

Disability Rights Advocacy Workbook

Rehabilitation, Promote, Protect and Ensure Full and Equal Enjoyment of Human Rights for Persons with Disabilities, Independence, Equality of Opportunity, Accessibility, Awareness-Raising, Implementation, Inclusion, Disabilities, Autonomy, Personal Mobility, **Convention**, Dignity, Promote, Convention, Rehabilitation, **Ratification**, International Cooperation, Non-Discrimination, Full Effective Participation, Equality, Inclusion, Respect for Differences, Independence, **Campaign**, Equality of Opportunity, Rehabilitation, Promote, Protect and Ensure Full and Equal Enjoyment of Human Rights for Persons with Disabilities, Independence, Equality of Opportunity, Accessibility, Awareness-Raising, Implementation, Inclusion, Disabilities, Autonomy, Personal Mobility, Dignity, Convention, International

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HOW TO USE THIS WORKBOOK

This workbook was prepared to facilitate advocacy for people with disabilities. Each section of the workbook answers key questions about advocacy by and for people with disabilities that advocates, their communities, and their allies are likely to use.

Included at the end of each section are exercises, which will help to deepen your understanding and can be used in training others about advocacy. These exercises contain two kinds of questions:

- A. Factual questions about your country and/or region
- B. Questions for reflection and discussion.

Words and phrases printed in **bold-faced type** in the workbook are explained in the Glossary, on pages 26-29.

WHAT THIS WORKBOOK HELPS YOU TO DO

After completing this workbook, you should be able to answer these key questions and explain them to others:

Section I: Advocacy for People with Disabilities

- What is the “charity model of disability”?
- What is the “medical model of disability”?
- What is the “social model of disability”?
- What is the “rights model of disability”?
- What is advocacy?
- What are the main challenges faced by people with disabilities in your country?
- What are the underlying causes of these challenges?
- What other groups are also addressing some of these challenges?
- What further information do you need and how can you find it?

Section 2: How Does Human Rights Advocacy Work?

- What are human rights and where are they found?
- How can a rights-based approach help people with disabilities?

Section 3: How Can You Use International Human Rights Treaties for Advocacy?

- What do people need to know about the UN Standard Rules?
- What is the Convention on the Rights of Persons with Disabilities?
- How is the Convention different from the UN Standard Rules?
- How will the Convention help people with disabilities?
- How can people with disabilities advocate for the Convention’s implementation?

After completing this workbook, you should be able to carry out these important advocacy actions:

- Educate yourself about the challenges facing people with disabilities in your country and analyze their underlying causes.
- Prioritize these challenges and strategize on how to address them.
- Find other groups in your community and country that are working on the same challenges.
- Gather the information you need to advocate for people with disabilities in your country.
- Find out about laws and policies in your country that affect people with disabilities.
- Find out what international treaties your country has ratified affecting people with disabilities.
- Understand and observe the special requirements and limitations for non-governmental organizations in your country.
- Understand what government ministries and agencies are related to the rights of people with disabilities.
- Use a rights-based approach to advocacy.
- Teach others about the human rights of people with disabilities and the importance of the Convention on the Rights of Persons with Disabilities.

SECTION 1: ADVOCACY FOR PEOPLE WITH DISABILITIES

How do most people understand people with disabilities?

Although current estimates suggest that people with disabilities make up 10% to 20% of any community, they can be invisible and isolated in society. Physical and social barriers exclude them from participating in mainstream society and fully realizing their human rights.

One broad barrier faced by people with disabilities results from the ways most people misunderstand disability. Many automatically respond with pity and an impulse to care for those they consider weak and helpless. They assume people with disabilities cannot take care of themselves, live independently, or earn a living. Although they may think they are being compassionate, people who have this attitude can do great harm: they consistently underestimate people with disabilities and deprive them of their dignity and their potential. This mistaken understanding of disability is often called the “**charity model of disability**” because it assumes that what people with disabilities need is charity or benevolent caretaking. Charity can have a positive effect in some contexts, but in regard to disability, charity is generally negative because it can disempower and limit people with disabilities.

Equally disempowering is the “**medical model of disability.**” Some people consider disability to be a health problem and focus on the “sickness” of the disability. The danger of this misunderstanding is that it emphasizes “fixing disabilities” rather than fixing society by removing barriers and changing attitudes. Furthermore, it makes the medical profession responsible for people with disabilities rather than emphasizing that the whole society has the responsibility to integrate people with disabilities fully.

Although charity and efforts to “fix” disabilities may be well intentioned, both the charity model and the medical model isolate people with disabilities in hospitals, institutions, and their homes rather than integrating them into society. Such attitudes do nothing to increase opportunities to achieve social and economic independence.

What is the “social model” for understanding disability?

Today the prevailing approach to disability advocacy worldwide promotes a “**social model**” for understanding disability and actively discourages regarding people with disabilities as needing charity (the charity model of disability) or a cure (the medical model). The social model affirms that people with disabilities are full members of society who have important contributions to make to their families and communities. What prevents them from achieving their potential is not their disabilities but the unhealthy and disempowering misunderstanding of society.

