Forum: Human Rights Council 2

Issue: Promoting policies that enhance the rights of the disabled

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Introduction

Every human being is expected to be born with equal rights and dignity as everyone else, but this is not the reality for persons with disabilities. One billion people, or 15% of the world's population, experience some form of disability, exposing them to experiencing discrimination, stigma, and the violation of their basic human rights. Having a disability means having a difficulty accomplishing daily activities that others take for granted. A disability is an impairment which can be cognitive, developmental, intellectual, sensory or a combination of these. It significantly impacts a person's lifestyle and can occur from birth or during a person's lifetime. Examples include vision Impairment, deaf, mental health conditions, intellectual disability, acquired brain injury, autism spectrum disorder, physical disability.

There are several social factors that affect whether persons with disabilities are included in participation in various activities, which in turn can affect their development and self-esteem. Persons with disabilities face discrimination that restricts them from participating in their society on an equal level as others on a daily basis. They are denied their rights to be included in the general educational system, employment opportunities, to live independently in their community, to move freely, to vote, to participate in sport and cultural activities, to enjoy social protection, to access justice, to choose a medical treatment and to participate freely in exchanging property.

Additionally, according to the Office of the United Nations High Commissioner for Human Rights (OHCHR) persons with disabilities disproportionately live in developing countries and are usually marginalized and suffer from extreme poverty. This leads to them experiencing a narrow margin of health because of poverty and social exclusion, which, additionally, makes them vulnerable to other conditions, such as pressure sores or urinary tract infections.

Recently, there has been a change in the fight to close the gap to allow persons with disabilities to enjoy the same standards of rights, dignity, and equality. However, these people often remain invisible and excluded in rights debates; thus, they remain unable to enjoy all their human rights.

Definition of Key Terms

Disability

The CRPD states that a disability is a long-term physical, mental, intellectual or sensory impairment which in interaction with various barriers may hinder the full and effective participation of persons affected in society on an equal basis with others. It is a deficiency in physical or mental capabilities that prevent the accomplishment of necessities of a normal individual and social life.

Stigma

To be stigmatized means to have a negative mark set on you due to a specific characteristic. Persons with disabilities have been stigmatized throughout history and are associated with curses, disease, dependence, and helplessness. This leads to social avoidance, stereotyping, discrimination, condescension, blaming hate crimes and internalization by themselves.

Marginalization

The social exclusion that stems from stigma and deems people as insignificant and powerless. Persons with disabilities are among the most marginalized groups in the world

Poverty line

The minimum amount of income that a family needs to survive in a particular country. It has been found that persons with disability are more likely to live under the poverty line globally.

Income tax concessions

Tax exemptions that are implemented in some countries and may include individuals with disabilities above a certain percentage

Accessibility

The designs and measures taken to allow persons with disability to be able to use goods and services.

Accommodation

Reasonable accommodations are changes that are made by those that provide a good or a service so that those with disabilities can effectively perform daily tasks with their disability getting in the way as little as possible. These can include braille, ramps, allowing service dogs etc.

Background Information

Persons with disabilities are the minority population and thus face discrimination globally in many aspects of life. They highly neglected due to peoples indifference and disapproval. Their impairments make them vulnerable to harassment which can be in form of insults, isolation, shunning, mockery, physical abuse and disenfranchisement.

Safety

People with disabilities experience a higher chance of becoming victims of violent crime. Women with disabilities, specifically, face a high risk of sexual assault and domestic violence. For instances, studies have shown that women with developmental disabilities are 4 to 10 times more likely to experience sexual assault than other women in America. Children with disabilities also experience a high risk of abuse and are 1.5 to 3.5 times more likely to experience neglect and abuse.

Additionally, when natural disasters occur, persons with disabilities are often denied their right to protection. A study on emergency management found a majority of Federal Emergency Management Agency (FEMA) emergency managers were not trained and unprepared to work with persons with disabilities which was disastrous during Hurricanes Rita and Katrina. It was estimated that approximately 73% of fatalities in hurricane Katrina were persons over 60 years old, although they make up only 15% of the total population, due to medical, sensory or physical limitations which made them more vulnerable.

Moreover, law-enforcement officials such as police officers receive little training with accommodations for persons with disabilities. A 2001 survey by the Boston Globe found that only 5% of crimes against persons with disabilities were prosecuted, compared to 70% for similar crimes against others. This is due to the fact that investigators sometimes make inappropriate assessments in regards to the victim's credibility.

