**Assessment of the mandate of the UN Special Rapporteur on the rights of persons with disabilities**

**Lessons from the term of the first mandate holder, Catalina Devandas Aguilar**

Neil Crowther and Mark Priestley

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# Introduction and summary

## About this report

This report presents lessons drawn from the 2014-20 term of Catalina Devandas Aguilar in her role in the mandate of United Nations Special Rapporteur on the Rights of Persons with Disabilities.

It is hoped that the lessons will be of interest and benefit to subsequent mandate holders and to their teams, to other special procedure mandate holders, to the wider UN system, to donors and to others with an investment in advancing the rights of persons with disabilities.

Its findings are based on desk research and on 29 semi-structured interviews conducted in July-August 2020 with respondents who were selected to provide diverse perspectives on the influence of the mandate on the United Nations system and on the broader human rights and development agenda. The respondents were asked to offer their perspectives of the relative strengths and weaknesses concerning the mandate and the way it had been discharged by the mandate holder.

The authors are grateful for the generous and rich contribution of participants in this study.

## Summary of lessons

The UN Special Rapporteur on the Rights of Persons with Disabilities has achieved demonstrable impact within and beyond the UN system. This study suggests that the chief lessons to be drawn in understanding how this impact was achieved are:

* **Being strategic and focused:** the SR established clear goals and priorities and pursued a well-defined theory of change to achieve them, approaching the UN and its entities both as instruments of change and as platforms for achieving change in the wider world.
* **Attending to framing, politics and diplomacy:** the SRfurther embedded a human rights-based approach to disability, employing this to emphasize the interconnected, transversal and intersectional nature of disability. She successfully traversed the sometimes-competing agendas of human rights and poverty-reduction in the UN system while walking a line between an expectation of States and parts of the UN system of adopting a quasi-judicial independent role, of DPOs that she should behave as an advocate and recognizing that the Human Rights Council is a political body.
* **Positioning and approaching disability as a transversal issue and building new relationships and alliances to achieve change**: the SR identified points of intersecting priorities – often unrecognized by others – and harnessed them to build new relationships and to reposition disability rights. This has led to cross-collaboration with and between UN special procedures, treaty bodies and other UN entities and to the building of new alliances and partnerships to advance disability rights in the wider world.
* **Harnessing the role of key institutions as transmitters and agents for change:** the SR set out to transform the UN itself as a vehicle for advancing the rights of persons with disabilities in the wider world, with the UN Disability Inclusion Strategy (UNDIS) recognised as a signal achievement of her period of office. UNDIS provides an accountability framework spanning the entire UN system that can in future be drawn down on by allies within and outside the UN system to help ensure UN action and interventions benefit and help advance the rights of persons with disabilities.
* **Mobilising the support of global organisations of persons with disabilities:** the SR engaged the global disability rights community formally and informally throughout her term, strengthening the legitimacy of the office among the community of rights holders, drawing on their accumulated expertise in agenda setting and policy development, and as agents through which to amplify the impact of the mandate across the world.
* **Raising and committing resources to research and engagement:** the SR enlisted donor support to expand her activities over and above those supported by OHCHR, in particular to commission research and to engage and involve experts, including organisations of persons with disabilities, in the development of position papers and to inform key debates. This allowed the SR to demonstrate impact, which in turn attracted further donor funding.
* ‘**Being the change’:** as a disabled mother from the Global South, the SR was considered better able to ‘inhabit and embody’ the mandate, using her identity and experience to communicate and make the case for change. The SR and her team strived to lead by example, demonstrating and promoting best practices accessibility in its communications, engagement and through participation in the wider UN system and its commitment to involving persons with disabilities throughout its work.

Several interviewees believed that the first SR had laid firm foundations and planted seeds in fertile ground that her successor, allies within the UN system and outside could now build upon and help grow.

To have continued impact in future, it was suggested that greater emphasis is now placed upon motivating implementation, both by the UN system and by States, working in collaboration with those allies and partners that together, form the ‘transmission belt’ needed to turn human rights standards into the lived experience of persons with disabilities around the world.

## Background

### Brief history and outline of mandate of the Special Rapporteur on the Rights of Persons with Disabilities

The mandate of the Special Rapporteur on the rights of persons with disabilities is one of 44 thematic special procedures of the UN Human Rights Council. Mandate holders are appointed as independent experts with considerable autonomy to report and advise on issues arising from their thematic perspective but also report formally to the Council and General Assembly.

The mandate under review was established by Resolution of the Human Rights Council in 2014[[1]](#footnote-1) and renewed for a further three years in 2017.[[2]](#footnote-2) The mandate holder during this period was Ms Catalina Devandas Aguilar until September 2020. This mandate focused on the rights of persons with disabilities, with reference to the UN Convention on the Rights of Persons with Disabilities (CRPD). In this regard, it created a new role within the UN human rights system but building on earlier mandates relevant to its establishment.

A previous, but different, mandate for a Special Rapporteur for Disability had been established by the Economic and Social Council in 1994, located within the Commission for Social Development, and renewed twice until 2002. This mandate arose from a need to monitor implementation of the UN Standard Rules for the Equalization of Opportunities of Persons with Disabilities, which preceded the process to establish a Convention. Its activities included periodic reporting based on wide surveys of states’ progress and civil society opinion.[[3]](#footnote-3) A continuing mandate was established within this frame in the period 2003-2009, during the period of negotiation and implementation of the CRPD.[[4]](#footnote-4) This mandate was maintained up until 2014 with a focus on the pre-existing UN Rules as well as the Millennium development Goals.[[5]](#footnote-5)

Since 2014, within the new mandate on the Rights of Persons with Disabilities, the Special Rapporteur was mandated to develop dialogue and consultation with stakeholders, to gather information and make recommendations, to raise awareness of the rights of persons with disabilities, while integrating a gender perspective, working closely with other UN mechanisms and procedures and reporting annually to the Human Rights Council and General Assembly. The mandate encouraged states in particular to co-operate with requests for information or visits but emphasized also the importance of including persons with disabilities and their representative organizations as sources of information.

During the period of the new mandate since 2014 the framework of the UN 2030 Agenda and the Sustainable Development Goals also added a new point of reference.[[6]](#footnote-6) The latest mandate, established in July 2020, refers also to the Special Rapporteur’s role in contributing to implementation of the UN Disability Inclusion Strategy, formulated during the period under review.[[7]](#footnote-7) The remainder of this report focuses on implementation of the mandate from 2014 to 2020, and the lessons learned.

