**CDPF On-line Disability Equality Capacity Building Course Book**

**Module 14: Influencing Government**

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# **i. Introduction**

The world with 195 Governments have committed to the Sustainable Development Goals with the slogan **“Leave No One Behind”.** 182 Governments have committed to Implementing the UN Convention on the Rights of Persons with Disabilities with a slogan of **‘Nothing About Us Without Us’.**

Yet, progress has been painfully slow towards Disability Inclusion.

Reducing amounts of financial and material aid, increasing international debt, ongoing impacts of financial inequalities and Covid Pandemic are in danger of derailing these ideals.

For disabled people the best way of influencing Government to positively improve our position, is by building strong grass roots, democratically accountable organisations, able to support and hold to account elected representatives who should be trained to have an understanding of advocacy at all levels and to represent our issues in a clear and achievable way.

The opportunities to achieve these Goals require **power** to influence positive outcomes at all levels from local district through to regional levels, to national and international.

The clarity of the message and its success will depend on the empowerment of the mass of disabled people in all their diversity.

The number and diversity of disabled people, in terms of impairment, gender, ethnic diversity, geographical localities and age range is vital to winning unified policy objectives.

The strengths and empowerment of disabled people to implement the improvements in our lives as outlined in the SDGs and UNCRPD depends on how much the social model/human rights approach has been generalised and effective forms of organisations developed to influence Government.

# **ii. The language the CDPF uses**

**Disabled people:** Why we still choose to call ourselves ‘disabled people’: In the Commonwealth Disabled People’s Forum (CDPF) we call ourselves ‘**disabled people’** because of the development of the **‘social model of disability’.** In the C19th and C20th, a disabled person’s medical condition was thought to be the root cause of their exclusion from society, an approach now referred to as the **‘medical or individual model’** of disability. We use the **‘social model of disability’,** where the barriers of environment, attitude and organisation are what disable people with impairments and lead to prejudice and discrimination.To call ourselves ‘persons with disabilities’ is to accept that we are objects and powerless.We also view ourselves as united by a common oppression so are proud to identify as ‘**disabled people’** rather than **‘people with disabilities’. When we are talking about the UN Convention on the Rights of Persons with Disabilities** we will use **‘people or persons with disabilities’.**

# **iii. Power and Influencing Governments**

**Power** is often defined as ‘**ability to make one’s will felt’.** There are many different sources of power and Disabled People’s Organisations (DPOs) need to be aware of them all and when and how to use them to their strategic advantage for achieving their aims, implementing Disability Rights and good human rights practice in their country.

**a. Wealth Power** and ownership of assets. We live in a world of increasing polarisation between very rich individuals and the Corporations they control and the rest of the world. 40 years of neo-liberal policies have accelerated the widening of this gap.

“Extreme inequality is out of control. Hundreds of millions of people are living in extreme poverty while huge rewards go to those at the very top. There are more billionaires than ever before, and their fortunes have grown to record levels. Meanwhile, the world’s poorest get even poorer. Many governments are fueling this inequality crisis. They are massively under taxing corporations and wealthy individuals while underfunding vital public services. These policies hit the poor hardest. The human costs are devastating with women and girls *and disabled people suffering* the most. Despite their huge contribution to our societies through unpaid care work they are amongst those who benefit least from today’s economic system.

* The world’s richest 1% have more than twice as much wealth as 6.9 billion people.
* Almost half of humanity is living on less than $5.50 a day.
* Only 4 cents in every dollar of tax revenue comes from taxes on wealth.
* The super-rich avoid as much as 30 percent of their tax liability.
* Every day 10,000 people die because they lack access to affordable healthcare and,
* 100 million people are forced into extreme poverty due to healthcare costs.” [[1]](#footnote-1)

These are political choices and more equitable taxation and higher minimum wages would close the gap and provide funding for the many commitments Governments have signed up to in the UNCRPD and SDGs. There is another correlation which links to climate change and the eco-crisis. Rich countries with low democratic engagement are the dirtiest countries in terms of environment.

* The richest 10% of countries cause 50% of global emissions, while the poorest 50% cause just 10%[[2]](#footnote-2).

As we learned in Module 6. Disabled people are often most at risk of harm from the growing eco-crisis. This links in many ways to the increasing Democratic deficit.

