

ODUMUNC 2009 Issue Brief
Economic and Social Council (ECOSOC)
Rights and Dignity of
People with Disabilities
Eric Fowler



Introduction

Ten percent of the world's population lives with some sort of disability. Although many of these people receive the assistance necessary to live long and productive lives, this condition is not universal. Many people with disabilities must fend for themselves or live as social outcasts. As the world comes to terms with social concepts like human rights and human security, the United Nations has the potential to play a vital role in this process.

Background.

Historically, countries have been held accountable for a few key responsibilities: representing their people globally, sustaining a national economy, taxation and providing for the common defense. Throughout the years, countries with kings, dictators and presidents have all generally focused on these elements. Increasingly, people see countries as not only responsible for representing their people collectively, but also representing their people individually (human rights); as not only providing for the common defense, but also defense of the common person (human security).

These two responsibilities are very different from the ones mentioned previously, because they succeed or fail at the individual level. If a country negotiates a treaty with its neighbor to secure its borders better, it successfully represented its people. However, if a country does not allow a citizen the freedom to move across borders, then it has failed to uphold that citizen's human rights. If a country defended against an attack from its neighbor and lost no territory (but lost many citizens' lives), it successfully provided for the common defense. However, if a country does not protect a citizen's right to work, then it has failed to provide for that citizen's human security.

As the world began developing these concepts that emphasize the value and values of individuals, many subsections of society required greater attention. The rights of women and children were some of the first highlighted in the global discourse. The rights of refugees and ethnic minorities also requested special consideration. In addition, the rights of those disabled by birth and by war sought representation in this new discussion.

Current situation

As mentioned before, approximately ten percent of the world's population lives with disability. The majority of this population live under conditions of severe poverty. Though not universal, people with disabilities because of their disabilities have been denied privacy, healthcare, education, work, movement, due process, or even recognition under the law. In extreme cases, people with disabilities have been beaten, tortured, imprisoned or even killed for their conditions.

Role of the United Nations.

The United Nations is committed to the achievement of universal human rights, including the rights of persons with disabilities. The predominant way that the UN pursues this

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commitment is by acting as a platform for the development of international agreements. In addition to these agreements, the UN also provides administrative assistance in the establishment of international, national and local support projects for disabled people. The two most notable international agreements hosted by the United Nations are the 1948 *Universal Declaration of Human Rights* (UDHR) and the 2006 Convention on the Rights of Persons with Disabilities and its Optional Protocol. An additional—albeit indirect—instrument shaping the issue is the 1997 Ottawa Convention, the *Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on their Destruction*. The latter was negotiated outside the UN system, because of the opposition of major Security Council powers. But it was largely motivated by the long-term effects of landmines, crippling millions of people long after wars end.

The Convention on the Rights of Persons with Disabilities represents a serious change in the way people view and deal with persons with disabilities. The major difference is that people with disabilities are no longer treated as a group who must have things done for them or to them. Instead, they are now seen as members of society who may do things for themselves given the proper conditions. These proper conditions can be seen in the eight guiding principles that underlie the Convention:

- 1) Respect for inherent dignity, individual autonomy including the freedom to make one's own choices, and independence of persons
- 2) Non-discrimination
- 3) Full and effective participation and inclusion in society
- 4) Respect for difference and acceptance of persons with disabilities as part of human diversity and humanity
- 5) Equality of opportunity
- 6) Accessibility
- 7) Equality between men and women
- 8) Respect for the evolving capacities of children with disabilities and respect for the right of children with disabilities to preserve their identities

2008 marks the entry into force of the Convention. At the time this brief was written there were 136 signatories to the convention, 78 signatories to the Optional Protocol, 41 ratifications of the Convention and 25 ratifications of the Protocol. Despite the fact that not all countries have agreed to the Convention, it is an important international agreement and an important step towards improving the lives of millions of individuals.

Country positions

When facing a new issue, without a major crisis to catalyze specific action, UN member states tend to fall back on their traditional assumptions and suspicions about international action.

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As they try to move beyond the 2006 Convention, member states will debate way to increase support for the document, build its impact and encourage tangible steps.

Though not universal, the treatment of people with disabilities varies with the economic capacity of the country. Countries in the industrialized world are financially better prepared to address the needs of their citizens with disabilities. They are natural leaders on an issue like this, especially those countries where activist Non-Governmental Organizations (NGOs) play a major role shaping government policy. But even poorer European countries will hesitate before accepting anything more than gentle recommendations. Some wealthy countries—the United States is an obvious example—typically offer rhetorical support, but resist new UN programmes that involve additional domestic or foreign aid spending.

Countries with poor economic development may find it more difficult to redistribute resources to these programs. For many countries, cost and priorities are decisive. While few oppose the principles of action, many are unwilling to accept language that requires them to redistribute resources. They will oppose calls for action or spending that complicate the delicate business of distributing domestic resources and foreign aid. Others will be very cautious, giving support highly conditionally, dependent above all on direct links between action and new financial support from foreign governments and international aid agencies like the World Bank. Above all, they will be suspicious of any new requirements that might come at the expense of previous foreign assistance.

Culture also plays an influential role in the treatment of the disabled and adherence to the Convention. Countries who value social welfare or who have strong faith-based communities may demonstrate greater protection of the disabled or success with the convention than their economic situation would otherwise explain. But they also may resist language shifting responsibility away from religious charities to the state. Catholic countries have been especially concerned that any agreement does not encourage abortion.

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Recommended Reading

Landmark UN treaty on rights of persons with disabilities enters into force, UN Press release, 5 May 2008. <http://www.scoop.co.nz/stories/WO0805/S00048.htm>

UN Office of the UN High Commissioner for Human Rights Disability Website
<http://www2.ohchr.org/english/issues/disability/intro.htm#human>

Report of the UNHCR and Follow-Up to the World Conference on Human Rights (2002)
[http://www.unhcr.ch/huridocda/huridoca.nsf/e06a5300f90fa0238025668700518ca4/9f03a35e473b33a0c1256b82004e11d8/\\$FILE/G0211061.pdf](http://www.unhcr.ch/huridocda/huridoca.nsf/e06a5300f90fa0238025668700518ca4/9f03a35e473b33a0c1256b82004e11d8/$FILE/G0211061.pdf)

UN “enable” Website
<http://www.un.org/disabilities/>

UN Convention on the Rights of Persons with Disabilities Website
<http://www.un.org/disabilities/default.asp?id=259>

Convention on the Rights of Persons with Disabilities, List of States Party (Updated 2 October 2008), <http://www2.ohchr.org/english/bodies/ratification/15.htm>

The Landmine Survivors Network
http://www.landminesurvivors.org/what_rights_un.php