



## Moving to Rights: Inspiration from the Disability Movement

---

**IHRFG Semi-Annual Meeting, San Francisco, California**  
**Monday, January 25, 2010, 10:00 – 12:00 pm**

*Facilitator:* **Emily Martinez**, Special Initiatives Director, Open Society Institute

*Speakers:* **Gabor Gombos**, Human Rights Activist, Hungary; **Gerard Quinn**, Director Centre for Disability Law and Policy, National University of Ireland-Galway, Irish Human Rights Commission; **Charlotte McClain-Nhlapo**, Senior Operations Officer, World Bank

*Sponsored by:* Disability Rights Fund, Open Society Institute, Wellspring Advisors, Disability Rights Initiative, Disability Rights Working Group

**Emily Martinez** opened the plenary by providing examples of the extent to which people with disabilities experience discrimination. There are over 650 million persons with disabilities across the globe. Over 90% of children with disabilities in the developing world have no access to education, and unemployment among disabled persons is 80% higher than that of non-disabled persons. Disability intersects with class, race, gender, and ethnicity, rendering some populations even more marginalized.

In the face of these challenges, a disability rights movement has emerged and spurred a paradigm shift. Perception of disability is shifting to the social model, where disability is not centered within the individual, but instead reflects interactions between people with disabilities and those without. Disability-rights activists are using the recent UN Convention to push for equal education and access to justice, among other rights.

**Gabor Gombos**, a survivor of psychiatric treatment, is integrally involved in building a disability rights movement in Hungary. He provided a snapshot mosaic of his own experiences growing up in a family with a history of psychiatric institutionalization, and he himself was admitted as a 16-year-old. He slowly realized that the others in the institution were similar to him, although they were portrayed differently in the dominant social and media discourse. Although mental health issues were not viewed as disabilities in Hungary, others who had experience forced psychiatric treatment came together and shared their stories of exclusion and realized that this did not stem from an illness, but society's stigma. Gabor realized that they all shared barriers to full and effective participation in society because the world did not want to accommodate their needs, and viewed them as a separate species.

In order to illustrate his argument, he provided an example of a schizophrenic man discharged from an institution after years of containment. Community members phoned the police before the man arrived home and the police responded with the anti-terror police group and surrounded the man's home. In the face of this intimidation the man became anxious and verbally aggressive, and was subsequently killed by the police. No one was ever convicted.

After hearing this account, this community began identifying themselves as people with psycho-social disabilities. Gerard summed up his talk with a message, "There is a false barrier between

[Type text]

persons with disabilities and persons without. The Disability Rights Convention should be seen a human rights convention and that anyone who cares about human rights should pay attention to this convention. It was drafted largely by persons with disabilities.” (not exact quote..)

**Gerard Quinn** became involved with the disability rights movement over 20 years ago. This involvement was prompted by three primary events: (1) His daughter was born with a disability; (2) George Bush, Sr. signed the Americans with Disabilities Act in 1990, which caused him to think that Europe could do the same; and (3) the Berlin Wall collapsed. All of this spurred a realization that the barriers that his daughter faces will not stand forever.

He problematized the common perception of disability, as localized within the individual, not his/her relationship with society, and that a separate but equal principle should apply. The Convention sends a powerful message to confront these perceptions, that people are not problems. It provides innovative thinking on equality, as the drafters did not seek new rights but applied existing rights to context of disability. It portrays disability as part of a normal life cycle, restores decision-making to individuals, and guarantees the right for disabled individuals to choose the way he/she wants to live. It includes economic, social, and cultural rights as part of the solution and seeks to change processes that brings about bad laws and policies. Finally, it gives voice to persons with disabilities in policy-making.

The Convention is not primarily about disability, but about the concept of justice and applying it with equal force to persons with disabilities. This Convention will not succeed if it reinforces the Berlin wall and ghettoizes disability.

**Charlotte McClain-Nhalpo** began by emphasizing that anyone can have a disability, as it is part of the diversity of the human species. The intersectionality of disability with race, class, gender, and ethnicity is often ignored and results in double or triple discrimination. Some traction has been gained with this in policy and practice, but stigma and exclusion remain strong.

