**OSCE Human Dimension Committee**

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**UN Special Rapporteur on the Rights of Persons with Disabilities,**

**Mrs. Catalina Devandas Aguilar**

**Persons with disabilities: a matter of international concern**

* For too long, persons with disabilities were invisibles in both the human rights and the development agendas. When visible, they were treated as recipients of care and charity rather than as rights-holders.
* In the last 10 years, since the adoption of the UN Convention on the Rights of Persons with Disabilities (CRPD), this paradigm has changed rapidly. The rights of persons with disabilities are regarded as human rights, and there is an increasing consensus that persons with disabilities must be a central part of the international development agenda.
* It is a matter of justice: most persons with disabilities are being left behind.
  + Persons with disabilities face discrimination and stigma, unequal opportunities, and physical and attitudinal barriers.
  + Persons with disabilities are commonly excluded from political participation and decision-making.
  + Poverty affects persons with disabilities in a disproportionate manner, and most social protection systems promote segregation rather than inclusion.
* It is also a matter of building democratic and sustainable societies:
  + Participation of all individuals is a basic condition of democratic societies.
  + Persons with disabilities must play a central role in their own development, as well as in the development of their communities.
  + They also have a right to participate in decisions that affect their lives, including those concerning their rights.
  + Societies cannot afford the exclusion of 15% of the world population: the cost of excluding persons with disabilities of the labour market amounts to 3-7% of GDP.
* Effective and meaningful participation of persons with disabilities in societies is not only a requisite of a human rights-based approach; it is essential for social cohesion and sustainable development.

**OSCE's role to contribute to the inclusion of persons with disabilities**

* Since the Helsinki Final Act (1975), the OSCE has devoted significant efforts to promote and protect human rights, democracy, rule of law and the rights of minorities. From the onset, the principles of equality and non-discrimination have been embedded in its work.
* Disability is not a new issue for the OSCE. In 1991 in Moscow, the OSCE highlighted the importance of ensuring the protection of the human rights and fundamental freedoms of persons with disabilities, as well as their effective participation in decision-making. OSCE missions in different countries (such as Kosovo, or Bosnia and Herzegovina) have also paid attention to the inclusion and participation of persons with disabilities.
* Against this background, OSCE efforts related to the rights of persons with disabilities should benefit from the international framework on the rights of persons with disabilities, established by the CRPD. This Convention represents a major paradigm shift in the status of persons with disabilities in international human rights law, and is instrumental to inform the work of the OSCE in ensuring the full and effective participation of persons with disabilities in society on an equal basis with others.
* Today, 162 States has ratified or acceded the CRPD, and made an international commitment to respect, protect and fulfil all human rights and fundamental freedoms of all persons with disabilities. This treaty is becoming one of the most ratified international human rights instruments. As almost all OSCE participating States have ratified it, it is directly relevant to the implementation and enhancement of the OSCE’s commitment on the human rights of persons with disabilities. Moreover, the OSCE could promote further ratifications by its participating States, thus reinforcing efforts to comply with the CRPD standards.
* The New Sustainable Development Goals (SDG) also represent an opportunity to promote the rights of persons with disabilities and ensure their full and effective participation among OSCE participating States. While the Millennium Development Goals did not consider persons with disabilities at all, the 2030 Development Agenda has included various references to persons with disabilities in its goals.
* Importantly, the SDGs and the CRPD mutually reinforce each other. The CRPD can offer guidance for the implementation of the 2030 Development Agenda, while the SDGs can contribute to the realization of the rights of persons with disabilities. SDGs goals and targets are inextricably linked to international human rights treaties, including the CRPD. Therefore, ensuring a human rights-approach to disability in the implementation of the SDGs is of outmost importance, as well as including the monitoring and implementation mechanisms established by States parties to the CRPD in the follow-up and review of the implementation of the 2030 Development Agenda.

**Framing the agenda: priorities**

* Given the broad scope of human rights violations experienced by persons with disabilities, it is always challenging to identify the most urgent aspects that States and international organizations should prioritize when promoting the enjoyment of human rights by persons with disabilities. In my view, the following are among the most pressing issues to be tacked as a matter of priority.
* First of all, it is imperative to support the active participation of persons with disabilities in all decision-making process affecting their lives. As I highlighted in my recent report to the Human Rights Council in March 2016, the right of persons with disabilities to participate in political and public life on an equal basis with others encompasses the right to participate in decision-making, which is an essential condition for a human rights-based approach to development and the realization of the SDGs. The CRPD provides a robust framework for guaranteeing the participation of representative organizations of persons with disabilities and their active involvement and participation in public decision-making. It is critical that this process of consultation and involvement is reflected in the work of the OSCE and its participating States. These obligations must be seen as an opportunity to enhance good and effective governance and foster agency and empowerment among persons with disabilities.
* Secondly, there is a need to put a halt to widespread violations of basic rights of persons with disabilities, including deprivation of their legal capacity, violations of their right to freedom and security, and the right to live independently and to be included in the community. Segregation and institutionalization, especially against persons with autism, intellectual and psychosocial disabilities, continue to be a reality in Europe, with nearly 1.2 million people living in residential facilities. The assumption that such persons cannot study, work or live in the community is oftentimes supported by outdated policy frameworks that perpetuate this prejudice.
* Finally, the OSCE should promote and support the development and implementation of social protection systems that are inclusive of persons with disabilities, as a way to ensure their right to live independently as well as the enjoyment of other rights connected with personhood and active citizenship. The issue is not one of resources, but of approaches. States need to transform their social protection systems and policies to enable persons with disabilities to take control over their lives and to participate in society as equal citizens, rather than excluding them.

**Closing**

* The OSCE has a comprehensive approach to security that encompasses politico-military, economic and environmental aspects, to also include respect for human rights and fundamental freedoms. Undeniably, human rights, democracy and the rule of law are building blocks of sustainable and inclusive societies and economies. Nonetheless, until the rights and needs of persons with disabilities are adequately addressed, political, social and economic challenges will remain unsolved.
* The OSCE can play a critical role and show its commitment to democracy and human rights, by making the rights of persons with disabilities more visible. I encourage the OSCE to take the lead in developing appropriate models of collaboration and cooperation among its participating States and others stakeholders, to ensure that existing national policies and programmes are compliant with the CRPD. The proposal to establish a focal point on the rights of persons with disabilities within the OSCE, with a cross-dimensional mandate within the Organization, seems to be a very positive step in the right direction.