

Speech of the United Nations
Special Rapporteur on Disability
to the 47 Session
of the
Commission for Social Development

February 6, 2009

Mr. President
Distinguished Members of the Commission
Ladies and Gentlemen

Once again and I am pleased and honoured to be presenting what was supposed to be my last report to the Commission, summarizing the achievements of six years in monitoring the implementation of the Standard Rules for the Equalization of Opportunities for Persons with Disabilities, and detailing a vision for the future of promoting and protecting the rights and dignity of persons with disabilities.

Only a few weeks ago, I had the privilege of receiving a letter from His Excellency Mr. Sha Zukang, Under-Secretary-General to the United Nations, asking me to extend my tenure as Special Rapporteur on Disability for the Commission for Social Development for another six months.

Therefore, I am pleased to report, that even as I was winding down the operations of my office, I have decided to accept this extension as a recognition of the work that has been achieved over the past six year and an indication of the confidence you have in the role I have played.

I thank Their Excellencies Mr. Ban Ki-moon and Mr. Sha Zukang and the members of your esteemed Commission for this recognition and the honour that you have accorded me.

Before I go on with my report, I believe it is essential to thank some of those who have been instrumental in my success over the past six years and without whose support I would not have been able to achieve much of what has been done.

I owe a debt of gratitude to government and leadership of my country Qatar for their recognition of the importance of the work and their continuous moral and financial support throughout the years.

Secondly, I would like to thank the members of the Qatar Mission to the United Nations on never failing to lend me the assistance, encouragement and backing I have needed in all my endeavours as Special Rapporteur. I would like to mention in particular His Excellency Mr. Naser Abdulaziz Al Nasr, Ambassador of the Qatar to the United Nations.

I would also like to thank the staff at DESA who over the past years, and despite a turnover in personnel, have been more than ready to respond to any questions and to provide support and information whenever it was needed.

Finally, I would like to thank the Members of the United Nations Panel of Experts who have always been ready with their advice and their expertise on all project and programmes I have undertaken.

Mr. President,
Distinguished Members,

Allow me to briefly summarize the activities of the last six years. A full report of my activities up to October 2008 is available on the DESA website and you may refer to it at any time. I will focus more closely on the activities that have taken place since the publication of that report and some the plans for the coming six months.

The report published on the UN Enable website provides an overview of activities since my appointment in 2003. It also provides a briefing of the vision and mission I developed for my work; the strategy developed to meet and fulfill those objectives; the of the activities I engaged to serve those objectives. I will, therefore, focus here on a briefing of the activities of 2008.

Members of the Commission,

Monitoring the implementation of the Standard Rules by governments continued throughout 2008 on two tracks:

- a) the survey and research track, which depends heavily on governments' reports about themselves, supported by testimonies from disabled persons organizations in those countries; and the
- b) the country and field visits track—in which meetings are held at the highest levels of government and in which dialogue is initiated between the disability organizations and the relevant officials in the country.

The Global Survey on Government Action on the Implementation of the Standard Rules for the Equalization of Opportunities for Persons with Disabilities was conducted in partnership with the South-North Center for Dialogue and Development. The survey was designed to determine the extent to which governments were implementing the Standard Rules; to determine differences in perception on the implementation between governments and organizations of persons with disabilities; and to examine the extent to which implementation of the Standard Rules made tangible differences in the lives of persons with disabilities.

The Survey was distributed to all Member States, to one government body and two organizations of persons with disabilities in each country. Responses were received from 114 countries. Two reports have been published on the results of the Survey and a third will be published early in 2009. The analysis of the Survey has yielded a list of 324 measures derived from the Standard Rules, which may be used by governments and organizations of persons with disabilities as a checklist and guide to achieving equalization of opportunities.

In previous years I have highlighted some of the most significant findings of the Global Survey; first in terms of where the world stands with regard to implementing the Standard Rules, and second in terms of the discrepancies between the views of disabled persons organizations and those of their governments on such implementation.

In Phase III of the analysis of the Global Survey, we looked at three main areas:

First: the level of spending and the differences in funding among the disabled persons organizations that responded to the Survey—numbering 113 organizations from 84 countries and 69 responses from government bodies in those countries.

This is different from what was done in previous analyses in that it includes the responses of the all disabled persons organizations compared against the responses of all governments bodies, which allows us to measure the discrepancy in each groups perception regarding the implementation from the points of view of those responsible and the beneficiaries.

