

Open International Symposium on the Implementation of the UNCRPD in Japan.

Organized by: International Exchange Committee

Date: Saturday September 22, 2018.

Place: Kyoto, Japan

Main theme: Follow-up to the Symposium and discussion on the current situation and issues in practice and politics in Japan related to the article 12, 19, 27 and 28 of the CRPD with the awareness of persons with severe disabilities and their inclusion in the community.

Duration: 15 minutes due to consecutive interpretation

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Abstract

The CRPD aims to promote, protect and ensure the rights of persons with disabilities (pwd) on equal terms with others. This in turn means the full and effective inclusion of pwd in society.

However, there are certain groups of persons with disabilities for whom this inclusion is more difficult to achieve. We refer for example to persons with intellectual disabilities, persons with mental disabilities (psychosocial), persons who are deafblind and persons with multiple disabilities, among others.

This is how the CRPD, confirming these realities, has been very clear in expressing that all persons with disabilities have the right to equal recognition as a person before the law. This initial declaration is connected with the full exercise of legal capacity by persons with disabilities, with the necessary supports and with application of safeguards so that the support is carried out in accordance with the rights and preferences of the persons.

This change of paradigm from the model of substitute will to the model of will with support is a concretion of the number 1 principle of the CRPD: respect for inherent dignity, individual autonomy, including the freedom to make one's own decisions, and independence of persons.

The full implementation of this axis of human rights is met with barriers from the legal, political and social ambit.

The foregoing is in line with the right of persons with disabilities to live independently and to be included in the community, for which States must adopt various measures for which the pwd decide their own life plan, have access to a variety of home care, residential and other community support services, including personal assistance as necessary, as well as the availability and accessibility of pwd to community facilities and services.

If the persons with disabilities mentioned can exercise their legal capacity with support, they can make the work contract. In this way, they can count on their own income, which will help them to have an independent life and to be included in the community. As you can see, the implementation of article 12

and article 19 go directly to the article on labor and employment (art. 27). This implies equal opportunities, non-discrimination, training and professional guidance, access to placement services, access to habilitation or rehabilitation for employment and the provision of reasonable accommodation. Labor inclusion includes a challenge for the public sector and the private sector, including through the application of affirmative action measures, as well as the promotion of self-employment without this implying labor precariousness.

In addition, for persons with disabilities mentioned, is of particular importance their right to an adequate standard of living and social protection, which includes food, clothing, shelter, and the continuous improvement of their living conditions, drinking water and other services to attend the needs related to their disability (connection with article 19). Their access to programs on poverty reduction must also be guaranteed, including financial assistance, adequate temporary care services, and pensions (retirement).

We must underline the right of every person with disabilities to have a home and family, which implies the provision of support for the upbringing of children in the case of parents with disabilities, as well as alternative care for children with disabilities that can not be cared for by his immediate family, according to article 23 No. 2 and 5, respectively.

The legislative decision and the appropriate budgetary allocation in the fiscal area will be fundamental for these crucial aspects of implementation.

The jurisprudence of the CRPD Committee of UN has been categorical in these matters.

However, the cultural and attitudinal change of society is indispensable, for which programs of awareness towards families, schools, work centers and society as a whole, are of vital importance, highlighting the merits, skills and talents of persons with disabilities banishing prejudices, stereotypes and harmful practices (ableism).