Accessibility and Housing

Accessibility is the main weapon in the fight against discrimination including persons with disabilities. The Department of Transportation states that only 55-60% of public buses have wheelchair lifts, and some do not work properly due to maintenance issues and poor training of bus drivers to operate them. Also, a number of persons with disabilities do not have access to polling places and machines that are accessible, stripping them from their basic right to vote

In addition to having little housing designed for people with disabilities, their requests for housing accommodations are usually denied; one study showed that more than half of half people with disabilities faced discrimination in housing inquiries compared to others in the same housing. They are also less likely to be offered an application. Moreover, some American states try to force persons with disabilities

into institutions instead of providing personal care providers. This is less efficient as it does not allow them to live independently.

A study performed in California found that 22% of persons with disabilities have difficulties accessing health care facilities due to lack of accommodations. It also found that 12.9% of persons with disabilities reported unfair treatment by their health care providers due to their disability. Data from four South-African countries showed that only 26–55% of people received the needed medical rehabilitation; 17–37% received the needed assistive; 5–23% received the needed vocational training; and 5–24% received the needed welfare services.

Of the estimated 1 billion people with disabilities, at least 750 million are of working age with an employment rate of 50.7%, while the employment rate for people without disabilities is 81.1%.. They generally have less access to training and are more likely to be unemployed or earn less than non-disabled people, especially if they are women. Keeping into account that those that are employed face discrimination in the workplace even though it is against the law in most countries.

Also, most colleges do not have adequate support services or awareness of disability issues and do not meet the accommodations of people with disabilities. This leads to these students having extra costs for their accommodations and needing a longer time to graduate. It was found by The United Nations Educational, Scientific and Cultural Organization(UNESCO) that persons with disabilities between the ages of 15 to 29 are less likely to have attended school than those without in almost all of the 37 countries. for instance the gap in Vietnam in 2009 is 44% vs. 97%, Egypt in 2006 was 43% vs. 89%, and Indonesia in 2010 was 53% vs. 98%.

Major Countries and Organizations Involved

United States of America (USA)

The constitution of the United States of America (USA) enacted the Americans with Disabilities Act and guaranteed equal protection to every citizen, despite disabilities, race, or gender and prohibit discrimination in education, workplaces, housing, and access to polling places. Additionally, they require employers, schools, landlords, and governments to accommodate services to persons with disabilities to make them accessible to them. In combination with these laws, it is also legally bound to international treaties like the Universal Declaration of Human Rights(UDHR) and the International Covenant on Civil and Political Rights (ICCPR).

However, millions of Americans with Disabilities are still stripped of their rights, due to a lack of awareness and accommodations. Persons with disabilities continue to face considerable levels of

discrimination related to employment, services, education, and other areas. Greater than 54 million persons with disabilities live in America today which will only rise with the aging population.

Australia

Australia has been active in the aim of recognizing the rights of persons with disability and working towards them. Firstly, the started The National Disability Strategy, which is an agreement to guide policy across Australian states and territories and local governments from 2010-2020. It aims to prioritize actions towards inclusive and accessible communities, protection of rights, justice and legislation, economic security, personal and community support, learning, and health.

Also, it enacted The Disability Discrimination Act 1992(DDA) to eliminate discrimination against persons with disability in areas such as employment, education, and accessibility. It has also worked with diverse persons with disability to finalize the plan to Improve Outcomes for Aboriginal and Torres Strait Islander People with Disability by coming up with possible solutions that communities and the government, can work towards and that are culturally appropriate.

They also have The National Disability Insurance Scheme (NDIS) which supports persons with disabilities in means of independence, community participation, education, employment, and health. It does this by working with the person to see what they personally need. It also focuses on early intervention where getting early support can reduce the effect of disability on the person or their child.

India

Persons with disabilities are protected under various Indian laws as well as the UN conventions that are followed by them. India is developing other measures such as the Indira Gandhi National Disability Pension Scheme which includes NGOs that offer pensions to those that meet the following criterias: being above 18 years old, having more than 80% disability and living below the poverty line. Other financial help includes the Income Tax Act, 1961, which entitles persons with disabilities to concessions. Additionally, 3% of the seats are kept for persons with disabilities in government jobs to maintain diversity.

The government enforced the Persons with Disabilities Act, 1995, and the National policy for persons with disabilities, 2006, which seek to provide them with equal opportunities. It focuses on aspects such as prevention of disabilities and rehabilitation measures such as education, vocational training, employment, research, and manpower development.

