with disabilities enrolled in primary education should be taken into account in the consolidation of findings )

(c) *The conclusions and recommendations of the task force, in particular with regard to the suggestions for further action on the criteria, thematic areas of international cooperation for consideration, and mainstreaming the right to development (A/HRC/15/WG.2/TF/2)*

- For further action on mainstreaming the right to development an expert representative of disabled people organizations should be nominated to participate to the task force in coordination with the CRPD Committee and mainstreaming.

(d) *The way forward to ensure the effective implementation of the right to development.*

- The **implementation of the UNCRPD** is a support for the development of the persons who work as assistants with people with disabilities?
- Disabled people should be ensured equality of outcome to enable them to work, produce and consume within their own locality and with their peers.
- That **inclusive education** and **universal design** are the two pillars to oversee the implementation thus facilitating the participation of disabled people in the implementation of the UNCRDP.
- The **recognition of people** who live in developing countries or regions.
- The objective should be to reinforce their potential to participate to the identification, the building and the use of the adapted tools that facilitate the implementation of the right to development.

The **training of people** living in developing countries to enable them to develop their potential thus ensuring their participation in the implementation of the right to development.

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