



General Assembly

Distr.: General
20 December 2010

Original: English

Human Rights Council

Sixteenth session

Agenda items 2 and 3

Annual report of the United Nations High Commissioner for Human Rights and reports of the Office of the High Commissioner and the Secretary-General

Promotion and protection of all human rights, civil,
political, economic, social and cultural rights,
including the right to development

Thematic study by the Office of the United Nations High Commissioner for Human Rights on the role of international cooperation in support of national efforts for the realization of the rights of persons with disabilities

Summary

The present study focuses on the role of international cooperation in realizing the rights of persons with disabilities. It analyzes international cooperation under the Convention on the Rights of Persons with Disabilities, sets out examples of international cooperation involving States, international and regional organizations and civil society organizations and identifies challenges to international cooperation.

Contents

	<i>Paragraphs</i>	<i>Page</i>
I. Introduction.....	1–2	3
II. International cooperation and the Convention on the Rights of Persons with Disabilities	3–15	3
III. Examples of international cooperation related to the Convention on the Rights of Persons with Disabilities.....	16–45	6
A. Cooperation among States	16–21	6
B. Cooperation in partnership with international organizations	22–30	8
C. Cooperation in partnership with regional organizations	31–35	11
D. Cooperation in partnership with civil society organizations.....	36–45	12
IV. Challenges facing international cooperation	46–52	15
V. Conclusions.....	53–54	17
Annex		
Submissions		19

I. Introduction

1. In its resolution 13/11, the Council requested the Office of the High Commissioner for Human Rights (OHCHR) “to prepare a study to enhance awareness of the role played by international cooperation in support of national efforts for the realization of the purpose and objectives of the Convention, in consultation with relevant stakeholders, including States, regional organizations, including regional integration organizations, the Special Rapporteur on Disability of the Commission for Social Development, civil society organizations, including persons with disabilities, and national human rights institutions”.

2. As a first step in implementing the mandate, OHCHR sent a note verbale to States and a letter to national human rights institutions, civil society organizations, United Nations agencies and to the Special Rapporteur on Disability, seeking contributions to the study. As a result, OHCHR received 43 responses from States, eight from inter-governmental organizations and regional organizations, 15 from national human rights institutions, 11 from civil society organizations, a contribution from the Global Partnership for Disability and Development, and a submission from the Special Rapporteur on Disability. Annex 1 sets out a full list of respondents and all submissions are available on the OHCHR website¹

II. International cooperation and the Convention on the Rights of Persons with Disabilities

3. International cooperation is an important element in realizing the full enjoyment of human rights. United Nations Member States under the Charter have committed to achieve international cooperation to promote and encourage respect for human rights² and treaties such as the International Covenant on Economic, Social and Cultural Rights (ICESCR) and the Convention on the Rights of the Child oblige States parties to those instruments to take steps, using the maximum available resources, individually and through international cooperation to realize economic, social and cultural rights³.

4. The Convention on the Rights of Persons with Disabilities also recognizes that international cooperation has a role in promoting, protecting and ensuring the rights of persons with disabilities. The preamble refers to the “importance of international cooperation for improving the living conditions of persons with disabilities in every country, particularly in developing countries”. In its operative paragraphs, the Convention stipulates with regard to economic, social and cultural rights that “each State Party undertakes to take measures to the maximum of its available resources and, where needed, within the framework of international cooperation, with a view to achieving progressively the full realization of these rights, without prejudice to those obligations contained in the present Convention that are immediately applicable according to international law”⁴. Article 32 of the Convention goes further and includes a stand-alone article on international cooperation, underlining the importance of international cooperation and development to the full realization of the rights of persons with disabilities⁵.

¹ See www2.ohchr.org/english/issues/disability/submissions_study.htm.

² United Nations Charter, arts. 1, para.3, 55 and 56.

³ International Covenant on Economic, Social and Cultural Rights, art. 2(1); Convention on the Rights of the Child, arts. 4 and 23(4).

⁴ Convention on the Rights of Persons with Disabilities, art. 4(2).

⁵ Ibid, art. 32.

5. There are several elements of the approach of the Convention to international cooperation which it is relevant to highlight for a clearer understanding of the nature and scope of international cooperation under the Convention. First, the importance of international cooperation and its promotion is recognized in the context of its support of national efforts for implementing the Convention and international cooperation is to be directed towards “the realization of the purpose and objectives of the present Convention”⁶. The purposes and objectives of the Convention are “to promote, protect and ensure the full and equal enjoyment of all human rights and fundamental freedoms by all persons with disabilities, and to promote respect for their inherent dignity”⁷. This suggests that international cooperation goes beyond the traditional focus on economic, social and cultural rights under previous instruments and includes cooperation in the field of all rights including civil and political rights.

6. Second, the Convention identifies with greater clarity than other human rights instruments the main actors involved in international cooperation by stipulating that “States parties ... will undertake appropriate and effective measures [of international cooperation] between and among States and, as appropriate, in partnership with relevant international and regional organizations and civil society, in particular organizations of persons with disabilities”⁸. The article refers initially to State-to-State cooperation which, according to the Preamble, should, in particular, benefit persons with disabilities in developing countries. International cooperation in article 32 is not limited to cooperation between developed and developing countries and could include not only north-south, but also north-north and south-south cooperation. While recognition of the importance of international cooperation has legal ramifications for States Parties to the Convention, the article refers to cooperation “among States” and so does not only refer to international cooperation between States parties but includes States more broadly.

7. Further, international cooperation goes beyond States and includes other actors such as international, regional and civil society organizations. Consequently, international cooperation might be through or in cooperation with international and regional organizations such as the United Nations, the Organization of American States, the African Union or the Council of Europe *inter alia* or indeed with civil society organizations. The reference to civil society organizations, and in particular organizations of persons with disabilities, recalls the underlying principles of the Convention such as full and effective participation and inclusion⁹ as well as the motto of civil society organizations during the drafting of the CPRD: “nothing about us without us”.

