

Disability

By Beate Matthies, Chair, ADCOSS



Albert Einstein once said:

“Everybody is a genius. But if you judge a fish by its ability to climb a tree, it will live its whole life believing that it is stupid.”



Maybe we could re-phrase this sentence into:

“Everybody is called to participate in our society and should be able to express his or her opinion at open meetings. But if there are hurdles that prevent people with disabilities from doing so, these people are excluded and are made to believe that their opinion is not important enough to participate in the discussion.”



Ten years ago, in 2007, the *UN Convention on the Rights of Persons with Disability* (see page 8) was adopted and ratified. In point 11 of the Convention’s Preamble it says that the States Parties to the present Convention are:



“Concerned that, despite these various instruments and undertakings, persons with disabilities continue to face barriers in their participation as equal members of society and violations of their human rights in all parts of the world.”

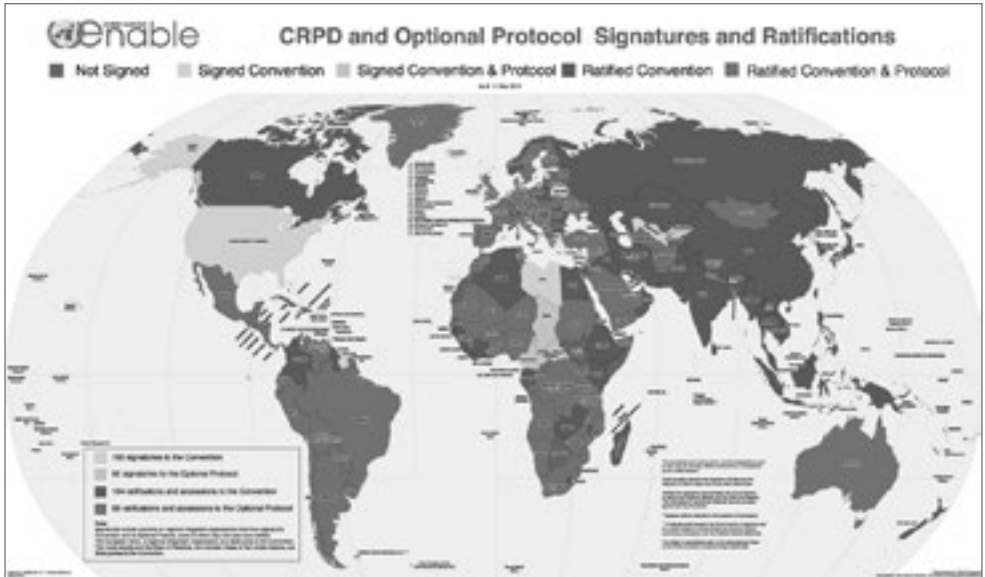


As a physically-abled person, you might not even think of challenges that a person with disabilities might be confronted with every day.



When I was a teenager, I used to accompany my blind grandfather, and I got used to counting steps aloud, describing





the path way we were walking, and warning him when the way was uneven or soft. However, it was only when I was working in a campaign against landmines and I was accompanying a man who had lost both legs, that I realised how difficult it can be to participate in our “normal” life. A couple of steps onto the stage – usually not a problem for a blind person, but a huge challenge for a person in a wheelchair. Before we agreed to come to a meeting, I had to find out if the venue was accessible, if the toilets were not in the basement with no lift to access them, etc.

Accessibility to a venue doesn’t depend on numbers. It doesn’t matter if there is one person only or if there is a whole group of people who depend on barrier-free access, if a venue is not accessible, people with disabilities are excluded. Therefore, we have laws and regulations that provide the basis against potential discrimination. The *UN Convention on the Rights of Persons with Disability* is a start and New Zealand is one of the countries that has ratified this Convention – but we have to keep it in mind also when we are talking about Auckland becoming an “Age Friendly City”.

“Age Friendly” includes all ages, genders, abilities, and disabilities. Ramps leading into a building are not only useful for people in wheelchairs, but

also for mothers with their prams or for people who simply struggle walking stairs – regardless of age.

However, ramps are not enough. Accessibility also means that a person with a disability can drive to the building, park close to the entrance, and has access to disabled toilets. The *Convention on the Rights of Persons with Disabilities* affirms that the rights and dignity of people with disabilities have to be protected as an international human right.

As a disabled person once said to me:

“Disability is not the problem. **Accessibility** is the problem.”



Part of the problem with the word
‘disabilities’

is that it immediately **suggests an inability** to see or hear or walk or do other things that many of us take for granted.

But what of people who can't feel? Or talk about their feelings?

Or manage their feelings in constructive ways?

What of people who aren't able to form close and strong relationships?
And people who cannot find fulfilment in their lives, or those who have lost hope, who live in disappointment and bitterness and find in life no joy, no love?

These, it seems to me, are the real disabilities.

