

16th Informal ASEM Seminar on Human Rights: Persons with Disabilities and Human Rights

Introduction

The World Health Organization (WHO) estimates that about 1 billion people (15 per cent of the world's population) experience some form of disability, with about 80 per cent of persons with disabilities living in developing countries.¹ The 2011 World Report on Disability indicates that the female disability prevalence rate is 19.2 per cent, whereas it is 12 per cent for men. In low and middle-income countries, this ratio becomes higher - women constitute 75 per cent of all disabled people.²

Perceptions of persons with disabilities vary across the world; persons with disabilities often face multiple discriminations at multiple levels which can affect the recognition and enjoyment of their rights – from socio-cultural and economic barriers to participation in mainstream society, to more distinct violations of their individual rights.³ Such discrimination can lead to exclusion and reduced standards of living – the World Bank estimates that 20 per cent of the world's poorest people are disabled, and are often regarded as being the most disadvantaged in their communities.⁴

The Asia-Europe Meeting (ASEM) is an intergovernmental forum for dialogue and cooperation established in 1996 to deepen relations between Asia and Europe, which addresses political, economic and socio-cultural issues of common concern. Identifying disability discrimination as one of the major challenges for ASEM, leaders agreed on incorporating this issue into the ASEM cooperation framework at the 10th ASEM Summit in 2015.⁵

The 16th Informal ASEM Seminar on Human Rights continues this focus on the promotion and protection of the rights of persons with disabilities, in 2016, from a human rights-based approach to this topic.

Background

International human rights instruments⁶ are meant to secure the rights of all persons and while they may not explicitly address disabilities, persons with disabilities are well included within their provisions. The UN *Convention on the Rights of the Child* was the first human rights treaty that explicitly prohibits discrimination on the basis of disability. Other human rights conventions that specifically cover disabilities include the *European Social Charter*, the *ILO Convention concerning Vocational Rehabilitation and Employment*; and the *Inter-American Convention on the Elimination of All Forms of Discrimination Against Disabilities*.⁷

The active inclusion of the rights of people with disabilities in the international human rights agenda dates back to the early 1980s when the United Nations declared 1981 as the International Year of Disabled Persons and in the following year adopted the *World Programme of Action Concerning Disabled Persons*. The World Programme, which was a global strategy to enhance the protection and participation of persons with disabilities, emphasised the need to apply a human rights perspective to disability issues. To encourage member States to implement the World Programme, the General Assembly proclaimed 1983-1992 the United Nations Decade of Disabled Persons.⁸

In 2001, the UN General Assembly established an Ad Hoc Committee to consider proposals for a convention to promote and protect the rights and dignity of persons with disabilities⁹ – culminating in the *Convention on the Rights of Persons with Disabilities* (CRPD) and its Optional Protocol.

While the Millennium Development Goals (2000-2015) omitted the need to involve persons with disabilities in every aspect of development, disability is referenced in the new **Sustainable Development Goals** (SDGs) which were adopted in 2015, specifically in those parts of the SDGs that

relate to education, growth and employment, inequality, accessibility of human settlements, as well as data collection and monitoring.¹⁰

Convention on the Rights of Persons with Disabilities (CRPD)

The CRPD which entered into force on 3rd May 2008 is a first in many rights – in addition to being the fastest negotiated human rights treaty and having the highest number of signatories on the date it was opened for signature¹¹, it is also the first human rights convention open for signature by regional organisations. As of November 2015, the Convention had 160 State Parties.¹² The CRPD does not establish new rights nor does it attempt to provide a definition of what ‘disability’ is. Instead it lays down the minimum standards that are required to ‘promote, protect and ensure the full and equal enjoyment of all human rights and fundamental freedoms by all persons with disabilities, and to promote respect for their inherent dignity’.¹³

Recognising that disability is an evolving concept, Article 1 of the CRPD outlines that “*Persons with disabilities include those who have long-term physical, mental, intellectual or sensory impairments which in interaction with various barriers may hinder their full and effective participation in society on an equal basis with others*”. The emphasis as noted in the Preamble is on the “interaction between persons with impairments and attitudinal and environmental barriers that hinders their full and effective participation in society on an equal basis with others”.¹⁴ This is seen as recognition that in different societal contexts, disability can be understood differently.¹⁵

In 2014, the Human Rights Council by its resolution 26/20 created the Special Procedure of the *Special Rapporteur on the Rights of Persons with Disabilities*. In addition to conducting regular dialogue with States and other stakeholders on the identification and promotion of good practices, the Special Rapporteur has the mandate to receive and exchange information on violations of the rights of persons with disabilities, recommend on how to better promote and protect their rights, and to provide technical assistance to that purpose. The Special Rapporteur reports to the Human Rights Council, and cooperates with the Conference of States Parties to the CRPD and the Commission for Social Development.¹⁶