The social model emphasizes identifying, exposing, and examining the barriers that physical and social environments place on people with disabilities such as:

- Legal barriers that limit the rights of people with disabilities;
- Physical barriers that prevent access to shops, restaurants, schools, work, transportation, and other places;
- Communication barriers that inhibit access.

Rather than “fixing” people with disabilities to fit better into society, the social model focuses on changing society to eliminate the limitations imposed by the society.

What is a “rights model” for understanding disability?

The social model of disability of understanding disability is complemented by a **rights model** for understanding disability. This approach is based on principles of human rights, as embodied in the United Nations **Universal Declaration of Human Rights** (UDHR) and other international human rights documents.

Fundamental to human rights is the principle that all human beings are equal in dignity and rights and that they are entitled to their human rights without distinction of any kind. Thus, people with disabilities are rights-holders who can and should determine the course of their lives as much as any other member of society. In a rights-based approach to disability, limitations imposed on people with disabilities by the social and physical environment are regarded as violations of their basic human rights. A human rights approach transforms the needs of people with disabilities into rights they can claim.

What do we mean by “advocacy”?

Advocacy means a process designed to create positive change. Advocacy consists of a variety of actions taken to draw attention to an issue and to direct legislators, policy-makers, service providers, and other important actors to a solution. Such advocacy actions can be taken at the individual, local, national, regional, or international levels.

Advocacy is almost never undertaken by a single individual or organization working alone. Effective advocacy benefits from the collective action of groups with different experience and perspectives working together to achieve a shared goal.

Advocacy rarely uses a single action to achieve change. Instead, advocates and advocacy organizations develop an advocacy strategy, which consists of many kinds of actions such as:

- **Educational actions:**
 - Do we have the facts we need about the issue (research and analysis)?
 - How can we draw people’s attention to an issue (public outreach)?
 - How can we change people’s attitude toward this issue (education and training)?

- **Political actions:**
 - How can we direct governmental policy-makers to change or implement policies to address the issue (lobbying)?
- **Legal actions:**
 - Is a new law needed to address the issue?
 - Does existing law need to be repealed?
 - Does existing law need to be enforced by the courts or administrative agencies of the government?

Wise advocacy aims at change that is sustainable. Sometimes activists can temporarily draw money and attention to an issue, but if that financial support and interest declines, the situation almost always returns to the way it was. Lasting social change usually takes time: old attitudes do not alter overnight. Successful advocacy involves persistence and a long-term commitment.

What makes effective advocacy?

Effective advocacy is not spontaneous or occasional. An advocacy strategy has clear goals and objectives and a plan to fulfill them in a systematic fashion.

Before advocacy goals can be established, however, a thorough analysis of the situation is required:

- What are the main challenges that concern people with disabilities?
- What are the underlying causes of these challenges?
- What can be done to address the underlying causes?

Identifying the challenges is usually not difficult. On the other hand, understanding the causes of these challenges can require looking at many subtle factors such as economics, social structures, stereotypes and attitudes, political ideologies, and cultural traditions. However, the better you understand these underlying causes, the more effective your strategies to address them will be, which will help bring about lasting change.

What are the main challenges faced by people with disabilities in your country?

The answer to this question will vary from country to country, but across the globe most people with disabilities share these common challenges:

- No employment
- Poverty
- Discrimination
- Poor rehabilitation services
- Inability to afford health care, which is usually acutely needed

- Social rejection and exclusion
- Exclusion from education and vocational training
- Priority given to people without disabilities by government planners and policy makers
- Identification of disability as a medical or charity issue
- Lack of belief in their own worth and capacities
- Lack of government laws, policies and practices that recognize disability rights as human rights.

People with disabilities may face challenges unique to their particular country, culture, or community. Some other challenges may still remain unidentified or unspoken because of fear or embarrassment. Understanding the challenges as completely as possible is essential to advocacy.

Advocacy also needs to be strategic. You can't address all these challenges at one time! And some challenges will be easier to change than others. Another important step in advocacy is to prioritize: which challenges are most important to address first?

<p>What are the underlying causes of the challenges faced by people with disabilities in your country?</p>

To identify underlying causes you need to look at each challenge from as many perspectives as possible. For example:

- **Attitudes:**
 - What are some beliefs, myths, and stereotypes about people with disabilities?
- **Laws:**
 - How does the law discriminate against people with disabilities?
 - Do laws exist to protect the rights of people with disabilities?
 - Are existing laws fully enforced and implemented?
- **Society:**
 - Periods of social unrest or a weak economy that affect whole societies have an even greater impact on people with disabilities, especially regarding income and employment. What are the current social factors affecting the country?
 - How do they impact people with disabilities?
- **Religions and Cultures:**
 - What religious beliefs and/or cultural traditions affect attitudes toward people with disabilities (e.g., seeing them as objects of charity or “cursed”)?
- **Government:**
 - Are lawmakers aware and supportive of the concerns of people with disabilities?

- Do welfare ministries fulfill their obligations to people with disabilities?
 - Do ministries (e.g., education, transportation, and health) work pro-actively for the rights of people with disabilities?
 - Are people with disabilities represented in the process?
- **Health Care Systems:**
 - What are the attitudes of medical professionals toward people with disabilities?
- **Individuals and Families:**
 - Do people with disabilities have the experience, training, or confidence to work for change and participate in their communities?
 - Do their families and allies?

