



Updating the Standard Rules

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- “..heartfelt apologies for not being able to be with you today to present this paper in person”
- “..thank you for your understanding and for still allowing me to be present through this paper..”
- Ms Hissa Al-Thani’s paper presented by Mr Markku Jokinen, Member of UN Panel of Experts and president of the World Federation of the Deaf

Updating the Standard Rules or an update on the Standard Rules?

- both issues valid
- A) "Updating the Standard Rules" = looking at the changes that have taken place since their adoption in December 1993 (resolution 48/96) over ten years ago
- B) an update on the Standard Rules =
 - their implementation in different countries
 - the issues and implications arising from that

Defining the Standard Rules

- a set of moral obligations that apply not only to State Parties, but to local government, to the public and private sectors, to individuals in their dealings with people with disabilities
- serve as policy guideline, tools for policy making, and proposals for concrete action and a base for technical and economic and international cooperation
- rules identify barriers and help governments to remove them
- barriers that will hinder or prevent people with disabilities from fully participating in the social, economic, political, cultural and professional life



Equalization of opportunities

- principle that governs the rules and lends the Standard Rules the moral and political authority

Process

- the various systems of society and the environment, such as services, activities, information and documentation, are made available to all, particularly to persons with disabilities
- principle of equal rights
 - needs of each and every individual are of equal importance
 - needs must be made the basis for the planning of societies
 - all resources must be employed in such a way as to ensure that every individual has equal opportunity for participation

A) Updating the Standard Rules: A Supplement to the Rules

- unprecedented changes in technology and a rapid globalization -> require updating to suit the needs of this new century (document produced 10 years ago)
- The *Supplement to the Standard Rules* + to some extent the *Comprehensive and Integral International Convention on the Protection and Promotion of the Rights and Dignity of Persons with Disabilities*
- both arose from need to update the Standard Rules, strengthen them and to deal with issues that the Rules themselves did not cover in great depths or whose coverage is no longer sufficient for our present day

Important to note


- the Standard Rules remain a powerful and effective tool in guaranteeing the **equalization of opportunities for people with disabilities.**
- the Convention once it is adopted and ratified
 - will not replace the Standard Rules
 - will be the legally binding document that will move the Standard Rules from being a moral and political obligation on the part of member States to a set of obligations supported by law.

The Supplement (background)

- the report (E/CN.5/2002/4) of his third mandate the Former Special Rapporteur, Mr. Bengt Lindqvist, proposed a suggested supplement to the Standard Rules
- aimed at "introducing new areas and complementing those areas that are not considered to be sufficiently developed in the Rules, on the basis of the experience gained during the mandates of the first Special Rapporteur."

Idea of the Supplement

- Since their adoption by the General Assembly the Standard Rules
 - have been an impetus for governments not only to set policies but to back them up with procedures
 - have made a great difference in the lives of people with disabilities.
- however the monitoring activities carried out by the Former Rapporteur, identified gaps and limitations in the scope of the Standard Rules
- The Supplement proposed to deal specifically with these limitations -> 14 areas of shortcomings in which improvements could be made

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- process was initiated by the former Rapporteur in his report to the Commission on Social Development at its thirty-sixth session (E/CN.5/2000/3)
 - The Supplement is the product of the joint effort of many international organizations and individual experts, including organizations of persons with disabilities and the panel of experts attached to the Rules monitoring mechanism

The focus of the proposed Supplement (14 areas)


- (a) Fundamental concepts;
- (b) Adequate standard of living and poverty alleviation;
- (c) Housing, including the issue of residential institutions;
- (d) Health and medical care;
- (e) Emergency situations;
- (f) Access to the social environment;
- (g) Communication issues;
- (h) Personnel training;
- (i) **Gender**;
- (j) **Children with disabilities and the family**;
- (k) Violence and abuse;
- (l) Older persons;
- (m) Developmental and psychiatric disabilities;
- (n) Invisible disabilities;


More attention in:

- child and gender perspectives
- including the family in the rehabilitation programs and services provided
- aging population growing
 - acquiring a number of difficulties and disabilities relating to mobility, sight, hearing and even mental capacities.
 - special needs and special requirements, as well as services suitable to their age, culture and life experience
 - they also need to learn new coping skills and mechanisms
- Information and Communication Technology
- training of personnel dealing with disability issues
- poverty among people with disabilities
 - among the poorest of the poor in many countries, even in industrialized countries

My decision on the priorities for my mandate:

- a) “Women with disabilities, particularly women in developing countries who suffer double and even at times triple discrimination and who, in cultures that value women as wives and mother, become completely ostracized as unmarriageable and unable to bear and rear children. These women have little recourse but to live in invisibility and exclusion.”