Regional developments

Asia

It is estimated that approximately 650 million persons have some form of disability in Asia and the Pacific.¹⁷ 37 Governments in Asia-Pacific have ratified the CRPD so far.¹⁸

At the wider Asia-Pacific level, the UN ESCAP member States¹⁹ adopted the *Incheon Strategy to “Make the Right Real” for Persons with Disabilities in Asia and the Pacific* in 2012. Based on the principles of the CRPD, the Incheon Strategy comprises of 10 specific time-bound disability-inclusive development goals, 27 targets and 62 indicators similar in structure to the Millennium Development Goals. It is the first set of regionally agreed disability-inclusive development goals.²⁰ The Incheon Strategy builds on the CRPD and the 2004 Biwako Millennium Framework for Action whose goal was ‘to promote an inclusive, barrier-free and rights-based society for persons with disabilities in Asia-Pacific’.²¹ In 2015, 12 governments reported on the implementation of the Incheon Strategy – all 12 reported that they had established national focal points to coordinate its implementation.²²

At the sub-regional level, ASEAN proclaimed 2011-2020 as the ASEAN Decade of Persons with Disabilities, dedicated towards ensuring the effective participation, and mainstreaming the perspectives, of persons with disabilities in ASEAN policies and programmes.²³ In 2011, ASEAN adopted the Bali Declaration on the Enhancement of the Role and Participation of Persons with Disabilities in the ASEAN Community, establishing with it the ASEAN Disability Forum.²⁴

Europe

It is estimated that about 80 million people experience some form of disability in the EU.²⁵ In the wider context of the Council of Europe (CoE), this figure is between 80 and 120 million people.²⁶

The CoE's *Disability Action Plan 2006-2015* draws attention to 15 'action lines' including participation in political and cultural life, accessibility and the needs of particularly vulnerable groups such as women and children.²⁷ In 2015, the CoE held a conference to take stock of the implementation of its Disability Action Plan and to set out the priorities for the future CoE Disability Strategy (post-2015 four-year disability framework) which will focus on improving the implementation of the CRPD.²⁸

The EU signed the CRPD in 2007 and has been a party to the Convention since 2011. In relation to EU policy, the *European Disability Strategy 2010 – 2020* is considered to be the main reference document; adopted by the European Commission in 2010, it sets the Commission's agenda for the implementation in the EU of the UN CRPD. It contains eight main thematic areas: accessibility, participation, equality, employment, education and training, social protection, health and external action. It is underpinned by concrete actions which are ongoing at EU level as well as to support and complement national activities, thus seeking to create consistency in national efforts with a wider European disability framework.²⁹ The overall aim of the Strategy is to empower people with disabilities so that they can fully enjoy their rights and participate in society and in the economy on an equal basis with others.³⁰

In 2013, the EU operationalised its Framework for the UN Convention on the Rights of Persons with Disabilities which promotes, protects and monitors the implementation of the CRPD in EU countries.³¹ The Framework comprises of five members – the European Parliament, the European Ombudsman, the European Commission, the European Disability Forum (EDF) and the EU Agency for Fundamental Rights (FRA).

A rights-based approach to disabilities

By highlighting the significance of societal barriers to the full enjoyment of human rights by persons with disabilities, the 2006 Convention marks a definite shift from the previous 'welfare' approach to a 'rights' based approach – people with disabilities are not 'minority interest groups' or 'welfare beneficiaries' but are 'holders' of rights.³² It identifies which policy gaps need addressing and which areas require reinforcement in protecting rights.³³

The violence and discrimination that persons with disabilities face in their daily lives has been well documented.³⁴ Persons with disabilities can face discriminations in multiple fields such as education, employment, housing, access to public services and spaces and political participation.³⁵ A report by the European Union Agency for Fundamental Rights (FRA) on the **political participation** of persons of disabilities found that even in instances where reforms have been made to grant full voting rights to persons with disabilities, they may not apply to all kinds of elections since in many member States, different laws apply to different types of elections.³⁶ Significantly, the report noted that barriers to political participation do not affect all persons with disabilities equally – those with a high level of impairment, or with particular types of impairment, such as intellectual disabilities, face considerably greater discrimination.³⁷

The ILO estimates that of the total world population of persons with disabilities, 785 million are of working age.³⁸ In many countries, legislation to prevent discrimination against **persons with disabilities seeking employment** exists – from employment quotas³⁹ to mandatory inclusion in job centres⁴⁰. Studies have been done to document company practices on disability inclusion⁴¹, however as an International Disability Alliance report points out, "the concept of reasonable accommodation⁴² is however still largely unknown and it is important that States provide additional information to employers, trade unions, and persons with disabilities on the concepts of reasonable accommodation and undue hardship".⁴³