What other groups are also addressing some of these challenges?

Lasting social change is almost never brought about by a single individual or organization. Successful advocacy needs the collective efforts of many people with many different experiences, perspectives, and skills.

An important step in advocacy planning is to identify allies and form effective collaborations with them. Sometimes people are addressing the same issue for different reasons; sometimes people have the same goals but work on different aspects of the issue. Such collaborations help to avoid wasteful duplication of efforts and nonproductive competition. However, all members of a collaboration need to acknowledge their differences and be clear about their common goals, as well as their respective roles and actions. They need to plan together and stay in continuous communication.

What further information do you need and how can you find it?

Good information is essential to good advocacy. This includes information about the challenge, about its underlying causes, about political, legal, and cultural factors, about other groups working for change, and about how political and social systems work.

For example:

- Do you have good statistics about people with disabilities in your country and in the world (e.g., their numbers, ages, income levels, etc.)?
- Do you know what laws and official policies your country has that directly affect people with disabilities?
- Do you know which, if any, international human rights treaties affecting people with disabilities your country has ratified and is thus committed to upholding?

What you do not know is sometimes more important than what you do know. The key is knowing how to find the information and how to use the information you have. Keep a list of potential sources of information and expert advice.

For statistics about people with disabilities try:

- Ministry of Health
- Ministry of Labor
- Ministry of Education
- Ministry of Social Development/Action
- Websites and publications of UN agencies (e.g., World Health Organization, International Labour Organisation, UNICEF, UNIFEM, UNDP)
- Other organizations working with people with disabilities

SECTION 1 EXERCISES

Suggestion: These exercises could be completed individually or ideally by brainstorming with groups of colleagues and allies. The more people you consult, the broader your understanding will be of the challenges people with disabilities face.

1. What are the main challenges and barriers faced by people with disabilities in your country? List them on a separate sheet of paper.
2. Select from this larger list the top five challenges or barriers facing people with disabilities in your country and write them below.
 - a) _____
 - b) _____
 - c) _____
 - d) _____
 - e) _____
3. Take each major challenge or barrier you identified separately and analyze its possible underlying causes. Look at each from as many perspectives you can think of. For example:
 - Attitudes
 - Laws
 - Society
 - Religion and culture
 - Government
 - Health care system
 - Individuals and families
 - Other perspectives?
4. Of the underlying causes identified for each challenge, which seem to be the most significant?
5. Because you work with people with disabilities, you are probably already addressing some of their main challenges and advocating for change.
 - Which of these challenges are you already working to change? How?
 - Are you addressing the underlying causes of the situation? How?
 - Which of the identified challenges are you not directly addressing?
 - Which of the identified challenges might be easily added to your work on behalf of people with disabilities? Why?
 - Which challenges would be more difficult for you to address? Why?
 - Are there others that you should consider adding to your work?
6. Consider these questions about your present and future work:

- Are you addressing the underlying causes of the situation? How?
 - Which of the identified challenges are you not directly addressing? Why not?
 - Which of the identified challenges that you are *not* working on might be easily added to your work on behalf of people with disabilities? Why?
 - Which challenges would be more difficult for you to address? Why?
7. What groups in your community are working on the same challenges you have identified as top priority for people with disabilities?
 8. Consider these questions about allies and potential allies:
 - Do you share the same goals?
 - How can your work and theirs complement and support each other?
 - What does your organization have to offer the collaboration?
 - What does your organization have to gain from the collaboration?
 - Are there potential problems with collaboration with any group?
 9. What statistics are available about people with disabilities in your country and in the world (e.g., their numbers, ages, income levels, etc.)?

QUESTIONS FOR REFLECTION AND DISCUSSION

1. Do you have new ideas for addressing some of the underlying causes of barriers for people with disabilities?
2. Are there some underlying causes of barriers for people with disabilities that you think would be especially difficult, disadvantageous, or even dangerous to address?

SECTION 2: HOW DOES HUMAN RIGHTS ADVOCACY WORK?

What are human rights?

Human rights are rights a person has simply because he or she is a human being. Another definition for human rights is *those basic standards without which people cannot live in dignity*. To violate someone's human rights is to treat that person as though she or he were not a human being. To advocate human rights is to demand that the human dignity of all people be respected.

Article 1: All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood.

Article 2: Everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status. ...

Universal Declaration of Human Rights

Human rights are **inalienable**: you cannot lose these rights any more than you can cease to be a human being.

Human rights are **indivisible**: you cannot be denied a right because someone decides it is "less important" or "non-essential."

Human rights are **interdependent**: all human rights are part of a complementary framework. For example, your ability to participate in your government is directly affected by your right to express yourself, to get an education, or even to obtain the necessities of life like food and shelter.

Where are human rights found?

Although their roots lie in the traditions of many cultures, rights for every member of the human family were first articulated in 1948 in the United Nations Universal Declaration of Human Rights. The thirty articles of the Declaration form a comprehensive statement covering economic, social, cultural, political, and civil rights. Its Preamble eloquently asserts the fundamental principle that –

[R]ecognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice, and peace in the world.

