



BEYOND THE FRAMEWORK

- DISABILITY POLICY AND THE UNITED NATIONS CONVENTION ON THE
PROTECTION AND PROMOTION OF THE RIGHTS AND DIGNITY OF PERSONS
WITH DISABILITIES.

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Summary

This paper briefly highlights the *United Nations Convention on the Protection and Promotion of the Rights and Dignity of Persons with Disabilities* and the *Standard Rules on the Equalization of Opportunities for Persons with Disabilities*. It outlines how these documents, and the principles they contain, could move Saskatchewan forward in the development of an acceptable Saskatchewan Disability Policy Framework based on full consultation. It also includes mechanisms that can be used to promote, protect and monitor the implementation of the Disability Policy Framework. *Agenda 22*¹ outlines a proven process for drawing up Disability Policy Plans based on the Standard Rules. This package provides a practical and proven guideline for building cooperation between groups representing the diverse needs of people with disabilities and service providers of all kinds, including government.

¹ A complete text is available at <http://www.hso.se/start.asp?sida=298>

Introduction:

Since its release in June of 2007, the Saskatchewan *Disability Inclusion Policy Framework*ⁱ has been contentious for IDEA Regina. IDEA applauds the Minister Responsible for Disability Issues for committing the Ministry to open discussions on ways to improve and strengthen the framework.

IDEA contends the *Policy Framework*, as released in 2007, is founded on principles that are, at best, weak and limiting. In addition, the reference to a “Disability Lens” fails to reflect the concepts as originally envisioned. In January of this year IDEA published a paper titled, *A Disability Policy Framework – we can support*.ⁱⁱ That paper suggested some modest amendments to the *Policy Framework* that the disabled community would find acceptable. However in concluding the paper, IDEA Regina expressed the opinion that the process for developing and implementing a Saskatchewan Disability Policy should be guided by the *United Nations Convention on the Protection and Promotion of the rights and Dignity of Persons with Disabilities* and the *Standard Rules on the Equalization of Opportunities for Persons with Disabilities*. With this guidance we believe we Saskatchewan can produce a Disability Policy that will have real impact on Saskatchewan.

The Convention²:

The purpose as the United Nations’ *Convention on the Protection and Promotion of the Rights and Dignity of Persons with Disabilities* is expressed in Article One.

“...to promote, protect and ensure the full and equal enjoyment of all human rights and fundamental freedoms by all persons with disabilities, and to promote respect for their inherent dignity.”

The *Convention* in and of itself cannot replace a policy like the *Disability Inclusion Policy Framework*, but it can provide a framework of principles on which it can be redrafted.

The *Convention* provide a set of agreed to principles that can guide our work in Saskatchewan on a variety of issues related to achieving full citizenship for people who have a disability, including issues such as: women and disability, children and disability, awareness-raising, accessibility, right to life, freedom from exploitation, violence and abuse, education, and health care to mention a few.

Standard Rules³:

The United Nation offers a second document to assist us in our work to develop a disability policy for Saskatchewan. The United Nations Council for Social Development, which oversees the implementation of the *Convention*, recommended “*Continuing applicability of the Standard Rules in improving the lives of persons with disabilities*”. In the Council’s opinion the 22 standard rules, first developed in 1996, “*constitute a set of clear guidelines and procedures which complement perfectly the articles of the Convention on the Rights of Persons with Disabilities*”. The council recommends using the *Standard Rules* as a guide for implementing the provisions of the *Convention* and monitoring progress.

As stated in the Preamble the United Nations has adopted the *Standard Rules*:

- a. *To stress that all action in the field of disability presupposes adequate knowledge and experience of the conditions and special needs of persons with disabilities;*
- b. *To emphasize that the process through which every aspect of societal organization is made accessible to all is a basic objective of socio-economic development;*
- c. *To outline crucial aspects of social policies in the field of disability, including, as appropriate, the active encouragement of technical and economic cooperation;*
- d. *To provide models for the political decision-making process required for the attainment of equal opportunities, bearing in mind the widely differing technical and economic levels, the fact that the process must reflect keen understanding of the cultural context within which it takes place and the crucial role of persons with disabilities in it;*

² For more information go to <http://www.un.org/disabilities/default.asp?id=259>

³ For more information and the full text go to <http://www.un.org/disabilities/default.asp?id=26>

- e. *To propose national mechanisms for close collaboration among States, the organs of the United Nations system, other intergovernmental bodies and organizations of persons with disabilities;*
- f. *To propose an effective machinery for monitoring the process by which States seek to attain the equalization of opportunities for persons with disabilities.*

Saskatchewan Disability Policy and the Convention:

We understand that the Government of Canada will be consulting with the provincial and territorial governments regarding the ratification of the Convention. IDEA is firmly of the opinion that an early announcement by the Government of Saskatchewan of support for ratification of the *Convention* would send the strong and positive message to all citizens of Saskatchewan, especially citizens who have a disability.

In addition to support for ratification we propose that the Government of Saskatchewan commit to using *United Nations Convention on the Protection and Promotion of the Rights and Dignity of Persons with Disabilities* and the *Standard Rules* as a guide when reviewing and redrafting of the *Disability Inclusion Policy Framework*.