While all ILO standards apply to persons with disabilities, the primary ILO standard is the *ILO Discrimination (Employment and Occupation) Convention, 1958 (No. 111)*, the *ILO Vocational Rehabilitation and Employment (Disabled Persons) Convention, 1983 (No. 159)* and its accompanying *Recommendation (No. 168)*.⁴⁴ The ILO has also launched a Global Business and Disability Network of multinational enterprises, employers' organisations and business networks and disability rights organisations (DROs) to improve disability inclusion in the private sector.⁴⁵ Even with the existence of such measures, persons with disabilities suffer higher unemployment rates and lower labour market participation rates.⁴⁶

Similarly, the literacy rates for persons with disabilities remains lower compared to the rest of the population.⁴⁷ Article 24 of the CRPD focuses on the importance of an inclusive **education** for all; UNICEF and UNESCO have set up the Education Task Force of the Global Partnership for Children with Disabilities to assist States in implementing Article 24.⁴⁸ DROs point out that much of the focus has remained on 'school based' education for children; adult education and non-formal education don't receive as much attention.⁴⁹

Both Article 27 of the Universal Declaration of Human Rights (UDHR) and Article 15 of the International Covenant on Economic, Social and Cultural Rights (ICESCR) provide the right of **participate in the cultural life of the community** to all persons. Article 30 of the CRPD calls on States to take appropriate measures to ensure that persons with disabilities can participate in cultural life on an equal basis, that their specific cultural and linguistic identity be recognised and supported and to ensure that they have the opportunity to "develop and utilize their creative, artistic and intellectual potential, not only for their own benefit, but also for the enrichment of society". This is also reflected in the Council of Europe's Disability Plan which stresses the importance of taking the situation and rights of persons with disability when formulating cultural policies.⁵⁰ Article 30 also includes participation in recreational, leisure and sporting activities.⁵¹

Poverty and disability can be both a cause and a consequence since each condition can exacerbate the other. Studies and reports from across the world⁵² indicate poverty rates for persons with disabilities are consistently higher than for those without disabilities. The World Social Protection Report 2014-2015 highlights the fact that persons with disabilities are insufficiently covered in national social protection programmes in many countries – from lack of access to adequate public housing, transport and healthcare, to insufficient disability-related assistance such as benefits programmes.

Several disability advocates point out how the imagery often used to depict people with disabilities can perpetuate stereotypes; disabilities should not be seen as being 'negative'.⁵³ Yet the stigma and prejudice which causes disability **discrimination becomes compounded** when people are disadvantaged not only due to their impairments, but also their age⁵⁴, sex, ethnicity, origin, sexual orientation etc.⁵⁵ A 2012 systematic review on violence against adults with disabilities found that persons with disabilities are 1.5 times more likely to be a victim of violence than those without a disability; those with mental disabilities are at nearly 4 times the risk.⁵⁶

Research demonstrates that the incidence of maltreatment and violence against **women with disabilities** far exceeds that of women without disabilities, and more so than men with disabilities.⁵⁷ Women and girls with disabilities "face the same spectrum of human rights abuses that non-disabled women face, but their social isolation and dependence magnifies these abuses and their consequences...[b]ecause women with disabilities are more isolated than most underrepresented groups, their plight typically has not been addressed".⁵⁸ Similarly, children with disabilities are almost 4 times more likely to experience violence than non-disabled children.⁵⁹

Although there are no global statistics regarding indigenous persons with disabilities, available data show that **indigenous persons** are often disproportionately likely to experience disability in comparison to the general population.⁶⁰ Given their indigenous identity and disability status, they are also vulnerable to multiple forms of discrimination. Facing a complex set of discrimination,

indigenous women and girls with disabilities are at higher risk of violence than girls and women without disabilities; they are often disproportionate victims of sexual violence.⁶¹

Refugees and displaced persons with disabilities are yet another invisible group whose needs are often overlooked, especially in the early phases of humanitarian emergencies. Article 11 of the CRPD seeks to ensure the protection and safety of persons with disabilities in situations of conflict, emergency and disaster. The mainstreaming of disabilities into Disaster Risk Reduction (DRR) has also received attention in recent years.⁶²

Access to remedy

Access to remedies is important to safeguard the rights of persons with disabilities. However, this in itself may require some accommodation – from physical access to police stations and courts, to adequate provisions for interpretation⁶³ and accessible formats for information and legal materials. Special victim support and shelter along with specialist assistance may also be required to support reporting. Article 13 of the CRPD highlights the requirement for States to provide effective access to justice to persons with disabilities and to facilitate their ability to take part in all legal proceedings as indirect and direct participants.⁶⁴

The CRPD recognises that all persons, including with disabilities are equal before the law and entitled, without any discrimination, to equal protection under the law.⁶⁵ However, in several jurisdictions, persons with disabilities may not have their **legal capacity** recognised and they may be placed under legal guardianship, which can have adverse effects on their legal rights⁶⁶; barriers to access to justice has been pointed out as a particular concern for women with disabilities.⁶⁷

Article 12 of the CRPD addresses legal capacity; it reiterates the right of persons with disabilities to recognition everywhere as persons before the law; they enjoy legal capacity on an equal basis with others and that States Parties are required to take measures to support persons with disabilities in exercising their legal capacity – including their rights to own or inherit property and manage their own financial affairs (including access to bank loans and financial credit).