In international law, a **declaration** like the UDHR is a statement of intent or a set of principles; it is not a legally binding document. Over the last fifty years, the United Nations (UN) has built on the foundation of the UDHR by developing a framework of human rights **treaties** (also called **conventions** or **covenants**), which are legally binding for the countries that **ratify** them.

The most general of the human rights treaties are the **International Covenant on Civil and Political Rights** (ICCPR) and the **International Covenant on Economic, Social and Cultural Rights** (ICESCR), which were adopted by the UN in 1966. These two Covenants together with the UDHR make up what is known as the **International Bill of Rights**.

The UN has adopted more than twenty other human rights treaties. These include conventions to prevent and prohibit specific abuses (e.g., torture and genocide) and to protect certain populations, (e.g., refugees, women, racial minorities, children, migrant workers). Most recently, the UN adopted a new Convention on the Rights of Persons with Disabilities. This Convention defines and protects the rights of persons with disabilities in all aspects of their lives. The Convention is now open for signature and will be binding upon the States that ratify it as soon as it comes into effect.

In Europe, the Americas, and Africa, regional systems for the protection and promotion of human rights complement the international system:

- **The European Charter for the Protection of Human Rights and Fundamental Freedoms** (1950);
- **The American Convention on Human Rights** (1978);
- **The African Charter of Human and People's Rights** (1981).

The national legal codes and constitutions of many countries also guarantee and protect the rights of the country's citizens. Human rights differ from these mainly in that they apply to all people everywhere, regardless of their citizenship.

PRINCIPAL HUMAN RIGHTS DOCUMENTS

- UNIVERSAL DECLARATION OF HUMAN RIGHTS (UDHR), 1948
- INTERNATIONAL COVENANT ON CIVIL AND POLITICAL RIGHTS, 1966
- INTERNATIONAL COVENANT ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS, 1966
- INTERNATIONAL CONVENTION ON THE ELIMINATION OF ALL FORMS OF RACIAL DISCRIMINATION, 1966
- CONVENTION ON THE ELIMINATION OF ALL FORMS OF DISCRIMINATION AGAINST WOMEN, 1979
- CONVENTION ON THE RIGHTS OF THE CHILD, 1989
- CONVENTION ON THE RIGHTS OF MIGRANT WORKERS AND THE MEMBERS OF THEIR FAMILIES, 1990
- CONVENTION ON THE RIGHTS OF PERSONS WITH DISABILITIES, 2006

FOR FULL TEXT OF THE TREATIES, GO TO:
<http://www.ohchr.org/english/law/index.htm>

How can a rights-based approach empower people with disabilities?

Human rights are both inspirational and practical. Human rights principles hold up a vision of how individuals and institutions everywhere have the right to be treated. Human rights empower people by providing them with a practical framework for action when those minimum standards are not met. People still have human rights even if the laws or practices do not recognize or protect them!

When a government ratifies a treaty, it becomes a **state party** to that treaty and makes a formal, legally binding commitment to protect and enforce the rights and freedoms that the treaty guarantees. Each treaty also contains **enforcement mechanisms**, specific rules for how the UN will monitor whether states parties are meeting their commitments.

In this way, human rights treaties empower people to take action when governments do not keep their legal obligations. People can hold governments accountable and demand the government keep its promises. Some treaties also permit groups and individuals to complain directly to the UN body that monitors that treaty. The UN cannot force governments to keep their treaty obligation or punish them when they violate a treaty, but the UN has a powerful ability to criticize a government, holding it up to public embarrassment before the rest of the world.

As the list above shows, human rights treaties cover a wide range of concerns. A rights-based approach links people with disabilities to other groups advocating for human rights. For example, non-governmental organizations that advocate for women's rights or minority rights should include women or minorities with disabilities in their work. People with disabilities can be instrumental in seeing that their concerns are included in the human rights agendas of other organizations and in turn find new allies in the human rights community.

A rights-based approach provides people with disabilities with a powerful tool to advocate for full recognition and participation in society and full enjoyment of their human rights.

SECTION 2 EXERCISES

Suggestion: These exercises could be completed individually or ideally by brainstorming with groups of colleagues and allies. The more people you consult, the broader your understanding will be of the challenges people with disabilities face.

1. Find out what laws and official policies your country has that directly affect people with disabilities.
 - Do you consider these laws and policies to be good? Do they adequately protect the rights of people with disabilities?
 - Are these laws and policies consistently enforced and implemented? If not, why not?
 - Are further laws needed? If so, what new laws would you recommend?

For information about laws and policies concerning people with disabilities try:

- Ministry of Health
- Ministry of Labor
- Ministry of Education
- Bureau of Statistics
- National law schools
- Schools of social work
- Social service agencies
- Other organization working with people with disabilities.

2. Find out which, if any, international human rights treaties affecting people with disabilities your country has ratified and is thus committed to upholding.

For ratification of regional and/or international human rights documents try:

- Foreign Ministry
- National and international human rights organizations
- Websites:
 - Office of the UN High Commissioner for Human Rights: www.ohchr.org
 - World Health Organisation: www.who.int
 - International Labour Organisation: www.ilo.org

3. Find out if your country has national human rights institutions or national disability commissions.
 - Are these institutions part of the government or independent of it, i.e. part of “civil society”?
 - How do these institutions seek to improve human rights and/or the lives of people with disability?
 - How can you work with these institutions to see that human rights standards are enforced for people with disabilities?
4. Find out what government ministries and agencies are related to the rights and needs of people with disabilities.
 - Are any of these governmental bodies especially encouraging or discouraging toward advocacy for the rights of people with disabilities?