Office of the United Nations High Commissioner for Human Rights (OHCHR)

The United Nations adopted the Convention on the Rights of Persons with Disabilities(CRPD) in 2006 which is an international human rights treaty that shifted approaches towards disability issues from

traditional charity-oriented, medical-based ones to those based on human rights. It intends to protect their civil, cultural, economic, political and social rights by inclusion, equality, independence, and non-discrimination.

It consists of a committee of 18 experts, which most have disabilities, that oversees the implementation of the convention. All states are required to regularly report how they are implementing the convention, which the committee, along with national human rights institutions and civil society organizations, will make comments and suggestions on. The Committee can also receive complaints from individuals and launch inquires.

The General Assembly has also implemented the Declaration on the Rights of Disabled Persons which states that the disabled person should enjoy the same rights as others without discrimination. It also states that disabled persons should have measures that allow them to become self-reliant and should be protected against all exploitation, abuse, and discrimination, amongst other clauses.

International Labour Organization (ILO)

The International Labour Organization(ILO)'s primary goal is decent work for all, including for persons with disabilities. The ILO has worked for more than 50 years to promote the development of skills and employment opportunities for people with disabilities based on the principles of equal opportunity and treatment.

Since 2001, the ILO-Irish Aid Partnership Programme has operated in selected countries of South-East Asia and East and Southern Africa to promote this goal in an aim of a better life for people with disabilities. This program is achieving this through the enabling of legal and policy environments, and by providing entrepreneurship training and access to other development services, with an emphasis on women with disabilities. The first phase of this programme was conducted in Indonesia from 2012-2013; while the second phase has started from 2014 until 2015.

Relevant UN Treaties and Events

- The Universal Declaration of Human Rights(UDHR), 10 December 1948 (217A)
- The International Covenant on Civil and Political Rights(ICCPR), 16 December 1966 (2200A)
- The International Covenant on Economic, Social, and Cultural Rights(ICESCR), 16 December 1966 (2200A)
- Declaration on the Rights of Disabled Persons, 9 December 1975(3447)
- Convention on the Rights of Persons with Disabilities (CRPD), 13 December 2006 (A/RES/61/106)
- Special Rapporteur on the rights of persons with disabilities, 10 July 2017 (35/6)

● The rights of persons with disabilities: participation in political and public life, 22 March 2012 ([A/HRC/19/L.9](A/HRC/19/L.9))

● The work and employment of persons with disabilities, 14 March 2013 ([A/HRC/22/L.4](A/HRC/22/L.4))

● The right of persons with disabilities to education, 14 April 2014 ([A/HRC/RES/25/20](A/HRC/RES/25/20))

● A Special Rapporteur on the Rights of Persons with Disabilities, 14 July 2014 ([A/HRC/RES/26/20](A/HRC/RES/26/20))

Previous Attempts to solve the Issue

Several schemes and acts have successfully improved the equality of opportunities for the disabled population. There has been a notable success in Australia as they approach this issue from several aspects. This includes improving accessibility so that people with disability are included in all aspects of Australian life. They ensure that persons with disabilities have their rights promoted and protected by increasing awareness, attempting to reduce violence and neglect of people with disability, and protecting them in the legal system.

However, in the USA, it has been proven that teachers and principals encourage harassment or enforce policies that punishing students simply for having a form of disability. The US government has started prosecuting cases of disability harassment in schools or workplaces, but many courts do not consider disability harassment as serious as racism or sexism - leaving persons with disabilities unprotected in the legal system.

Possible Solutions

This issue can only be tackled if it is approached from every aspect and area of life; this is the only way to provide a chance for persons with disabilities to feel included. Most importantly, reasonable adjustments and accommodations should be made by housing facilities, educational institutions, workplaces and health and public facilities so that persons with disabilities do not have a substantial disadvantage that could affect them financially and health-wise.

There should be an aim to reduce barriers to employment for people with disabilities, which first must be backed up by equal education. Additionally, support should be provided to people with disabilities through all stages of learning - from education to employment. This could be done by forming community support services that support planning for the future while giving them choices and control. Additionally, support for families with disabled children, who are unable to work because of being full time caregivers, should be taken into account. Their health and well being must also be enhanced by

addressing issues specific to persons with disabilities in national policies. Discrimination in the workplace must be eliminated in ways such as hearing the complaints of employees and taking action.

In order to ensure the rights of persons with disabilities are being respected, governments have several obligations. They need to launch more social security schemes for them and support them in the justice system, voting, and advocacy. Standards and guidelines should be set so that buildings and communication and information systems are accessible to persons with disabilities. There should also be improvements to increase the participation of people with disabilities in sporting and social events. Keeping into account that approaching the issue should be on an international scale by being inclusive and realistic when discussing this in terms of LEDCs.