**b. Democratic Power** holding power in an organisation or Government because those entitled to vote, based on your policies, have voted for you. Increasingly the imbalance of income in the world is leading to a Democratic Deficit. Modern Democracy is based on a Legislature (elected law makers) and Executive (Government) and an Independent Judiciary (courts) interpreting and enforcing the laws made by legislature. Private interests and corruption preventing democracy for the many is on the increase. Increasingly the power of an Independent Judiciary to control the laws of democratic countries has been weakened and too many leaders are seeking to take powers to themselves. From disabled people’s point of view this weakens our potential for implementing laws that guarantee our rights and livelihood. In our own organisations, it is vital to push against inertia brought about by this lack of progress and renew our ideas, tactics and leadership to make them more accountable to the disabled people they represent. Increasingly direct protest action is rising, becoming more important to win concessions.

**c. Autocratic Power** using police, army to sieze and hold power for your particular interests. The strong male rulers of India, Brazil, Turkey, China, Russia, Hungary, Poland, Myanmar and until recently USA under Trump, flout Human Rights and democratic freedoms including the need to implement equality measures for disabled people. The *Spirit Level* [[3]](#footnote-3)has clearly shown that the more autocratic a Government the less taxes are gathered, the less equal is the society, in terms of social equality and the less structural inequalities such as sexism and disabilism will be tackled. They also do not do as well economically. This means DPOs should not be neutral politically, but campaign for political parties that represent the more progressive forces in their society. Many DPOs think they should stay neutral, this is a difficult balance as being too closely aligned may stop engagement with Government of a different hue if elected, but this will not bring about the changes disabled people need.

**d. Protest Power** using peaceful mass means to challenge inequities. The right to protest is written into human rights’ charters. “Article 20 of the Universal Declaration of Human Rights (UDHR), combined with Article 19’s freedom of expression, together ensure the right to gather publicly or privately and collectively express, promote, pursue and defend common interests.

To exercise the rights in Article 20, you do not have to march down the Champs-Elysées or take over your local equivalent of Egypt’s Tahrir Square. Freedom of “peaceful assembly” also covers sit-ins, walk-outs, vigils, group discussions and theatre performances. The exercise of fundamental freedoms should never be considered a crime, and impunity should never be accepted.”[[4]](#footnote-4) Much of the progress we have made on getting Disability Legislation has been down to lobbying and demonstrations and is deeply intertwined with the history of the Disability Rights Movement. Whether it be the Americans with Disabilities Act, 1991, UK Disability Discrimination Act, 1995, Rights of Disabled People Act India, 2016, Accessibility Act Canada,2018, or St Kitts and Nevis ratifying UNCRPD, 2019 demonstrations, occupations, hunger strikes and stopping the traffic have been crucial.

**e) Revolutionary Power** uniting a mass of people who feel injustice to take power. When revolutionary upsurges occur in society more progressive ideas are accepted and disabled people can benefit. Entrenched forces often counter and then our leaders and movement will be outlawed. The best example is the decision by Disabled People South Africa to decide to align themselves to the African National Congress in order to enter dialogue to get disabled people’s rights enshrined in the South African Constitution.

**f) Moral/Religious Power** holding and promoting values that are considered right and just e.g. Human Rights. Moral teachings inside world religions can be progressive or reactionary. As a general rule more fundamentalist interpretations based as they are on historic literal interpretations thousands of years old tend to be based on traditional views of disability and undermine our human rights e.g. until the 1970s Catholicism taught that people with learning difficulties could not take the sacrament and be confirmed. In more recent secular times, moral systems based on equality and Human Rights are more able to accommodate diversity and lead to gains for disabled people’s rights, especially for disabled women and girls.

**g) Influencing power** by leaflet, petition, documentary and social media including prominent people and cultural influence thinking through arts, literature, journalism and the media, celebrity. This has been a well-tested variety of methods of influencing people which has recently been boosted by social media. The aim is to enroll support from the public, allies and disabled people for policy changes and to inform and educate.

**Practical ways of DPOs influencing Government**

* Set up consultative Forums with Government for regular meetings.
* Getting key disability activists co-opted to work in Government.
* Disability Equality Training for Ministers, Civil Servants, Officers, Managers.
* Creating reports, charters or shadow legislation and publicise.
* Writing Motions-speak to Trade Unions, Political Party, Civil Society branches.
* Writing and collecting signatures for mass petitions.
* Lobbying –targeted meetings with Ministers or Members of Parliament.
* Demonstrations, hunger-strikes, occupations-publicise demands.
* Having representative disabled members of Parliament.
* Disabled activists put pro-disability rights policies to get support Unions or Campaigns.
* Through Media-Writing letters to press, TV and Radio.
* Social Media through Facebook/Twitter to highlight injustices.
* Persuading Media to make programmes on disability issues.