- Has your government taken a position on the Convention?
- If so, what steps have been taken by your government to sign, ratify or implement the Convention?

QUESTIONS FOR REFLECTION AND DISCUSSION

1. How would you describe the attitude of most people in your country towards people with disabilities?
 - What are the social and cultural roots of this attitude?
 - What, if any, are the positive aspects of this attitude?
 - The negative?
 - What can be done to promote positive attitudes?
2. How does the language used to describe disability in your local language reflect people's attitudes toward disability and people with disabilities?
 - How does such language support and maintain negative attitudes?
 - How does such language support and maintain positive attitudes?
 - How does such language affect people with disabilities?
 - What can be done to alter negative language?

SECTION 3: HOW CAN WE USE INTERNATIONAL TREATIES FOR ADVOCACY?

What existing international documents relate directly to the rights people with disabilities?

People with disabilities are entitled to all the human rights and freedoms contained in all international human rights documents. The following treaties have provisions of particular importance in the context of disability:¹

- International Covenant on Civil and Political Rights (ICCPR);
- International Covenant on Economic, Social and Cultural Rights (ICESCR);
- The Convention against Torture (CAT);
- The Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW);
- The Convention on the Rights of the Child (CRC);
- The Mine Ban Treaty (applies only to people with disabilities whose disability was caused by a mine);
- The Convention on the Elimination of All Forms of Racial Discrimination (CERD).

Three specialized documents have particular significance to the rights of people with disabilities:

- **The UN Standard Rules on the Equalization of Opportunities for Persons with Disabilities** (Standard Rules), 1993;
- **The Convention on the Rights of Persons with Disabilities**, 2006.

What do people need to know about the UN Standard Rules?

In 1993, the UN Standard Rules represented a significant step forward by introducing the “social model of disability” and changing the way people think about disability. They establish a **Special Rapporteur**, a UN official who monitors the treatment of people with disabilities worldwide and reports regularly to a UN commission.

However, the UN Standard Rules are not legally binding, not well known and not much used in practice. In effect, they have not done much to secure the human rights of people with disabilities.

¹ For an evaluation of how each of these treaties relates to people with disabilities, see Gerard Quinn and Theresia Degener, Human Rights Are for All (Office of the High Commissioner for Human Rights, UN, 2002), Part 2, Chapters 4-9.

THE UN STANDARD RULES INCLUDE:

- Section 1, “Preconditions for Equal Participation,” lays out rules on medical care, rehabilitation, and various forms of support services, as well as the need and value of awareness raising to combat negative stereotypes.
- Section 2, “Target Areas for Equal Participation,” addresses factors that affect the quality of life, such as access to activities and services, employment, education, family life and integrity, culture, recreation and sport, and religion.
- Section 3, “Implementation Measures,” provides a framework to ensure that disability rights are realized. It emphasizes that the UN Standard Rules can only be effective if persons with disabilities and their organizations are involved at all levels of societal planning.
- Section 4, “Monitoring Mechanism,” establishes a special rapporteur, a UN official with the mandate to see that governments implement the UN Standard Rules.

Why did we need a convention on the rights of people with disabilities?

Existing human rights conventions are inadequate for guaranteeing the protection of all rights of people with disabilities. They do not deal with their unique physical, social, and legal circumstances. They fail to address the barriers they face to the enjoyment of their basic human rights such as education, employment, access to buildings and transportation, and participation in public life.

The Convention on the Rights of Persons with Disabilities provides these important advantages:

- Establishes international standards regarding the rights and freedoms of people with disabilities;
- Clarifies human rights principles in the context of people with disabilities;
- Holds governments that ratify the treaty legally accountable for the protection of rights of people with disabilities;
- Provides an authoritative model for governments to use in shaping national law and policies;
- Creates more effective mechanisms for monitoring the rights of people with disabilities.

The adoption of the Convention and the process of its development raised awareness and understanding about people with disabilities, especially among governments. Very few countries currently have comprehensive laws to protect the rights of people with disabilities. The negotiation process also helped to make people with disabilities more visible, to direct attention to their concerns, and to promote an increase in resources to disability programs. The process also drew advocates, organizations, and communities together to work for a common goal.

The adoption of the Convention has contributed to changing the way people think about people with disabilities, encouraging the understanding that persons with disabilities are holders of human rights that must be protected. However, the adoption of the Convention is only the first step. In order for the Convention to successfully improve the situation of people with disabilities around the world, it needs to be ratified and implemented by States. Once States ratify the Convention and implement it through their national laws, people with disabilities will be see the full respect of their human rights.

How is the Convention on the Rights of Persons With Disabilities different from the UN Standard Rules?