### What the Special Rapporteur set out as the vision, working methods and priorities for her mandate

In February 2015, the Special Rapporteur presented her vision, working methods and priorities for the discharge of her mandate to the Human Rights Council.[[8]](#footnote-8) This vision provides an important benchmark against which to evaluate the performance of the mandate, both in its framing and the specific goals set.

In summary, the SR undertook to:

* **Promote and further deepen the human rights perspective on disability**, emphasizing that ‘the entire United Nations regulatory framework applies to persons with disabilities on an equal basis with others’
* **To be guided by and to promote the UN Convention on the Rights of Persons with Disabilities as the ‘gold standard’** noting how it had been ‘ratified or acceded to by 150 States and the European Union… this demonstrates an acceptance by the global community of the Convention as a universal standard and a collectively agreed benchmark against which progress is to be measured.’[[9]](#footnote-9)
* **To embed a human rights based approach to development,** noting how ‘the Convention on the Rights of Persons with Disabilities has the unique strength of being a human rights instrument with a development perspective, equally protecting the rights of all persons withdisabilities in all parts of the world.’
* **Promote disability rights as a transversal issue,** promoting a ‘disability inclusive perspective’ as well as addressing disability-specific issues
* **Adopt a collaborative approach**, in particular to work with other special procedures and UN Treaty bodies on issues including the

rights of indigenous peoples, violence against women, the human rights of migrants, older persons, discrimination against women in law and in practice, health, education, extreme poverty, adequate housing and torture.

* **Build ownership** and ‘culturally tailored responses’ at the national level
* **Ensure ‘gender sensitivity’** in particular ‘the multifaceted discrimination and marginalization and the compounded violations of human rights that women and girls with disabilities face in most societies
* **Promote accessibility** in the discharge of the mandate, to lead by example and as a cross-cutting issue in the substantive work of the Special Rapporteur.
* **Maintain and build upon the principle of ‘Nothing about us without us’** with the Special Rapporteur attaching ‘great importance to such an outstanding participatory approach (that had characterised the development of the UN Convention on the Rights of Persons with Disabilities)’.

As well as identifying her overall approach to the mandate, the Special Rapporteur also set out areas that would form the thematic focus of her mandate:

* **Promoting citizenship**, including active participation by persons with disabilities in decision-making, equal recognition before the law, the right to freedom and security of the person, the right to live independently and to be included in the community
* **Combating poverty,** including by supporting the development and implementation of social protection systems that are inclusive of persons with disabilities, by promoting access to inclusive education and employment, and by contributing to the inclusion of persons with disabilities in all national and international development processes and programmes.
* **Changing attitudes to persons with disabilities,** including though social media campaigns and contributing to the visibility of the annual International Day of Persons with Disabilities.

## How the study was carried out

The study was carried out, independently, by the authors under Terms of Reference provided by the mandate holder and the Office of the High Commissioner for Human Rights. The objective was to understand the influence of the mandate since 2014 and to identify potential areas for strengthening its impact in the future.

The qualitative methods involved direct consultation with stakeholders both inside and outside the UN system, supported by online reviews of relevant documents and websites. These respondents included representatives of the UN Secretariat, UN Agencies, Funds and Programmes, UN country teams, Treaty bodies, other UN Rapporteurs, organizations of persons with disabilities and civil society. In total, 29 semi-structured interviews were conducted online or by email using the following topic guide.

**Focus 1: influence on the United Nations system**

* How did the SR Disability mandate contribute to strengthen the capacities of the United Nations System entities, including the UN Secretariat, agencies, funds and programmes?
* How did the SR Disability mandate contribute to strengthen the capacities of UN human rights mechanisms to mainstream disability in their work, and implement and recommend policies in line with the CRPD?
* How did the SR Disability mandate's work contribute to the implementation of the CRPD?

**Focus 2: influence on the broader human rights and development agenda**

* How did the SR Disability contribute to mainstreaming of the rights of persons with disabilities across the broader human rights and development agendas, including in the area of international cooperation?
* How has the SR Disability mandate's work contributed to advance the agenda and work of international organizations of persons with disabilities and other civil society organizations representing them?
* How did the SR Disability mandate succeed in raising awareness of the rights of persons with disabilities and promoting the notions of embracing human diversity and disability pride among States, UN entities, donors, and civil society organizations?

The qualitative approach focused mainly on perceptions of influence and impact rather than objective measurement, although the documentary evidence also provided an overview of activity during the mandate. The analysis explores perceptions of the impact, the style and approach, and the value of the mandate – both within the UN system and on broader human rights and development agendas. In this way, it aims to inform future mandate holders, other key actors within the UN system, including other special procedures, donors, states and civil society about the opportunities and challenges in fulfilling this role.

# Findings

## The approach and style of the mandate holder

### A focused and strategic approach to influencing change

Interviewees perceived there to have been a focused and strategic approach to change exhibited by the mandate holder, in line with the vision outlined at the outset of her mandate[[10]](#footnote-10) (see 2.2) and accounts given by those close to the mandate holder about their intended approach:

*‘We wanted to position disability high and then we wanted to deal with some topics.’* **UN**

The approach taken by the mandate holder can be divided into two broad categories:

* Action internally to change the United Nations itself, at all levels, by anchoring the principle of disability inclusion and mainstreaming disability rights as a means of leveraging the power of the UN and its entities to achieve systemic change globally
* Action using the mandate as a platform to push boundaries internally and externally in terms of thinking, reach, dialogue and new alliances, with a focus on identifying hitherto unexplored areas of common or intersectional interest.

Later sections explore these two categories in greater detail.

