

Chapter 7

International Scenario

7.1 Global Awareness

The Preamble of the Charter of United Nations affirms the dignity and worth of every human being and gives primary importance to the promotion of social justice. Persons with disabilities are, de-facto, entitled to all the fundamental rights upheld by the Charter. Article 25 of the Universal Declaration states that each person has, the right to security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in the circumstances beyond his control. The United Nations declared 1981 the International Year of Disabled Persons, and adopted the World Program of Action concerning Disabled Persons (1982). UN also declared the Decade (1983-1992) as decade of Disabled Persons. Since then, the attention towards the disabled people and the need to promote their welfare came into the forefront. The Asia Pacific Region was the first to follow up with a regional Decade of Disabled Persons in 1993 since approximately 400 million of the world's 600 million disabled people live in the region.

The first changes came in 1982 when the World Program of Action Concerning Disabled Persons was accepted by the General Assembly of the UN. The United Nations Standard Rules on the Equalization of Opportunities for Persons with Disabilities (UNSR), formulated by the UN at the end of their Decade of Disabled Persons in 1992, followed the World Program as the next treaty to address the issue of disability. Both of these defined handicap as “the encounter between the person with a disability and the environment,” effectively shifting the focus of disability legislation all over the world from aiding the disabled person to adapting their surroundings to permit equal participation in society. This change reflects the lessons learned from the human rights movement, but there is still considerable scope for integration of the rights based approach with discussions of disability.

7.2 WASHINGTON GROUP ON DISABILITY STATISTICS

The Washington Group on Disability Statistics was formed as a result of the United Nations International Seminar on Measurement of Disability that took place in New York in June 2001. An outcome of that meeting was the recognition that statistical and methodological work was needed at an international level in order to facilitate the comparison of data on disability cross-nationally. Consequently, the United Nations Statistical Division authorized the formation of a City Group to address some of the issues identified in the International Seminar and invited the National Centre for Health Statistics, the official health statistics agency of the United States, to host the first meeting of the group. The City Group is an informal, temporary organizational format that allows representatives from national statistical agencies to come together to address selected problems in statistical methods. A City Group usually develops a series of three to four working meetings and is named after the location of the

first meeting. Participants are representatives of national statistical offices, international organisations, organisations representing persons with disabilities and other non-government organisations.

The main purpose of the Washington Group on Disability Statistics is the promotion and coordination of international cooperation in the area of health statistics by focusing on disability measures suitable for censuses and national surveys which will provide basic necessary information on disability throughout the world.

7.3 Convention on the Rights of Persons with Disabilities (UNCRPD)

The Convention on the Rights of Persons with Disabilities and its Optional Protocol was adopted on 13 December 2006 at the United Nations Headquarters in New York, and was opened for signature in March 2007. It is the first comprehensive human rights treaty of the 21st century and is the first human rights convention to be open for signature by regional integration organizations. The Convention entered into force on 3 May 2008.

The Convention marks a "paradigm shift" in attitudes and approaches to persons with disabilities. It takes to a new height the movement from viewing persons with disabilities as "objects" of charity, medical treatment and social protection towards viewing persons with disabilities as "subjects" with rights, who are capable of claiming those rights and making decisions for their lives based on their free and informed consent as well as being active members of society.

The Convention is intended as a human rights instrument with an explicit, social development dimension. It adopts a broad categorization of persons with disabilities and reaffirms that all persons with all types of disabilities must enjoy all human rights and fundamental freedoms. It clarifies and qualifies how all categories of rights apply to persons with disabilities and identifies areas where adaptations have to be made for persons with disabilities to effectively exercise their rights and areas where their rights have been violated, and where protection of rights must be reinforced.

Considering the existence of powerful human rights institutions that protect all people, including the disabled, and treaties that protect solely disabled persons—the World Program of Action, Standard Rules, Beijing Declaration on the Rights of People with Disabilities, Declaration of the Rights of Disabled Persons, Declaration on the Rights of Mentally Retarded Persons, and Principles for the Protection of Persons with Mental Illness—one might wonder why there is need for a new convention. Firstly, none of the treaties that deal specifically with disabilities are legally binding. Secondly, the very existence of human rights conventions for refugees, women, and children indicates that there are specific groups that are especially vulnerable and require a single set of binding norms and a separate body to monitor respect for their rights. Arguably, disabled persons fall into this category as well. Lastly, a convention allows for clarity—it encourages more robust human rights expertise on disability as well as creating a focused body to which NGOs can direct their claims.

7.4 Rights of Persons with Disabilities in the Asia Pacific Context

The international change in attitudes towards the rights of persons with disabilities is especially important for the Asia Pacific Region since approximately 400 million of the world's 600 million disabled people

live in the region. Nearly one third of disabled persons live below the poverty line, and less than ten percent of youth with disabilities attend school. Governments of developing nations, of which there are many in Asia and the Pacific, have been reluctant to champion the rights of disabled persons because of the enormous cost involved in implementing suitable policies. However, the scale of the problem alone should assure governments that protecting these rights are not a matter of choice.