The Convention clearly differs from the UN Standard Rules in important ways:

- Although the Standard Rules refer to human rights, they are not a statement of human rights standards. The Convention affirms the human rights of people with disabilities.
- The UN Standard Rules are a statement of guiding principles, but no government is under an obligation to follow them. The Convention becomes binding law for governments that ratify it. For those who do not, it nonetheless establishes international standards by which to evaluate states' laws, policies, and practices concerning people with disabilities.
- The UN Standard Rules lack several important core principles that exist in the Convention:
 - A statement on nondiscrimination;
 - Prohibition against torture and other forms of ill-treatment;
 - Prohibition against slavery and other forms of exploitative labor practice;
 - Provisions regarding freedom from violence and protection of the right to life;
 - Explicit due process guarantees, including due process for involuntary institutionalization;
 - Provisions for enforcing human rights standards for people with disabilities in hospitals or institutions;
 - Protection for the reproductive rights of people with disabilities.

How does a new UN convention come into being?

The evolution of a UN convention from hopes and ideals to legally binding law is a lengthy process that begins and ends with advocacy by people who care about the issue. Each stage of development can take many months or even many years to accomplish:

1. **Advocated** by groups concerned about an issue. Usually working in coalition, advocates lobby UN representatives to bring the issue before the General Assembly.
2. **Recommended** by a resolution of the UN General Assembly for consideration and establishment of an Ad Hoc Committee to study the creation of a new convention.
3. **Drafted** by a working group. Working groups consist of government representatives of UN member states, as well as representatives of **nongovernmental organizations** (NGOs) and **intergovernmental organizations** (IGOs), such as the World Health Organisation (WHO) and the International Labour Organisation (ILO).
4. Every article of the draft text is then debated until consensus is reached on its language and content. In this way a final draft is achieved for submission to the General Assembly.
5. **Adopted** by vote of the UN General Assembly. The Convention on the Rights of Persons with Disabilities was adopted on 13 December 2006.
6. **Signed** by UN member states. When member states sign the convention, they are indicating that they have begun the process required by their government for ratification. In signing, they also are agreeing to refrain from acts that would be contrary to the objectives of the Convention. The Convention on the Rights of Disabilities will open for signature on 30 March 2007.
7. **Ratified** by UN member states. When a member state ratifies a convention, it signifies its intention to comply with the specific provisions and obligations of the document. It takes on the responsibility to see that its national laws are in agreement with the Convention. There is also a process by which states can ratify the Convention but indicate their **reservations** about specific articles with which they disagree.
8. **Entered into force**. A convention goes into effect when a certain number of member states have ratified it. The Convention on the Rights of Persons with Disabilities comes into force one month after 20 ratifications are deposited.
9. **Implemented and Monitored**. The ratifying government must report regularly to the administrative body created by the Convention on how it is implementing

the Convention. Concerned activists educate the public and monitor government implementation of the convention. This final stage continues indefinitely.

What difference will the Convention on the Rights of Persons with Disabilities make to people with disabilities?

The Convention promotes the rights of people with disabilities at both the international and national levels. It explicitly lists and defines the human rights of people with disabilities. Like other human rights treaties, the convention also contains monitoring mechanisms – provisions that create an administrative body with the responsibility to see that governments who ratify it live up to their commitments. Such requirements also have the benefit of mobilizing the participation of people with disabilities to educate the public, build networks, and conduct monitoring on their own behalf.

The Convention also supports government efforts to create or implement national laws protecting the rights of people with disabilities. Such efforts can also stimulate people with disabilities to advocate for their rights, build awareness, and change attitudes. Ultimately, recognition and inclusion of people with disabilities contribute to a stronger, more inclusive, more democratic society.

The implementation of the Convention on the Rights of Persons with Disabilities obligates States Parties to include persons with disabilities and their organizations in shaping national policy and laws and identifying local, regional and international issues and priorities. This right to participate in all stages of implementation of the Convention is something that people with disabilities and civil society have fought for throughout the process of negotiating the Convention. It is a right and imposes a responsibility on persons with disability to participate.

How can we advocate for the implementation of the Convention on the Rights of Persons with Disabilities?

Advocacy is a continuous effort. There are many steps, but no one is ever complete. You cannot take action until you understand the situation, but you never stop educating yourself or analyzing the situation in your country. Even if you achieve one of your goals, for example the creation of improved laws or services for people with disabilities, you still need to monitor the implementation of the law or the continued quality of the service. Strategies need to be continually evaluated and adapted to fit changing situations.

Advocacy is a skill. The more you advocate, the more you learn about how to do more effective advocacy. The following are the principal actions involved in advocacy, many of which you will be taking at the same time and all of which you will get better at as you go along:

- 1. Educate yourself**
 - Understand the kind and extent of the challenges facing people with disabilities.
 - Understand the underlying causes of these challenges.
 - Gather relevant statistics about people with disabilities locally, nationally, and globally.

- 2. Understand the situation in your country**
 - Evaluate relevant laws and policies affecting people with disabilities.
 - Identify political, economic, and cultural factors that contribute to the challenges or could contribute to changing them.
 - Evaluate the policies and actions of lawmakers, ministries, and political parties nationally and locally.
 - Evaluate the attitudes of health professionals and service providers.

- 3. Set long-term and short-term goals**
 - Prioritize challenges.
 - Establish indicators for progress in advocacy: Be clear what you hope to accomplish in six months, a year, five years, even ten years.