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- b) “Children with disabilities, I am particularly concerned with accessible education for children with disability, in their integration into the educational system and in providing them with the materials and assistive devices needed for them to perform on par with non-disabled children. Children with disabilities in developing countries constitute one of the largest wasted human potentials.”

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- c) “The inextricable link between poverty and disability both in causing and exacerbating disability and the role disability plays in contributing to poverty, lack of education, unemployment... I believe that there is a need to take a critical look at the Poverty Reduction Strategies that are basis of the work of the World Bank and ensure that they take into account the issues of poverty that relate to disability.”

- d) "People with developmental and psycho-social disabilities have made great strides in the past ten years in lobbying and advocating for their issues. In spite of that, I know from my own experience and from the research I have done that in developing countries people with psycho-social and developmental disabilities still do not receive their fair share of attention."

Views of governments on the proposed Supplement

- United Nations Secretary-General, Mr. Kofi Anan solicited the views of governments on the proposed Supplement in June 2003
 - Until March of this year, **the number of countries** that have responded to the questions on the Supplement has been limited to **39**.
 - The largest from Europe; while other regional groups included three countries from Latin America and the Caribbean, two from Africa and two from Asia.
 - The relatively low degree of interest is open to interpretation:
 - lack of interest in the inclusion of the proposed Supplement in the Rules?
 - the fact that many consider that the work on a Convention takes precedence over the Standard Rules and their proposed Supplement?

The Convention

- ***“Replacing the Standard Rules with the Convention is one of the greatest misconceptions I encountered in many of my meetings and visits.”***

- **The purpose of the Convention**
 - to "provide the basis for effective measures to promote, protect and integrate the rights of persons with disabilities into all areas of national legislation, policies and programmes and to promote increased awareness of internationally accepted norms on:
 - 1) the equalisation of opportunities for persons with disabilities;
 - 2) the full and effective integration of persons with disabilities in social life and development; and
 - 3) standards to protect and promote the rights of persons with disabilities."

- “I have always emphasized that **the Convention will not replace the Standard Rules**. Where the Convention is a legally binding human rights instrument which has to be signed and ratified by governments, the Standard Rules will always be the tools and guidelines used to implement and activate the articles of the Conventions.”

B) Update on the Standard Rules: Monitoring

- by paying personal visits to countries
- evaluating the situation of people with disabilities there
- through soliciting reports from governments and disabled peoples organizations
- through countries' responses to questionnaires

Monitoring reports confirm that..

- the Standard Rules have done more than any other initiative in the ten years since their implementation, to improve the lives of people with disabilities
- many achievements have been recorded at the legislative and policy levels
- awareness of the situation, issues, concerns, needs of people with disabilities, as well as of the Rules themselves has been raised tremendously
- BUT still large discrepancies in the degree to which the Rules have been implemented between one region and another, and sometimes between one country and another within the same region


Factors that have contributed to this discrepancy

- countries did not all have the same starting point in their implementation of the Rules.
- for many of the industrialized countries in Europe and North America
 - awareness and consideration of the issues of people with disabilities were already in place when the Standard Rules were introduced
 - the Standard Rules became the guidelines, or even at times a checklist to ensure that societies were on the right track to equalizing opportunities for people with disabilities

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- they helped countries develop policies and implement them on the ground
 - they helped governments develop legislation to ensure implementation
 - they gave rise to better quality of treatment, more accessibility to social and public spaces
 - they deepened practice and established implementation mechanisms
 - they changed attitudes and cemented them in concrete behavioural changes

Not a rosy picture all over the world


- “My concern since my appointment has been to concentrate on the situation of people with disabilities in developing countries.”
- “...much information that tells me that of the 610 million people in the world living with disabilities, more 80% of whom live in developing countries, it is fair to say that 80% of those are not living—to put it mildly — under favourable circumstances.”
- “Of these, children and women are faring even worse.
- Discrimination, isolation, exclusion, segregation are but milder forms of the abuses they suffer.
- In many of the poorer countries, the poorest of the abjectly poor, are children with disabilities who are not merely isolated and deprived of education and services, but they are deprived of even the basic precepts of childhood by being put to the streets to beg for their livelihoods.”