It was commonly felt among interviewees that the mandate period had been characterized by a clear ‘theory of change’ comprising influencing goals, strategic thinking about their achievement, by the careful selection of methods, approaches and with respect to new collaborations and alliances. One interviewee observed:

*“…. because of her history as being an active participant of the development of the Convention and later working with DPOs and so on, she has a very strategic sense and a very good political capacity, both on the analysis side and on the execution side..”* **UN**

Another interviewee reflected:

*“I think one of the things…that I was excited to see was the way that Catalina could build on her past experience, working in diverse organizations like the World Bank or with DPOs… but move towards some more sophisticated strategies. Influencing strategies, … especially in terms of communications….”* **Donor**

Interviewees perceived that the different elements of the official mandate had been treated as a toolkit by the mandate holder and her team and used intelligently, creatively and cumulatively to pursue overall strategic goals, rather than as standalone functions:

*‘She has approach different elements of her mandate strategically with an eye to the big picture.****’* DPO**

For example, there was perceived to be a clear pathway from the commissioning of research, to the engagement of experts, in the development of alliance and partnerships inside and outside of the UN system, to position papers published and submissions to the Human Rights Council or General Assembly and subsequent work on issues such as access to justice, support and deprivation of liberty. Themes taken forward via these areas of the mandate were also significant areas of focus in country visits, such as the focus on the right to live independently in the country visit to France.

Interviewees also saw a logical progression and linkages between the thematic areas of focus:

*“I think from memory she went from social protection, maybe into participation, like it was like a very clear progression. I think that's a really good way is to show linkages between issues, … So I think that's a really important thing about mapping out what your three years will look like in the mandate, and thinking strategically about how do you build upon what's already happened?”* **State**

An interviewee close to the mandate holder confirmed that this was intentional:

*“…we wanted the first reports to be building blocks. Participation, support, social protection, disability inclusive policies were for us like the building blocks for the mandate in general, thinking this is the first mandate. We wanted to build something from there.”* **UN**

### Attention to framing, positioning, politics and diplomacy

Interviewees believed that the manner in which the mandate had been executed had been characterized by distinctive framing and positioning and by attentiveness to the politics and diplomacy required to secure and sustain support for and action on the rights of persons with disabilities.

In particular, interviewees highlighted the SR’s focus on further advancing a human rights-based approach to disability, on the interconnected, transversal and intersectional nature of disability and on managing the sometimes-competing agendas of human rights and poverty-reduction.

The (re) positioning of the mandate, reporting to the Human Rights Council from 2014, was considered to have been fundamental both to the continued reframing of disability as a human rights issue and in according the mandate real political power:

*“….disability essentially is a human rights issue, and being in the Human Rights Council has given that freedom, that flexibility to further reinforce disability as a human rights issue.”* **UN**

However, it was strongly felt by a number of interviewees that, in addition, the mandate holder’s professional background and outlook had been instrumental to her having been able to optimize this shift. In particular, it was noted that the mandate holder’s background was as a human rights lawyer, rather than disability rights specialist and that consequently ‘human rights’ rather than ‘disability rights’ provided the primary framing for the mandate. This was deemed to be beneficial for a number of reasons.

*“She wasn't a raised up as a person with a disability, so she wasn't in the disability rights movement before she was in the women's rights and human rights. … So she has a very different view, a more inclusive view than other folks that have been in disability movements for a long time.”* **NGO**

This focus on the dynamic, rather than one dimensional nature of discrimination and inequality was also perceived lie behind the focus of the mandate holder on disability rights as ‘transversal’, intersectional and dynamic issue influencing wider agenda’s not a standalone issue affecting only a minority:

*“There was a strong focus from the outset on otherwise overlooked groups and issues, including women and girls with disabilities, indigenous groups….”* **NGO**

This in turn was seen to have helped to build resonance and gain traction concerning action on the rights the of persons with disabilities across a far broader range of debates:

*‘Very effective at creating visibility for the role, working across thematic areas and the UN system, presenting disability as a dynamic factor influencing wider issues, rather than an enclosed, specific issue*’ **NGO**

*‘Has been present and thus created a strong presence for the SR mandate and disability rights across the UN system, in debates where disability had hitherto been absent or invisible’* **UN**

Moreover, the insight and expertise brought to those debates by the mandate-holder has helped secure profile and respect across the HRC and wider UN system. One interviewee with deep knowledge of the Human Rights Council felt that the mandate-holder’s collaborative and consultative approach, reaching out and forming alliances beyond the ‘core’ audience of her mandate helped build credibility with the HRC and explained why she has enjoyed influence that has perhaps eluded some other Special Mandate holders.

Areas of thematic focus had been chosen at the outset of the mandate, to address hitherto overlooked or under-developed issues, to bring clarity to interpretation of the Convention, to build resonance with different UN entities and to bridge the sometimes competing focus of States, spanning human rights and development and with a view to maintaining the support of different States.

A balanced focus on civil & political rights and on economic, social and cultural rights was captured in the mission statement of the mandate holder ‘Promoting citizenship, fighting poverty and rethinking disability.’ [[11]](#footnote-11)

This proved crucial:

*“… making huge effort to breach the human rights and development divide that exists within the political structures of the UN, and to bring all of these together … She had good relationships with the Chinese and with the Americans and with the Europeans. So it was very important at that moment to build that kind of political support so these things could move in the future. And after that I think…she started to move this first politically and then technically.”* **UN**

Thematic reports were also targeted to different audiences with the UN system based on their likely resonance:

*“Some reports will go for the Human Rights Council because that would be more interesting for them. Another reports will go to the General Assembly because they are more linked to development and SDGs.”* **UN**

Country visits were also selected strategically, with a view to the bigger picture and contribution to an overall narrative of change. This included geographical balance, focusing on low income countries that had nevertheless made strides in implementing the UNCRPD, in order to demonstrate that resources are not determinative, issues-focus, for example institutionalization or forced treatment of people with psycho-social disabilities and visits designed to promote ratification of the Convention.