She asserted that the Convention does have the potential of improving lives of women with disabilities, and it includes one article that speaks specifically to women with disabilities. The hallmark of the Convention is its distinctive focus on an integrative approach to human rights and development. It mentions reproductive rights, sexual and reproductive health, violence against women, equality, and non-discrimination.

She proceeded to illustrate the intersection between disability and gender with three examples:

- 1) The consequences of gender-based violence are more pronounced whenever a women has a disability, but such acts are less likely to be disclosed. A study conducted in Malawi revealed massive underreporting of instances of gender-based violence, and women with disabilities face even higher barriers to accessible shelter and legal remedy.
- 2) Men with disabilities are almost twice as likely as women with disabilities to be employed. Unequal hiring, unequal access to training, and unequal participation in decision making are common practice.
- 3) Women with disabilities often face increased challenges in fulfilling their right to sexual and reproductive health. Clinics are often not accessible, and sometimes health care workers assume women with disabilities are asexual, not including them in sexual health trainings.

[Type text]

Voices of women with disabilities did play a significant role in drafting the Convention. With careful implementation and monitoring, Charlotte believes the Convention has the potential to:

- Increase the voice and recognition of women with disabilities in the international community and in decision-making
- Ensure a more inclusive and responsive development agenda
- Increase the social and economic agency of women with disabilities
- Reduce stigmatization of women with disabilities at all levels

She reminds us that it is also important to use this Convention in tandem with others, such as CEDAW and the CRC. Effective translation of the Disability Rights Convention on the ground can make a difference in individual lives, but it also requires a gender lens to ensure that women with disabilities are affected.

Gerard pointed out that there is a national monitoring mechanism within convention Article 33. It requires that: (1) the conference of states parties exchange perspectives on policy innovations (2) domestic mechanisms be put in place to monitor government actions and (3) a focal point be established within government. Throughout this, persons with disabilities must be actively consulted.

#### **Question and Answer:**

1) What is the current status of ratification?

- The CRPD has been ratified by 88 states and has 140 signatories. There is a strong representation of state parties from the Global South.

2) Have there been any efforts to ensure that the convention is known within local communities? How is it brought down from the policy level?

- There is a strong obligation within the convention for awareness-raising.

3) What was the involvement of other social justice movements in drafting the convention and in its implementation?

- Organizations representing persons with disabilities were the most active leads in the drafting process.

4) From the perspective of convention, could you define disability?

- This was a prickly issue during the drafting of the convention.
- The Convention does provide a working definition which moves away from seeing the individual as a problem to focus on the person's interaction with society. If we remove barriers, it would not matter if he/she uses a wheelchair because there would be access.
- The Convention provides an inclusive definition that reflects the social model of disability. It will serve as a strong tool to challenge definitions that are too narrow.

7) What has been the intersection between disability rights and the Ottawa landmine treaty?

- Landmine survivors networks held trainings on how to participate in the convention drafting
- Natural and man made disasters are causes of disabilities and it is the obligation of states to be sensitive in how they plan disaster interventions

[Type text]

Film, small group discussions

### **Report Back from Small Group Discussions**

1) How do you implement this convention and what are the funding opportunities it presents?

- Charlotte suggested starting with building capacity among disabled peoples' organizations in order to write shadow reports, know their rights, identify champions at the local level, and insure that government officials know the convention.
- Gerard recommended supporting knowledge capacity and political entrepreneurial skills of disability rights organizations so that they can interact more confidently with mainstream organizations.
- Gabor suggested supporting **awareness-raising and capacity-building**. There is a need for funding creative and innovative awareness-raising projects, identifying best practices, and enabling local organizations to learn from these best practices.

**Catherine Townsend** closed the session by highlighting specific instances of innovation in the convention.

- Participation of affected communities in policymaking and monitoring
- Melding of economic, social and cultural rights and political and civil rights
- Melding of human rights and development
- Intersectionality of issues, identities, and movements
- Connections with other movements and the opportunity to build best practices amongst various movements

An easy-to-read version of the convention has been created, and it is now the version that is being used by everyone.