**IDDC**

**International Disability Development Consortium**

**General Assembly 2021 Workshop**

**Build Back Inclusively**

Remarks of Gerard Quinn

UN Special Rapporteur on the Rights of Persons with Disabilities.

Sr.disability@ohchr.org

18 May, 2021.

------

Thank you so much.

I am deeply honoured and happy to be with you today.

I would like to use the time to share some reflections on where we are today and how we might face the future – especially the immediate future with its many challenges.

To do so I would like to do three things:

**First of all**, I would like to add some personal reflections on the paradigm shift/s of the UN CRPD and the UN SDGs. There is a deep chemistry at play here that is not reducible to a few slogans. I will try unpack that.

**Secondly,** I will reflect on some of the main challenges. You all know them well – they are amply reflected in your programme. So I will be brief.

**Thirdly,** Let me reflect on the crossroads we are at now.Paradoxically, at exactly the time where the need is greatest, development assistance programmes seem to be in retreat - giving rise to obvious questions like how can we consolidate our gains and what ought to be our priorities in going forward?

1. **The Paradigms.**

First – paradigms.

Take the CRPD. I have often said that there were actually two paradigm shifts in the UN CRPD.

**The first has to do with substance.** At the outset we were all quite naïve. We thought the treaty would be another equal opportunity tract – except this time adopted at the international level.

You all know by now that civil society pushed the drafters to go further. Why deal with the symptoms of exclusion and not the cause. That is why personhood – voice, choice and control – was ultimately deemed foundational to the treaty.

And the social conception of the person in the convention explains why inclusion and participation are foregrounded almost in every pore of the treaty.

Further, you might say that the drafters of the CRPD were more faithful to the original ideas of the Universal Declaration than any of the other universal human rights treaties. Why? Because economic and social rights were carefully co-mingled with civil and political rights. Whats’ the point of having a right to go to school if the teachers are not trained to be sensitive to the learning needs of children with disabilities or if the school building is itself inaccessible or if no accessible transport is available? So personhood, inclusion and the careful tailoring of economic and social supports are crucial innovations in the CRPD.

**But there was another paradigm shift – and it has to do with process.** What is the point of correcting bad laws or even enacting new good laws if the process is itself flawed and is therefore liable to reproduce bad laws into the future. This is why collective voice and – essentially the right to co-produce policy into the future is so crucially important.

At one level the UN CRPD doesn’t have all the answers. But it imagines a ***process*** whereby we work it out for ourselves in a constructive relationship between Power (Government) Voice (civil society), and Ideas (blueprints for change - NHRIs).

It is this paradigm shift that allows for a ‘new politics of disability.’ It is this paradigm shift that plays to the democratic responsiveness of systems – and that indeed aids in the ratcheting upwards of democratic openness.

To me the CRPD is a delicate dance between **substantive innovation** – especially its emphasis on personhood and inclusion – **and process-based innovation** – especially its emphasis on co-production as the way forward.

Take the UN SDGs.

Many people insist the UN SDGs are limited by, or bounded by, human rights. I see it a bit more broadly. I see the SDGs as adding to or refreshing human rights. Why?

Well, in the past much of our rights thinking was sequential. First comes economic development, then comes social change, then comes the progressive enjoyment of human rights (especially where those rights required social investment). So there was a temptation to see rights as a result of development rather than as a pre-condition for development.

This has been stood on its head by the deep logic of the UN SDGs.

The deep logic now sees economic development, social change, environmental protection and human rights as a circular ecosystem and not as a sequence. This to me is crucial. Implicitly, at least to me, the process-based innovations are also there. Voice is critically important in securing equality for all. The ‘farthest left behind’ are to be treated first. And no one should be left behind. This doesn’t mean ‘we’ should think about ‘them.’ This means that ‘they’ co-produce change.

Why do I say all this?

Well, in the past there might have been a temptation to think of development assistance in the disability field as a simple transfer of material assets to meet ‘unmet need’ (itself a very patronising narrative).

Now, in as much as it involves material exchange, our imperative is not to spend it or disburse material assets in ways the reinforce exclusion. At a minimum our investments should do no harm. Optimally, they should nudge positive developments forward (i.e., in inclusive education).

Equally important, our investments should seed the ***process*** of change by acknowledging ownership of change with local forces and by finding ways to animate the golden triangle between Government, Voice in civil society and ideas for change.

To me, this twin track approach – inclusive investments in discrete fields as well as nurturing the capacity of a society to face and respond to its own challenges – is powerfully reinforced by viewing the CRPD alongside the SDGs and *vice versa*.

1. **The challenges.**

What about the challenges?

Let me say at the outset that our biggest challenge has to do with the sustainability and strength of the various paradigm shifts.

What do I mean by this?

Well, moments of crisis reveal deep truths. And the deep truth is that the various paradigm shifts in the CRPD and the UN SDGs have not sunk deep roots. Or, to put this another way, the old medical model hasn’t disappeared and it rears its ugly head during periods of crisis.

Maybe that’s to be expected – old paradigms don’t just die. They linger on in the half-life of policy and are encoded in systems. How else can we explain the massive displacement of services – even extremely modest services - during Covid-19?

The impacts were astonishing including starvation, isolation, lack of medications, etc. Under-inclusive preventive strategies meant that groups in vulnerable situations were not reached. Women and girls with disabilities were exposed to more violence. Persons with disabilities placed in institutions – *institutions that should not exist* – were at heightened risk. Their isolation was compounded by no-visitation rules – rules that actually affected monitoring bodies alongside families. Unequal treatment when it came to emergency medical assistance was rampant.