8. Third, unlike other human rights instruments, the Convention sets out the four overlapping modalities most relevant to international cooperation to support the realization of disability rights, namely¹⁰ :

- (a) Inclusive and accessible international cooperation, including international development programmes, inclusive of and accessible to persons with disabilities;
 - (b) Capacity-building, including sharing and exchange of information, experience, training programmes and best practices;
 - (c) Cooperation in research and access to scientific and technical knowledge;
- and,

⁶ *Ibid.*, art. 32(1).

⁷ *Ibid.*, art. 1

⁸ Convention on the Rights of Persons with Disabilities, art. 32(1).

⁹ *Ibid.*, art. 3.

¹⁰ *Ibid.*, art. 32(1)(a) - (d).

(d) Technical and economic assistance, including access to and sharing of accessible and assistive technologies and through technology transfer.

9. In doing so, the Convention provides guidance and information to States parties on the forms of international cooperation they should undertake in order to meet their responsibilities under the Convention.

10. Fourth, according to the first modality of cooperation, international cooperation should be both “inclusive” and “accessible”¹¹. Inclusion is a broad concept that requires, on the one hand, that persons with disabilities and their representative organizations not be excluded from development programming, implementation or monitoring and evaluation and, on the other hand, that active steps be taken to consult with and ensure the effective and meaningful participation of persons with disabilities in such processes. In keeping with the purpose of the Convention, inclusive development cooperation should pay due attention to all persons with disabilities, whether physical, mental, intellectual or sensory¹². Accessibility is likewise a broad concept and, in line with the Convention, covers access for persons with disabilities to the physical environment, to transportation, to information and communications and other facilities and services open to the public¹³.

11. Inclusive and accessible international cooperation is relevant for persons with disabilities in order to address the marginalization of persons with disabilities in society generally and in international cooperation more specifically: overcoming barriers, particularly social ones, is only possible if there is a proactive effort to include persons with disabilities¹⁴. Moreover, inclusive and accessible international cooperation provides a means through which to empower persons with disability and helps to ensure that cooperation meets the other principles such as non-discrimination, equality of opportunity and respect for inherent dignity.

12. In practice, inclusive and accessible international cooperation requires what is referred to as a “twin-track” approach to development cooperation comprising, on the one hand, disability-specific development programmes and, on the other hand, the mainstreaming of disability rights into broader development cooperation¹⁵. This is of particular relevance considering that an estimated 80 per cent of persons with disabilities live in developing countries, many in conditions of poverty, and persons with disabilities are often disproportionately represented among the poor¹⁶. Consequently, ensuring inclusive and accessible international cooperation is imperative to the success of such cooperation. Indeed, without the inclusion of persons with disabilities, development objectives, in particular the Millennium Development Goals (MDGs), cannot be achieved¹⁷.

13. Fifth, international cooperation, while explicitly including international development programmes, is also broader and could include other forms of cooperation such as international humanitarian assistance. Interpreting international cooperation widely is important if it is to support the full implementation of the Convention which requires, *inter alia*, that States parties take all necessary measures to ensure the protection and safety of

¹¹ *Ibid.*, art. 32(1)(a).

¹² Convention on the Rights of Persons with Disabilities, art. 1.

¹³ Convention on the Rights of Persons with Disabilities, art. 9.

¹⁴ See statement of IDDC on art. 9 of the Convention, made at the Day of General Discussion of the Committee on the Rights of Persons with Disabilities, at www2.ohchr.org/SPdocs/CRPD/DGD7102010/submissions/IDDC.doc.

¹⁵ See PCM Guidelines on “The twin-track approach”, at www.inclusive-development.org/cbmttools/part1/twin.htm.

¹⁶ www.inclusive-development.org/cbmttools/part1/perspective.htm

¹⁷ See “The MDGs and Disability”, at www.un.org/disabilities/default.asp?id=1470.

persons with disabilities in situations of risk, including situations of armed conflict, humanitarian emergencies and natural disasters¹⁸. As a logical consequence, all phases of humanitarian operations – from disaster preparedness to the transition phase to handover from relief operations – should also be inclusive of and accessible to persons with disabilities.

14. Sixth, the Convention promotes a rights-based approach to international cooperation. Article 32 recognizes international cooperation as a support for the realization of the purpose and objectives of the Convention; requires international cooperation to respect the underlying principles of the Convention, most specifically by being inclusive and accessible; and promotes capacity-building. These factors reflect three underlying principles of a rights-based approach to development, namely: all international cooperation should further the realization of human rights, including those in the Universal Declaration of Human Rights and other human rights instruments; human rights standards and principles should guide development cooperation and programming in all sectors and stages of the programming process – such as the design, implementation, monitoring and evaluation of development programmes; and international cooperation should contribute to capacity-building of duty-bearers to meet their obligations and rights-holders to claim their rights¹⁹.

15. Finally, the Convention clearly specifies that international cooperation, while important, is nonetheless complementary to the legal obligations on individual States to respect, protect and fulfil the rights of persons with disabilities. The Convention explicitly recognizes international cooperation as a support to national efforts for the realization of disability rights and, moreover, stipulates that international cooperation is “without prejudice to the obligations of each State Party to fulfil its obligations” under the Convention²⁰. Consequently, States remain the primary duty-bearers in relation to the Convention and therefore ultimately responsible for implementation of its provisions, although international cooperation has an important role to play in ensuring full realization of the rights of persons with disabilities.

III. Examples of international cooperation related to the Convention on the Rights of Persons with Disabilities

A. Cooperation among States

16. Cooperation between States, whether north-south, south-south or north-north, is a significant focus of article 32 and a potentially important way to realize the rights of persons with disabilities. Such cooperation can play several roles, including, inter alia: providing a means to share experiences on implementation of the Convention; allowing countries to catch up with those countries with greater experience in promoting and protecting disability rights while avoiding pitfalls and challenges that have previously occurred; providing economic and technical assistance to poorer countries which can be particularly important in implementing the cost-intensive aspects of the CPRD, such as progressive realization of economic, social and cultural rights or in the context of a humanitarian emergency; and helping countries to benefit from innovations such as

¹⁸ Convention on the Rights of Persons with Disabilities, art. 11.