There are examples of how the *Convention* and *Standard Rules* can be used to develop disability policy. One example is from Sweden. In 1999 the Ministry of Health and Social Affairs, Sweden published “*From Patient to Citizen: a national action plan for disability policy.*”ⁱⁱⁱ in which it set out national objectives of disability policy. The Ministry stated that the national objective was threefold:

- *a social community based on diversity;*
- *a society designed to allow people with disabilities of all ages full participation in the life of the community;*
- *equal opportunities in life for girls and boys, women and men with disabilities.*

And further they state clearly that

To achieve this goal requires a progressive transformation of disability policy so that the perspective governing policy becomes fundamentally democratic. We should be guided by the perspective applied in the UN's Standard Rules on the Equalisation of Opportunities for Persons with Disabilities.

In support of this position a coalition known as the Swedish Co-operative Body of Organization of Persons of Disabled People came together and has developed *Agenda 22*⁴, which outlines a process for the development a Disability Policy Plans based on the *Standard Rules*. This package provides a practical guide for building cooperation between groups representing people with disabilities and service providers of all kinds, including government. *Agenda 22* has apparently been used in several European countries and we believe it can be of benefit in Saskatchewan.

Our hope is that Saskatchewan can build on this work to create a comprehensive, focused, targeted and dedicated network willing to work towards a shared vision and goals that can meet the diverse needs of people with disabilities in our province.

Implementation and Monitoring:

Article 33 of the Convention states:

1. Parties, in accordance with their system of organization, shall designate one or more focal points within government for matters relating to the implementation of the present Convention, and shall give due consideration to the establishment or designation of a coordination mechanism within government to facilitate related action in different sectors and at different levels.

2. States Parties shall, in accordance with their legal and administrative systems, maintain, strengthen, designate or establish within the State Party, a framework, including one or more independent mechanisms, as appropriate, to promote, protect and monitor implementation of the present Convention. When designating or establishing

such a mechanism, States Parties shall take into account the principles relating to the status and functioning of national institutions for protection and promotion of human rights.

3. Civil society, in particular persons with disabilities and their representative organizations, shall be involved and participate fully in the monitoring process.

IDEA believes that a dedicated ministry/agency, with the mandate and resources to “champion”, promote and oversee the implementation of a Saskatchewan made disability policy founded on the *Convention* and the *Standard Rules*, should be established. Such a body must have proactive powers similar to the “Childs Advocate”. This ministry/agency must have sufficient legislative authority, resources and expertise to carry out a substantial mandate from consultation, promotion, advocacy, economic incentives and compliance.

The Nova Scotia Disabled Persons Commission is a Canadian example of such a ministry/agency. The Nova Scotia Commission’s mandate, as stated in *An Act to Establish the Disabled Persons Commission*,⁵ is to:

- a) provide for the participation of disabled persons in the development of Government policies and programs relating to or affecting disabled persons;*
- (b) establish a central mechanism to ensure that the concerns of disabled persons respecting policy and program development and delivery are conveyed to the appropriate departments of the Government; and*
- (c) ensure that the concerns of disabled persons will be promoted in and considered by the Government, especially in matters of policy and where the concerns affect several departments of the Government. 1989, c. 4, s. 2.*

Several international models exist, including the office of the Swedish Disability Ombudsman (Handikappombudsmannen - HO)⁶. This office:

⁴ A complete text is available at <http://www.hso.se/start.asp?sida=298>

⁵ For more information go <http://www.gov.ns.ca/disa/index.htm>

⁶ Further information can be found at: http://www.ho.se/Tpl/NormalPage_118.aspxwww.HO.SE

Monitors the rights and interests of people with disability. The objective is that people with various kinds of disability should be able to participate fully in the life of the community and live on the same terms as others. The foundation for the operations of the HO are the UN Standard Rules on the Equalization of Opportunities for Persons with Disabilities.

Although the Ombudsman is restrained by resources and legislation it at least has a responsibility to keep the government fully apprised of the consequences of not only its actions but also its inaction. If this model was adopted in Saskatchewan we would propose looking at other names such as the “Disabled Citizens Advocate” and expanding its mandate to include the rights of the temporarily disabled such as patients. We believe such an approach would reinforce the message “that disability is a normal part of life” and help to educate the public on the virtues of supporting action.

Conclusion:

In the *Regina Disability Manifesto* IDEA Regina committed to working “...constructively with all levels of government, the private sector and other partners who are committed to building a community that includes full citizenship, independence and self-determination for all of us.”^{iv} In this respect we believe the *Convention on the Protection and Promotion of the Rights and Dignity of Persons with Disabilities* and the *Standard Rules on the Equalization of Opportunities for Persons with Disabilities* will lead to the goals of full citizenship, independence and self-determination that we seek. We believe that they can offer a solid foundation for the policy framework we all seek.

ⁱ Disability Inclusion Policy Framework, Government’s Response to the Saskatchewan Council on Disability Issues’ Disability Action Plan, Government of Saskatchewan, June, 2007

ⁱⁱ “Disability Policy Framework we can support”, IDEA Regina, January, 2008. Available at www.idearegina.ca

ⁱⁱⁱ From Patient to Citizen: a national action plan for disability policy, Ministry of Health and Social Service, Sweden, 2000.

^{iv} The Regina Disability Manifesto, IDEA Regina, June 2006. Available at www.idearegina.ca