



Statement on Article 9 – Accessibility - of the UN Convention on the Rights of Persons with Disabilities

Prepared for the 4th Meeting of the Committee on the Rights of Persons with Disabilities October 2010

The purpose of the Convention on the Rights of Persons with Disabilities is to ensure the full and equal enjoyment of all human rights for all persons with disabilities. Realizing this aim at the national level in developing countries is vital, thus, international development and cooperation needs to be accessible and inclusive of persons with disabilities.

IDDC – the International Disability & Development Consortium – is a network of 23 international NGOs supporting the inclusion of persons with disabilities in development efforts in over 100 countries.¹ The IDDC promotes inclusive development, that is respecting the full human rights of every person, acknowledging diversity, eradicating poverty and ensuring that **all development processes are inclusive of and accessible** to all persons with disabilities.

Inclusive development as defined by IDDC, refers to ensuring that all phases of the development cycle - design, implementation, monitoring and evaluation - include a disability, inclusion and accessibility dimension and that **persons with disabilities are meaningfully and effectively participating in development processes and policies**. If this is to be achieved, development processes need to be accessible.

Looking at the current state of development processes, it is painfully obvious that persons with disabilities are by and large left out of the benefits of development efforts. Mirroring the invisibility in the mainstream of most societies, persons with disabilities remain largely overlooked in development policies and programs. This is due to a multitude of barriers, which hinder their access to development. The lack of accessibility is due to five main barriers:

- Physical/environmental
- Communication
- Intellectual
- Social/attitudinal
- Economic – also referred to as affordability

The CRPD provides key resources in responding to the marginalization of persons with disabilities. In particular it has a clear answer to the structural exclusion of persons with disabilities, which is largely anchored in stereotypes, welfare-based images of disability and other attitudes that bar persons with disabilities from participating meaningfully and equally in mainstream of societies: INCLUSION.

It is with good reason that the General Principles of the Convention (Article 3) recognize both accessibility and inclusion as key elements.

Inclusion is the concept, the principle, the methodology and – importantly – the right, which the CRPD enshrines as a key response to the exclusion of persons with disabilities to enable the overcoming of barriers, to ensure social **accessibility**.

Inclusion means, among others, **participation** in all processes and policy developments, which have an impact on access for and inclusion of persons with disabilities:

Participation needs to be accessible

Participation is key to any meaningful and sustainable development effort. This is particularly true for persons with disabilities as addressing the structural invisibility of persons with disabilities necessitates the active involvement of the previously marginalized constituency. Overcoming barriers, particularly social ones, is only possible, if there is a proactive effort to include. This necessitates positive action and reasonable accommodationⁱⁱ

The CRPD enshrines an *obligation* to “closely consult with and actively involve persons with disabilities, including children with disabilities, through their representative organizations (...)

in the development and implementation of legislation and policies to implement the present Convention, and in other decision-making processes concerning issues relating to persons with disabilities (Article 4(3)). The participation requirement is also reflected in the provision on **inclusive development**, which refers to the partnership with civil society, particularly persons with disabilities and their representative organizations (Article 32 (1)).

Planning needs to be accessible & inclusive

The obligation to “ensure that international cooperation, including international development programmes, is **inclusive of and accessible to persons with disabilities**” – as Article 32 (1)(a) CRPD states – can only be fulfilled by bringing persons with disabilities to the table: Participation is essential at all stages of development policy and programming. Participation of persons with disabilities is particularly crucial in the planning stages of policy, programs and projects: ensuring access – in all of its dimensions, including communication, physical and particularly social – as well as inclusion. Participation of persons with disabilities needs to be budgeted for, along similar lines as gender budgeting requirements.

Planning covers the very early stages of policy setting, primarily but not exclusively law making. Parliaments and parliamentarians therefore play a critical role in opening discussions to civil society, particularly persons with disabilities and their representative organizations.

International cooperation in this realm can provide support and guidance in designing and funding processes that are inclusive of and accessible to persons with disabilities. For example, Australia launched a disability-inclusive development assistance program ‘Development for All’ in 2008.