¹⁹ United Nations Common Understanding on the Human Rights-Based Approach to Development Cooperation, United Nations Development Group website, (www.undg.org)

²⁰ Convention on the Rights of Persons with Disabilities, art. 32, paras. 1 and 2.

assistive technologies which can help persons with disabilities live independently in the community.

17. North-South cooperation has been a particularly common model of international cooperation in the submissions for the present study, covering development cooperation, capacity-building and the sharing of information. Spain, for example, has been assisting Mexico in the area of capacity-building and information sharing. Germany has supported Chile in making the country's early education system inclusive of children with disabilities and, as a result, approximately 2,200 children with disabilities are now attending regular kindergarten. Similarly, the Czech Republic has promoted inclusive education of children with disabilities in the Republic of Moldova. Cyprus, which has signed but not yet ratified the Convention, has established a database for the assessment of disability through bilateral aid from the European Social Fund. Indonesia has held a dialogue with Sweden on the rights of persons with disabilities. Furthermore, Indonesia, in cooperation with Australia, carried out capacity-building on disability-inclusive gender and development programmes directed at persons with disabilities and people working with them. Jordan signed a joint Memorandum of Understanding with the Higher Council for the Affairs of Persons with Disabilities and with the British Council in order to "enhance the effective participation of persons with disabilities and integrate them into Jordanian society on the basis of equality and equal opportunities". Pursuant to this Memorandum, a non-official network entitled Opportunity for All was established, consisting of representatives of 101 civil society organizations and governmental bodies concerned with issues of disability²¹. Austria has made the reintegration of persons with disabilities in society one of its priorities in the cooperation with Serbia.

18. While less prevalent in the submissions to the present study, South-South cooperation is also relevant for assisting countries in the promotion of disability rights, for example through the sharing of experiences between countries with similar histories, experiences or level of development or through regional leaders supporting neighbours to implement the Convention. International cooperation between Mexico and several Latin American States has sought to promote access for persons with disabilities to sports and build capacity of staff in rehabilitation centres²². Brazil has provided bilateral support to Haiti in the area of rehabilitation of persons with disabilities after the earthquake of January 2010. Mauritius has signed a Memorandum of Understanding for cooperation on disability issues with India and South Africa, and Cuba has supported Nicaragua in carrying out a national study on the causes of disability in 2009, with the aim of applying public policies for persons with disabilities in a more targeted manner.

19. The Asia-Pacific region's commitment to South-South cooperation was reaffirmed at the Senior Officials' Meeting on South-to-South Cooperation on Disability in August 2010²³. The meeting adopted the Bangkok Statement on South-South-Cooperation on Disability, which includes a recommendation to support the establishment of a new regional decade on disability in the Asia and Pacific region from 2013 to 2022, a recommendation for Governments to ratify and implement the Convention on the Rights of Persons with

²¹ See submission of the Jordanian National Centre for Human Rights at www2.ohchr.org/english/issues/disability/docs/study/NCHRJordan.pdf.

²² See submission of Mexico at www2.ohchr.org/english/issues/disability/docs/study/Mexico.doc.

²³ The Senior Officials' Meeting was attended by senior Government focal points on disability and business representatives from the region of the Association of Southeast Asian Nations (ASEAN) and implementers of community-based rehabilitation from 19 countries in Asia and the Pacific participating in the United Nations Economic and Social Commission for Asia and the Pacific (UN-ESCAP)/Asia-Pacific Development Center on Disability (APCD). See www.apcdfoundation.org/?q=content/bangkok-statement-south-south-cooperation-disability.

Disabilities, and to promote disability-inclusive development²⁴. The meeting further recognized the need to strengthen collaboration between the United Nations Economic and Social Commission for Asia and the Pacific (UN-ESCAP) and the Asia-Pacific Development Center on Disability (APCD), promising stronger international cooperation between multiple actors to implement the Convention²⁵. The key role of the private sector to promote a “socially inclusive business development” during the next disability decade (2013-2022) was highlighted at the meeting on South-South cooperation, indicating that non-State stakeholders are gaining importance in implementing the Convention through international cooperation.

20. With a view to promoting international cooperation that conforms to the standards and principles of the Convention, several States have issued guidelines on how to design and implement disability-inclusive and accessible development programmes and policies. An example is New Zealand’s aid programme, which advocates for the active participation of persons with disabilities in public policy dialogue, development and implementation in all relevant areas. The German Federal Ministry for Economic Cooperation and Development (BMZ) has produced a policy paper setting out the principles of a human rights-based approach to disability in development and promotion of a “twin-track approach” to development stipulating the need both for specific projects and cross-sectoral inclusion of persons with disabilities in development cooperation. The Austrian Development Agency (ADA) developed internal guidelines to recognize the rights of persons with disabilities in its programming. The Austrian Development Agency (ADA) has developed internal guidelines to recognize the rights of persons with disabilities in its programming.

21. The Australian Agency for International Development (AusAID) began a process of international consultation with organizations of persons with disabilities (DPOs) in 2008 following intense lobbying by disability aid organizations and national DPOs. The consultations actively sought the views and opinions of DPOs from around the world. In 2002 Italy issued guidelines – updated in 2010 – on disability in development cooperation which are based on the social model of disability. Norway is preparing a regulation requiring that all non-governmental development projects receiving government support must be disability inclusive. A similar regulation for bilateral government aid is also under consideration.

B. Cooperation in partnership with international organizations

22. The Convention also recognizes the role of international and regional intergovernmental organizations in cooperating to promote the Convention. Intergovernmental organizations at the international and regional level have a role in gathering and disseminating information on the Convention, in providing States and civil society with guidance, expertise and experience on practical implementation of the Convention through technical and development cooperation and humanitarian assistance. Furthermore, regional and international organizations play a role in the transfer of knowledge, harmonization of terminology and concepts, consensus building, dissemination of good practice, and promotion and coordination of research. Such organizations can also formulate recommendations and develop standards related to international cooperation. At both the international and regional levels, these organizations have the role of providing forums for States and civil society organizations to share experiences of international

²⁴ See http://publication.apcdfoundation.org/publications/StS_Report.pdf.