Second: we looked at how the availability of resources would affect the level of implementation in each country regardless of the region that country is in.

Third: we looked at how disabled persons organizations evaluated implementation of the Rules depending on the type of disability they represent (visual, hearing, physical, developmental, psychosocial).

For the most part, governments responded that they had implemented more measures than the disabled persons organizations acknowledged. The discrepancy was clear on all measures; where 40% of governments said they have taken all measures necessary to raise awareness of the rights, needs, potentials and

contributions of persons with disabilities; while 14% of governments did not take any measures in this area. On the other hand, disabled persons organizations responded that the level of implementation was less than on 13 out of the 15 measures required for awareness raising.

In the area of medical care, which is a pre-condition of the Standard Rules, we found that 11% of the countries did not implement any measures with regard to medical care. While 58% of governments said that they had implemented the necessary measures to implement medical care for persons with disabilities; while only 29% of disabled persons organizations acknowledged the existence of these measures. This applies to all other measures derived from the Standard Rules.

Looking at the impact of economic resources on the level of implementation, countries were divided into two groups according to individual income within the region. The first group encompasses countries where the average individual income is higher than the regional individual income average. While the second group encompasses countries where the average income is lower than the regional average. The first group contains 41 countries, while the second contains 73.

Analysis revealed a great discrepancy in the level of implementation between the two groups, where the first group had implemented 192 measures or 60% of the required measures, while in the second group countries implemented 122 measures or 45% of the required measures.

During my term, I visited close to 40 countries to assess the situation of persons with disabilities living in poverty and in difficult conditions. The country visits I engaged in following activities:

- a. Meetings with government representatives at the highest level and with organizations of persons with disabilities in all countries visited;
- b. Field visits to rehabilitation and service centres in all countries visited;
- c. Meetings with ministers of social affairs, health, education, labour, as well as ministers of finance, wherever possible, to ensure that commitments made by all sectors of government are included in national budgets in order to guarantee their implementation.
- d. Meetings with councils, wherever available, whether they deal with disability, economic, social, family, women's affairs.

Two country visits were conducted during 2008 based on invitations from governments. One was to Kuwait in mid-December and another to Sudan later December—which included a field visit to Darfur.

Some of the major observations and recommendations from the visit to Kuwait are as follows:

1. there is concern, understanding and political will to act on the rights of persons with disabilities expressed by His Highness the Emir, His Excellency the Prime Minister and the majority of the officials I met with.
2. awareness of the issues and rights of persons with disabilities and the plans and strategies to meet those is of the highest level and down the smallest detail among disability organizations and the Supreme Council for Disability.
3. the Supreme Council for Disability is well funded and their plans and programmes feasible and attainable.
4. there is healthy and positive relationship between parliamentarians and disabled persons organizations, and great interest and understanding of the laws and legislations required.
5. One major concern which was mentioned by almost all those I met with, was the negative social attitudes that still persist towards disability among some segments of society.

Some of the recommendations I left the government officials and disabled persons organizations with are the following:

- a. that the Government of Kuwait continue with its efforts towards ratification of the Convention on the Rights of Persons with Disabilities.
- b. expand the establishment of disabled persons organizations run by and for persons with disabilities themselves in order to exemplify the true meaning of participation by persons with disabilities.
- c. dispose of some of the factors engrained in the culture which lead to families denying or rejecting their disabled members
- d. expand the existing programmes of integration in education for children with disabilities to all aspects of life, including employment, sports and recreation, culture.
- e. despite the existence of clubs for persons with disabilities, there is still a need for persons with disabilities to be integrated fully into society.
- f. encourage the media to take an active role in awareness raising by showing persons with disabilities as effective contributing members of society.

The visit to Sudan was initiated by an invitation from the Government of Sudan and the Ministry of Social Affairs. The visit included meetings with governments officials at the highest levels, starting with the President of the Republic. Upon my insistence a field visit to the State of Darfur was included in the country visit in order to assess the situation of persons with disabilities in the refugee settlements and the services that are being provided to them.

Generally, it is important to point out that the level of awareness of the rights of persons with disabilities and the need to provide accessible, adequate and appropriate services was very high. Additionally, it was obvious that many programmes, services are implemented or in the process of being implemented.

Unfortunately, this was only true in the capital, Khartoum. The further one travels outside the urban center, the less programmes, services and the less awareness of the need for them even among the disabled persons organizations and the individuals with disabilities themselves.

By the same token, disabled persons organizations in the capital were more aware of their rights and were more active and forceful in their advocacy activities.