The Optional Protocol accompanying the CRPD is an international treaty which establishes two procedures aimed at strengthening the implementation and monitoring of the Convention. The first is an *individual communications procedure* which allows the Committee of Experts to receive petitions from individuals and groups of individuals;⁶⁸ the second is an *inquiry procedure* which gives the Committee authority to undertake inquiries of grave or systematic violations of the Convention.⁶⁹ The Optional Protocol, which entered into force at the same time as the CRPD, has seen slower uptake – as of 2015, it has 92 signatories and 88 parties.⁷⁰

Mainstreaming disabilities

Article 32 of the CRPD emphasises the importance of international cooperation, requiring States to work “in partnership with relevant international and regional organizations and civil society, in particular organizations of persons with disabilities”. It has been noted that organisations representing persons with disabilities (DPOs) are not engaged in the UN Universal Periodic Review (UPR) where there is little to no coverage of disability rights in State Party UPR reports. Engagement by DPOs in the UPR process creates visibility and supports DPO engagement with national governments and international organisations.⁷¹ National Human Rights Institutions (NHRIs) and ombudsman offices play an important role in monitoring and implementing the CRPD.⁷²

The CRPD also requires that development programmes be inclusive and accessible to persons with disabilities. Redressing discrimination and enhancing the protection of the rights of persons with disabilities requires the mainstreaming of disability which can be understood as “a process in which development policy and programmes designed to benefit everyone in a specific geographical area explicitly include people with disabilities in their design, taking into account their specific needs at all relevant levels. The underlying philosophy is the human rights approach, as it seeks to ensure that the

same rights and opportunities accorded to others should be available to people with disabilities, making any necessary accommodation”.⁷³

As part of ensuring greater access in public life, the International Telecommunication Union (ITU) has called for **internet communication technologies (ICTs)** to be an integral part of a disability-inclusive development agenda, “ensuring accessible ICTs for persons with disabilities and expanding access to these technologies, as well as to assistive technologies, should become a key element of global, regional and national strategies to remove the remaining barriers faced by persons with disabilities. A 2013 ITU report points out that only 36 per cent of countries have a definition of accessibility which includes ICT or electronic media in their laws of regulations compliant with the definition of accessibility in UNCRPD Article 9.”⁷⁴

The lack of **data and information** on disability contributes to the invisibility of persons with disabilities in official statistics, preventing the planning and implementation of policies and programmes that are inclusive of persons with disabilities. Goal 17 of the SDGs stresses that the collection of data and monitoring and accountability of the SDGs are crucial to strengthen the means of implementation; data should be disaggregated by disability.⁷⁵ Separate from the SDGs, the UN General Assembly has also on several occasions stressed the importance of improving disability statistics⁷⁶, in accordance to international standards, such as those developed by the Washington Group on Disability Statistics.⁷⁷ The outcome document of the General Assembly’s High-level Meeting on Disability and Development included a call for all development policies and their decision-making processes to take into account the needs of and benefit all persons with disabilities, including those of indigenous peoples.⁷⁸

16th Informal ASEM Seminar on Human Rights

The Informal ASEM Seminar on Human Rights series was launched in 1997 to deepen relations between civil society actors and governments in Asia and Europe on human rights issues. The Seminar series is co-organised by the Asia-Europe Foundation (ASEF), the Raoul Wallenberg Institute (nominated by the Swedish Ministry of Foreign Affairs), the French Ministry of Foreign Affairs and International Development, the Philippine Department of Foreign Affairs and the Swiss Federal Department of Foreign Affairs. The 16th Informal ASEM Seminar on Human Rights is hosted by the Ministry of Foreign Affairs of the People’s Republic of China and the China Disabled Persons’ Federation.

Participation in the 16th Informal ASEM Seminar on Human Rights will take place in four simultaneous working group discussions (on Day 2), on the following topics:

- I. Participation in political and cultural life**
- II. Social and economic inclusion**
- III. Legal status, justice and remedy**
- IV. National implementation and international cooperation**

In addition to the guiding questions specific to each working group, there are cross-cutting questions which are valid across all the four working groups. The cross-cutting questions and the working group questions can be found below:

I. Participation in political and cultural life

- 1) What are the gaps in efforts undertaken so far for improving political participation of persons of disabilities? Examples of any successful measures?
- 2) The effects of depriving a person their legal capacity can be far-reaching. What measures are required to support persons with disabilities in exercising their legal capacity – including their rights to political participation, to own or inherit property and manage their own financial and legal affairs?