²⁵ *Idem*.

cooperation related to the Convention and to identify challenges and best practices. The rest of this subsection provides some examples of international cooperation in partnership with United Nations agencies while the following subsection focuses on regional-level cooperation.

23. The International Labour Organization (ILO) applies a “tripartite-plus approach” in cooperating with and supporting governments, social partners and DPOs. It is involved, for example, in the Promoting the Employability and Employment of People with Disabilities through effective Legislation (PEPDEL) project, which is active in China, Ethiopia, Uganda, Tanzania, Thailand, Viet Nam and Zambia. The project strengthens national capacity, building tools to increase capacity of constituents regarding law-making and policy design, as well as strengthening implementation. Supported by the PEPDEL project, a Centre for Disability Law and Policy (CDLP) has been established at the University of the Western Cape, South Africa, to act as a regional resource of information on disability rights. The University carries out research and organizes training courses, and it will offer a Master’s course in disability law and policy from 2011.

24. The ILO, in cooperation with the Irish Aid Partnership Programme, has implemented the technical cooperation programme Promoting Decent Work for People with Disabilities through a Disability Inclusion Support Service (INCLUDE) since 2008. The project is ongoing in Cambodia, Ethiopia, Kenya, Laos, Uganda, Tanzania, Viet Nam and Zambia and aims to bring about greater inclusion of women and men with disabilities in mainstream small enterprise development, microfinance, vocational training, employment promotion, poverty reduction and rural development programmes through sensitizing policymakers and service providers to disability rights and through changing attitudes to persons with disabilities through disability equality training.

25. The World Health Organization (WHO) was actively involved in the first Asia Pacific Congress on Community-Based Rehabilitation (CBR), held in Bangkok in February 2009. It brought together representatives of CBR projects in 51 countries to foster information sharing, research and development on CBR. The WHO Regional Office for the Western Pacific developed a Regional Framework for Action on CBR, which contains recommendations for key areas identified in the Bangkok Declaration issued at the Congress. The WHO Pacific Islands Mental Health Network (PIMHnet) brings together 16 nations to work on advocacy, human resources and training, mental health policy, planning, legislation, and service development. PIMHnet has forged strategic partnerships with NGOs and other regional agencies to reduce the existing fragmentation of activities for mental health and address the treatment gap.

26. In the first semester of 2009, the World Intellectual Property Organization (WIPO) facilitated two meetings of a Stakeholder’s Platform between rights-holders and representatives from organizations of persons with sensory disabilities in order to explore how best to increase the access of persons with sensory disabilities to documents. The Platform includes stakeholders from different regions and encompasses three working subgroups, on trusted intermediaries, technology and capacity building. One of the major achievements of the Platform so far has been the preparation of a Pilot Project of Trusted Intermediaries to facilitate the cross-border transfer of copyright works in accessible formats among various national institutions serving the blind and visually impaired community. Another area of international cooperation is the current negotiation of a new treaty led by WIPO on copyrights exemptions to allow access to copyrighted contents by persons with disabilities via digital means.

27. Submissions also revealed cooperation delivered through international organizations at the country level. In Moldova, the United Nations Country Team has prioritized assistance to implement the Convention: before the State ratified the Convention in July 2010, an inter-agency team worked on clarifying the conceptual and legal elements of the

Convention for Government, the national human rights institutions and civil society. Currently, implementation is supported by the same team. In Egypt, a United Nations Joint Programme – consisting of the United Nations Development Programme (UNDP), WHO, ILO and the United Nations Children’s Fund (UNICEF) – is providing technical assistance to the Government and works with experts from the region on the development of a National Action Plan for the implementation of the Convention. UNDP has been supporting the Government of Albania – which has signed but not ratified the Convention – in aligning its National Strategy to Convention standards. National capacity has been strengthened regarding access to employment, inclusive education, access to quality support services, independent living in the community and accessibility to the environment and to ICT.

28. In Burkina Faso, UNICEF and Handicap International supported the Government in developing a National Policy Framework on Disability and a three-year programme strategy in 2009. In Montenegro, a partnership of national and international actors comprised of the Government, UNICEF, UNDP and the European Union, a comprehensive project on social inclusion has been developed²⁶. In Ukraine, the ILO, UNDP and the Government cooperated to implement a project in the Ukraine to promote inclusive employment services through access to Employment, co-funded by UNDP and ILO. In Haiti, OHCHR led the Protection Cluster in where it – in cooperation with Handicap International and other actors – advocated for mainstreaming disability issues into all phases of the disaster relief and reconstruction process.

29. UNDP organized the Second Regional Workshop on Persons with Disabilities – the Role of UNDP in Montenegro in April 2009. The workshop aimed at exchanging information on inclusive programming and at exploring potential for joint programming. It brought together UNDP Country Office Focal Points for persons with disabilities from the Western Balkans and the UNDP Bratislava Regional Center, as well as OHCHR, UNICEF, UNHCR, and national stakeholders from Montenegro. UNDP is also supporting the Arab Organization for Disabled People (ADOP)²⁷ in promoting a dialogue amongst activists, media and government officers over the Convention. OHCHR has carried out capacity-building and awareness-raising activities on the Convention, for example in Yaoundé, in November 2010: the seminar aimed at promoting ratification of the Convention in the Central African region and was attended by governmental authorities, representatives of national human rights institutions, national parliaments and civil society organizations.

30. With a view to ensuring that United Nations efforts related to the Convention are consistent and complementary, the Inter-Agency Support Group (IASG) on the Convention²⁸ has sought to coordinate United Nations efforts in support of the Convention and has recently developed a Guidance Note for United Nations Country Teams (UNCTs) and implementing partners on Including the rights of persons with disabilities in United Nations programming at country level within the framework of the United Nations Development Group²⁹. The Guidance Note is intended to help UNCTs and implementing partners to mainstream the rights of persons with disabilities in United Nations country

²⁶ See submission of UNICEF at www2.ohchr.org/english/issues/disability/docs/study/UNICEF.doc.