The approach outlined above demanded significant investment in relationship building and diplomacy. Interviewees consistently emphasized the mandate-holder’s ‘people skills’ and how the approach she had taken would be characterized as that of a ‘politician’ rather than an ‘academic expert.’ In particular, the mandate holder had carefully balanced the expectations of different stakeholders:

*“Catalina demonstrated sound strategic thinking and influencing abilities, walking a line between an expectation of States/the UN system of adopting a quasi judicial independent role, of DPOs that she should behave as an advocate, and recognizing that the HRC is a political body. Through creating these bridges and by providing leadership has had impact on the UN”* **NGO**

However, this balancing of interests was not perceived to be at the cost of radicalism. Rather it was felt to have been used to enlist support for what might otherwise be regarded as radical positions:

*“Catalina has been very effective at carrying out the mandate in a way that pushes things ahead, … but at the same time, doing things in a way that the intergovernmental process is in the Human Rights Council …. Some (Special Mandate holders) are kind of so much seeking the acceptance of states that they are very reluctant to do anything more than just kind of continuing the track that was set by their predecessors. And then there are others who don't really pay attention to the context in which they are working, and so they do excellent work right, excellent reports, have good media impact, but basically the states in the Human Rights Council kind of ignore what they're doing because it's too complicated for them. … To me this has been something I really noticed about the way she did the mandate. You know it's kind of a mixture of a strategic thinking about the context in which the mandate is operating.'* **NGO**

Other interviewees also emphasized the value of constructive engagement of the mandate-holder with States and the UN system:

*Instead of telling countries that you're wrong, and that's not what you should be doing, instead engaging with them, how to improve and how to adapt. I guess states are more willing to engage in that because if it comes to them just being criticized all the time. … governments don't like to be criticized*.  **State**

### Evidence-based and participatory strategic development and policy making

The mandate-holder and her team had placed particular emphasis on research and on engaging both organizations of persons with disabilities and other experts in the development of strategy and policy.

This was made possible through generous donor support, the outputs of which were believed to have helped demonstrate impact, which in turn attracted further donor support. Over time, this ‘snowball effect’ meant that the mandate-holder secured more funding than most other UN Special Rapporteurs.[[12]](#footnote-12) It allowed her to build a team over and above that permitted by the resources allocated within the OHCHR, expanding her actions and activities and demonstrating further impact.

The additional resources supported the recruitment of a permanent research coordinator (a role unique among special mandate holders), to invest in sound research from reputable universities including the National University of Ireland Galway on deprivation of liberty[[13]](#footnote-13) and on access to justice[[14]](#footnote-14), the University of Melbourne on alternatives to coercion in mental health settings[[15]](#footnote-15) and the London School of Economics on COVID-19 and institutional care and to engage and involve experts.

For example, an interviewee advised of the process via which the mandate-holder and team developed the International Principles and Guidelines on access to justice for persons with disabilities[[16]](#footnote-16):

*“…take the example of access to justice. She (the SR) had prepared it by instructing…experts from Galway University to draft the statement already, an expert paper. And then she asked one of the authors to take part in that meeting in Geneva .... Then we had a long discussion on that paper, and finally she asked us to send again statements in writing. … She worked with that and she tried to improve her own paper. So this I think is a very good example”* **DPO**

As reflected in this quote, such research and engagement were employed to build support inside and outside of the UN system for hitherto contested positions such as on deprivation of liberty or on the intersecting rights of older persons and persons with disabilities.

The mandate-holder arranged and participated in numerous expert seminars to inform the development of her positions and to inform and influence those of other mandate holders with the UN, including on mainstreaming the rights of persons with disabilities in the work of the United Nations[[17]](#footnote-17), bioethics and disability[[18]](#footnote-18), access to justice[[19]](#footnote-19) and on the intersection of women’s rights and the rights of persons with disabilities,[[20]](#footnote-20) for example.

This approach was also a manifestation of the mandate-holder’s commitment to maintaining rootedness in the international disability rights movement:

*“The SR has involved DPOs substantively in the development of reports and positions, such as that on legal capacity, which in turn have been valuable in national level advocacy to ensure States cannot overlook questions of policy and law reform in these areas”* **DPO**

*“I think that they had a really strong emphasis on speaking to, listening to, consulting with, collaborating with, DPOs and people with disabilities in particular."* **NGO**

Through mobilising the support of global organisations of persons with disabilities, formally and informally throughout her term, the SR was able to strengthen the legitimacy of the office among the community of rights holders, draw on their accumulated expertise in agenda setting and policy development, and harness their role as agents through which to amplify the impact of the mandate across the world.

### ‘Being the change’

The personal characteristics of the mandate holder, allied to a practical commitment to accessibility and inclusion in the way that the mandate was discharged, were widely considered to be fundamental to understanding the impact that had been achieved.

Several interviews believed that the mandate-holders own identity and characteristics were fundamental to shifting attitudes and expectations, not only of persons with disabilities, but equally of women, mothers and people from the global south:

*“I think in the media, imagery is very potent, you send a message. So she was a woman, Latin American, had children”***NGO**

*“You know that she went where nobody went before, and it was very important for the disability rights movement to see that she's a woman. That's also important, with disability, from the global South, speaking Spanish. ... Extremely important. And all of those little things that we took for granted…”* **DPO**

While interviewees were at pains to stress that it was the specific qualities and skills of the mandate holder that accounted for her success in securing change, they nevertheless believed that her lived experience was a significant factor in her influence. For example:

*“I think the way that she personally kind of took on certain issues, and yes she produced technical reports with recommendations, but she also used her own identity in ways that I think were really important…. we list up these statistics, like women and girls with disabilities are ten times more likely, but we don't actually talk about like what the violence looks like and get like really uncomfortable with people. And I think she brought some of that to her mandate... This is how inequality, disability discrimination plays out in real people's lives. And I think that's really hard in these human rights institutions. I think we like fall back to these like, to our legal approaches... But what we're talking about is what this means for real people, and connecting it that way is something that, sadly, a lot of human rights organizations don't do well.”* **Donor**

Related to the above quote, the SR began her presentation to the UN General Assembly on the sexual and reproductive rights of women and girls with disabilities by saying:

*“I am aware that I am addressing a very sensitive issue for many States, but I have decided to do so, as it is a matter of vital importance that demands the adoption of urgent measures to protect the future of millions of girls and young people with disabilities.*

*And, if that was not enough, I would like to appeal to the boy or girl that all of us present were once. As the preface to The Little Prince says: "All older people were children first (although few remember it)." I was a girl with a disability. And growing up as a girl or teenager with a disability is not an easy task.”[[21]](#footnote-21)*

One interviewee noted how the mandate holder had ‘left a legacy of accessibility’ across the UN, opening doors for others to follow. For example, all of the SR’s country-specific reports were made available in accessible formats including easy read and the team demanded sign language interpretation at all official meetings.