“Why is this the case in this age of enlightenment which boasts over 70 human rights treaties, seven of which deal with the issues of people with disabilities?”

Some factors

- social systems will always fall short of reaching out to every single person in need of support
- however, there are no standardized criteria by which to assess countries in relation to the Standard Rules
- being unequal in terms of development, resources, political systems to begin with

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- **"equalization of opportunities"** for people with disabilities presupposes that all other things being equal, there is a need to work on equalization for people with disabilities
 - it also requires that there exist a system of values and a social context able to absorb the concept of equalization.
 - Therefore, in countries where no such equality exists for anyone, how do we assess the equalization of opportunities for people with disabilities?

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- It also presupposes that such concepts as "democracy", "human rights", "tolerance", "justice" are already in place -> not the case in most developing countries
 - ----> there needs to be a comprehensive process of education and awareness raising of all aspects of human rights and a concerted effort to change mind sets and attitudes before we can assess or even monitor the implementation of the Standard Rules

- There are still developing countries that have come a long way in the development of policies and legislation relating to people with disabilities.
- However, in many cases, these policies have remained a statement of intentions by governments rather than a plan for implementation.
- Reasons:
 - Lack of resources, political will, physical and social structure and/or the absence of a clear understanding of the Standard Rules

An example

- “When the reconstruction of the old city of Beirut began in Lebanon after the 17-year civil war (which resulted in a multitude of disabilities, by the way), **accessibility** was included in the plans of the new city.
- And I am happy to inform you that public and private building, streets and sidewalks in the newly rebuilt city are all accessible.
- However, people with disabilities have no way of getting there because there is no accessible public transportation, there are no parking spaces convenient for wheelchair users, and accessibility does include facilities for blind or deaf people.”

- even when applied, accessibility is not understood in all its dimensions
- many such examples that will illustrate different aspects of the limitations in understanding and implementing the Standard Rules.
- Other examples include a lack of understanding that the Standard Rules do not represent the obligations of governments alone but of all sectors of society.
- → self-reporting by governments has not proven to be an effective tool in validating and assessing the degree of implementation in different countries

Another reason

- the orientation of the disability movement is not the same in every region or even in every country within a region.
- many Third World countries still adopt the patronage and charitable model.
- social and cultural attitudes and biases also play an important role in the approach to implementation of the Standard Rules
- levels of freedom and democracy in a country determine the makeup of the organizations of people with disabilities and to what degree they lobby and advocate for their own issues.
- In the developing world, particularly in the Arab region, organizations are established by others **for** people with disabilities rather than **by** them and **of** them.

Back to the title of this presentation

- In addition to the Supplement the Standard Rules require
 - a detailed set of guidelines geared specifically to the issues of and difficulties facing developing countries,
 - similar to the one produced by the Swedish Co-operative Body of Organizations of Disabled People and entitled AGENDA 22,
 - in which not only the Rules are defined, but the idea behind the inclusion of concept is explained, as well as its social implications and its effect on the lives of people with disabilities and the communities they live in



Conclusion

- “...without the Standard Rules we would not have made the strides we have made to this date. It is possible that without them we would not have had the Convention.”

Conclusion

- “...if countries are neither aware nor able to respond to the needs of people with disabilities, a Convention would not make much of a difference.
- The starting point will always have to be raising awareness of the issues, and making the equalization of opportunities part of a holistic, comprehensive rights-based, democratic, participatory and just system that deals with all people equally and, therefore, capable of recognizing the concept of equalization of opportunities for people with disabilities as an added dimension in that system.”