

Human & Social Rights, Sustainable Social Development & An Accessible Human Environment

1. **UN General Assembly Resolution No.56/168 (19th December 2001)**

The General Assembly decided on the establishment of an **Ad Hoc Committee** ... to consider proposals for a comprehensive and integral international convention.

The Convention should promote and protect the rights and dignity of **persons with disabilities**. [Terminology following the adoption of the **WHO ICF** in May 2001 ?]

The Convention should be based on a **holistic approach** ... on work done in the fields of **social development, human rights and non-discrimination** ... and should also take into account the recommendations of the Commission on Human Rights and the Commission for Social Development.

The Resolution did not propose a title, or a timetable, for the Convention ... and did not commit to its eventual adoption by the United Nations.

The Resolution did not state that the contributions of Non-Governmental Organizations (NGO's) with an interest in the matter of disability should be treated as being inferior, or of lesser importance, to those of other participants in the Ad Hoc Committee.

2. **UN OHCHR Report : 'Human Rights & Disability' (2002)**

This Report was commissioned by the United Nations Office of the High Commissioner for Human Rights in Geneva. The main authors were Gerard Quinn and Theresia Degener of the Research Centre on Human Rights and Disability at the University of Galway, in Ireland.

The following points are of interest ...

- (a) The authors viewed a Convention on Disability as underpinning - and not undermining - the web of existing human rights treaties, insofar as they relate to disability. [If this also means 'not strengthening', the result will be inadequate - see #4 below.]
- (b) Commenting in relation to the International Covenant on Civil & Political Rights (ICCPR), the authors noted an awareness on the part of the Human Rights Committee that it is not sufficient to treat all persons in the same way, but that added allowance (or '**reasonable accommodation**') may be necessary to make rights 'real' for people with disabilities. The authors added that this positive normative development offers great promise for persons with disabilities. ['Reasonable accommodation', in Ireland, has meant 'no accommodation'. Is it appropriate to consider accessibility in this context ? What is actually required is 'adequate accommodation' !]

3. **WHO International Classification of Functioning, Disability & Health (2001)**

It is entirely unacceptable that the **2001 WHO ICF** is being ignored by the Ad Hoc Committee.

4. **UN OHCHR Convention on the Rights of the Child (1989)**

Article 23 of the Convention states ...

1. States Parties recognize that a mentally or physically disabled child should enjoy a full and decent life, in conditions which ensure dignity, promote self-reliance and facilitate the child's active participation in the community.
2. States Parties recognize the right of the disabled child to special care and shall encourage and ensure the extension, subject to available resources, to the eligible child and those responsible for his or her care, of assistance for which application is made and which is appropriate to the child's condition and to the circumstances of the parents or others caring for the child.
3. Recognizing the special needs of a disabled child, assistance extended in accordance with paragraph 2 of the present article shall be provided free of charge, whenever possible, taking into account the financial resources of the parents or others caring for the child, and shall be designed to ensure that the disabled child has effective access to and receives education, training, health care services, rehabilitation services, preparation for employment and recreation opportunities in a manner conducive to the child's achieving the fullest possible social integration and individual development, including his or her cultural and spiritual development.
4. States Parties shall promote, in the spirit of international co-operation, the exchange of appropriate information in the field of preventive health care and of medical, psychological and functional treatment of disabled children, including dissemination of and access to information concerning methods of rehabilitation, education and vocational services, with the aim of enabling States Parties to improve their capabilities and skills and to widen their experience in these areas. In this regard, particular account shall be taken of the needs of developing countries.

[Cognitive and psychological impairments are not identified, and distinguished, in Article 23(1). The Convention on Disability should be strengthened, at the very least, in order to extend the provisions of Article 23 to adults.]

5. **Rio Declaration on Sustainable Social Development, Disability & Ageing (2004)**

The main purpose of the **2004 Rio Declaration** is to create sufficient space for a detailed consideration of Social Issues, e.g. 'disability' and 'ageing', within the Mainstream Sustainable Development Agenda. And once that space has been created ... the Rio Declaration suggests how the different components of 'disability' and 'ageing' might fit together neatly within the Bigger Picture.

A second purpose is to give a much higher priority to **Accessibility of the Human Environment** (social, built & virtual). Elaborating a distinction between 'human' and 'social' rights ... free and independent participation in the Human Environment is a Social Right. For this participation to become a reality, the Human Environment must be accessible. '**Reasonable Accommodation**', as a legal concept, offers very limited practical benefit.

The 2004 Rio Declaration dramatically expands the context, potential, constraints and role for **Accessibility Design & Education**.