²⁷ ADOP is a coalition of organizations of disabled people in the Arab world whose main objectives are to represent and promote the rights of disabled people in the region, to network in the Arab world and internationally, and to help disabled people to better represent themselves in their national countries.

²⁸ The Inter-Agency Support Group to the CRPD was established soon after the entry into force of the CRPD (in 2006) and brings together around 25 United Nations specialized agencies, funds and programmes.

²⁹ For further information, see www2.ohchr.org/english/issues/disability/docs/GuidanceNoteJuly2010.pdf.

programming. The Guidance Note is also intended to support collective UNCT action and coordination at country level to assist Member States, contribute to the coherence of United Nations work, and help members of the United Nations Development Group (UNDG) to provide more targeted support to UNCTs.

C. Cooperation in partnership with regional organizations

31. The United Nations Economic and Social Commission for Asia and the Pacific (UN-ESCAP) supports members and associate member Governments on developing approaches that promote the participation of persons with disabilities in the development process³⁰. This support is provided through operational activities, encouragement of networking and collaborative action, identification of good practice, and advisory services on the implementation of the Agenda for Action for the Asian and Pacific Decade of Disabled Persons, specifically the second Decade (2003-2012)³¹. In this context, the Biwako Millennium Framework for Action towards an Inclusive, Barrier-free and Rights-based Society for Persons with Disabilities in Asia and the Pacific (BMF) was adopted in 2002 as a regional policy guideline for the second Decade. The Framework for Action recognized the Asia-Pacific Development Center on Disability (APCD) – a joint collaboration of the Thai Government with multi-stake holders such as the Japan International Cooperation Agency (JICA), UN-ESCAP and non-governmental organizations – as a coordinating agency which provides capacity building of persons with disabilities, community-based rehabilitation and accessibility to information and communication technologies (ICT). The APCD also facilitates interregional cooperation between the Asia-Pacific region, the African region, the Arab region, and the Latin American and Caribbean countries.

32. The African Union declared the first decade of the new millennium (1999-2009) the African Decade of Disabled Persons (ADDP). In 2001 the Labour and Social Affairs Commission of the African Union along with its African Rehabilitation Institute and the ILO developed a Continental Plan of Action (CPOA) to guide the Member States of the African Union on how to implement the African Decade. The adoption of the ADDP placed responsibility on African States to implement Decade Program activities. In October 2008, the ADDP was extended until 2019³². The ADDP's Secretariat works in partnership with African governments, civil society organizations and DPOs. The Secretariat has worked on the formulation of disability indicators, the development of a training manual for disability research and research reports in the field of health, education, HIV/AIDS, training for journalists, the development of resources to benefit the work of DPOs in the area of disability law and policy and a digital story workshop for participants including parents and youth from nine countries. The African Decade has also promoted the establishment of disability networks between continental DPOs of previously marginalized disability groups³³. The African Union, the Pan African Parliament and Parliamentarians in different countries placed the disability agenda at the centre of policy making³⁴.

³⁰ See report "Disability and International Cooperation and Development: A review of Policies and Practices", the World Bank and Cooperazione Italiana allo Sviluppo, June 2010.

³¹ Idem.

³² See www.add.org.uk/newsStory.asp?ID=10095.

³³ See Southern Africa Federation of the Disabled at www.safod.org/African%20Decade/African%20Decade.htm.

³⁴ Idem.

33. The Economic and Social Commission for Western Asia (ESCWA) declared the period 2003-2014 the Arab Decade of Persons with Disabilities in 2004³⁵. In the context of poverty reduction, the Arab Decade identifies the following objectives: (a) reducing unemployment among people with disabilities; (b) intervening to limit poverty through poverty reduction strategies and ensuring that the incidence of disability does not increase due to poverty; (c) implementing rehabilitation programmes in poor areas to help low-income families deal positively with persons with disabilities and working towards developing and improving the intellectual abilities and skills of persons with disabilities; (d) offering loans to persons unable to work and to those with severe disabilities to ensure a dignified existence, and financial assistance to those who can work until they find employment³⁶.

34. The European Commission (EC) seeks to apply a twin-track approach in its development cooperation efforts related to disability. The European Action Plan 2008-2009 established the responsibility for improving the mainstreaming of disability issues in development aid. The European Commission addresses disability and development on the basis of its *Guidance Note on Disability and Development*, which provides advice on how to address disability within the context of development cooperation. It explicitly recognizes that poverty reduction goals “cannot be met without considering the needs of disabled people”³⁷. However, its implementation remains a challenge³⁸. The EC co-financed a project on “Mainstreaming Disability in Development Cooperation” comprising cooperation with 12 non-governmental organizations, DPOs, local entities and the Italian Ministry for Foreign Affairs. Since 2000, it has targeted 82 partner countries. Currently, the EC is preparing a new European Disability Strategy, the main objective of which is to implement the Convention in Europe.

35. The Council of Europe is implementing its Disability Action Plan 2006-2015 (CAHPAH). The fundamental goal is to help Member States reinforce anti-discriminatory measures in order to enhance equal opportunities and independent living for persons with disabilities and guarantee their freedom of choice, full citizenship, and active participation in the life of the community, among other goals³⁹. The Council of Europe has also published about 60 reports and comparative analyses, providing useful instruments for the transfer of knowledge and for social benchmarking⁴⁰.

D. Cooperation in partnership with civil society organizations

36. Organizations of persons with disabilities should be actively consulted in the area of international cooperation and have the possibility of participating meaningfully and effectively in international cooperation efforts⁴¹. Further, States and intergovernmental organizations have a role in assisting DPOs to build the capacity of persons with disabilities to claim their rights under the Convention. Civil society organizations themselves have a

³⁵ See www.escwa.un.org/. On the Arab Decade, see

www.friendsfordisabled.org.lb/ArabDecadeEnglish.pdf

³⁶ See www.friendsfordisabled.org.lb/ArabDecadeEnglish.pdf.

³⁷ See Guidance Note on Disability and Development, European Commission, July 2004 at http://ec.europa.eu/development/body/publications/docs/Disability_en.pdf.

