

Justification: to support the inclusion of a disability perspective in the Human Rights Sector



There are an estimated 600 million persons with disabilities in the world¹; who on the basis of disability alone are faced with discrimination and exclusion. Because of the systematic neglect and abuse of the rights of person with disabilities the [UN Convention on the Rights of Persons with Disabilities](#) (UNCRPD) has been adopted and also signed by the European Communities. This is the first human rights Convention to be signed by the European Communities. Here we provide a justification for the inclusion of a disability perspective in the human rights sector along statistical, political and legal grounds.

<p>Statistical</p>	<p>There are an estimated 600 million persons living with disabilities in the world today². Yet, effective independent monitoring of the human rights status of persons with disabilities, particularly in developing countries, is extremely lacking.</p> <p>Rights of Children with disabilities</p> <p>The UN Committee on the Rights of the Child recognises that children with disabilities belong to one of the most disadvantaged children are five times more likely than others to be victims of abuse.³</p>
<p>Political</p>	<p>In order to respect principles and political commitments it is important to ensure the protection of all human rights of all persons, including persons with disabilities:</p> <p>The Commission Communication on the EU's Role in Promoting Human Rights and Democratisation in Third countries (COM(2001) 252 final):</p> <ul style="list-style-type: none"> • "The European Union seeks to uphold the universality and indivisibility of human rights - civil, political, economic, social and cultural". • "Special attention needs to be paid to the rights of vulnerable groups, and to empowering those at risk of exclusion" <p>The Commission Communication "Towards a United Nations legally binding instrument to promote and protect the rights and dignity of persons with disabilities" (COM(2003)16 final)</p> <ul style="list-style-type: none"> • Underlines four principles which informed the EU's approach to the UNCRPD: non-discrimination; equality of opportunity; autonomy and participation; and inclusion.

¹ STAKES: Lable Us Able: A Pro-Active Evaluation of Finish Development Cooperation from a Disability Perspective. p. 27. www.dfid.gov.uk/pubs/files/disability/dfid-and-disability.pdf

² STAKES (op. cit.)

³ 43rd Session on the Committee on the Rights of the Child, 11-29 September 2006 – General Comment No. 9(2006) on 'The Rights of Children with Disabilities.'

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- Stresses that existing human rights instruments apply in their entirety to persons with disabilities and that the main focus of the new Convention must be to secure full enjoyment of human rights by persons with disabilities.

The EU Annual Report on Human Rights

- Since 2003, the EU Annual Report on Human Rights includes references to persons with disabilities.

The European Parliament Annual Reports on Human Rights

- Since 2002 the European Parliament's Annual Reports on Human Rights in the World have explicitly recognized the need to implement the human rights in an accessible fashion.

The European Union Guidelines on Human Rights Dialogues

- Sets out the commitment of the EU to advancing the signing, ratification and implementation of international human rights instruments, cooperation with international human rights procedures and mechanisms as well as combating all forms of discrimination.

The EC Guidance Note on Disability and Development for EU delegations and services

- Recognizes that the key goal of poverty reduction will not be achieved nor the human rights of persons with disabilities implemented without the inclusion of persons with disabilities and the increased awareness of people active in EU funded development work.
- The Guidance Note supports the need for EU development cooperation policies to reflect the rights based approach to disability and to promote the human rights of persons with disabilities.

European Parliament Resolutions on Disability and Development

- The Resolution of the APC-EU Joint Parliamentary Assembly on the rights of persons with disabilities and older people in ACP countries calls on the Council of the European Union and governments of the ACP countries to increase the use of the core UN human rights instruments to promote and protect the basic human rights and freedoms of persons with disabilities and older people.

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Legal	<p>EU Treaties</p> <p>The EU Treaties (Article 6 (ex Article F) and Article 181 bis)</p> <ul style="list-style-type: none">• Sets down human rights as a transversal objective of all of the EU's external activities as well as its internal activities.• The language of the new EU Reform Treaty (2007) establishes the EU on rule of law and respect for human rights, non-discrimination including the combating of discrimination on grounds of disability/ impairment . <p>Article 2</p> <p>The Union's values</p> <ul style="list-style-type: none">• The Union is founded on the values of respect for human dignity, freedom, democracy, equality, the rule of law and respect for human rights, including the rights of persons belonging to minorities. These values are common to the Member States in a society in which pluralism, non-discrimination, tolerance, justice, solidarity and equality between women and men prevail. <p>Article 3</p> <ul style="list-style-type: none">• In its relations with the wider world, the Union shall uphold and promote its values and interests and contribute to the protection of its citizens. It shall contribute to peace, security, the sustainable development of the Earth, solidarity and mutual respect among peoples, free and fair trade, eradication of poverty and the protection of human rights. <p>EC Regulation on Democracy and Human Rights Worldwide⁴</p> <ul style="list-style-type: none">• References to persons with disabilities and non-discrimination appear in Article 2 (Scope) of the Regulation which includes a specific clause on the Rights of Persons with Disabilities (Article 2.1(b)(vii)).• REGULATION (EC) No 1889/2006 on establishing a financing instrument for the promotion of democracy and human rights worldwide (ref: 29.12.2006 EN Official Journal of the European Union L 386/1) <p>The Cotonou Agreement, Section 2, Article 25</p> <ul style="list-style-type: none">• Gives a commitment to take account of the specific
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⁴ REGULATION (EC) No 1889/2006 on establishing a financing instrument for the promotion of democracy and human rights worldwide (ref: 29.12.2006 EN Official Journal of the European Union L 386/1)

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demands of the most excluded and disadvantaged.

- Persons with disabilities living in developing countries are amongst the poorest persons in the community and are considerably disadvantaged compared to others.

The Cotonou Treaty, Title II, article 9)

- Recognizes that human rights are universal, indivisible and inter-related. The signatories must refer to their international obligations and commitments concerning respect for human rights. This includes therefore the terms of the UN Convention on the Rights of Persons with Disabilities.

UN Convention on the Rights of Persons with Disabilities

- Was signed by the European Communities, together with Member States of the European Union, on 30 March 2007.
- A stand alone Article on International Cooperation (Article 32) provides a legal basis for the EU institutions to effectively include the rights, interests and concerns of persons with disabilities in human rights actions towards Third countries.