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REPORT

on the inclusion of persons with disabilities in developing countries

Committee on Social Affairs and the environment

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PART B: EXPLANATORY STATEMENT

"People with physical or mental disability are not only among the most deprived human beings in the world, they are also, frequently enough, the most neglected" Amartya Sen

Disability is a Development issue. In fact it is one of the most pressing challenges facing development policy today. Some 650 million people in the world have a disability, of which over 80 percent live in developing countries. According to the United Nations Convention on People with Disabilities (CRPD) the right to full and effective participation in society and inclusion for all is a fundamental right which must be extended to all persons with a disability.

Looking at the poorest in society, the figures become even starker and reveal the extent of discrimination to be overcome if persons with disabilities are to fulfil their potential and become productive members of society. Around 20 percent of the world's poorest people have some kind of disability. Unless development policy meets this challenge the future for these people in the developing world is even bleaker. Globally, one third of the 75 million children who are not receiving primary education have a disability, yet according to UNESCO, over 90 percent of children with disabilities in developing countries do not attend school. Despite these shocking figures there is cause for hope. In the words of Navi Pilla, UN High Commissioner for Human Rights;

"If the terms of the Convention are rapidly reflected in national laws and policies the ability of persons with disabilities to act on their own behalf to lift themselves out of poverty and marginalization, can and should be greatly enhance."

Meeting this challenge is something in which the EU-ACP Joint Parliamentary Assembly can and must play a role.

Discrimination

A high proportion of people with disabilities face multiple or compounded discrimination on the grounds of not only their disability, but also due to their membership of another minority group. Attention must be paid in particular to the needs of women with disabilities, many of whom suffer from poor access to maternal healthcare and information, which can result in an increased incidence of birth-related health impairments amongst both the women themselves and their children.

Legal instruments and the right to redress

The Convention on the Rights of Persons with Disabilities (CRPD) was adopted by the United Nations General Assembly on 13 December 2006 and entered into force on 3 May 2008¹. The Convention specifies certain obligations which must be fulfilled in order to fully implement its contents².

¹ Among the eight guiding principles underlying the Convention are: respect for the inherent dignity, individual autonomy including the freedom to make one's own choices, and independence of all persons; non-discrimination; full and effective participation and inclusion in society for all; respect for difference and acceptance of persons with disabilities as part of human diversity and humanity; equality of opportunity; accessibility; equality between men and women; respect for the evolving capacities of children with disabilities and respect for the right of children with disabilities to preserve their identities.

² These obligations include the abolition of discriminatory laws and practices, the protection and promotion of persons with disabilities in all policies and programmes, the promotion of research into, and development of, new technologies to assist people living with disabilities, the provision of accessible information about assistive devices, the training of staff working with persons with disabilities, and the commitment of available resources for

As a party to the CRPD the EU is bound by Article 32 of the Convention which states that all parties to the convention must include disability and persons with disabilities in their international cooperation efforts. The EU must meet that obligation by prioritising people with disabilities across all its development programmes and by providing assistance to efforts by developing countries to implement the Convention.

While 29 ACP and 17 EU states have already signed the convention, full implementation is slow. Many more have yet to sign. This report will call on all ACP and EU States who have not already done so to ratify the CRPD and its optional protocol.

All ACP and EU countries are bound by the non-discrimination clause inserted to the Cotonou Agreement in 2010, which states that the political dialogue between the EU and ACP countries "(...) *should focus, inter alia, on (...) discrimination based on any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status*" Article 8(4)

There is clearly a large body of law specifying the rights which should be provided to persons with a disability. Despite this, many countries fail to uphold these laws. Information should be made available to disabled people and the organisations which represent them about their rights under international and national law. Assistance should be provided to them in seeking redress when these rights are being denied.

The cost of Exclusion

People with disabilities face not only societal discrimination but also exclusion from services which would enable them to provide for themselves. The numbers of disabled people provided for in health care services, education, training, employment and other key areas of societies is low. The vast majority of the 450 million disabled people in developing countries who are of working age are unemployed. As a direct consequence of this 82% of disabled people live below the poverty line¹. The International Labour Organisation has found that exclusion has significant economic consequences. Economic losses related to exclusion of disabled persons from the labour force range from 3 to 7 % of the GDP of African countries².

It is not only a moral imperative to ensure that disabled persons are empowered to play full and active roles in their society, but also a financial one. The cost, both to the economy and to society, of the exclusion of people with disabilities clearly shows that the focus in development policy should be on long-term investment for people with disabilities rather than short-term expenditure to achieve transient targets. The cost of inclusion is often not high. The cost of exclusion is one we should not tolerate any longer.

Absence of data

A challenge to formulating truly inclusive development policies has been the absence of concrete data on persons with disabilities. This has been cited as a reason for not investing sufficiently in

the progressive realisation of the economic, social and cultural rights of persons with disabilities. In addition, the Convention stipulates that persons with disabilities should be included in all relevant decision making processes leading to the implementation of these goals

¹ International Labour Office.