³⁸ According to the Dutch Coalition on Disability and Development, the principles stipulated in the Guidance Note are not put into practice. See www.dodd.nl/default.asp?action=article&id=4254.

³⁹ See report “Disability and International Cooperation and Development: A review of Policies and Practices”, the World Bank and Cooperazione Italiana allo Sviluppo, June 2010.

⁴⁰ Idem.

⁴¹ Convention on the Rights of Persons with Disabilities, art. 3.

role in providing international cooperation, either to States or to intergovernmental organizations and to other civil society organizations, given their specific knowledge and understanding of the challenges and opportunities facing the implementation of the Convention.

37. Information provided in the submissions indicates that States have cooperated with and channelled funds through civil society organizations in support of disability projects. Germany, for example, has supported DPOs and their active participation in national poverty reduction strategy plans in Cambodia, Viet Nam and Tanzania. Similarly, the United Kingdom has supported the participation of persons with disabilities to engage with the constitutional reform processes in Nigeria. Norway has also contributed to strengthening DPOs in developing countries. Finland and the World Federation of the Deaf conducted a needs assessment in four countries in order to develop sign language education for children and youth⁴².

38. Denmark supports disability rights in development cooperation through Danish civil society organizations, such as through the umbrella organization Danish Disabled People's Organisations - Denmark (DPOD). Among other initiatives, DPOD supported the Africa Disability Decade Programme. Due to these efforts, the work of the Decade Steering Committee in Rwanda led to the development of a national programme in 2009, which aimed at improving the quality of life of persons with disabilities (2010-2019)⁴³. Measures have been adopted in the field of rehabilitation and programmes for persons with sensory disabilities have been put in place, among other steps taken⁴⁴. Another example of such bilateral aid to strengthen local capacities is the partnership between the Danish Association of Laryngectomees (DLFL) and the disability umbrella organization, the National Federation of the Disabled Nepal (NFDN). The initiative included capacity-building of NFDN volunteers and staff in relation to lobbying and advocacy for Convention ratification in Nepal. Through this cooperation, several members of the Constitutional Assembly were trained as advocates supporting ratification of the Convention, and as a result of these and other factors, Nepal ratified the Convention in May 2010⁴⁵. These international cooperation efforts can make a valuable contribution to strengthening the capacity of DPOs to claim their rights as stipulated by the Convention at the local level.

39. International cooperation between States and civil society organizations occurs at the regional level. An EU co-financed project called Mainstreaming Disability in Development Cooperation, implemented from 2006-2008, brought together 12 European civil society organizations including DPOs⁴⁶. The projects, implemented by NGOs, DPOs, local entities and the Italian Ministry of Foreign Affairs (MFA) collected relevant data and created an accessible database. This made it possible to identify the actors in the development cooperation field and evidenced the need for better coordination. The follow-up to this project is being financed by the EU for the period 2010-2012. The new project is run by 11 partners, among European NGOs and DPOs⁴⁷ and aims at promoting consistent implementation of the Convention through development cooperation.

⁴² See Statement of the Special Rapporteur on Disability at the 45th Session of the Commission on Social Development, at www.un.org/esa/socdev/enable/srcsod45.htm.

⁴³ See submission of Denmark at www2.ohchr.org/english/issues/disability/docs/study/Denmark.doc

⁴⁴ See report submitted by the Government of Rwanda for the Universal Periodic Review, at www.minijust.gov.rw/IMG/pdf/Rapport_Human_Right.pdf.

⁴⁵ See submission of Denmark at www2.ohchr.org/english/issues/disability/docs/study/Denmark.doc

⁴⁶ For more information: www.make-development-inclusive.org

⁴⁷ For more information: www.iddconsortium.net/joomla/index.php/component/content/article/38-news-and-events/361-100629-mdi-proj-launch

40. International cooperation also occurs between civil society organizations and between civil society organizations and research institutes and universities. In Italy, civil society organizations such as the Associazione Italiana Amici de Raoul Follereau (AIFO) and Disabled Peoples' International (DPI) have promoted the inclusion of a focus on persons with disabilities in master's courses on development. As a result, several Italian universities have adopted specific training modules on the rights of persons with disabilities⁴⁸. AIFO and DPI have carried out a research project assessing the impact of 10 years of two Community-Based Rehabilitation (CBR) programmes in Mandya District, India, reaching out to more than 22,000 persons with disabilities. This research project involves DPOs, federations and university academics as well as local communities and it takes a quantitative and a qualitative approach. Persons with disabilities and local groups control and decide the research priorities and assess the impact of CBR from their own point of view, with technical support from DPI and disabled university academics.

41. Another example of civil society actors cooperating internationally is the joint initiative between the Mental Disability Advocacy Center (MDAC) and the Central European University, which organized a summer school on "mental disability law in practice", focusing on the Convention. Through presentations, moot courts and other methodologies, capacity of practising lawyers, activists and academics from Europe and Africa was strengthened in the field of mental health and disability rights. Some of the participants are continuing to work with MDAC to advance the rights of persons with intellectual disabilities and persons with psychosocial disabilities in their countries. Similarly, MDAC held a workshop for litigators from European countries to build their capacity on the individual complaints procedure under the Optional Protocol to the Convention. MDAC is currently in the process of developing a network of lawyers interested in working on mental disability law.

42. Finally, international cooperation takes place between civil society organizations and international and regional organizations. The ILO, UNESCO and the International Disability and Development Consortium (IDDC), in close consultation with other key stakeholders on disability and development, produced the Community-based rehabilitation guidelines (CBR)⁴⁹. The guidelines – which had been in preparation since 2004 – are designed to empower persons with disabilities by supporting their inclusion in health, education, employment, social skills training and other community services. They were launched at the fourth CBR Africa Network Conference (CAN) in October 2010 in Nigeria⁵⁰.