In addition to the general obligation to ensure that international cooperation **be inclusive of and accessible** to persons with disabilities (Article 32 (1)(a) CRPD), the Convention highlights the following areas of cooperation:

- Facilitating and supporting capacity-building, including through the exchange

and sharing of information, experiences, training programmes and best practices

- Facilitating cooperation in research and access to scientific and technical knowledge
- Providing, as appropriate, technical and economic assistance, including by facilitating access to and sharing of **accessible and assistive technologies**, and through the transfer of technologies.

It is clear that each of these points requires full access by persons with disabilities in order to be effective.

Inclusive and Accessible Monitoring

Evaluation and monitoring should form integral parts of all programming and – where appropriate – also policies. Monitoring plays an important role in the CRPD, not only in the standard way of reporting to an international expert body but with a string of mechanisms to be established at national level, including a monitoring mechanism (Article 33 (2) CRPD).

It is paramount that the national bodies are also tasked with monitoring all aspects of development policy and programming to ensure that all aspects of development – be it provider or recipient – are **inclusive of and accessible** to persons with disabilities. In addition, monitoring the percentage of aid devoted to the inclusion of persons with disabilities through international cooperation is keyⁱⁱⁱ.

Importantly, participation of civil society and particularly persons with disabilities and their representative organizations is a key factor: the Convention specifically foresees the involvement in Article 33 (3), reinforcing the participatory obligation of Article 4 (3) CRPD.

No development support for new barriers

Ensuring that persons with disabilities have access to and are included in development efforts means that no development support shall create any new barriers: no social programs, such as health, education, livelihoods, that continue to exclude persons with disabilities are acceptable. For example, school projects that create inaccessible school buildings, curricula, fees or lack appropriately trained staff would contravene Article 32.

Planning & design new development cooperation projects

Starting new development initiatives means new plans and a fresh design process: not only an ideal entry point for the principles **of accessibility and inclusion** but much more so an opportunity to implement these principles from the start. Adequate financing and budgets are required to fulfill this.

Data & Statistics

The CRPD has a stand-alone provision on data and statistics (Article 31); as the assessment of needs relies on data, it is paramount that factors **in ensuring accessibility and inclusion** as well as contributors to exclusion are surveyed immediately to provide the necessary entry points for accessible and inclusive planning and programming.

Inclusive and Accessible Millennium Development Goals

“(…) There is an **urgent need to address the absence** of more than 10 per cent of the world’s population in the implementation, review and evaluation of the Goals and their targets, evaluation mechanisms and indicators. The lack of a disability perspective is **undermining the objective of the Goals**, which is to measure human development benchmarks on the way to more inclusive and equitable global development,” the Secretary General has warned.^{iv}

In relation to the individual goals, the Secretary General^v has highlighted the paucity of data and sketched the exclusion of persons with disabilities from Millennium Development Goal related policies and programmes

The Outcome document of the High Level Summit on the Millennium Development Goals adopted two weeks ago on September 22, 2010 explicitly and implicitly discusses the need for increased accessibility and inclusion for persons with disabilities, and uses the language of ‘removing barriers’ repeatedly. The removal of barriers is key to ensuring the accessibility of persons with disabilities in health, education, access to poverty reduction programmes etc.

In summary, the following key points are essential to ensuring accessible and inclusive development and international cooperation:

- The inclusion of persons with disabilities in the development of program lifecycle: design, implementation, monitoring and evaluation
- The participation of persons with disabilities in all activities, which may include taking positive action and providing reasonable accommodation
- Accessible planning and design new development cooperation projects, including adequate budgeting
- Supporting development initiatives that are barrier-free and do not exclude persons with disabilities
- Ensuring data, statistics and the monitoring persons with disabilities in international development programs and international cooperation efforts
- The Millennium Development Goals are inclusive of persons with disabilities

Endnotes:

ⁱ See www.iddconsortium.net.

ⁱⁱ (CRPD: Preamble E definition and Article 9 and 20)

ⁱⁱⁱ World Bank: Lord, J, Posarac, A, Nicoli, M, Peffley, K, McClain-Nhlapo, C, and Keogh, M (2010) Disability and International Cooperation and Development: A Review of Policies and Practices.

^{iv} SG Report on the World Programme of Action A/63/183, Para 4.

^v SG Report on Realizing the MDGs for persons with disabilities A/64/180, Para 15 ff; Goal 8 was not included in that part of the Report.