***Follow Up Activity 14.1***

***14.1i Briefly describe the way a successful campaign you were involved in or you know about changed the circumstances of disabled people.***

***14.1ii Briefly try and analyse how the change was brought about.***

# **iv. Utilising the UN Convention on the Rights of Persons with Disabilities (UNCRPD) to influence Governments.**

Disabled People have long fought to have their human rights formally recognized in human rights law. In 2006 the United Nations General Assembly adopted the Convention on the Rights of Persons with Disabilities. This, like the other United Nations human rights conventions, (such as the [International Covenant on Civil and Political Rights](https://en.wikipedia.org/wiki/International_Covenant_on_Civil_and_Political_Rights) and the [Convention on the Elimination of All Forms of Discrimination against Women](https://en.wikipedia.org/wiki/Convention_on_the_Elimination_of_All_Forms_of_Discrimination_against_Women)) resulted from decades of activity during which group rights standards developed from aspirations to binding treaties.

The United Nations General Assembly adopted the 1971 [Declaration on the Rights of Mentally Retarded Persons](https://www.ohchr.org/EN/ProfessionalInterest/Pages/RightsOfMentallyRetardedPersons.aspx) followed by the [Declaration of the Rights of Disabled Persons](https://en.wikipedia.org/wiki/Declaration_on_the_Rights_of_Disabled_Persons) on 9 December 1975. 1982 was the [International Year of Disabled Persons](https://en.wikipedia.org/wiki/International_Year_of_Disabled_Persons); an outcome of the year was the World [Programme of Action Concerning Disabled Persons.](https://www.un.org/development/desa/disabilities/history-of-united-nations-and-persons-with-disabilities-the-world-programme-of-action-concerning-disabled-persons.html#:~:text=Concerning%20Disabled%20Persons-,History%20of%20United%20Nations%20and%20Persons%20with%20Disabilities%20%E2%80%93%20The%20World,of%20Action%20Concerning%20Disabled%20Persons&text=In%201982%2C%20the%20General%20Assembly,of%20Action%20concerning%20Disabled%20Persons.) The Year was followed by the Decade of Disabled Persons, 1983-1992. In 1987, a global meeting of experts to review progress recommended that the UN General Assembly should draft an international convention on the elimination of discrimination against persons with disabilities. Draft convention outlines were proposed by [Italy](https://en.wikipedia.org/wiki/Italy) and subsequently [Sweden](https://en.wikipedia.org/wiki/Sweden), but no consensus was reached. Many government representatives argued that existing human rights documents were sufficient. An [International Day of Persons with Disabilities](https://en.wikipedia.org/wiki/United_Nations%27_International_Day_of_Persons_with_Disabilities) (3 December) was proclaimed in 1992 General Assembly resolution 47/3. The United Nations General Assembly adopted the non-compulsory [Standard Rules on the Equalization of Opportunities for Persons with Disabilities](https://www.un.org/development/desa/disabilities/standard-rules-on-the-equalization-of-opportunities-for-persons-with-disabilities.html) on 20 December 1993 (resolution 48/96 annex). Many analysts characterized the pre-CRPD documents as "soft," in contrast with the "hard" treaty obligations of the CRPD.[[5]](#footnote-5)