- 3) Reducing discrimination requires multiple and consistent efforts to engage the wider public. What are the more successful campaigns that have been undertaken in this regard?
- 4) As efforts to remove the barriers to political participation require multidisciplinary cooperation and coordination among relevant stakeholders, what is the best way to avoid unnecessary duplication of efforts and to make them sustainable in the long-term?
- 5) Mainstreaming the CRPD in national policies and programmes to improve the participation of persons with disabilities is important. Have any assessments been conducted of how successfully the Convention has been implemented? (examples of good practices?)
- 6) The Optional Protocol, which entered into force at the same time as the CRPD, has seen slower response – how does one improve uptake of the principles of the optional protocol?
- 7) Access to, and participation in, cultural and sporting life is an important right. In this regard, what are the existing best practices in designing inclusive cultural policies? How to improve the engagement of national and local authorities with disability rights organisations in this regard?

II. Social and economic inclusion

- 1) In terms of accessing social protection (including housing, financial assistance, social services, pension benefits), what gains have been made in making this more inclusive for persons with disabilities? Especially for vulnerable groups such as women with disabilities and older persons with disabilities?
- 2) Are there codes/frameworks of good practice that service providers need to follow – especially when States contract private firms for public services (housing, insurance etc)?
- 3) To what extent have local community-based interventions (interventions that target not just persons with disabilities but also the larger society) been successfully utilised in poverty-reduction and social inclusion strategies - what are the factors determining success? How to strengthen such programmes?
- 4) Effective access to services hinges on effective access to information. What efforts have been made to improve access to information, including the internet? What are the resources available to service providers to ensure wider access?
- 5) How does one improve labour market participation when in spite of legislation and policy measures, the employment needs of many persons with disabilities remain unmet? To what extent have other stakeholders (eg, employers and the private sector) been involved (instances of existing initiatives to assist private employers in implementing CRPD requirements and improving access to jobs; efforts of institutions like the Global Compact)?
- 6) What appropriate measures have been undertaken to make healthcare more inclusive of the needs of persons with disabilities, including the provision of sexual and reproductive health services (issues of consent, guardianship and cultural practices)?
- 7) With regard to education, what are the barriers to access to educational opportunities, especially when it comes to adult and non-formal education? How can they be addressed?

III. Legal status, justice and remedy

- 1) For persons with disabilities who have been placed under legal guardianship; what guarantees need to be in place to ensure there is no breach of trust in that position?
- 2) What efforts have been undertaken (and further required) to reduce the legal and physical barriers to access remedy? What special considerations are needed for vulnerable groups to facilitate their ability to participate in legal proceedings?
- 3) How can law enforcement agencies and civil society organisations provide specialist assistance to persons with disabilities in reporting crime and to seek appropriate remedy?
- 4) What have been the experiences (successes and challenges faced) of NHRIs and ombudsman offices in ASEM countries, in conducting inquiries and receiving complaints?
- 5) What training does the judiciary need in order to be sensitive to a human rights based approach to disability? Also for law enforcement bodies and other agencies?
- 6) What has been the experience of DPOs (organisations representing persons with disabilities) in approaching the Courts on behalf of individuals? What cooperation efforts exist?

- 7) In the context of implementing the CRPD at the judicial level, are specific laws required to protect persons with disabilities or is it just a matter of mainstreaming the Convention into existing human rights protection laws?

IV. National implementation and international cooperation

- 1) Article 33 of the CRPD emphasises the importance of international cooperation. How has this translated into practice? And what are the inadequacies in the current level of cooperation?
- 2) At the international level, what mechanisms or structures must be in place to improve the coordination and guidance on the implementation of the CRPD?
- 3) What role do regional organisations such as the ASEAN Intergovernmental Commission on Human Rights (AICHR) and the European Union Agency for Fundamental Rights (FRA) play in improving capacity of member States?
- 4) The inclusion of disability in the Sustainable Development Goals (SDGs) is a positive development but what are the next steps forward?
- 5) Goal 17 of the SDGs stresses that the collection of data and monitoring and accountability of the SDGs. To what extent does the lack of reliable methodology that can provide accurate information and data affect efforts to include persons with disabilities in development indicators? How can the situation be improved?
- 6) What are the avenues for reporting on the progress made or challenges faced in the implementation of the CRPD? How to ensure the participation of disability rights organisations in reporting on disability at the international level (eg, Universal Periodic Review)?
- 7) International cooperation also needs to be inclusive. In this regard, what are the existing efforts to involve persons with disabilities in international and regional policy decisions? What are the obligations of States to ensure that the voices of DPOs are heard and respected?