- 4. Find support/ Choose allies**
 - Identify individuals and other groups working on the same challenges and unite your efforts.
 - Establish common goals and clear roles for collaboration.
 - Establish clear methods for communication and decision making.

- 5. Choose strategies**
 - Plan a variety of different ways to address a challenge.

- 6. Plan actions**

- 7. Implement actions**

- 8. Evaluate actions and their outcomes**
 - Set up indicators for evaluating whether your strategies are working.

- 9. Make adjustments to your goals /plans**
 - Be flexible and prepared to change strategies in response to changing situations.

SECTION 3 EXERCISES

Suggestion: These exercises could be completed individually or ideally by brainstorming with groups of colleagues and allies. The more people you consult, the broader your understanding will be of the challenges people with disabilities face.

1. Find out if your country intends to ratify the Convention on the Rights of Persons with Disabilities.
 - If no, why not?
 - If yes, what steps has your government taken already in that direction?
2. What organizations in your country are working in the area of disability rights, trying to convince the government to ratify the Convention?
 - If no one is working on lobbying for the ratification of the Convention, why not?
 - If groups are working on this, what are they doing? How can you help?
 - What is your organization doing to promote the ratification by your country of the Convention?
3. Consider the advantages that the Convention on the Rights of Persons with Disabilities provides.
 - How can these advantages affect the lives of people with disabilities in your country?
 - How could you use these advantages to advocate for people with disabilities in your country?
4. How can you advocate for the ratification by your country of the convention on the Rights of Persons with Disabilities? Write out an advocacy strategy for the next 3-5 years.
 - Can you add to the list of advocacy actions listed on pages 6-7?
 - What advocacy actions are you and your organization already taking?
 - What are other organizations in your country doing to promote the Convention?
 - Which advocacy actions seem best suited and most effective for your country and situation? Why?
 - Which advocacy actions are you not undertaking at this time? Why?

QUESTIONS FOR REFLECTION AND DISCUSSION

1. Imagine that you have been given the opportunity to make a three-minute presentation on national television and radio about the Convention on the Rights of Persons with Disabilities. People of all kinds will be listening to you, most of whom will know very little about human rights, international law, or the situation of people with disabilities in your country. Write out the script for this presentation. Time yourself so that you use all three minutes!

GLOSSARY

(Words in capital letters are defined elsewhere in the glossary)

- 1. ADVOCACY:** A process designed to create positive change, consisting of a variety of actions taken to draw attention to an issue and to direct legislators, policy-makers, service providers, and other important actors to a solution. Such advocacy actions can be taken at the individual, local, national, regional, or international levels.
- 2. AFRICAN CHARTER OF HUMAN AND PEOPLE'S RIGHTS:** An international TREATY adopted in 1981 by members of the Organization of African Unity (OAU, now called the African Union), the African Charter provides a regional system of human rights protection for Africa. It stresses the traditional African social concept that the individual is not independent from society.
- 3. AMERICAN CONVENTION ON HUMAN RIGHTS:** An international TREATY adopted in 1978 by members of the Organization of American States (OAS) to provide a regional system of human rights protection for the Western Hemisphere.
- 4. CHARITY MODEL OF DISABILITY:** An attitude toward disability that assumes people with disabilities cannot take care of themselves, live independently, or earn a living. This approach consistently underestimates people with disabilities and deprives them of their potential.
- 5. COVENANT:** Binding agreement between states; used synonymously with CONVENTION and TREATY. The major international human rights covenants, both passed in 1966, are the INTERNATIONAL COVENANT ON CIVIL AND POLITICAL RIGHTS (ICCPR) and the INTERNATIONAL COVENANT ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS (ICESCR).
- 6. CONVENTION:** Binding agreement between states; used synonymously with TREATY and COVENANT. Conventions are stronger than DECLARATIONS because they are legally binding for governments that have RATIFIED them. When the UN General Assembly adopts a convention, it creates international norms and standards. Once the UN General Assembly adopts a convention, UN Member States can then RATIFY the convention, promising to uphold it. The UN can then censure governments that violate the standards set forth in a convention.
- 7. CUSTOMARY INTERNATIONAL LAW:** Law that becomes binding on governments although it is not written, but rather adhered to out of custom; when enough governments have begun to behave as though something is law, it becomes law “by use.” This is one of the main sources of international law. The

UNIVERSAL DECLARATION OF HUMAN RIGHTS (UDHR) has achieved the status of customary international law.