² "The price of exclusion: The Economic consequences of excluding people with disabilities from the world of work", Sebastian Backup, International Labour Office, Geneva, 2009.

persons with disabilities. The 2010 MDG agenda highlighted this gap and called for improvements in the collection of data related to persons with disabilities in developing countries. Supporting the statistical capacities of developing countries is vital. The collection of statistics could be increased by incorporating it with existing systems for data collection¹. Data collection work should incorporate indicators to measure exclusion and must be followed by the setting of targets for inclusion.

Visibility

Two of the greatest obstacles which prevent inclusion of disabled persons in society is their relative "invisibility" and the negative attitudes towards them. Changing attitudes through education and the media must be used to address this.

The media must play a more active role in challenging stereotypes and promoting inclusion. Governments should establish education projects under their national development plans to increase awareness of the issue. If real change is to occur, then a change in the public mindset is required².

Education

Just as education can result in a societal change in attitude towards people with disabilities, education should also be a tool for the inclusion of children with disabilities. Poor progress in the provision of primary education for children with disabilities demonstrates the relative invisibility of persons with disabilities in international development agendas such as the MDGs. Schools and education systems should be able to answer to the specific needs of every child. Specialised teacher in-service and pre-service training should be reinforced. The ultimate goal should be to change the culture of education and to challenge current attitudes.

The promotion of Inclusiveness

Principles of Inclusion aim to dismantle barriers that hinder the enjoyment of rights by persons with disabilities. Inclusion concerns not just physical access to buildings and public areas, but also access to education, information, technologies, communication, and economic and social life. Accessible building design, the availability of information in Braille or easy-to-read formats, sign language, and assistance and support can ensure that disabled persons have access to work, entertainment, a voting booth, transport, a court of law, and the other in order to play an active role in society. Without access to information or the ability to move freely, other rights of persons with disabilities are also restricted³.

Disabled Peoples Organisations (DPOs)

DPOs should play a key role for the inclusion of people with disabilities and should be supported both by national authorities and development aid. Support to the disability movement in ACP

¹ For example the national census.

² This is particularly true in the case of people with intellectual disabilities or mental and psychosocial disabilities - <http://www.un.org/disabilities/default.asp?id=1545>

³ Ethiopia and Uganda have active policies for new buildings and all ministries must include disability issues in their work agendas. This is an example which other countries should follow.

countries is often a question of funding. Training for people with and without disabilities in management and leadership should be included in development programmes to assist DPOs¹.

Real inclusivity comes as a result of representation and political participation, as voters and as elected representatives. People with disabilities have to become active participators in society to be recognised as full citizens and influence the policies affecting them. Empowered and educated citizens give added value to a country, which reduces the economic losses which result from the exclusion of people with disabilities².

Role of the EU

The EU lacks a policy on inclusive development³. Taking article 32 of the CPRD into account, the EU should recognise the positive experiences of disability inclusion and advocacy in international cooperation between DPOs, NGOs, private sector organisations and public authorities and support cross-border learning schemes or peer to peer learning schemes⁴.

There are many points which this report will seek to address:

- EU and joint projects should be checked before receiving authorisation to ensure that disability is mainstreamed.
- The European Commission should conduct a study into the practices of other international donors in the field of disability inclusion in development policy⁵.
- An EU code similar to the USAID Disability Inclusion along with support and training to EU delegation staff should be introduced..
- The EU should include people with disabilities and their representative organisations in the assistance it provides to civil society and in its projects which promote access to justice⁶.
- EU-funded infrastructure projects should be vetted to ensure that they are accessible
- EU delegations in third countries should be built or refurbished to accommodate persons with disabilities.
- ACP governments should also be encouraged to formulate a Disability plan to supplement their national development plans in order to mainstream disabilities.
- The EU should promote inclusion policies in all relevant UN and international fora. The issue of disability, currently absent from many high level international discussions⁷, must be placed high on the political agenda

¹ The JPA should play a role in the organisation of a DPO forum in ACP countries to exchange knowledge on existing national and regional disability plans, lessons learnt from Community Based Rehabilitation, and good practice.

² A number of countries promote quotas in public posts. This is true for both like Uganda and South Africa, with the latter requiring that 2% of all public jobs to go to people with disabilities. This again is an example which should be applauded and emulated across the developing world.

³ In non-binding documents, such as the EU Guidance Note on Disability and Development for EU Delegations and Services, it promotes a twin-track approach to inclusion: mainstreaming disability across all sectors and projects, and specific support to persons with disabilities.

⁴ The EU Disability Strategy 2010-2020 has made some commitments to the EU's support for people with disabilities through its external relations and these should be reinforced and implemented.

⁵ EU aid projects should seek to learn from the approaches taken by other major donors in this area e.g. USAID, GTZ and AusAid.

⁶ In the case of Zambia, the Zambian government was brought to court because new government buildings were not accessible and therefore disabled citizens were being denied their rights under the constitution.

⁷ For example the Rio + 20 and the OECD agenda.

As far as the ACP-EU Joint Parliamentary Assembly is concerned, it should foresee a follow-up mechanism to ensure that adopted resolutions are implemented.