## Impact and influence on the UN system

### Changing the UN, not just using it as a platform

The mandate-holder and her team actively sought to harness the United Nations and its entities as vehicles for change by changing the UN itself:

*“The theory was that we already had the SDGs to jump off. IDA and other stakeholders, they were already doing that job to implement the SDGs. But then the problem was, how the UN system is ready or not to support its implementation through countries. So because without the UN system, … many people at different levels in the UN system, and we realized that people didn't understand anything we were talking about. …There was not enough time. We thought, OK, let's go for the big thing. Let's go for the structural change… a system wide document or systemwide approach will be a game changer. That was kind of the theory of change behind that.”*  **UN**

This was considered an unusual approach by interviewees who perceived most Special Procedure office holders to view the UN more as a platform. Yet the United Nations Disability Inclusion Strategy (UNDIS) is widely regarded as the signal achievement of the mandate:

*“As far as the development of the UN disability inclusion strategy is concerned… had Catalina not been there it is very likely that there would be no strategy. And this strategy has given the UN system one of the most powerful tools to advance disability inclusion in a systematic and sustainable way. …it’s a signature achievement I think.”* **UN**

Inspired by the System-Wide Action Plan on Gender (SWAP)[[22]](#footnote-22), UNDIS creates an equivalent system-wider accountability framework on the rights of persons with disabilities ‘to strengthen system-wide accessibility and mainstreaming of the rights of persons with disabilities.’[[23]](#footnote-23)

Interviewee’s recognize the pivotal, and highly unusual, role of the mandate-holder in having brought this about:

*“Disability had climbed the agenda of the Secretary General and Deputy Secretary General of the UN as diagnostics on who was being left behind by development pointed to PWD. In a highly unusual move Cata as SR enlisted to oversee an independent review which formed the basis of the UN Disability Inclusion Strategy. Had it not been for Catalina’s combination of personal qualities and skills the UNDIS would not have happened.”* **UN**

The SR oversaw a review of the United Nations system's current approach to both accessibility and to mainstreaming the rights of persons with disabilities across the organisation's operations, addressing issues of mandate, capacity, resources, systems, operational guidance and institutional-support structures. The review found that consistent and systematic mainstreaming of accessibility and disability inclusion remained limited across all pillars of work, at all levels, and recommended that a system-wide policy and accountability framework be developed to ensure a coordinated approach to disability mainstreaming across all operational and programmatic functions of the United Nations system.

To those ends, UNDIS contains system-wide performance indicators and a country level scorecard, allied to annual progress reporting, supported by detailed technical and guidance notes. The first report on the implementation of UNDIS was recently published.[[24]](#footnote-24)

One interviewee concluded:

*“We think that she (Cata) has significantly contributed to the mainstreaming of the rights of persons with disabilities across all the UN system”* **State**

Another concluded:

*“We have a lasting impact from it, you know. There’s an Under Secretary General working in SG’s office working on disability. There was no-one in the SG’s office working on disability. No-one. We have two staff there now who both have disabilities who are in charge of implementing UNDIS.”* **UN**

The opportunity and challenge for the incoming mandate-holder and allies within the UN system is to secure senior level political support and to draw down upon UNDIS to embed disability inclusion across the UN’s mandate. The new SR may wish to seek to influence discussions concerning future ‘ownership’ and leadership of UNDIS within the UN system, and monitor its implementation.

### Disability rights as a transversal issue

The Special Rapporteur successfully repositioned disability as a transversal issue, spanning issues and the responsibilities of different UN entities.

*“She has found points of intersecting priorities – often unrecognised by others – and harnessed them to build new relationships and to reposition disability rights”* **NGO**

*“There is a much higher degree of focus on disability rights in the UN because of Cata’s work including her studies, reports and advocacy”* **State**

During her mandate, the SR collaborated with other Special Procedure-holders, UN Treaty Bodies and UN Independent Experts to seed and proliferate action on the rights of persons with disabilities specifically, including:

* Co-hosting with the Independent Expert on the Enjoyment of all Human Rights by Older Persons an Expert Group Meeting on ‘Supporting autonomy and independence of older persons with disabilities’[[25]](#footnote-25) in preparation for a report to the UN General Assembly on the Human Rights of Older Persons with Disabilities[[26]](#footnote-26)
* Producing, with the UN Committee on the Rights of Persons with Disabilities and the UN Special Envoy on Disability and Accessibility ‘International Principles and Guidelines on access to justice for persons with disabilities.’[[27]](#footnote-27)
* In collaboration with the UN Special Rapporteur on Health laying the ground for and influencing the content of three successive Human Rights Council resolutions on mental health and human rights in 2016, 2017 and 2020[[28]](#footnote-28)
* Contributing and providing inputs to thematic reports of other mandate holders, including to the report of the UN Special Rapporteur on Housing on the right to housing of persons with disabilities to the UN General Assembly in 2017[[29]](#footnote-29)

In July 2017, the SR concerned an expert group meeting in Madrid to explore how the rights of persons with disabilities could be better advanced by all UN human rights mechanisms.[[30]](#footnote-30)

The mandate-holder also took part in days of general discussion and other proceedings organized by, among others, the UN Committee on the Rights of the Child, the Sub-Committee on the Prevention of Torture and the UN Committee on Eliminating all forms of Discrimination Against Women. She also brought the rights of persons with disabilities into Human Rights Council and General Assembly sessions on matters such as climate change, situations of armed conflict and humanitarian assistance.

*“We think that she was really good in mainstreaming the disability questions into other initiatives or like, for instance, here in Geneva, into other thematic resolutions which she was also really courageous to lobby for.*” **State**

The role that the SR played in influencing UNICEF to rethink its policy position that would otherwise have legitimized the use or development of small group homes for disabled children was highlighted as a positive outcome of her outreach.

Further, acting in solidarity with other Special Procedure mandate-holders, the SR lent her weight to collective interventions on a wide range of emergent human rights issues, from racism in the USA to Covid-19.

This has helped to building ownership of the rights of persons with disabilities across the UN system and beyond. Special Mandate holders have begun to mainstream the rights of persons with disabilities into their own work, including via the engagement of DPOs during country visits.

The Special Rapporteur and team actively strived to maintain or establish influence beyond the Human Rights Council, including with the development agenda, targeting the General Assembly with thematic reports focused on development issues such as social protection for example and maintaining influence with DESA, agencies and country officers. They had begun to have some impact on peace, security, achieving an unexpected spotlight via the Security Council resolution. One interviewee, representing a State noted how the SR was:

*‘doing a lot in the Human Rights Council, but also… even in the Security Council, she was very involved. She was invited many times to participate on different discussions, especially when it has to do with armed conflict.’* **State**

In terms of areas for future development, it was felt that to date, the Humanitarian side of the UN was least reached by the mandate.

