

ACP-EU JOINT PARLIAMENTARY ASSEMBLY

Committee on Social Affairs and the Environment

8.9.2011

DRAFT REPORT

on the inclusion of persons with disabilities in developing countries

Co-rapporteurs: Musikari Kombo (Kenya) and Catherine Bearder

PART A: DRAFT MOTION FOR A RESOLUTION

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PROCEDURAL PAGE

At its meeting of 1 December 2010, the Bureau of the ACP-EU Joint Parliamentary Assembly authorised its Committee on Social Affairs and the Environment to draw up a report, pursuant to Rule 2(8) of its Rules of Procedure, on the inclusion of persons with disabilities in developing countries.

At its meetings of 16 March 2011, the Committee on Social Affairs and the Environment appointed Musikari Kombo (Kenya) and Catherine Bearder, as co-rapporteurs.

The Committee on Social Affairs and the Environment considered the draft report at its meetings of 14 May 2011, and 5/6 October 2011.

At the latter meeting, it adopted the accompanying draft motion for a resolution.

The following were present for the vote: ...

The resolution was tabled for adoption on ...

MOTION FOR A RESOLUTION

on the inclusion of persons with disabilities in developing countries

The ACP-EU Joint Parliamentary Assembly,

- meeting in (...) from 21 to 23 November 2011,
- having regard to Article 17(1) of its Rules of Procedure,
- having regard to the ACP-EC Partnership Agreement ('Cotonou Agreement') and in particular to Article 8(4) on non-discrimination,
- having regard to United Nations Convention on the Rights of Persons with Disabilities (CRPD), adopted in 2006, and in particular its Article 32, which states that all parties must include disability and persons with disabilities in their international cooperation efforts,
- having regard to the UN Human Rights Council resolutions 7/9 of 27 March 2008, 10/7 of 26 March 2009, 13/11 of 25 March 2010 and 16/15 of 24 March 2011 on Human rights of persons with disabilities,
- having regard to Article 13 of the EC Treaty, Article 6 of the EU Treaty and Article 14 of the Convention for the Protection of Human Rights and Fundamental Freedoms, which prohibits all forms of discrimination, as well as Articles 21 and 26 thereof, which set out the rights of people with disabilities,
- having regard to the resolutions of the ACP-EU Joint Parliamentary Assembly on the rights of disabled people and older people in ACP countries of 1 November 2011, and on health issues, young people, the elderly and people living with disabilities adopted at the Cape Town Assembly on 21 March 2002,
- having regard to the European Parliament resolution on Disability and Development of B6-0031/2006 adopted on 16 January 2006,
- having regard to the World Report on Disability published by the World Health Organization (WHO) and the World Bank in June 2011,
- having regard to the UN Millennium Development Goals and to the MDG 2010 Summit Outcome Document 'Keeping the Promise: United to Achieve the Millennium Development Goals' (res: 65/1),
- having regard to the Beijing Declaration on the Rights of People with Disabilities, which calls for a higher standard of living, equal participation and the elimination of discriminatory attitudes and practices,

- having regard to the United Nations Millennium Declaration of 8 September 2000, which sets out the Millennium Development Goals (MDGs) as criteria established jointly by the international community for the elimination of poverty,
 - having regard to the UNGA resolutions 65/186, 64/131 on ‘Realising the Millennium Development Goals for Persons with Disabilities towards 2015 and beyond’,
 - having regard the EU Disability Strategy 2010-2020, ‘A renewed commitment to a barrier-free Europe’ (COM (2010), 636 Final) and its initial implementation plan 2010-2015 (Sec (2010) 1324 Final),
 - having regard to the EU Guidance Note on Disability and Development for EU Delegations and Services,
 - having regard to the International Labour Office report entitled ‘The price of exclusion: the economic consequences of excluding people with disabilities from the world of work’, published in 2009,
 - having regard to Article 18 (4) of the African Charter on Human and Peoples' Rights (1981), that states that disabled persons have the right to special measures of protection and article 16 (1) which provides that every individual shall have the right to enjoy the best attainable state of physical and mental health,
 - having regard to the African Decade of Disabled Persons (2000-2009), the Asian and Pacific Decade of Disabled Persons (1993-2002), the New Asian Pacific Decade of Disabled Persons (2003-2012) and the European Year of People with Disabilities (2003),
- A. whereas more than one billion people in the world - 15% of the population - live with some form of disability¹,
- B. whereas, according to the CRPD ‘persons with disabilities include those who have long-term physical, mental, intellectual or sensory impairments which in interaction with various barriers may hinder their full and effective participation in society on an equal basis with others’,
- C. whereas disability tends to disproportionately affect vulnerable populations where the likelihood of disability increases with the incidence of poverty (WRD 2011). Disability is therefore a development issue,

¹ *World Report on Disability*, World Health Organisation and the World Bank, June 2011.