In March, 2000, leaders of six international disability NGOs, along with about 20 regional and national disability organizations, adopted the ["Beijing Declaration on the Rights of Persons with Disabilities in the New Millennium](https://www.independentliving.org/docs6/light200003.html)," calling on all governments to support a Convention. In 2001, the General Assembly, following a proposal by President Fox of [Mexico](https://en.wikipedia.org/wiki/Mexico), established an [Ad Hoc Committee on a Comprehensive and Integral International Convention on the Protection and Promotion of the Rights and Dignity of Persons with Disabilities](https://www.un.org/development/desa/disabilities/resources/ad-hoc-committee-on-a-comprehensive-and-integral-international-convention-on-the-protection-and-promotion-of-the-rights-and-dignity-of-persons-with-disabilities.html) to consider proposals for a comprehensive and integral convention to promote and protect the rights and dignity of persons with disabilities, based on a holistic approach. Disability rights organisations, including [Disabled Peoples' International](https://en.wikipedia.org/wiki/Disabled_Peoples%27_International), the [World Network of Users and Survivors of Psychiatry](https://en.wikipedia.org/wiki/World_Network_of_Users_and_Survivors_of_Psychiatry), Landmine Survivors Network (now [Survivor Corps](https://en.wikipedia.org/wiki/Survivor_Corps)), and the [International Disability Alliance](https://en.wikipedia.org/wiki/International_Disability_Alliance) influenced the drafting process through the International Disability Caucus. The UN encouraged National State delegations to have disabled members, and provided 25 grants for disabled reps. from Low Income countries. At the first Ad Hoc Committee there were 85 DPO reps. Registered. By the last Ad Hoc Meeting in August 2006 there were 850 registered. The International Disability Alliance served as coordinator of an ad hoc International Disability Caucus, participated actively in the drafting process, in particular seeking a role for disabled persons and their organisations in the implementation and monitoring of what became the Convention.

[In 2001, at the 56th session of the United Nations General Assembly](https://www.un.org/development/desa/disabilities/wp-content/uploads/sites/15/2018/01/History_Disability-in-the-UN_jan23.18-Clean.pdf), Mexico initiated negotiations, with active support from [GRULAC](https://en.wikipedia.org/wiki/United_Nations_Regional_Groups#Latin_American_and_Caribbean_Group_(GRULAC)) (the Latin American regional group). When support for a Convention was foundering in 2002 due to [WEOG](https://en.wikipedia.org/wiki/Western_European_and_Others_Group) opposition, [New Zealand](https://en.wikipedia.org/wiki/New_Zealand) played a pivotal role in achieving cross-regional momentum. Acting as facilitator from 2002–03, New Zealand eventually assumed the formal role of Chair of the [Ad Hoc Committee](https://www.un.org/development/desa/disabilities/resources/ad-hoc-committee-on-a-comprehensive-and-integral-international-convention-on-the-protection-and-promotion-of-the-rights-and-dignity-of-persons-with-disabilities.html) and led negotiations to a consensus agreement in August 2006, working closely with other Committee members Jordan, Costa Rica, the Czech Republic, and South Africa, as well as Korea and Mexico. Several observers commented on the "esteem-seeking behaviour" of governments, [national human rights institutions](https://en.wikipedia.org/wiki/National_human_rights_institution), and [nongovernmental organizations](https://en.wikipedia.org/wiki/Non-governmental_organization). The Convention became one of the most quickly supported human rights instruments in history, with strong support from all regional groups. Currently 182 Government have ratified with 51 Commonwealth countries ratifying.[[6]](#footnote-6)

**The UNCRPD is DPOs best means of influencing Government on an ongoing basis**. Article 4.3 . ‘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’. Also in Article 33.3 Monitoring 3. ‘Civil society, in particular persons with disabilities and their representative organizations, shall be involved and participate fully in the monitoring process’. There is a strong argument to be repeatedly made to Government to materially and financially support DPOs. No strings should be attached to such grants other than to represent disabled people so we can maintain our independence.

Articles 35 to 40 focus on Governments and their relationship with the UNCRPD Committees whose members with direct experience of disability they nominate and elect at the Conference of State Parties who have ratified the Convention.

In 2010 the International Disability Alliance produced this useful scheme showing

# **How DPOs can Influence their Governments Reporting to the UNCRPD Committee.[[7]](#footnote-7)**

**“Step 1.** The State Party should have consultations with civil society, including representative organizations of persons with disabilities, to prepare its State report.

**Step 2.** State Party submits its State report to the CRPD Committee (the first time, it submits its initial report, after that, it submits periodic reports).
-Opportunity for input from UN system, National Human Rights Institutes NHRIs, NGOs and DPOs.
-DPOs submit their own parallel reports with priority issues and concrete recommendations.

**Step 3.** The CRPD Committee presents State Party with **list of issues** and questions based on concerns raised by the report.
-Opportunity for input from UN system, NHRIs, NGOs and DPOs.
-DPOS can suggest issues for the list of issues and questions the Committee should ask the State, before the Committee adopts its list of issues.

 **Step 4.** State Party submits written replies to list of issues and questions.
-DPOs can also give their own responses.