However, in most cases, even in the capital, I observed a wide gap between the level awareness and the level of implementation, between the theory of rights and the practice of fulfilling those rights. This was far more clearly pronounced in the remote areas and outside of urban centers.

Some of the challenges faced by the disability movement in Sudan were identified by representatives of disabled persons organizations as follows:

- a. the lack of awareness not only of the rights of persons with disability, but also with regard to services, technical and social support;
- b. the lack of statistics and information; which contributes to poor strategic planning;
- c. professionals working in the field lack technical knowledge, practical experience and on-the-job training. There is also a lack of specialized professionals in occupational therapy, speech and language pathology, prosthetics and orthotics.
- d. very few resources directed to disability organizations. Funding comes mostly from individuals and charities, and there is no funding for an entity at the national level;
- e. poor coordination among the local organizations which results in poor administration of services.
- f. There need for a national organization that takes on the responsibility of coordination between local and national organizations across the Sudan; as well as making connection with regional and international organizations;
- g. at the national level there is a shortage in assistive aids and devices especially prostheses, hearing aids, wheel chairs that meet individual needs, canes for the blind, and a great lack of accessible information.

Having said this, it is important to point out that the State of Darfur constituted an exception even for remote, rural, non-urbanized areas in terms of neglect, lack of development and lack of services.

In the State of Darfur meetings were held with the United Nations agencies that are providing services for the refugees in the settlements. The most striking

observation was the lack of services to persons with disabilities in those settlements. In fact, a complete lack of awareness of the needs of persons with disabilities especially in the those difficult conditions and in situations of armed conflicts at which they are most vulnerable.

The Human Rights Officer of UNAMID in fact stated that there are no specific programme targeting persons with disabilities.

All meetings and discussions with the difference agencies and parties repeatedly revealed the same challenges:

1. safety and security, which remain unstable at best;
2. lack of funds for anything but the most basic needs;
3. lack of technical expertise and know-how;
4. banditry and robbery which greatly depletes the agencies' supplies.

One of the most striking features of my visit to the Sudan was a visit to the City of Hope, an independently funded "city" for persons with disabilities aimed at providing a holistic approach to rehabilitation through a hospital, a physical therapy unit, a prosthetics department, a vocational training and a psychosocial support unit.

Mr. President,
Members of the Commission
Ladies and Gentlemen

Integration of persons with disabilities into society, in all aspects of life, is what the Standard Rules was created for, it is also what the Convention has been drafted to ensure. The City of Hope like many other institutions does not conform to the standards of equalization, integration and inclusion.

However, there are instances when we need to look at the alternative. For the 200 plus persons with disabilities living in the City of Hope, there would have been no hope for them in the remote, rural communities they belong to. They receive rehabilitation services, occupational training, psychosocial support. They leave the City of Hope with more than just hope. They leave with skills, seed money to start their own small enterprise, and the confidence to do so.

Ladies and Gentlemen,

This may not be the ideal situation. What we aspire to is for society as a whole to integrate persons with disabilities, to change, to become an enabling environment. And this is what we continue to work to achieve. But until we have that in all societies and in all cultures, places like the City of Hope may be a temporary necessity—as long as we all agree they are only temporary.

Mr. President,
Members of the Commission,

I engaged in number of activities throughout 2008 in fulfilment of your esteemed Commission's resolution to expand the mandate of the Special Rapporteur to include promoting and raising awareness of the Convention on the Rights of Persons with Disabilities.

My office organized a national workshop in Doha, Qatar in which participants from civil society and relevant government departments were let through a detailed explanation of the articles of the Convention and the measures that need to be taken for their implementation.

In November, my office engaged in letter writing campaign directed at all countries that have not signed or ratified the Convention. The letters to encourage, urge and persuade countries were sent to government officials and United Nations Missions and ambassadors in Arabic, English, French and Spanish.

During that period, I lobbied the United Nations and local organizers of the "International Conference on Financing for Development" which was held in Doha on November 29, 2008, to mainstream the right to development for persons with disabilities into the international development agenda at the programme and at the financial levels.

Mr. President,
The fact that there was no mention of disability in the working document of the conference, and the difficulties and resistance I faced in advocating for their incorporation and mainstreaming, is only further proof, if such proof is necessary, that disability rights have not yet found their rightful place on the agendas of the world. It was through my own determination and commitment to the issues, and the efforts of my office, that I was able to present a statement on this issue at the meeting.