- D. whereas the CRPD aims 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’,
 - E. whereas the EU, 19 of its member states and 48 ACP states have ratified to the UN Convention on the Rights of Persons with Disabilities (CRPD) and many more are signatories,
 - F. whereas international legal commitments are only effective when they are backed up by national laws and policies,
 - G. whereas the WHO and the World Bank list inadequate policies and standards, negative attitudes, lack of provision of services, inadequate funding, inaccessibility, lack of consultation and involvement, and lack of data and evidence as the causes of exclusion of persons with disabilities,
 - H. whereas people with disabilities can experience exclusion from all aspects of life, including work, public services, transport, communication, education and information,
 - I. whereas it is estimated that globally employment rates for people with disabilities are half those for non-disabled people, and that the majority of disabled people in developing countries who are of working age are unemployed and live in poverty,
 - J. whereas the exclusion of disabled people from work has significant economic consequences which the ILO estimate as ranging from 3% to 7% of the GDP of African countries, and whereas the cost of inclusion is much lower than the cost of exclusion, since enabling persons with disabilities to participate fully in society permits them to provide for themselves and others and contribute to the economy,
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- 1. Urges all ACP and EU Member States who have yet to sign and ratify the CRPD and the Optional Protocol to do so without reservations and to establish domestic mechanisms for its implementation and monitoring;
 - 2. Encourages parliamentarians to work together to ensure national disability laws and plans are passed through parliaments, including through scrutiny of the budgets and the use of private members bills;
 - 3. Welcomes that at the 2010 MDG High Level Summit the rights of persons with disabilities were recognised as crucial to achieving the MDGs; calls, therefore, upon the international community to design MDG initiatives in such a way that persons with disabilities are amongst the main target groups;
 - 4. Recognises that special measures to achieve the equality of persons with disabilities, including quotas for elections where appropriate in the local context,

have had positive impacts on the image of persons with disabilities at a national level, and urges ACP and EU states to consider where positive discrimination can be used to further the rights of persons with disabilities;

5. Stresses that the media should play a more active role in challenging stereotypes and promoting inclusion; and calls upon international, national and local decision makers to ensure and promote awareness raising through the media, educational policies and public campaigns;
6. Insists that an accessible environment and learning material is provided for all children and adults with disabilities; requests that adequate teacher training for inclusive education is part of compulsory national teacher training curricula;
7. Requests that national and local governments include all aspects of accessibility in all new legislation and adapt existing legislation to meet accessibility requirements, and calls upon the donor community to include all aspects of accessibility in their planning and implementation of development policy and in their contractual relations with others;
8. Calls on the exchange of good practices between both developing and developed countries; and asks the European Commission to develop a forum for exchange with other international donors to exchange disability inclusion practices and better fulfil its commitments under Article 32 of the CRPD;
9. Stresses the importance of data collection in order to effectively implement the CRPD, and calls on the EU and ACP governments to work closely together with national statistics services in order to ensure that disaggregated data collection is improved and prioritised and that the latest and most comprehensive data forms the basis of policy work and implementation;
10. Urges the ACP states, to mainstream the inclusion of people with disabilities in their national development agendas, to adopt mechanisms for enhancing their representation at all levels of decision making, to increase access to education, micro-credit schemes and other income generating opportunities, to provide specific and adequate budgetary allocations for them, to ensure increased HIV/AIDS education for all, to promote inclusive attitudes and perceptions about disability and promote dialogue between them and the government at all levels;
11. Calls on any EU and joint projects to be audited before receiving authorisation to ensure that disability inclusion is mainstreamed;
12. Calls for EU-funded infrastructure projects to be vetted to ensure that they are accessible and for EU delegations in third countries to be built or refurbished to accommodate the needs of persons with disabilities;
13. Calls on the EU to include persons with disabilities and Disabled People's Organisations (DPOs) in its projects, including those which promote access to

justice; requests the inclusion of people with disabilities in the programming of the Country Strategy Papers;

14. Stresses that the EU and ACP should promote inclusion policies in all relevant UN and international fora, as the issue of disability is currently absent from many high level international discussions (Rio+20 or OECD agenda) and must be placed high on the political agenda;
15. Stresses that the causes of disability are multiple and varied and must be met with a broad range of policy measures; therefore calls upon ACP states to include road safety measures, address the disability-related impacts of conflict, and ensure access to public health services and decent work by mainstreaming disability inclusion in their national development plans;
16. Instructs its Co-Presidents to forward this resolution to the ACP-EU Council of Ministers, the European Parliament, the European Commission, the Presidency of the Council of the European Union, the African Union, the Pan-African Parliament, and the UN Human Rights Council.