**Step 5.** Constructive dialogue between the CRPD Committee and the State Party delegation during a plenary session.
-Opportunity for input from UN system, NHRIs, NGOs and DPOs.
-DPOs can request in advance to give an oral presentation during the session in which the constructive dialogue with their country will take place.
-Before the dialogue, and during the same session, DPOs could try to meet with Committee members, especially the country Rapporteur, to identify priority issues and recommendations.

**Step 6.** The CRPD Committee issues its concluding observations on the report,
including recommendations.
-Before the concluding observations are adopted, DPOs can identify for the Committee members the priority areas that need quick action and suggest concrete recommendations on the issues that were raised during the dialogue.
- Concluding observations should be circulated widely at national level.

**Step 7.** Procedures to follow up on implementation of CRPD Committee's recommendations.
-Opportunity for input from UN system, NHRIs, NGOs and DPOs.
-DPOs should work with the national monitoring mechanism and the government on implementing recommendations and follow up.
-DPOs should do their own monitoring for the next report.

**End of the cycle**. Return to Step 1 for the next periodic report. Notes:The cycle begins two years after entry into force of the CRPD for the State Party. It repeats every four years after that. This is covered in Article 35 of the CRPD. DPOs can find out when the list of issues will be prepared, and when the constructive dialogue will take place, via the CRPD Committee [website](https://www.ohchr.org/en/hrbodies/crpd/) or by contacting the CRPD Committee Secretariat. DPOs need to keep track of how and when States Parties are preparing and submitting State reports”.

Another way that DPOs can coordinate and influence the implementation of the UNCRPD in their countries is through getting disability in the Constitution and pushing for state laws that fully incorporate the provisions of the UNCRPD. We have some way to go with this and Governments appear to delay the process as in Sri Lanka currently and India from 2009- 2016. In addition Governments can place reservations against parts of the UNCRPD they do not like e.g. UK Government on Article 24 Inclusive Education, Article 12 , Article 18 and Article 27. DPOs need to continually push for full implementation with evidence, argument, publicity and mobilized pressure.

# **Approaches to Equality, Non-discrimination, and Disability in National Law[[8]](#footnote-8)**

Recognizing and respecting the importance of the fundamental principles of Human Rights, many national constitutions mention non-discrimination. Increasingly, constitutional documents also contain references to disability as a prohibited grounds for discrimination often as a result of pressure from DPOs .The following represent some examples of such provisions from different countries

(Bold typeface has been added to references to “disability”):

**Charter of Rights and Freedoms of Canada- Equality Rights**

“15. (1) Every individual is equal before and under the law and has the right to the equal protection and equal or ethnic origin, colour, religion, sex, age or mental or physical **disability**.

(2) Subsection (1) does not preclude any law, program or activity that has as its object the amelioration of conditions of disadvantaged individuals or groups including those that are disadvantaged because of race, national or ethnic origin, colour, religion, sex, age or mental or physical **disability**.”

**Constitution of Fiji- Section 38, Equality**

“(1) Every person has the right to equality before the law.

(2) A person must not be unfairly discriminated against, directly or indirectly, on the ground of his or her:

(a) actual or supposed personal characteristics of circumstances, including race, ethnic origin, colour, place of origin, gender, sexual orientation, birth, primary language, economic status, age or **disability**; or

(b) opinions or beliefs, except to the extent that those opinions or beliefs involve harm to others or the diminution of the rights or freedoms of others; or on any other ground prohibited by this Constitution.”

**“Constitution of South Africa- Chapter 2: Bill of Rights 9. Equality**

2. Equality includes the full and equal enjoyment of all rights and freedoms. To promote the achievement of equality, legislative and other measures designed to protect or advance persons, or categories of persons, disadvantaged by unfair discrimination may be taken.

3. The state may not unfairly discriminate directly or indirectly against anyone on one or more grounds, including race, gender, sex, pregnancy, marital status, ethnic or social origin, colour, sexual orientation, age, **disability**, religion, conscience, belief, culture, language and birth.

4. No person may unfairly discriminate directly or indirectly against anyone on one or more grounds in terms of subsection (3). National legislation must be enacted to prevent or prohibit unfair discrimination.

5. Discrimination on one or more of the grounds listed in subsection (3) is unfair unless it is established that the discrimination is fair.”

**Constitution of Uganda- Equality and freedom from discrimination.**

“21. (1) All persons are equal before and under the law in all spheres of political, economic, social and cultural life and in every other respect and shall enjoy equal protection of the law.