43. Similarly, the World Bank established the Global Partnership for Disability and Development (GPDD), as a global alliance composed of national governments, development banks, United Nations agencies, DPOs, NGOs, universities, foundations, and enterprises, all committed to the GDPP objective to combat the social and economic exclusion and impoverishment of persons with disabilities and their families in developing countries⁵¹. This initiative is also an international forum for exchange and sharing of practices; it facilitates learning and cooperation, including South-North exchanges, and stimulates donor coherence in the implementation of the Convention. The World Bank is supporting GPDD through a Development Grant Facility and a Multi-Donor Trust Fund (MDTF) established by Italy, Finland, and Norway. GPDD and the World Bank have implemented a number of activities supported by MDTF, including: (a) a study on

⁴⁸ The Universities of Modena, Reggio Emilia, Bologna and La Sapienza of Rome. See submission of AIFO/DPI at www2.ohchr.org/english/issues/disability/docs/study/ITALY_AIFO_and_DPI.doc.

⁴⁹ See www.who.int/disabilities/cbr/en/.

⁵⁰ See www.ilo.org/skills/what/events/lang--en/WCMS_146003/index.htm.

⁵¹ See www.gpdd-online.org/.

disability in disaster; (b) a capacity-building project on inclusive national development strategies; (c) a regional seminar on Accessibility of the Environment, Universal Design, Tourism and Development; (d) a working group on Haiti Reconstruction, which was created to ensure that reconstruction efforts after the Haiti earthquake involved people with disabilities during all stages and that all rebuilt and newly built infrastructure was fully accessible to and usable by people with disabilities⁵². The GPDD and the Inter-American Development Bank (IDB) co-organized a meeting on Reconstruction in Haiti and Innovative Universal Design in March 2010⁵³.

44. The Global Initiative for Inclusive Information and Communication Technologies (G3ict), a flagship advocacy initiative of the United Nations Global Alliance for Information and Communication Technology (ICT) and Development. G3ict is a public-private partnership dedicated to facilitating the implementation around the world of the Digital Accessibility Agenda defined by the Convention on the Rights of Persons with Disabilities. It fosters harmonization and standardization by facilitating ongoing discussions with the participation of the International Telecommunication Union (ITU), the International Organization for Standardization (ISO), the European Telecommunications Standards Institute (ETSI), the American National Standards Institute (ANSI), the Telecommunications and Electronic and Information Technology Advisory Committee (TEITAC) and other leading standards development organizations via forums and Web-based activities⁵⁴. G3ict and the ITU, for example, jointly produced an e-Accessibility Policy Toolkit for Policy Makers, which was developed in cooperation with over 60 experts from industry, NGOs, Governments and academic institutions from around the world⁵⁵. The ITU, in cooperation with G3ict, is promoting systematic capacity-building programmes on all continents on how to align requirements for accessible broadcasting and telecommunications services. This sector represents an opportunity for short-term results for persons with disabilities since in most countries one single entity controls a few operators serving the entire population. It is also worth noting that regulatory authorities exist in most countries today.

45. The Digital Accessibility & Inclusion Index for Persons with Disabilities was developed with the support of Disabled People's International (DPI) and the American law firm Powers Pyles Sutter & Verville PC.⁵⁶ Coordination of public procurement – ICT devices for governments – has been informally established by the United States Access Board which invited international participants to its TEITAC sessions, a multi-stakeholder committee charged with the definition of public procurement ICT standards including the European Commission, Japan, Canada and Australia.

IV. Challenges facing international cooperation

46. The submissions to the present report indicate that many States and other actors are actively involved in promoting international cooperation to support the implementation of the Convention and to realize the rights of persons with disabilities. In spite of this growing

⁵² See report “Disability and International Cooperation and Development: A review of Policies and Practices”, the World Bank and Cooperazione Italiana allo Sviluppo, June 2010. Regarding the Working Group on Reconstruction, see www.un.org/disabilities/default.asp?id=1533.

⁵³ See www.un.org/disabilities/default.asp?id=1533.

⁵⁴ See submission of G3ict at www2.ohchr.org/english/issues/disability/docs/study/G3ict.doc and www.g3ict.org/about.

⁵⁵ For further information, see www.e-accessibilitytoolkit.org.

⁵⁶ See www.g3ict.org/about.

body of good practice, it is relevant to note that efforts to date have faced challenges and shortcomings.

47. First, submissions focused predominantly on disability-specific cooperation and there was less information related to the mainstreaming of disability into other areas of international cooperation. The shortcomings related to mainstreaming are sometimes due to a lack of relevant policies and guidelines, in spite of some good examples in this regard. Moreover, according to the International Disability Alliance submission, where guidelines and policies on mainstreaming disability into development cooperation exist, they are often not fully implemented for various reasons: submissions revealed that States as well as international organizations often have limited or no dedicated staff and programmes to promote the Convention, which has directly affected capacity to implement not only specific programmes on persons with disabilities but also to mainstream disability into cooperation efforts. Further, according to the Special Rapporteur on Disability, there is still insufficient awareness of disability mainstreaming and of inclusive development. The Special Rapporteur indicated the need to monitor systematically the implementation of guidelines and policies on mainstreaming disability into development cooperation constitutes an additional challenge.

48. Second, submissions highlight that international cooperation in the disability field is not always consistent with the norms and standards of the CPRD. Some civil society submissions indicated that a “charity” approach to disability continues to be applied in development cooperation instead of the rights-based approach promoted by the CPRD. Further, development programmes are often negotiated bilaterally between governments, without direct participation of civil society actors such as DPOs, indicating a lack of inclusiveness and accessibility with the result that State structures are strengthened but the effects are not necessarily so positive for persons with disabilities or their representative organizations. The International Disability Alliance notes that international cooperation projects continue to finance public transport and buildings, communication infrastructure, employment and vocational training services that are not designed in an accessible or inclusive way, thus excluding most people with disabilities. In the area of education, submissions indicate that certain development agencies continue to fund segregated education programmes in contravention of the principle of inclusive education in the Convention.