The United Nations declared 1981 the International Year of Disabled Persons, and the adoption of the World Program of Action concerning Disabled Persons (1982) and the declaration of the Decade of Disabled Persons (1983-1992) followed soon thereafter. These events provided the catalyst for major revisions in the way disabled persons were regarded by governmental and non-governmental institutions. The Asia Pacific Region was the first to follow up with a regional Decade of Disabled Persons in 1993. Inter-country meetings to discuss possible methods of inter-sectoral collaboration and to assess the success of the Asian Pacific Decade of Disabled Persons were held in India, Malaysia, Singapore and South Korea. Partly in response to the increased international and regional attention, a significant amount of legislation has been passed in the region regarding disabled persons. However, the laws are uneven in scope, implementation and monitoring processes. A closer examination of the legislation of the different nations will reveal areas where these laws are weak and give rise to general recommendations.

Australia and Japan have both passed comprehensive disability laws. In Japan the process of getting these bills passed involved the initiative of many NGOs and the input of disabled individuals in high political positions. However, most other countries have piecemeal legislation that only covers one aspect of disability rights. On the surface, much progress has been made regionally for the incorporation of the rights perspective into disability legislation. Examples include the India's Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act in 1995 and the Philippines' Magna Carta for Disabled Persons in 1991. The success of the Asia Pacific Decade of Disabled Persons depends not just on creating appropriate legislation regarding disabled persons but putting into place mechanisms for accurately monitoring such legislation.

7.5 Biwako Millennium Framework

Economic and Social Commission for Asia and the Pacific (ESCAP) in its at its fifty-eighth session, High-level Intergovernmental Meeting to Conclude the Asian and Pacific Decade of Disabled Persons, 1993-2002, adopted resolution in May 2002 on promoting an inclusive, barrier-free and rights-based society for people with disabilities in the Asian and Pacific region in the twenty-first century, by which it proclaimed the extension of the Asian and Pacific Decade of Disabled Persons, 1993-2002, for another decade, 2003-2012.

The Biwako Millennium Framework sets out a draft regional framework for action that provides regional policy recommendations for action by Governments in the region and concerned stakeholders to achieve an inclusive, barrier-free and rights-based society for persons with disabilities in the new decade, 2003-2012. The regional framework for action identifies seven areas for priority action in the new decade. Each priority area contains critical issues, targets and the action required. The regional framework for action explicitly incorporates the millennium development goals and their relevant

targets to ensure that concerns relating to persons with disabilities become an integral part of efforts to achieve the goals. The seven priority areas and the targets identified in the framework are as follows.

A. Self-help organizations of persons with disabilities (SHOs) and related family and parent associations

Target 1. Governments, international funding agencies and non-governmental organizations (NGOs) should, by 2004, establish policies with the requisite resource allocations to support the development and formation of self-help organizations of persons with disabilities in all areas, and with a specific focus on slum and rural dwellers. Governments should take steps to ensure the formation of parents associations at local levels by the year 2005 and federate them at the national level by year 2010.

B. Women with disabilities

Target 2. Governments and civil society organizations should, by 2005, fully include organizations of persons with disabilities in their decision-making processes involving planning and programme implementation which directly and indirectly affect their lives.

Target 3. Governments should, by 2005, ensure anti-discrimination measures, where appropriate, which safeguard the rights of women with disabilities.

Target 4. National self-help organizations of persons with disabilities should, by 2005, adopt policies to promote the full participation and equal representation of women with disabilities in their activities, including in management, organizational training and advocacy programmes.

C. Early detection, early intervention and education

Target 5. Women with disabilities should, by 2005, be included in the membership of national mainstream women's associations.

Target 6. Children and youth with disabilities will be an integral part of the population targeted by the millennium development goal of ensuring that by 2015 all boys and girls will complete a full course of primary schooling.

Target 7. At least 75 per cent of children and youth with disabilities of school age will, by 2010, be able to complete a full course of primary schooling

D. Training and employment, including self-employment

Target 8. By 2012, all infants and young children (birth to four years old) will have access to and receive community-based early intervention services, which ensure survival, with support and training for their families.

Target 9. Governments should ensure detection of disabilities at as early an age as possible.

Target 10. At least 30 per cent of the signatories (Member States) will ratify the International Labour Organization Vocational Rehabilitation and Employment (Disabled Persons) Convention (No. 159), 1983, by 2012.

Target 11. By 2012, at least 30 per cent of all vocational training programmes in signatory countries will be inclusive of persons with disabilities and provide appropriate support and job placement or business development services for them.

E. Access to built environments and public transport

Target 12. By 2010, reliable data that measure the employment and self-employment rates of persons with disabilities will exist in all countries.

Target 13. Governments should adopt and enforce accessibility standards for planning of public facilities, infrastructure and transport, including those in rural/agricultural contexts.

