

**16<sup>th</sup> Informal Asia-Europe Meeting (ASEM) Seminar on Human Rights  
Persons with Disabilities and Human Rights  
8-10 November 2016 | Beijing, China**

**Key Messages**

The United Nations Convention on the Rights of Persons with Disabilities (UN CRPD) aims 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*’<sup>1</sup>. As of November 2016, 47 ASEM partners have ratified the CRPD.

The **16<sup>th</sup> Informal ASEM Seminar on Human Rights on the topic “Persons with Disabilities and Human Rights”** was organised by the Asia-Europe Foundation (ASEF), the Raoul Wallenberg Institute (as delegated by the Swedish Ministry for Foreign Affairs), the French Ministry of Foreign Affairs and International Development, the Philippine Department of Foreign Affairs, and the Swiss Federal Department of Foreign Affairs. It was hosted by the Chinese Ministry of Foreign Affairs, the China Disabled Persons’ Federation, and the China University of Political Science and Law.

The Seminar brought together over 120 official government representatives and civil society experts, representing 47 ASEM partners to discuss the application of a rights-based approach in strengthening and promoting the rights of persons with disabilities. Additional events at the Seminar included an exhibition on assistive technologies and a study-visit to the Braille press and library (organised by the China Disabled Persons’ Federation). The Seminar co-organisers also conducted a panel discussion on “**Mainstreaming Disabilities and Human Rights: Sharing Best Practices from Asia and Europe**” during the closing plenary session.

One of the main messages of the UN CRPD - which was confirmed unanimously during the ASEM Seminar - is to **treat persons with disabilities as ‘subjects’ and not as ‘objects’ to be managed by others** (“*Nothing about us without us*”). There was also overall consensus that **States Parties to the CRPD need to undertake more efforts to incorporate the CRPD into country-specific arrangements** as domestic legislation is vitally necessary in realising the rights of persons with disabilities. **Regional action is also needed to help guide and sustain action at the national level.**

**Persons with disabilities still suffer from negative stereotypes** both in popular perception and media depiction. They are often seen as a homogenous group. The **heterogeneity of different types of disabilities must be recognised along with the realisation that disability intersects with other identities** (e.g. gender, age, membership to an ethnic minority or indigenous community) which affect each individual’s experience and needs. The media plays an important role in raising awareness, empowerment and effecting more positive societal perceptions towards persons with disabilities. **Media outlets should avoid patronising or ‘inspirational’ coverage of disability; they should learn how to report on disability in an appropriate and sensitive manner.** Self-advocacy is crucial for empowerment and **persons with disabilities, including those with intellectual and psycho-social disabilities, should be given opportunities to speak for themselves.**

The ability to participate in political processes is an essential element of every democratic society. **Persons with disabilities are highly motivated to participate in political life. However, they remain under-represented**, with little provision for accessing information and participating in public life. In almost all countries, **traditional legal capacity laws tend to follow a medical model to disability; they place ‘best interests’ over ‘individual choice’.** A determination of legal incapacity often means also a loss of the right to participate in political life. **Increasingly, there is a policy shift towards ‘supported decision-**

---

<sup>1</sup> Article 1, <http://www.un.org/disabilities/convention/conventionfull.shtml>

**making' as an alternative to traditional guardianship** which should gradually remove one of the biggest barriers to political participation.

Access to information and communication are crucial to access social services, and to access, and participate in, culture. However, **media consumption by persons with disabilities remains low due to inaccessibility** (such as the absence of captioning and the lack of legal status for sign language in some countries) and **access to published materials can also be limited by intellectual property barriers**.

One of the barriers to social, political and economic participation is the absence of children with disabilities in mainstream education systems. **Inclusive education is important for imparting market able skills, for enabling active citizenship and for instilling an ethic of respect for difference in all children**. By widening work opportunities for persons with disabilities, they gain not only economic independence but also increased independence in other dimensions of life, for a full independent living. In providing services to persons with disabilities, **there needs to be a shift from a traditional welfare approach** which separates persons with disabilities from the general population, towards **service provision that is inclusive, respectful of the rights of persons with disabilities, and aimed at being personalised to meet the needs of the individual**.

Access to justice is crucial to enabling persons with disabilities advance their rights and challenge discriminatory behaviour. Unfortunately, in many national criminal law codes, **disability is still not acknowledged as grounds for hate-crime**. Legal capacity issues still negatively impact the ability of persons with disabilities to initiate legal proceedings. And evidence given by persons with disabilities may not always be given the same level of credibility. This adds to the **difficulties faced by individuals with disabilities to report discrimination, crime and abuse, particularly sexual abuse**. In addition, the **lack of interpretation services and alternative communication methods can also prevent them from full participation in legal proceedings**. Disabled Persons' Organisation (DPOs) in some countries do not have standing to participate in legal proceedings or bring cases on their clients' behalf to the courts. While many DPOs are funded through member contributions they may not qualify to get legal aid and their own resources may not allow for meaningful access to justice.

The Sustainable Development Goals (UN SDGs) have firmly included disabilities in the international development agenda; there are mutually reinforcing overlaps between the UN CRPD and the UN SDGs. The structural change demanded by the UN CRPD can be usefully channelled through the implementation of the UN SDGs. **Official Development Assistance (ODA) is one of the mechanisms by which disability-inclusive development can be realised. Persons with disabilities should be active stakeholders (not just beneficiaries) in such project consultations and design**. In addition to providing technical and economic assistance, States should also facilitate international cooperation to support the implementation of the CRPD; **support for international research and joint advocacy on disabilities will improve CRPD implementation and monitoring among States Parties**.