Finally, several interviewees stressed the added value that had come from the mandate-holder having been based in Geneva, creating a focal point and visibility.

*“Being based in Geneva is a crucial part of the jigsaw in establishing influence both with States and with officials in OHCHR”* **UN**

Many considered if important for either the next SR or their secretariat to have a continued strong presence in Geneva.

### Leadership to the whole UN system

Interviewees believed that the SR had, in her actions and the manner through which she discharged her mandate provided leadership to the wider UN system.

Early in her mandate, the SR was appointed chair of the Coordination Committee for Special Procedures to the Human Rights Council:

*“An illustration of Cata’s impact within the UN system was her early appointment as chair of all of the SP mandate holders. She has reached out to other SRs and the wider UN system, helping mediate between otherwise conflicting perspectives on contentious issues such as deprivation of liberty.”* **NGO**

One interviewee from the ageing field described the difference this broader leadership and influence had made:

*“What we miss in the aging sector is … a very much established human rights based approach on aging. …So the fact that (Cata’s) team went ahead, … in a very well established disability rights language. I think it's something that .., it's extremely important, because it had framed issues in a way that, even an independent expert on the rights of older person had not done before. … seeing issues like lack of support, from the perspective of equality and non-discrimination for instance.’* **NGO**

The SR’s country visit to People’s Republic of North Korea has been singled out for particular praise, a strategic move which also helped to elevate the profile of the mandate.

The leveraging of donor money to support the mandate, and in particular to finance research and engagement was also highlighted as having shown leadership to other mandate holders.

It was also suggested that the SR had been particularly effective at harnessing the opportunity provided by the UNCRPD in bridging a historic divide between human rights and development:

*“You know a conundrum that we face on human rights and development right now. There is this, I would say, almost kind of constant friction….I think it's very interesting of course that … the rapporteur moved from DESA, the development arm, to the human rights arm, and then becomes more involved in development.”* **UN**

Others, including States, noted how the SR has helped create and sustain bridges between the UN’s operation in New York and Geneva.

*I think the ways that she presented at the Human Rights Council General Assembly were I found to be quite ground breaking and not just from a disability perspective but just from like a general, how are we talking and presenting and influencing governments around human rights? …. for me I think this has been one of the things that has been most successful”* **Donor**

However, it was also felt that while the SR had successfully ‘pushed the envelope’ on a number of issues, including legal capacity and deprivation of liberty, it wasn’t always clear just how widely shared these positions were across UN bodies and there is likely still a great deal of work to do to bring harmony and consistency.

## Impact and influence on the broader human rights and development agenda

### Thought leadership

A number of interviewees expressed a view that the SR had provided thought leadership concerning contested issues, framing debate and getting ‘ahead of the curve’ while filling gaps in interpretation and understanding that had yet to be addressed by the UN Committee on the Rights of Persons with Disabilities. Particularly noted were the SR’s position papers on social protection, equal recognition before the law, and deprivation of liberty.

*‘We use the one (report) on support a lot and I think that the one on deprivation of liberty is very useful. … We definitely use those, kind of when we need to explain international standards, where we want to. Yeah, ‘cause they are a little bit more detailed and explanatory, you know, than the General Comments, or on issues where you don't have a general comment there. They're very helpful.”* **DPO**

*“She always was in advance (of the CRPD Committee) …. So when, for instance, the committee was dealing with legal capacity issues, Article 12 of the CRPD, I think before that she already had already published something on that issue. Now, the newest development. There's no general comment on access to justice so far, so her statement is a main step in this direction. And I think they're at least six or seven examples where you could say she has touched issues which so far have not been touched by the Committee.”* **DPO**

However, some interviewees expressed a view that the SR should have gone further in engaging with those who hold power over the implementation of particular Articles of the UNCRPD when developing such positions. One interviewee reflected how with respect to mental health and detention, the SR on the rights of persons with disabilities focused more on law while the SR on the right to health focused on modes of implementation. Where the latter faced criticism from lawyers for being too incremental, the SR on the rights of persons with disabilities faced criticism from psychiatrists for being too challenging. In turn, it was felt that this had provoked WHO to align with the ‘psychiatric elite.’ It was suggested that consideration needed to be given to the value of such engagement in future, though it was recognized that this could come at a price in terms of the perceived radicalism of the mandate holder.

### New alliances and relationships to ‘seed’ disability rights

Mirroring her achievements in establishing disability as a transversal issue within the UN system, the SR developed important new alliances and relationships outside of the UN, often going beyond those previously enjoyed by disability rights organizations and NGOs.

This includes partnerships with the International Commission of Jurists, focused on access to justice and with Age Platform Europe on the human rights of older persons with disabilities.

The following case study is illustrative of the approach taken by the mandate holder:

During the development of a research paper on the rights of older persons with disabilities, the SR contributed to a European level event organized by Age Platform and involving human rights actors such as the European Network of National Human Rights Institutions (ENNHRI), European Network of Equality Bodies (Equinet), age and disability organizations. The status attached to the SR’s mandate gave the meeting status and authority, but it also exposed the SR to potential tensions and differences of view between advocates for older persons and those for persons with disabilities. It helped move past potential conflicts surrounding the right to independent living. This has also helped at the EU level as it renews its disability strategy and with respect to the pursuit of an equivalent strategy on the rights of older persons.

The SR’s involvement helped to bring a human rights lens to issues around ageing and older people, while clarifying that older people are addressed by the UNCRPD when they have an impairment or health condition. Her engagement with the Independent Expert on the enjoyment of all human rights by older persons (who was not from a human rights background) helped bring human rights to that perspective. In sum, her involvement was perceived to have helped both with the framing of issues via a human rights lens and in terms of reference to the standards in the CRPD and their application to older persons.

It has also crucially, recognized that ageism is a *further layer* of discrimination and disadvantage facing older persons with disabilities which has brought visibility to the need for further action and a potential Convention on the Rights of Older Persons. The SR has also brought visibility to the rights of older people and to ageism at the Human Rights Council and Conference of States Parties.

### Harnessing the DPO, NGO and human rights bodies ‘transmission belt’

A number of interviewees considered that civil society, and organizations of persons with disabilities, were the primary ‘transmitters’ of the vision, position statements and ideas advocated by the mandate holder.