Cross-cutting Questions

- 1) Disability is an evolving concept and cannot be definitively defined. Yet, does the lack of an international definition have implications for policy coherence (both vertical and horizontal; at international, regional and national levels) when in many countries disability definitions do exist for policy-making?
- 2) How are aid agencies responding to the needs of persons with disabilities in humanitarian and disaster emergency situations? What are the special protections required for refugees with disabilities?
- 3) What special concerns/considerations need to be made for vulnerable populations such as women, children, indigenous peoples and other groups, in all aspects of the debate on human rights and disability? How successful have efforts been in mainstreaming disability into gender violence programmes?
- 4) What are the implications for disabilities in an aging society? Especially in the absence of social safety nets in many countries?
- 5) What support is provided to the care-givers and families of persons with disabilities? Are their needs included in stakeholder surveys and engagement (examples if any)? Furthermore, how do we improve DPOs (organisations representing persons with disabilities) engagement in the policy design and provision of services?
- 6) What has been the impact of ICTs in furthering disability-inclusive development?

ENDNOTES

¹ WHO Factsheet: <http://www.who.int/mediacentre/factsheets/fs352/en/> (Reviewed December 2014)

² WHO (2011), World Report on Disability, http://www.who.int/disabilities/world_report/2011/report/en/

³ For more details, see UN OHCHR <http://www.ohchr.org/EN/Issues/Disability/Pages/DisabilityIndex.aspx>

⁴ UN Enable <http://www.un.org/disabilities/default.asp?id=18>

⁵ In 2015, China hosted ASEM's first high-level meeting on disability. Titled "Breaking Barriers for Inclusive Development", the meeting focused on how 'disability collaborations within the ASEM framework would be a good example of how inclusion of persons with disabilities could be translated from broad statements at the international level into specific action that makes difference to the lives of persons with disabilities', 29-30 October 2015, China, <http://www.aseminfoboard.org/events/asem-cooperation-disability>

⁶ For example, the Universal Declaration of Human Rights (UDHR), the International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social and Cultural Rights (ICESCR).

⁷ In addition several non-binding international instruments have been adopted at the international level on disabilities such as the 1971 *Declaration of the Rights of Mentally-Retarded Persons*; the 1975 *Declaration on the Rights of Disabled Persons*; the 1983 *ILO Recommendation concerning Vocational Rehabilitation of the Disabled*; the 1989 *Tallinn Guidelines for Action on Human Resources Development in the Field of Disability*; the 1993 *Standard Rules on the Equalization of Opportunities for Persons with Disabilities*; the 1991 *general recommendation no. 18 on disabled women* by the Committee on the Elimination of Discrimination Against Women; and the 1994 *general comment on persons with disabilities* by the Committee on Economic, Social and Cultural Rights.

At the regional level, the 1999 *Inter-American Convention on the Elimination of All Forms of Discrimination against Persons with Disabilities* has been an important turning point.

⁸ UN Enable, Historical Developments to a New Convention, <http://www.un.org/disabilities/default.asp?id=222>

⁹ Calls for drafting a convention on the human rights of persons with disabilities date back to 1987 when the first international review of the WPA implementation was held in Sweden. Proposals had subsequently been made by Italy and Sweden but no consensus could be reached at the time. Ibid.

¹⁰ Goal 4 (inclusive and equitable education and life-long learning); Goal 8 (sustainable economic growth, productive employment and decent work for all); Goal 10 (removing inequalities); goal 11 (make cities and human settlements inclusive, safe and sustainable). <http://www.un.org/disabilities/default.asp?id=1618>

¹¹ UN Enable, <http://www.un.org/disabilities/default.asp?id=150>

¹² https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtmsg_no=iv-15&chapter=4&lang=en All of the 51 ASEM member countries are signatories to the CRPD, 46 ASEM member countries are parties. The European Union is also a party to the CRPD

OHCHR indicators of treaties: <http://www.ohchr.org/EN/HRBodies/CRPD/Pages/QuestionsAnswers.aspx>

¹³ Article 1, 2006, the Convention on the Rights of Persons with Disabilities, accessible at

<http://www.un.org/esa/socdev/enable/rights/convtexte.htm>

¹⁴ See the Convention on the Rights of People with Disabilities,

<http://www.un.org/disabilities/convention/conventionfull.shtml>

¹⁵ For more details, see <http://www.un.org/disabilities/default.asp?id=151>. A similar understanding is offered in the European Disability Strategy 2010-2020 (see following sections of the concept paper) and also by the WHO's International Classification of Functioning, Disability and Health (ICF) framework which explains disability as the interaction between individuals with a health condition (e.g. cerebral palsy, Down syndrome and depression) and personal and environmental factors (e.g. negative attitudes, inaccessible transportation and public buildings, and limited social supports). See <http://www.who.int/mediacentre/factsheets/fs352/en/>