**Data collection is crucial for rational disability policy-making in terms of design, monitoring, and reporting**; the need for disability disaggregation in all data collection has been specifically noted in Goal 17 of the SDGs. However, because there is a lack of shared methodologies, civil society and governments still approach data collection on an *ad-hoc* basis. **ASEM partners need to implement systematic data collection; they should encourage the use of existing tools which are designed specifically for disability data and particularly for persons with disabilities to use them**. Data collection should also include information about the barriers faced by persons by disabilities and not just about the prevalence of disability.

The 16<sup>th</sup> Informal ASEM Seminar on Human Rights convened 4 working groups which focused on **participation in political life; social and economic inclusion; legal status, justice and remedy; and national implementation and international cooperation**. Detailed reports of the individual working group discussions can be found in the complete Seminar Report, which will be circulated by the organisers.

## General Recommendations to ASEM Partners

1. States must ensure that their existing domestic legislation (including federal and local law) is harmonised with CRPD standards; aside from amending existing regulations, additional legislation may be required, to achieve the comprehensive inclusion of all disabled persons. Regional organisations in turn, must step up their engagement on disability-related reform issues to add value to the efforts of their relevant Member States.
2. States must ensure that persons with disabilities have equal opportunities to participate in political, cultural and public life. In this regard,
  - a) States must respect the principle of participation and recognise that all persons with disabilities, including intellectual and psycho-social disabilities, have their own individual will and preferences that have to be respected.
  - b) States must meaningfully include persons with disabilities in decision-making and policy-framing processes.
  - c) New technologies and accessible media formats must be provided to ensure that all voters can make informed and independent voting decisions.
  - d) States should sign and ratify the *Marrakesh Treaty to Facilitate Access to Published Works for Persons Who Are Blind, Visually Impaired, or Otherwise Print Disabled*, to reduce copyright and intellectual property barriers for accessing printed works.
3. Social services to persons with disabilities should be inclusive and follow a rights-based approach. They should not be segregated from services provided to the rest of the general population. In particular,
  - a) More efforts should be made to personalise services to ensure they underpin the autonomy as well as will and preference of the individual.
  - b) All persons with disabilities have equal rights to health. Service providers should provide information and services about sexual and reproductive health issues to all persons with disabilities.
  - c) Where services are outsourced or delegated to private operators, a clear set of key performance indicators must be put in place to ensure equality and quality of those services; accreditation of services can also be instituted.
4. ASEM partners should implement their commitments made under the CRPD towards achieving inclusive education for all learners. In this regard, they should take note of the guidelines and clarifications provided by the UN Committee on the Rights of Persons with Disabilities in its *General Comment no. 4 on Article 24: Right to Inclusive Education*.
5. Disability sensitivity should be an integral part of journalism training. Media practitioners with disabilities should be encouraged, along with their non-disabled peers, to cover international stories and events and be given equal opportunities to create and share content.
6. To provide equal opportunities and training to participate in the labour market, States should strengthen existing anti-discrimination legislation to ensure hiring practices are bias-free. Furthermore,
  - a) Government agencies should assist private employers and businesses in hiring persons with disabilities, and also provide disability awareness training for staff and human resources personnel.
  - b) Entrepreneurship skills and training should be provided to persons with disabilities so that they have the opportunity to establish their own independent businesses.

7. Law enforcement agencies, national human rights institutions, ombudsman offices and civil society organisations need to work together to provide specialist assistance to persons with disabilities to combat crime and to seek appropriate civil and criminal remedies. In addition,
  - a) Training is required for persons with disabilities to understand their rights and legal protections, including knowledge of the legal system, especially legal capacity laws, in their countries.
  - b) Training is required for the judiciary and law enforcement officials on the CRPD, on how to identify and address disability-related abuse and crime, as well as on how to use alternative means of communication with victims and plaintiffs.
  - c) Such trainings should ideally be delivered by people with disabilities and/or by DPOs so that awareness and understanding is created on the social model of disability and the lived experiences of persons with disabilities.
8. International and regional financial institutions should include disabilities into all development assistance projects. ASEM partners should mainstream disabilities in their own ODA programmes to bring them in line with Article 32 of the CRPD and must ensure that:
  - e) Persons with disabilities are not just beneficiaries in ODA projects; they are stakeholders who should be actively consulted for project design and implementation.
  - f) Reporting on disability inclusion and accessibility should be a requirement for grant recipients and should include feedback from persons with disabilities who were involved in the project.
  - g) The continuation of disability-inclusive practices should be designed into the grant's exit strategy from the beginning of the project itself, so that grant recipients are able to continue the project under the accessibility conditions set by donor agencies.
9. International cooperation is needed at multiple levels with multiple stakeholders involved; ASEM partners should:
  - a. Stimulate more international civil society exchanges so that civil society and DPOs can share lessons and best practices in strengthening regional and national advocacy efforts. Cooperation between the Asian and European regional disability organisations' networks should be encouraged.
  - b. Create more forums where persons with disabilities can participate; exchange programmes and inter-regional visits by persons with disabilities in specific fields such as sports, arts and culture can increase awareness on disabilities as well as enhance mutual understanding between the two regions.
  - c. Encourage student and staff mobility to forge deeper university research links between Asia and Europe, including legal research; more importantly, persons with disabilities should be facilitated to conduct these researches through participatory research methodologies, directly and in collaboration, with universities.
  - d. Regional organisations in Asia and Europe should establish a desk on CRPD international cooperation within their own networks, creating focal points for sharing information on CRPD implementation progress and include contact information for support.
10. The 2030 Agenda for Sustainable Development provides a special platform for the promotion of human rights of persons with disabilities. As the CRPD and the SDGs are inter-linked, ASEM partners should utilise both to promote and implement disability-inclusive development and human rights.