- 8. DECLARATION:** Document stating agreed-upon principles but which is not legally binding. UN conferences, like the 1995 World Conference for Women in Beijing, usually produce two sets of declarations: one written by government representatives and one by NON-GOVERNMENTAL ORGANIZATIONS (NGOs). The UN General Assembly often issues influential but legally non-binding declarations.
- 9. ENTRY INTO FORCE:** When a treaty has received the requisite number of ratifications by Member States and becomes legally binding upon those states.
- 10. THE EUROPEAN CHARTER FOR THE PROTECTION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS:** An international TREATY adopted in 1950 by the member states of the Council of Europe to provide a regional system of human rights protection for Europe.
- 11. INALIENABLE:** Refers to rights that belong to every person and cannot be taken from a person under any circumstances.
- 12. INDIVISIBLE:** Refers to the equal importance of each human right. A person cannot be denied a right because someone decides it is "less important" or "non-essential."
- 13. INTERDEPENDENT:** Refers to the complementary framework of human rights law. For example, your ability to participate in your government is directly affected by your right to express yourself, to get an education, and even to obtain the necessities of life.
- 14. INTERGOVERNMENTAL ORGANIZATIONS:** Organizations sponsored by several governments that seek to coordinate their collaboration; some are regional (e.g., the Council of Europe, the Organization of African Unity), some are alliances (e.g., the North Atlantic Treaty Organization, NATO); and some are dedicated to a specific purpose (e.g., the Office of the High Commissioner for Human Rights OHCHR, and the United Nations Education, Scientific and Cultural Organization, UNESCO).
- 15. INTERNATIONAL BILL OF RIGHTS:** The combination of these three documents: the UDHR, the INTERNATIONAL COVENANT ON CIVIL AND POLITICAL RIGHTS (ICCPR), and the INTERNATIONAL COVENANT ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS (ICESCR).
- 16. INTERNATIONAL COVENANT ON CIVIL AND POLITICAL RIGHTS (ICCPR)** (Adopted 1966, entered into force 1976): Convention that declares that all people have a broad range of civil and political rights. One of the three components of the INTERNATIONAL BILL OF RIGHTS.

- 17. INTERNATIONAL COVENANT ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS (ICESCR)** (Adopted 1966, entered into force 1976): Convention that declares that all people have a broad range of economic, social, and cultural rights. One of the three components of the INTERNATIONAL BILL OF RIGHTS.
- 18. INTERNATIONAL CONVENTION ON THE RIGHTS OF PERSONS WITH DISABILITIES:** A Convention adopted by the United Nations in December 2006, aimed at securing the rights of people with disabilities around the globe.
- 19. MEDICAL MODEL OF DISABILITY:** An attitude toward disability that assumes that disability is a health problem and emphasizes the “sickness” of the disability. Rather than emphasizing the whole society’s responsibility to fully integrate people with disabilities, the medical model transfers responsibility to the medical profession to “fix” disabilities.
- 20. MONITORING MECHANISMS:** A system described in a TREATY to monitor how governments comply with their treaty obligations. Most treaties establish a treaty committee that reviews reports submitted by states and NGOs and in some cases receives complaints about violations of that treaty. Also referred to as “enforcement mechanisms.”
- 21. NON-GOVERNMENTAL ORGANIZATIONS (NGOs):** Organizations formed by people outside of government. NGOs monitor the proceedings of human rights bodies such as the Commission on Human Rights and are the “watchdogs” of the human rights that fall within their mandate. Some are large and international (e.g., the Red Cross, Amnesty International); others may be small and local (e.g., an organization to advocate for people with disabilities in a particular city; a coalition to promote women’s rights in one refugee camp). NGOs play a major role in influencing UN policy, and many of them have official consultative status at the UN.
- 22. RATIFICATION, RATIFY:** Formal procedure by which a state becomes bound to a treaty.
- 23. RESERVATION:** A formal statement made by a government when it RATIFIES a TREATY stating that it does not accept one or more of the legal obligation contained in the document.
- 24. RIGHTS MODEL OF DISABILITY:** An approach to disability based on principles of human rights, as embodied in the UDHR and other international human rights documents. It actively discourages the CHARITY MODEL and the MEDICAL MODEL of disability and emphasizes that disability rights are human rights.

- 25. SOCIAL MODEL OF DISABILITY:** An approach to disability that affirms people with disabilities as full member of society with important contributions to make to their families and communities. It actively discourages the CHARITY MODEL and the MEDICAL MODEL of disability and emphasizes that it is not disabilities that prevent people from achieving their potential but the unhealthy and disempowering attitudes of society.
- 26. SPECIAL RAPPORTEUR:** A person given a specific mission by the UN to investigate, gather information, and report on a certain human rights subject or the situation in a particular part of the world. The UN STANDARD RULES establish a Special Rapporteur to monitor the treatment of people with disabilities worldwide and reports regularly to a UN commission.
- 27. STANDARD RULES:** Formally known as the UN Standard Rules on the Equalization of Opportunities for Persons with Disabilities, the UN Standard Rules were adopted by the UN in 1993. Although not legally binding, they affirm the SOCIAL MODEL of disability and provide a framework to ensure that disability rights are realized.
- 28. STATE PARTY** [Plural: states parties): A countries that has RATIFIED a TREATY and is therefore bound to conform to its provisions.
- 29. TREATY:** Formal agreement between states that defines and modifies their mutual duties and obligations; used synonymously with CONVENTION.
- 30. UNIVERSAL DECLARATION OF HUMAN RIGHTS (UDHR) (1948):**
Primary UN document establishing human rights standards and norms. Although the declaration was not intended to be legal binding, through time its various provisions have become so respected by states that it can now be said to be CUSTOMARY INTERNATIONAL LAW. One of the three components of the INTERNATIONAL BILL OF RIGHTS.
- 31. UN STANDARD RULES ON THE EQUALIZATION OF OPPORTUNITIES FOR PERSONS WITH DISABILITIES:** See STANDARD RULES.