¹⁶ For more details, visit <http://www.ohchr.org/EN/Issues/Disability/SRDisabilities/Pages/SRDisabilitiesIndex.aspx>

¹⁷ <http://www.unescap.org/our-work/social-development/disability/about>

¹⁸ Kazakhstan is the most recent ESCAP member State to join in ratifying the CRPD. <http://www.maketherightreal.net/how-many-countries-have-ratified-crp-d-asia-and-pacific>

¹⁹ For the full list of members, see <http://www.unescap.org/about/member-states>

²⁰ For further details: <http://www.maketherightreal.net/incheon-strategy/introduction>

²¹ The Biwako Millennium Framework was followed by the 2007 Biwako Plus Five. See more at:

<http://www.asksource.info/resources/biwako-millennium-framework-action-towards-inclusive-barrier-free-and-rights-based-socie-0#sthash.2p8eYtOz.dpuf>

²² One of the recommendations of the Incheon Strategy was for every Working Group member to submit a structured and concise report on the implementation of the Strategy for the first two years; accordingly reporting formats were prepared for both governments and civil society. For details, see http://www.unescapsdd.org/files/documents/PUB_Incheon-Strategy-EN.pdf

²³ http://www.asean.org/archive/documents/19th%20summit/Bali_Declaration_on_Disabled_Person.pdf

²⁴ The ASEAN Disability Forum comprises of multiple stakeholders, including the ASEAN member States, the ASEAN Secretariat, development agencies, civil society organisations, media, business sector, academic groups, Disabled People's Organisations (DPOs) and disability-related organisations. <http://aseandisabilityforum.org/digaler>

²⁵ EU Fundamental Rights Agency, <http://fra.europa.eu/en/theme/people-disabilities>

²⁶ Council of Europe Commissioner for Human Rights, Human Rights and Disability: Equal Rights for All, CommDH/IssuePaper (2008)2, Strasbourg, 20 October 2008, available at: <https://wcd.coe.int/wcd/ViewDoc.jsp?id=1355349&Site=CM>.

²⁷ <http://www.coe.int/en/web/portal/people-with-disabilities>

⁵¹ Also see CoE's Recommendation No. R(86)18 on the European Charter on Sport for All: Disabled Persons. The recommendation stresses the significance of sports and recreation for the well-being of persons with disabilities and calls on governments to take steps to make sports facilities accessible and to foster cooperation between the various stakeholders.

⁵² Handicap International, *Global situation of people with disabilities*, available at http://www.hiproweb.org/fileadmin/cdroms/Handicap_Developpement/www/en_page21.html#_Global_disability_data; World Bank Social Protection and Labor Unit (2011) - *Disability and Poverty in Developing Countries: A Snapshot from the World Health Survey*; UN ESCAP (2012), *Disability, Livelihood and Poverty in Asia and the Pacific*, http://www.unescap.org/sites/default/files/SDD_PUB_Disability-Livelihood.pdf; European Union (2015), Disability statistics - poverty and income inequalities, http://ec.europa.eu/eurostat/statistics-explained/index.php/Disability_statistics_-_poverty_and_income_inequalities

⁵³ See for example, <http://www.newmobility.com/2016/01/advocacy-by-image/>; <https://disabledpeoplesassociation.wordpress.com/>

⁵⁴ With regard to age, it should be noted that while children are a vulnerable group, disability also becomes a cross-cutting issue with the rights of older persons. This latter group, according to the WHO, is only set to increase.

⁵⁵ Article 6 of the CRPD notes the multiple discriminations that women and girls with disabilities are subject to; Article 7 pays attention to children with disabilities.

⁵⁶ Hughes K, Bellis MA, Jones L, Wood S, Bates G, Eckley L, McCoy E, Mikton C, Shakespeare T, Officer A. Prevalence and risk of violence against adults with disabilities: a systematic review and meta-analysis of observational studies. *Lancet* 2012; doi:10.1016/S0410-6736(11)61851-5.

http://www.who.int/disabilities/publications/violence_children_lancet.pdf?ua=1

⁵⁷ UN (2013), UN Factsheet: Violence against Women and Girls with Disabilities, http://www.un.org/womenwatch/daw/csw/csw57/side_events/Fact%20sheet%20%20VAWG%20with%20disabilities%20FINAL%20.pdf

⁵⁸ See http://www.stopvaw.org/women_with_disabilities

⁵⁹ Jones L, Bellis MA, Wood S, Hughes K, McCoy E, Eckley L, Bates G, Mikton C, Shakespeare T, Officer A. Prevalence and risk of violence against children with disabilities: a systematic review and meta-analysis of observational studies. *Lancet* 2012 Sep 8;380(9845):899-907. doi: 10.1016/S0140-6736(12)60692-8. Epub 2012 Jul 12. The review indicated that children with disabilities are 3.7 times more likely than non-disabled children to be victims of any sort of violence, 3.6 times more likely to be victims of physical violence, and 2.9 times more likely to be victims of sexual violence. Children with mental or intellectual impairments appear to be among the most vulnerable, with 4.6 times the risk of sexual violence than their non-disabled peers.