Bibliography

"A Guide to Disability Rights Laws." *A Guide to Disability Rights Laws*, U.S. Department of Justice Civil Rights Division Disability Rights Section, Mar. 2017, www.ada.gov/cguide.htm#anchor62335

"About People with Disability in Australia." *Department of Social Services, Australian Government*, 13 Nov. 2017, www.dss.gov.au/disability-and-carers/supporting-people-with-disability/about-people-with-disability-in-australia#howgov

"Australian Government Plan to Improve Outcomes for Aboriginal and Torres Strait Islander People with Disability." *Department of Social Services, Australian Government*, 16 Oct. 2017, www.dss.gov.au/disability-and-carers/supporting-people-with-disability/resources-supporting-people-with-disability/australian-government-plan-to-improve-outcomes-for-aboriginal-and-torres-strait-islander-people-with-disability

"Convention on the Rights of Persons with Disabilities (CRPD) Enable." *United Nations*, United Nations, www.un.org/development/desa/disabilities/convention-on-the-rights-of-persons-with-disabilities.html

Department, Attorney-General's. "Rights of People with Disability." *Attorney-General's Department*, Attorney-General's Department, 15 Nov. 2012, www.ag.gov.au/RightsAndProtections/HumanRights/Human-rights-scrutiny/PublicSectorGuidanceSheets/Pages/Rightsofpeoplewithdisability.aspx

Fouhy, Nicola. "Human Resources." *Disability and Employment Policy*, 2 Dec. 2014, www.hr.admin.cam.ac.uk/policies-procedures/disability-and-employment-policy

"National Policy Documents." *World Health Organization*, World Health Organization, 25 Mar. 2013, www.who.int/disabilities/policies/documents/en/

Praveen. "Rights of Disabled Persons." *Legal Service India - Law, Lawyers and Legal Resources*, www.legalserviceindia.com/legal/article-98-rights-of-disabled-persons.html

Taormina-Weiss, Wendy. "Rights of Persons with Disabilities in America." *Disabled World*, Disabled World, 18 Oct. 2018, www.disabled-world.com/editorials/6786854.php

"Human Rights of Persons with Disabilities." *OHCHR* , www.ohchr.org/en/issues/disability/pages/disabilityindex.aspx

Silverman, Arielle. "Disability Stigma and Your Patients." Disability Stigma and Your Patients | Rehabilitation Research and Training Center on Aging With Physical Disabilities, http://agerrtc.washington.edu/info/factsheets/stigma

"ILO." Promoting Rights and Opportunities for People with Disabilities in Employment through Legislation (PROPEL – Indonesia) - Phase II, 1 May 2012, www.ilo.org/jakarta/whatwedo/projects/WCMS_183300/lang--en/index.htm

"World Report on Disability." World Health Organization, World Health Organization, 16 Oct. 2018, www.who.int/disabilities/world_report/2011/report/en/

Powell, Andy. "People with Disabilities in Employment." Commons Library Briefing - UK Parliament, 16 Aug. 2018, http://researchbriefings.parliament.uk/ResearchBriefing/Summary/CBP-7540

"Education and Disability: Analysis of Data from 49 Countries." UNESCO UIS, 27 Mar. 2018, http://uis.unesco.org/en/news/education-and-disability-analysis-data-49-countries

Appendix

I.   http://www.unhcr.org/ (UNHCR website has many sources on UN involvement in regards to this issue)

II.   https://bestdelegate.com/ (Bestdelegate website has many good resources for research)

III.   http://www.ratifynow.org/ (Ratifynow has detailed information and facts regarding the rights of disabled people)

IV.   http://tandis.odihr.pl/documents/hre-compendium/en/CD%20SEC%203/Human%20Rights.%20YES%21%20Action%20%26%20Advocacy%20-Disabilities%20USA.pdf (a PDF that introduces Human Rights of Persons with Disabilities)

V.   https://www.hrw.org/ (Human rights watch has many articles of recent event relating to general human rights including those pertaining to persons of disabilities)

VI.   https://www.hhrguide.org/2014/03/21/disability-and-human-rights/https://www.hhrguide.org/2014/03/21/disability-and-human-rights/ (Health and Human Rights has a resource guide relating to disabilities with good background information)

VII.   https://www.disabled-world.com/ (disabled world has news and background information relating to this issue)