49. Third, in spite of the many positive examples of international cooperation, submissions indicated a lack of coordination between and among actors involved in development projects⁵⁷. At times this has led to fragmented and unsustainable cooperation efforts. Furthermore, insufficient national ownership in several projects implemented within the framework of international cooperation has been noted, with a consequence that in several projects implemented in Eastern Europe, for example, “the international community has failed to effectively influence national authorities in the process of transition from institutional to community-based care, allowing preservation of institutional systems and replication of its culture into the new services⁵⁸”.

⁵⁷ See, for example, submission of DRI at www2.ohchr.org/english/issues/disability/docs/study/SERBIA_Investments_Gone_Wrong_International.pdf.

⁵⁸ *Idem*. IDA is equally critical of the fact that financial support is still too often provided for the establishment or refurbishment of institutions, instead of using this funding to establish services to support independent living in the community as provided in art. 19 of the CRPD (see www2.ohchr.org/english/issues/disability/docs/study/International_Disability_Alliance.doc).

50. Fourth, submissions suggested that international cooperation at times focuses on persons with disabilities as a monolithic group. For example, there is only a weak focus by international cooperation actors on gender issues and an insufficient awareness of the connection between gender and disability. As women's and men's experience of disability is context specific and varies greatly according to sex, ethnicity, age, class, the environment and socio-economic status, actors engaging in international cooperation need to be aware that persons with disabilities are not a homogenous group and that therefore, gender issues need to be considered. Further, the submissions suggest that international cooperation has focused less on persons with sensory and intellectual disabilities. A stronger engagement of the international community in this area would be key in order to promote the implementation of the Convention with regard to all disability constituencies in all regions of the world.

51. Fifth, State parties – particularly developing countries – often face challenges in fully implementing the Convention due to economic and technical resource constraints. These challenges can be eased by international cooperation through States having the necessary means.

52. Finally, an overwhelming focus of submissions was on development cooperation, including economic and technical assistance, and capacity-building, including through the sharing of experiences and information and through training. However, submissions revealed relatively little information on international cooperation in the fields of research or on transfer of technology, such as assistive technologies, in spite of these also being included in the terms of article 32. Moreover, almost no information was available on international cooperation in the field of humanitarian assistance, in spite of the potentially important role that international cooperation can and needs to play in this field.

V. Conclusions

53. **The submissions providing the basis of the present Study illustrate a significant amount of international cooperation to support national efforts to promote, protect and ensure the rights of persons with disabilities. International cooperation occurs between States as well as in partnership with international and regional organizations and with civil society organizations, including DPOs. International cooperation is not limited to North-South cooperation but includes significant amounts of South-South and interregional cooperation. The present Study has focused primarily on the submissions provided to OHCHR: undoubtedly, many other examples of international cooperation exist.**

54. **In spite of the significant amount of international cooperation in this field, challenges remain. International cooperation does not appear to have consistently applied a “twin-track” approach as cooperation focuses overwhelmingly on disability-specific projects and less on mainstreaming disability rights into broader international cooperation. Given the disproportionate representation of persons with disabilities among the poor, a failure to mainstream could diminish the likelihood of meeting international development goals such as the MDGs. Similarly, many of the submissions made to the report focused on disability projects generally and not necessarily on implementation of the Convention which, in some cases, has resulted in projects not necessarily conforming to Convention standards, for example, maintaining a charity approach, promoting segregation over inclusion or treating persons with disabilities as a monolithic group without taking into account gender differences or the diversity of disability. Moreover, international cooperation is not always coordinated among States, international and regional organizations and civil society organizations including DPOs. Finally, international cooperation has focused**

more on capacity-building, information sharing, training and development cooperation and less on other possible areas of cooperation such as research, technology transfer and humanitarian assistance.

Annex

[English only]

Submissions

States Parties

- Armenia
- Azerbaijan
- Belarus (English and Russian)
- Belgium
- Bosnia and Herzegovina
- Brazil
- Canada (English and French) and Annex (English and French)
- Costa Rica
- Cyprus
- Czech Republic
- Denmark
- France
- Germany
- Greece
- Guatemala
- Indonesia
- Ireland
- Kazakhstan
- Kyrgyzstan
- Latvia
- Lithuania
- Mauritius
- Mexico
- Republic of Moldova
- Nepal
- New Zealand
- Nicaragua
- Norway
- Paraguay
- Pakistan
- Peru
- Qatar
- Russian Federation
- Saudi Arabia
- Slovakia
- Slovenia
- Sudan
- Sweden
- Thailand
- Trinidad and Tobago
- Turkey
- Ukraine
- United Kingdom

Intergovernmental organizations

- Council of Europe
- European Commission
- International Labour Office (ILO)
- United Nations Children's Fund (UNICEF)

- United Nations Development Programme (UNDP)
- United Nations Moldova
- World Health Organization
- World Intellectual Property Organization

Civil society organizations

- AIFO – Associazione Italiana Amici di Raoul Follereau and DPI – Disabled Peoples International Italia, Italy
- CBM
- Federation of Disability Organisations, Australia
- G3ict
- International Disability Alliance
- International Disability and Development Consortium (IDDC)
- Light for the World, Austria
- Mental Disability Advocacy Center (MDAC)
- Disability Rights International (DRI)
- Women With Disabilities, Australia
- World Federation of the Deaf (WFD)

National human rights institutions

- Commission Consultative des Droits de l'Homme, Luxembourg
- Comisión Nacional de Derechos Humanos, Mexico
- Commission nationale consultative des droits de l'homme, France
- Defensoría del Pueblo, Paraguay
- Deutsches Institut für Menschenrechte, Germany
- Equal Opportunities Commission, Hong Kong
- Human Rights Commission, Canada
- Human Rights Commission, New Zealand
- Independent Monitoring Committee, Austria
- National Centre for Human Rights, Jordan
- National Human Rights Commission, India
- Ombudswoman for persons with disabilities, Croatia
- Procurador Nacional de Derechos Humanos, Guatemala
- Procuraduría de Derechos Humanos, Nicaragua
- Review of Special Education, New Zealand

Other organizations

- Global Partnership for Disability and Development

Special Rapporteur on Disability

- Submission by the Special Rapporteur on Disability to OHCHR thematic consultation on article 32 of the Convention.
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