⁶⁰ Factors that make indigenous peoples more likely to experience disability include: high level of poverty, increased exposure to environmental degradation, the impact of large projects such as dams or mining activities and the higher risk of being victims of violence. UN Inter-Agency Support Group (IASG) on Indigenous Issues (2014), Rights of Indigenous Peoples/Persons with Disabilities, http://www.un.org/en/ga/president/68/pdf/wcip/IASG%20Thematic%20Paper_Disabilities.pdf

⁶¹ Office of the High Commissioner for Human Rights (2012). Thematic study on the issue of violence against women and girls and disability. A/HRC/20/5

⁶² See Goal 7 of the *Incheon Strategy*; Article 16 of the *ASEAN Bali Declaration on the Enhancement of the Role and Participation of Persons with Disabilities in the ASEAN Community*, 2011. The need and importance of disability-inclusive DRR was also included in the *Sendai Statement to Promote Disability-inclusive Disaster Risk Reduction for Resilient, Inclusive and Equitable Societies in Asia and the Pacific*, 2014.

⁶³ This is closely tied to Article 6 of the European Convention on Human Rights (the right to a fair trial) which makes it clear that defendants have the right to an interpreter, if court proceedings are in a language they are not familiar with.

⁶⁴ Furthermore, Article 13(2), specifies that in order to help to ensure effective access to justice for persons with disabilities, States Parties shall promote appropriate training for those working in the field of administration of justice, including police and prison staff.

⁶⁵ Article 5, Convention on the Rights of People with Disabilities

⁶⁶ Although the European Convention on Human Rights does not directly refer to legal capacity, the deprivation of an individual's legal capacity can interfere with the individual's right to respect for private life (Article 8). For more details see Council of Europe (2012), *Who gets to decide? Right to legal capacity for persons with intellectual and psychosocial disabilities*. Similarly, Byrnes (2011), *Disability discrimination law and the Asian and Pacific* provides several examples of rights-based litigation about disability discrimination in this region.

⁶⁷ International Disability Alliance (2013), Submission to the CEDAW Committee's General Discussion on access to justice 54th session, 18 February 2013

⁶⁸ Complaints to the Committee may be made only after all domestic remedies have been exhausted, and only in relation to events occurring after the Optional Protocol enters into force for that country (Article 2).

⁶⁹ The findings and recommendations of the Committee are not legally binding on any country—the country concerned may either accept or reject recommendations.

⁷⁰ https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=IV-15-a&chapter=4&lang=en

⁷¹ Ortoleva (2014), Advancing Disability Rights through Strategic Human Rights Reporting: Fostering Disability Rights Organizations Participation in the UN Universal Periodic Review Procedure, Women Enabled International

⁷² The European Network of Ombudsmen consists of over 95 offices in more than 30 European countries. Some of its members act as monitoring bodies for the CRPD

⁷³ EuropeAid Guidance Note on Disability-Inclusive Development Cooperation. Available at https://ec.europa.eu/europeaid/sites/devco/files/guide-disability-inclusive-development-cooperation-2012_en.pdf Mainstreaming disability also include community based rehabilitation (CBR) which has been defined by the ILO), UNESCO and WHO as “a strategy within general community development for the rehabilitation, equalization of opportunities, poverty reduction and social inclusion of all people with disabilities. CBR is implemented through the combined efforts of people with disabilities themselves, their families, organisations and communities, and the relevant governmental and non-governmental health, education, vocational, social and other services.”

⁷⁴ ITU (2013), The ICT Opportunity for a Disability-inclusive Development framework, <https://www.itu.int/en/action/accessibility/Documents/The%20ICT%20Opportunity%20for%20a%20Disability%20Inclusive%20Development%20Framework.pdf>

⁷⁵ See <http://www.un.org/disabilities/default.asp?id=1618>; see also International Disability Alliance <http://www.internationaldisabilityalliance.org/en/article/ensuring-disability-measured-sdgs>

⁷⁶ See General Assembly Resolution A/RES/64/131; ECOSOC resolution “2020 World Population and Housing Census Programme” E/CN.3/2015/6

⁷⁷ The Washington Group on Disability Statistics has developed an internationally comparable set of six questions for census and surveys. It has been recognised by the UN Statistics Commission for its accomplishments on disability data.

⁷⁸ UNGA High-level Meeting on Disability and Development, 23 September 2013