At the international level, it was considered that a symbiotic relationship has existed between the International Disability Alliance (IDA), the mandate-holder and her office, with her period of office coinciding with a flourishing international disability rights ecosystem. Ongoing collaborations between IDA and the SR had proved mutually beneficial, revealing the interdependence between the SR and civil society.

Though it was felt strongly that the mandate holder had enjoyed a particularly strong relationship with the international disability rights community, this was thought to pertain to her own personal background and connections and was not a certainty with respect to future mandate holders. To these ends, one interviewee proposed that the next mandate holder establish a formal mechanism to engage the international disability community in setting priorities.

Interviewees provided some examples of the mandate having, through her actions, empowered country level DPOs, National Human Rights Institutions and Independent Mechanisms established under Article 33 of the UNCRPD. One interviewee representing a regional NGO highlighted her organizations engagement with the Mandate’s Communications procedure, bringing issues of concern to the attention of the mandate holder with respect to the financing of institutional care and denial of medical care for Covid 19, which in turn had led to interventions by the SR. However, it was also felt that overall awareness of and connection to the mandate at the country level is not widespread, save where there had been a country visit, about which one interviewee commented:

*'I think something that she did very well, which was to connect with local DPOs in countries where she was going to ….I mean this is a very regular practice for every mandate holder but, you know, the disability movement, it's a movement that is still in its very elite moment …it is growing and it's getting stronger, but it's still very much centralized on umbrella organizations at national level and so on. What she did was to reach out to those that are not part of those structures. … She was also looking at those that may have a different voice, that are commonly excluded from discussions with governments, to empower them right?* **UN**

On the other hand, it was suggested that the forward-facing approach of the mandate and its international partners in the disability rights community could sometimes mean that it did not always appear attentive to the immediate pressing concerns of organizations of persons with disabilities at the country-level:

*“Sometimes it felt that the mandate was not very close with the day to day agenda of part of the disability movement. We didn’t want to duplicate efforts. We were thinking a lot on what’s next. But we realized people also want support on what they're doing now. We were thinking, OK, that’s important but what's strategic now? So I think a lot of that has been part of the mandate too.”* UN**UN**

It is unclear whether a formal mechanism through which priorities for the mandate would be set would permit or hamper such leadership.

Overall, there was a sense from interviewees, that there may be opportunities to further amplify the impact of the mandate through more consistent modes of communication and engagement with the monitoring and implementation frameworks under Article 33 UNCRPD at the State level.

### Country visits

During her mandate, the SR made country visits to nine countries, the Republic of Moldova[[31]](#footnote-31), Paraguay[[32]](#footnote-32), Zambia[[33]](#footnote-33), Democratic People’s Republic of North Korea[[34]](#footnote-34), Kazakhstan[[35]](#footnote-35), France[[36]](#footnote-36), Kuwait[[37]](#footnote-37), Canada[[38]](#footnote-38) and Norway[[39]](#footnote-39). Planned visits to Botswana and China were unable to go ahead due to the Covid 19 pandemic.

Although chosen strategically it was not clear what direct impact country visits have had on changing the course of law, policy and practice and this does not appear to be the subject of structured evaluation. From the perspective of those interviewed for this study, the value and impact of country visits appears to be less immediate, nudging States, spotlighting issues and empowering local advocates.

One interviewee explained how country *visits have helped to spotlight and elevate issues that local advocates had struggled to gain traction on:*

*“I’ve certainly heard from different perspectives that when Cata came that was a big deal, was the first time that like the state had to acknowledge that this happening”* **Academic**

Another interviewee suggested that the reports of country visits had utility beyond the countries visited:

*‘The reports show organizations of persons with disabilities at country level what can be achieved, and the kind of attention that should be brought to the human rights achievement gap of people with disability. And that's very important, in and of itself. Having something that is in a sense an empowering mechanism. But it (brings) legitimacy to an organization at a very high level. And that's really, really important to give motivation."*

***Donor***

An interviewee representing a European NGO reflected that while the SR’s country visit to France did not appear to have had any direct immediate impact on government policy or action, it has acted as a spur to activists and DPOs to establish a voice apart from service providers and family organizations that run many of the institutions. French NHRI has also used the findings of the country visit in its own advocacy for change.

Similarly, an international human rights NGO spoke about how the SR had cited their analysis in her own country reports, which the NGO has in turn fed back to respective States, which added legitimacy and force to their advocacy. They also noted how, in using press statements, reports and securing media coverage, country visits empowered advocates to challenge States.

Interviewees believed that the SR had played an influential role in securing ongoing commitments from some States to remain major bilateral donors, including via country visits to Norway and Canada**.**

The possibility of aggregating finding and lessons from multiple country visits relating to specific matters, such as prisons, was suggested:

*“A ‘cheat sheet’ summarizing the key messages of reports would also be advantageous”* **NGO**

Overall, it was suggested that country visits could play a stronger strategic role in the mandate overall were common findings and lessons drawn together and shared.

### Concerns that progress at international level not always translating into national level implementation

Despite the many successes outlined above, some interviewees expressed a fear that this period of progress across the UN system and at the international level was not uniformly reflected in action at the level of States, where slowing progress or stasis was reported.

*“I think I see good positive momentum within the UN system. I think I see more indicators of hope there, right, moving in that direction. I'm a little bit more worried about implementation by governments. And maybe this is more connected to the funding side, but you know, I attended this (webinar), it was all donors and governments, and I felt like we were kind of back over seven years ago where it's like if we just say we're committed to disability that makes it so. It's like, but where is the money, you know?”* **Donor**

This same perception among several interviewees lay behind a common call for the next mandate-holder to place greater focus on implementation by States:

*“Regarding disability inclusion, the SR has spent past number of years building and gaining support for the agenda. Now States are asking how? Can the mandate holder assist with implementation – monitoring overall approaches, promoting good practices?”* **UN**

*“All of those structures didn't have disability as part of their strategies, right? ….Now in my opinion….the big job of the next of the next special rapporteur will (be to) have a conversation with governments to explain all this structure, and to understand why is it valuable and what it is bringing us as an added value in terms of, for their own local implementation… for improving their own performances at national levels for what needs to be done.’* **UN**

This suggests that the next mandate-holder should strive to build upon the working relationships that have been established across the UN and with external agencies and States to translate standards into both policy and practice by States and then the lived experience of persons with disabilities.