Fred Rogers (“Mister Rogers”) – US educator, minister, and TV host





Convention on the Rights of Persons with Disabilities

Preamble

The States Parties to the present Convention,

1. *Recalling* the principles proclaimed in the Charter of the United Nations which recognize the inherent dignity and worth and the equal and inalienable rights of all members of the human family as the foundation of freedom, justice and peace in the world,
2. *Recognizing* that the United Nations, in the Universal Declaration of Human Rights and in the International Covenants on Human Rights, has proclaimed and agreed that everyone is entitled to all the rights and freedoms set forth therein, without distinction of any kind,
3. *Reaffirming* the universality, indivisibility, interdependence and interrelatedness of all human rights and fundamental freedoms and the need for persons with disabilities to be guaranteed their full enjoyment without discrimination,
4. *Recalling* the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights, the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Elimination of All Forms of Discrimination against Women, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the Convention on the Rights of the Child, and the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families,
5. *Recognizing* that disability is an evolving concept and that disability results from the interaction between persons with impairments and attitudinal and environmental barriers that hinders their full and effective participation in society on an equal basis with others,
6. *Recognizing* the importance of the principles and policy guidelines contained in the World Programme of Action concerning Disabled Persons and in the Standard Rules on the Equalization of Opportunities for Persons with Disabilities in influencing the promotion, formulation and evaluation of the policies, plans, programmes and actions at the national, regional and international levels to further equalize opportunities for persons with disabilities,
7. *Emphasizing* the importance of mainstreaming disability issues as an integral

part of relevant strategies of sustainable development,

8. *Recognizing also* that discrimination against any person on the basis of disability is a violation of the inherent dignity and worth of the human person,
9. *Recognizing further* the diversity of persons with disabilities,
10. *Recognizing* the need to promote and protect the human rights of all persons with disabilities, including those who require more intensive support,
11. *Concerned* that, despite these various instruments and undertakings, persons with disabilities continue to face barriers in their participation as equal members of society and violations of their human rights in all parts of the world,
12. *Recognizing* the importance of international cooperation for improving the living conditions of persons with disabilities in every country, particularly in developing countries,
13. *Recognizing* the valued existing and potential contributions made by persons with disabilities to the overall well-being and diversity of their communities, and that the promotion of the full enjoyment by persons with disabilities of their human rights and fundamental freedoms and of full participation by persons with disabilities will result in their enhanced sense of belonging and in significant advances in the human, social and economic development of society and the eradication of poverty,
14. *Recognizing* the importance for persons with disabilities of their individual autonomy and independence, including the freedom to make their own choices,
15. *Considering* that persons with disabilities should have the opportunity to be actively involved in decision-making processes about policies and programmes, including those directly concerning them,
16. *Concerned* about the difficult conditions faced by persons with disabilities who are subject to multiple or aggravated forms of discrimination on the basis of race, colour, sex, language, religion, political or other opinion, national, ethnic, indigenous or social origin, property, birth, age or other status,
17. *Recognizing* that women and girls with disabilities are often at greater risk, both within and outside the home, of violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation,
18. *Recognizing* that children with disabilities should have full enjoyment of all human rights and fundamental freedoms on an equal basis with other children, and recalling obligations to that end undertaken by States Parties to the Convention on the Rights of the Child,
19. *Emphasizing* the need to incorporate a gender perspective in all efforts to promote the full enjoyment of human rights and fundamental freedoms by persons with disabilities,

continues ...

20. *Highlighting* the fact that the majority of persons with disabilities live in conditions of poverty, and in this regard recognizing the critical need to address the negative impact of poverty on persons with disabilities,
21. *Bearing in mind* that conditions of peace and security based on full respect for the purposes and principles contained in the Charter of the United Nations and observance of applicable human rights instruments are indispensable for the full protection of persons with disabilities, in particular during armed conflicts and foreign occupation,
22. *Recognizing* the importance of accessibility to the physical, social, economic and cultural environment, to health and education and to information and communication, in enabling persons with disabilities to fully enjoy all human rights and fundamental freedoms,
23. *Realizing* that the individual, having duties to other individuals and to the community to which he or she belongs, is under a responsibility to strive for the promotion and observance of the rights recognized in the International Bill of Human Rights,
24. *Convinced* that the family is the natural and fundamental group unit of society and is entitled to protection by society and the State, and that persons with disabilities and their family members should receive the necessary protection and assistance to enable families to contribute towards the full and equal enjoyment of the rights of persons with disabilities,
25. *Convinced* that a comprehensive and integral international convention to promote and protect the rights and dignity of persons with disabilities will make a significant contribution to redressing the profound social disadvantage of persons with disabilities and promote their participation in the civil, political, economic, social and cultural spheres with equal opportunities, in both developing and developed countries,

Have agreed as follows:

Article 1 – Purpose

The purpose of the present Convention is 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.

Persons with disabilities include those who have long-term physical, mental, intellectual or sensory impairments which in interaction with various barriers may hinder their full and effective participation in society on an equal basis with others.

The full version of the *UN Convention on the Rights of Persons with Disability* can be read at tinyurl.com/ADCOSS-UNConvention