Target 14. All new and renovated public transport systems, including road, water, light and heavy mass railway and air transport systems, should be made fully accessible by persons with disabilities and older persons; existing land, water and air public transport systems (vehicles, stops and terminals) should be made accessible and usable as soon as practicable.

F. Access to information and communications, including information, communications and assistive technologies

Target 15. All international and regional funding agencies for infrastructure development should include universal and inclusive design concepts in their loan/grant award criteria.

Target 16. By 2005, persons with disabilities should have at least the same rate of access to the Internet and related services as the rest of citizens in a country of the region.

Target 17. International organizations (e.g., International Telecommunication Union, International Organization for Standardization, World Trade Organization, World Wide Web Consortium, Motion Picture Engineering Group) responsible for international ICT standards should, by 2004, incorporate accessibility standards for persons with disabilities in their international ICT standards.

Target 18. Governments should adopt, by 2005, ICT accessibility guidelines for persons with disabilities in their national ICT policies and specifically include persons with disabilities as their target beneficiary group with appropriate measures.

Target 19. Governments should develop and coordinate a standardized sign language, finger Braille, tactile sign language, in each country and to disseminate and teach the results through all means, i.e. publications, CD-ROMs, etc.

Target 20. Governments should establish a system in each country to train and dispatch sign language interpreters, Braille transcribers, finger Braille interpreters, and human readers and to encourage their employment

Target 21. Governments should halve, between 1990 and 2015, the proportion of persons with disabilities whose income/consumption is less than one dollar a day.

7.6 International Commitments on Disability Statistics

For generation of appropriate statistics according to standards and guidelines developed by International agencies for monitoring implementation of schemes towards the accessibility of facilities and services for

the disabled, India is a partner country in the Washington Group set up by the UNSC for standardization of disability statistics and bringing about uniformity in definitions, etc. at the global level.

The UN Disability Convention adopted in 2006 as well as the UN Standard Rules on the Equalization of Opportunities for persons with Disabilities (Standard Rules, 1993) and the 2002 Biwako Millennium Framework for Action Towards an Inclusive, Barrier-free and Rights-based Society for persons with Disabilities in Asia and the Pacific (BMF) adopted by UN ESCAP, stress the need to develop valid reliable and internationally comparable disability statistics.

7.7 International Classification of Functioning (ICF), Disability and Health

Though the Reports of the Expert Committee on Disability Prevention and Rehabilitation of WHO had noted that no ideal set of definition existed during the seventies and proposed the use of operational definition to view disability as a process and examination of it in the context of disease-impairment-disability-handicap, it was the International Classification of Impairment, Disability and Handicap (1980) that first proposed a definition of Impairment, Disability and Handicap. It was in 1988 that the first international data-base on disability was available under the UN system, titled **United Nations' Disability Statistics Data base (DISTAT)**.

The publication of International Classification of Functioning (ICF), Disability and Health (2003) was a landmark in a sense that unit of enumeration became the state of health of individuals rather than the individual himself with provisions to account for functionality, both activity limitations and participation restrictions. The 'Washington Group' adopted this approach and produced a set of questions aimed at assessing the functional capabilities. The Group also trained countries in conducting tests in disability data collection methodology. The main contention was to ensure that there is convergence in the definitions concerned with measurement of disability by developing consensus among member countries using population based measuring tools. It is important to note that definitional problems and ambiguity creates differences in the overall data generated. Bringing about uniformity in definition has therefore been a mandate for the Washington Group at the global level.

7.8 ESCAP/ WHO Disability Project (2004-06)

The ESCAP/ WHO disability project conducted during 2004-06 had received active participation from India. A pilot survey was carried out in Meerut, India as part of the project. The UN Disability Convention adopted in 2006 as well as the UN Standard Rules on the Equalization of Opportunities for persons with Disabilities (Standard Rules, 1993) and the 2002 Biwako Millennium Framework for Action Towards an Inclusive, Barrier-free and Rights-based Society for persons with Disabilities in Asia and the Pacific (BMF) adopted by UN ESCAP, stress the need to develop valid reliable and internationally comparable disability statistics. Built upon the outcome of the project, the follow-up activities seeks to promote better disability data collection by developing standard measurements and improving national technical capacities. Training Manuals are being designed and finalized taking into account country specific needs.

7.9 Prevalence of Disability

Data on the proportion of persons with disabilities to the total population i.e. the prevalence of disability indicates substantial variations across the countries. While most developed countries reported a range of 10% to 20% prevalence of disability their developing countries' counterpart reported a range of 1% to 2%. This wide variation is attributable to the varied definitions of persons with disabilities, methods, and capacities for data collection at the national levels.

UNESCAP brings out disability profile of countries and areas in the Asia and the Pacific in their annual publications "Disability at a Glance" where the disability prevalence rates are also indicated. Even in the Asia-Pacific region percentage of population with disability varies from 20% in Australia or New Zealand to 1% in Indonesia and Malaysia. India has got disability prevalence of 2.1% as revealed by Population Census 2001.