This raises challenging questions about how the next mandate-holder should approach their term, including getting the right balance between articulating an idealized future and finding opportunities to make progress on the ground now:

*“Maybe I am ironical but we are given this mandate that says if we are prophets we know what is right and what is wrong. And we exercise this, I think quite well, but it is easier to formulate messages and to convey them to Geneva or New York. … if you are not opportunistic, you are out of projects. You know, the government will not talk with you. It's not about, you know, being dissident, but they will tell just let you are out of reality.* **UN**

One interviewee suggested that a future mandate-holder might strive to be more agile and opportunistic, engaging with real time events to achieve strategic advantage, such as in instances of humanitarian crisis, or where for example there have been media reports of abuse in institutional care facilities.

***“****… the value of that is, speaking out timely and reinforcing your message on, you know, in social media and in mainstream media, … just trying to get this issue that it's not kind of so siloed…You know you have to really kind of act quickly and maybe the UN system isn't built that way, so it might be really difficult. … Or even on country visits like, you know, really kind of responding if something's happening in that country very quickly”* **NGO**

# Chief challenges for the future

## Bank and build

A chief challenge for the next SR and his or her team will be to secure the ground laid by their predecessor. A priority will be, maintaining political support for UNDIS, influencing debates about its future ‘ownership’ with the UN system, and ensuring its implementation is promoted and monitored:

‘*On UNDIS, SR can play a pivotal political role in keeping it on the agenda of the UN SG… and a strategic role ahead in influencing where leadership of the agenda is housed in the UN system’* **UN**

Moreover, the profile and influence that the SR has built across the UN system cannot be taken for granted. One interviewee suggested that there could be benefit in formalizing the relationship between the SR, the Special Envoy on Disability and Accessibility, the CRPD Committee Chair and with UN DESA to co-strategies, coordinate and collaborate.

Interviewees also recommended that the next mandate-holder continue to engage with and build their predecessors prioritization of research, which offers a valuable way to demonstrate value to donors.

## Transmitting from high level guidance to implementation

Several interviewees reflected on a growing gap between the pace of progress at the UN and international level and lack of progress at the level of implementation, suggesting that the next mandate holder would need to devote more energy towards the latter.

This may include a greater focus on engaging States directly and striving to enlist them in efforts to influence other States, in reaching out to groups that hold power over implementation, building on the SR’s work with the International Commission of Jurists for example, such as mental health professionals, and forging alliances with networks of regional and State level actors, such as those representing National Human Rights Institutions and UN country teams. Developing an appreciation of how best practices have been implemented and disseminating such insight is likely to be of great value. Building greater awareness of the mandate and its activities across organizations of persons with disabilities, human rights defenders and others that form the ‘transmission belt’ will be crucial.

## Maintaining rootedness in the international disability rights community while pushing frontiers

The mandate derives legitimacy, both within the UN system and among States, and among organizations of persons with disabilities from its firm roots in the international disability rights community. The next mandate holder would be wise to strive to maintain these links, though his or her background may not mirror that of their predecessor in enjoying already established working relations. Should that be the case, then it may be advantageous to signal openness and a desire for partnership via an open process for the identification and prioritization of issues, country visits and discussion of overall strategy at the outset of the new mandate term.

## World context

The next mandate-holder will face an extremely challenging operating context and be met with a number of fast shifting ‘tectonic plates’, presenting both new opportunities and threats with respect to the rights of persons with disabilities.

The ongoing Covid-19 pandemic and its social, economic and political fallout will dominate and shape all agendas for the foreseeable future. The enormous impact of the virus itself, of public health measures to suppress it and to protect ‘vulnerable groups’ and of the social and economic fallout upon persons with disabilities should be leveraged to place the rights of persons with disabilities at the heart of all efforts to rebuild. At the UN level, UNDIS offers an accountability framework through which to strive to achieve this.

Demographic change is, rightly, seeing the rights of older persons – including older persons with disabilities - elevated in terms of focus and priority. The next mandate holder would be wise to build upon his or her predecessors work to find areas of common cause, such as the rights of persons living with dementia and the future of long-term care.

Finally, measures to avert the catastrophic implications of climate change risk marginalizing concern for the rights of persons with disabilities, such as with respect to transport. The next mandate holder would be wise to build on work started by his or her predecessor to build bridges between the agendas of disability inclusion and environmental sustainability.

# Concluding remarks

The evidence reviewed for this study and the perspectives of diverse stakeholders strongly indicate that the first Special Rapporteur on Rights of Persons with Disabilities and her team leave behind an impressive legacy and have had significant impact across the UN system and beyond, laying firm foundations for her successor. The new mandate-holders will now need to secure and make good these achievements, address gaps at the international level while developing methodologies to increase their impact at the level of individual States.

Credibility and influence rests upon maintaining rootedness in and the central involvement of organizations led by persons with disabilities, without whom the mandate would not exist. It equally demands an ongoing commitment to evidence and to the engagement and enlisting of support from the wide range of actors that are instrumental to ensuring human rights are made practical and real.

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31. A/HRC/31/62/Add.2, <https://undocs.org/en/A/HRC/31/62/Add.2> [↑](#footnote-ref-31)
32. A/HRC/34/58/Add.1, <https://undocs.org/en/A/HRC/34/58/Add.1> [↑](#footnote-ref-32)
33. A/HRC/34/58/Add.2, <https://undocs.org/en/A/HRC/34/58/Add.2> [↑](#footnote-ref-33)
34. A/HRC/37/56/Add.1, <https://undocs.org/en/A/HRC/37/56/Add.1> [↑](#footnote-ref-34)
35. A/HRC/37/56/Add.2, <https://undocs.org/en/A/HRC/37/56/Add.2> [↑](#footnote-ref-35)
36. A/HRC/40/54/Add.1, <https://undocs.org/en/A/HRC/40/54/Add.1> [↑](#footnote-ref-36)
37. A/HRC/43/41/Add.1, <https://undocs.org/en/A/HRC/43/41/Add.1> [↑](#footnote-ref-37)
38. A/HRC/43/41/Add.2, <https://undocs.org/en/A/HRC/43/41/Add.2> [↑](#footnote-ref-38)
39. A/HRC/43/41/Add.3, <https://undocs.org/en/A/HRC/43/41/Add.3> [↑](#footnote-ref-39)