This, Distinguished Members of the Commission, is symptomatic of the fact that despite having a legally binding convention to ensure disability rights, integration of persons with disabilities in all aspects and at all levels remains below the desired standards.

Increasingly, the cooperation with the Panel of Experts set up to support the work and advise the Special Rapporteur, has become more practical and tangible. I have recommended and supported the participation of members of the Panel as experts, each depending on his or her area of specialization, in a number of workshops and projects. (Details of this are available in my full report).

Throughout my tenure, I have recognized the power and influence of the media in awareness raising of and in changing societal attitudes towards persons with disabilities. This was realized through regional workshops directed at the media or thematic, targeted campaigns.

My office launched three full-fledged media awareness-raising campaigns which received worldwide attention: The Right to Education & Employment (2005); Difference is Normal (2006); and War & Disability (2008). Although these productions were designed to target a predominantly Arab audience and featured Arab persons with disabilities, they are in demand in a number of African and European countries and have been used by organizations of persons with disabilities in the United States. These productions have won a number of awards over the past three years at international theme-driven film festivals.

The third media campaign of my office was launched in Beirut, Lebanon under the theme "War & Disability", to draw attention to the ever-mounting human cost of war. The campaign contrasts the demands for increasing funding for services, rehabilitation, better medical care, nutrition, increased accessibility in all its forms; and efforts for prevention and treatment of disability; with the wars and armed conflicts that are reaping lives and limbs in over 65 conflict areas in the world. Participants were given a campaign tool kit which included a DVD of the films and TV spots, campaign posters and fact-sheets in order to launch their own awareness campaign on the relationship between war and disability.

Mr. President,
Distinguished Members,

The Fifth Parliamentary Symposium on Disability Legislations was held in January of this year in Doha, in collaboration with the Supreme Council for Family Affairs (Qatar), and the South-North Center for Dialogue and Development (Jordan). The symposium is the fifth in a series of symposia my office has organized to promote dialogue between parliamentarians and persons with disabilities and to promote the review and drafting of legislations on disability in the Arab region integrating the spirit of the Standard Rules and the articles of the Convention.

The theme of the Symposium was "incorporating the articles of the Convention into the national legislations"; however, it was a particularly emotionally charged meeting. Although held in Doha, Mr. President, the symposium took place, under the white clouds of the Phosphorous Bombs, within earshot of the thundering explosions over Gaza.

Parliamentarians and disabled persons organizations, and representatives of international disability federations, alike, took on the issue of war and disability

and a discussion of Article 11 of the Convention regarding the protection of persons with disabilities in times of war and armed conflicts.

The concern for persons with disabilities in the war zone in Gaza, and the inordinate number of disability-causing injuries being suffered by the civilian population were uppermost on the minds and in the discussions of participants.

Mr. President,

Whether in Gaza or Lebanon, in Afghanistan or Iraq, in Pakistan, India, Sri Lanka, Somalia, Sierra Leon, the Congo... wars continue to wreak havoc across the globe, and ordinary civilians continue to be the victims—they lose their lives, their loved ones, their livelihoods, their homes, their possessions. And many end up with permanent disabilities and without the support they need to live independent, productive lives with dignity.

Distinguished members,

The latest war the world witnessed had among its victims an inordinate number of children, women and elderly people. It also resulted in an excessive number of persons with disabilities of all kinds.

Throughout the 22 days of war on Gaza, I issued statements, sent letter, gave television and radio interviews drawing attention to the plight of the injured and the situation of people already disabled who were facing grave dangers due to their disability and their inability to reach shelters and safe havens. After cessation of hostilities, I have been lobbying and campaigning:

- the reconstruction of the rehabilitation center in Gaza which was destroyed by Israeli bombing;
- the rebuilding of the Children's Hospital in Gaza which also received direct hits;
- the urgency of providing psychosocial rehabilitation for the people of Gaza;
- the importance of earmarking a percentage of the aid funding to programmes for those who have become disabled as a result of the war;
- the critical need to take accessibility in all its forms into consideration during the rebuilding and reconstruction of Gaza.

Distinguished Members of the Commission,

It is my sincerest wish that the countries you represent on this Commission will lend their voices in support of these efforts. If we cannot stop wars from happening, then we should, at the very least, protect those who are most vulnerable during those times. It is also our duty, to ensure that those who remain

after the smoke has cleared and rubble has been moved, are able to continue living with dignity.

I thank you for your attention and hope that the coming six months of my extended tenure will yield results on this front.