So, when it mattered most, systems reverted to type. The medical model and not the human rights model came to the fore.

It seems human rights was a luxury to be added back in once the crisis was over - and not a reflex deeply ingrained in the system.

This is a very uncomfortable truth. It gives rise to very profound questions – how can we sink the pillars of the CRPD and SDGs deeper into our various systems?

I am sure part of the answer has to do with persuading systems that a proper consideration of the rights of persons with disabilities helps not merely in ***legitimising*** actions - but it also assists in the ***efficiency*** of those actions. After all, if there had been proper co-production of initial policy responses then many of the mistakes might not have been made.

So COVID-19, to me, not only reveals deep systemic inequality (we all know they existed). It also reveals the gap between the ‘law on the books’ in the treaty ‘and the law in action on the ground’.

The famed paradigm shifts of the CRPD is a work in progress - not a done deal.

A word or two more about the main challenges.

If systems have a tendency to revert to type during emergencies then what might we expect during the next phase of Covid recovery efforts? An enormous amount of money turns on this. Put bluntly, there may well be a temptation to invest in existing systems that tend to have an exclusionary impact on persons with disabilities.

It’s a quick fix – and systems can claim they are investing in disability. Those acting within those systems usually experience no cognitive dissonance – professing support for human rights is kept at arms-length from how spending programmes are actually put together.

Instead, a golden opportunity to use recovery funds to reverse processes of exclusion and build a more inclusive society could well be missed. Follow the money – make sure it does no harm (or compounds existing harm) and try to steer it toward more inclusion.

What of digitalisation? Let me just say two things here. The digital divide is disconcerting. I have often written about the positive value of good public procurement law – something including in the UN Disability Inclusion Strategy.

But this isn’t just a question of access. Virtual environments don’t suit everybody.

Further – and this exercises me greatly – while we can purge ourselves as humans from ableism or ageism – we find that machines just love ableism and ageism. Machine learning and machine decision-making is now rampant and so interwoven in our lives that we don’t even notice it. Finding ways of harnessing new AI technology will be one of our biggest challenges over the next few years and now is a crucial time in this endeavour. AI promises to fundamentally re-set the terms of our co-existence as humans. If systems revert to type – or if they are allowed to revert to type – then we will have signally failed to build more inclusive societies with the aid of technology. This cannot be allowed to happen.

Speaking of phenomena that will fundamentally re-set how we live, climate change is certainly well up there. And it will not impact everybody equally. It will impact most those who have benefitted least from carbon-based economic development. It will hit indigenous communities hard. Plans to mitigate its effects will need to be co-produced with the communities affected which includes persons with disabilities.

I might add that intentional efforts to build a non-carbon based economy have to include a consideration of the ***future of work*** to make it much more inclusive of persons with disabilities. This can be done – but it is best done from the outset so that jobs for workers with disabilities are not an add-on extra ten years later but a core feature of a more inclusive non-carbon based economy.

And civic space? You heard me say at the outset that the ***process-based innovations*** of the CRPD (and indeed the SDGs) are key.

The CRPD assumes a certain degree of open democratic space. Indeed, working on disability rights issues helps to nudge open that space even where it is already tiny. Doing disability rights has a democratising dividend. Yet, what happens when that space is closing down? Is it possible to achieve compliance with the CRPD in purely authoritarian regimes?

The fact of the matter is that the CRPD envisages a process of co-production. This is simply not possible without the critical autonomy of DPOs, a capacity to engage and a system open to engagement.

Even if the ecosystem is benign toward persons with disabilities and affects others more, then the closure of civic space is still our concern too. At a minimum, disability groups have to ally with others in keeping civic systems open and responsive.

1. **The Crossroads.**

What an interesting and potentially devastating set of inflection points we are at!

Huge gains have been made that need to be consolidated. The World Bank’s embrace of a disability agenda across all its projects by 2025 is a landmark event to be celebrated.

Yet, we all know COVID-10 brutally exposed deep-seated inequalities everywhere. Systems reverted to type. And the recovery period could well set us back more if systems continue to revert to type - and if investments are made that simply reinforce the dynamics of exclusion.

Even without COVID-19, our economies – and our social systems – are also being re-made. It is as if the terms of co-existence for this century is being set now. The disability debate is, in truth, part of a much larger debate. Our voices have to be heard in those larger debates. And still, we need to keep our own distinctive voices and not allow them to be drowned out.

Some of the big rights-based agendas of the CRPD have been painfully slow to materialise – including de-institutionalisation and segregation. One would have though this is where development assistance could have made a huge impact in nudging systems-change.

Development assistance also seems in general to be changing. The appetite to give seems curtailed since systems are keenly aware of their own need to change. However, human rights knows no borders. This is especially true of disability where the vast majority of persons with disabilities live in the Developing South.

Disability development assistance – changing though it is – must keep focused on nudging forward inclusionary dynamics as well as fostering the capacities of systems to resolve matters for themselves. DPOs too are changing. Its’ not enough to articulate grievances (important though that it is). What is important is to develop capacities to co-produce change. Here, as elsewhere, development assistance is key to voice, choice and control.

May I pay tribute in passing to the work of the former UN SR (Cata Devandas) on inclusive development assistance.

In my work – especially on armed conflicts, humanitarian actions, Climate Change, Artificial Intelligence and the transformation needed in service paradigms around the world I actively invite and greatly look forward to your inputs. Because, at the end of the day, human rights know no borders.

Thank You…./ends.