

Strengthening disability data collection and analysis mechanisms to enhance the national implementation and monitoring of the convention on the rights of persons with disabilities (CRPD)

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Objectives

- 1) to strengthen capacities for disability data collection through the development of a data collection tool to set out key indicators in measuring progress toward the CRPD implementation;
- 2) to enhance access to and use of the data collection tool in relation to key indicators toward the CRPD implementation and monitoring and;
- 3) to increase awareness of policymakers and civil society organizations on CRPD implementation and disability-inclusive development.

1st Step – understand CRPD structure

Preamble

Article 1 – Purpose
Article 2 – Definitions
Article 3 – General principles
Article 4 – General obligations

Article 5 – Equality and non-discrimination
Article 6 – Women with disabilities
Article 7 – Children with disabilities
Article 8 – Awareness-raising
Article 9 – Accessibility

Article 10 – Right to life
Article 11 – Situations of risk and humanitarian emergencies
Article 12 – Equal recognition before the law
Article 13 – Access to justice
Article 14 – Liberty and security of person
Article 15 – Freedom of torture or cruel, inhuman or degrading treatment or punishment
Article 16 – Freedom from exploitation, violence and abuse
Article 17 – Protecting the integrity of the person
Article 18 – Liberty of movement and nationality
Article 19 – Living independently and being included in the community
Article 20 – Personal mobility
Article 21 – Freedom of expression and opinion, and access to information
Article 22 – Respect for privacy

Article 23 – Respect for home and the family
Article 24 – Education
Article 25 – Health
Article 26 – Habilitation and rehabilitation
Article 27 – Work and employment
Article 28 – Adequate standard of living and social protection
Article 29 – Participation in political and public life
Article 30 – Participation in cultural life, recreation, leisure and sport

Article 31 – Statistics and data collection
Article 32 – International cooperation
Article 33 – National implementation and monitoring

Preamble- Example

1. 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,
2. 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,
3. 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,
4. Recognizing further the diversity of persons with disabilities
5. 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, color, sex, language, religion, political or other opinion, national, ethnic, indigenous or social origin, property, birth, age or other status,
6. 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,
7. 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,
8. 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,

Article 4 – General obligations

1. States Parties undertake to ensure and promote the full realization of all human rights and fundamental freedoms for all persons with disabilities without discrimination of any kind on the basis of disability. To this end, States Parties undertake:
- a) To adopt all appropriate legislative, administrative and other measures for the implementation of the rights recognized in the present Convention;
 - b) To take all appropriate measures, including legislation, to modify or abolish existing laws, regulations, customs and practices that constitute discrimination against persons with disabilities;
 - c) To take into account the protection and promotion of the human rights of persons with disabilities in all policies and programmes;
 - d) To refrain from engaging in any act or practice that is inconsistent with the present Convention and to ensure that public authorities and institutions act in conformity with the present Convention;
 - e) To take all appropriate measures to eliminate discrimination on the basis of disability by any person, organization or private enterprise;
 - f) To undertake or promote research and development of universally designed goods, services, equipment and facilities, as defined in article 2 of the present Convention, which should require the minimum possible adaptation and the least cost to meet the specific needs of a person with disabilities, to promote their availability and use, and to promote universal design in the development of standards and guidelines;
 - g) To undertake or promote research and development of, and to promote the availability and use of new technologies, including information and communications technologies, mobility aids, devices and assistive technologies, suitable for persons with disabilities, giving priority to technologies at an affordable cost;
 - h) To provide accessible information to persons with disabilities about mobility aids, devices and assistive technologies, including new technologies, as well as other forms of assistance, support services and facilities;

Article 4 – General obligations

2. With regard to economic, social and cultural rights, 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.
3. In the development and implementation of legislation and policies to implement the present Convention, and in other decision-making processes concerning issues relating to persons with disabilities, States Parties shall closely consult with and actively involve persons with disabilities, including children with disabilities, through their representative organizations.
4. Nothing in the present Convention shall affect any provisions which are more conducive to the realization of the rights of persons with disabilities and which may be contained in the law of a State Party or international law in force for that State. There shall be no restriction upon or derogation from any of the human rights and fundamental freedoms recognized or existing in any State Party to the present Convention pursuant to law, conventions, regulation or custom on the pretext that the present Convention does not recognize such rights or freedoms or that it recognizes them to a lesser extent.
5. The provisions of the present Convention shall extend to all parts of federal States without any limitations or exceptions.

SOME TECHNICAL TIPS AND HINTS

- ✓ How does the state party implement the CRPD ?
- ✓ What are the barriers to the exercise of this right in the country?

“think about different groups of persons with disabilities –different constituencies/underrepresented groups- persons with intellectual disabilities, persons with psychosocial disabilities, persons who are deafblind; women and girls, children, persons living in rural/remote areas, persons from ethnic/indigenous minorities, refugees/migrants, LGBTI, persons under guardianship, persons living in institutions, persons living in poverty, arm conflict zone etc”

- ✓ How is the state party responsible for these barriers/violations/discrimination?

SOME TECHNICAL TIPS AND HINTS

be confident/smart

Identifying shortcomings of the state party should not be seen as “criticizing” the government.

Dialogue with the Committee is a constructive exercise to help the State party know more about the gaps in implementation in order to ensure that their recommendations assist the government to improve on CRPD implementation.

SOME TECHNICAL TIPS AND HINTS

***** The point of the briefing and the country review is to identify where the state party has failed to take action and need to be improved with close consolation and active involvement of OPDs. (Right holders)

***** It could be helpful however to refer briefly to OPDs/CSOs initiatives to show that a certain action is possible and that the government could itself be taking those steps as it should be. (duty barer)