(2) Without prejudice to clause (1) of this article, a person shall not be discriminated against on the ground of sex, race, colour, ethnic origin, tribe, birth, creed or religion, or social or economic standing, political opinion or **disability**.

(3) For the purposes of this article, “discriminate” means to give different treatment to different persons attributable only or mainly to their respective descriptions by sex, race, colour, ethnic origin, tribe, birth, creed or religion, or social or economic standing, political opinion or **disability**.

(4) Nothing in this article shall prevent Parliament from enacting laws that are necessary for-

(a) implementing policies and programmes aimed at redressing social, economic or educational or other imbalance in society; or

(b) making such provision as is required or authorised to be made under this Constitution; or

(5) Nothing shall be taken to be inconsistent with this article which is allowed to be done under any provision of this Constitution”.

**How did Disabled People South Africa get disability into the new South African constitution?[[9]](#footnote-9)**

**“ An image the world will remember of the first democratic elections in South Africa in 1994 is of thousands of disabled people queuing at voting stations across the country under the hot African sun. They came to exercise their right to vote under the most difficult of circumstances. They came in wheelchairs, on crutches, navigating their way by means of white canes, in wheelbarrows and even physically carried on the backs of relatives and friends. Why did they come?**

**They came because they knew that the policy and practice of apartheid had only served to compound their experience of discrimination, indignity and poverty as a result of society’s response to their differentness. They came to participate in one of the most empowering experiences ever. They came because they had a vision of a better dispensation under new conditions of liberation and democracy”.** Mbeki,1998[[10]](#footnote-10)

This is based on a small research project interviewing 20 leading disability activists in the 20 years of transition in South Africa from Apartheid to an established democracy. The experience of disabled people living under the iniquitous Apartheid system was the main stimulus for the foundation in 1984 of Disabled People South Africa (DPSA). Under Apartheid, black disabled people had to struggle for daily living, but all disabled people in South Africa were not treated equally, seen as sick or in need of care and denied rights. While this impacted differently on white and black people, their experiences shaped the nature and form of the first cross-impairment organisation controlled by disabled people in the country. It was supported in the early days by Joshua Malinga and the more advanced organisation of disabled people in Zimbabwe to the north. The struggle was both for a new way of understanding disability and against apartheid, because to the majority of disability activists at the time these two strands were completely interwoven.

Mike du Toit, later to be General Secretary of DPSA attended the historic Rehabilitation International Conference in Winnipeg, Canada in 1980 where 400 disabled advocates broke away over the issue of at least 50% voice of Disabled People which RI rejected, to form what was to become Disabled People International the following year. The International Year and subsequent decade of Disabled Persons put more pressure on disabled people in South Africa to form a cross impairment, cross racial organisation. White disabled people experienced segregation in health, welfare and education. Black disabled people just experienced exclusion and racial oppression. Despite the enormous barriers black disabled people in the townships in 1970s and 1980s had begun organising themselves such as SHAP-Self -Help Association of Paraplegics in Soweto. This led to a cross-over, mainly in Gauteng region where black and white disabled people began to recognise the need to build a stronger united consumer organisation of disabled people in South Africa.

The leaders of this nascent movement took inspiration from the Black Consciousness Movement led by Steve Biko of the 1970s. They felt the need to take control of their own destinies and that society around them was responsible for their marginalisation and deprivation- an unequal and unjust society that had to change. Veterans of the uprising in Soweto in 1976 had become disabled by the violence of the police and joined the Disabled People’s Movement. The uprising of an Anti-Apartheid Movement in South Africa-Rocklands Declaration in 1983, gave added impetus and in September 1984 DPSA was officially launched at the 4th Congress of Disabled People which had been organised by rehabilitation professionals with some disabled activists. From the beginning, DPSA had the principle of being cross impairment and early on its Executive was amended to include the views of single impairment organisations in an ex-officio position. The central aim was ‘to create a voice for disabled people’ and to create an economic base so the majority of disabled people would have some form of employment, even if it is self-help employment. DPSA’s strategy was building local organisations to create the capacity for disabled people to control their own lives. There were many other community organisations developing at the same time and all had a central aim of ridding the country of the apartheid regime.

DPSA still engaged strategically with the Government and participated in the 1986 South African Government Year of the Disabled. They decided to take the grant, but with a policy of ‘no strings’. There was a Conference at Bloemfontein called by the Government. When the chair ruled ‘No politics’ the DPSA delegates withdrew en masse. William Rowland and Pindi Mavuso were allowed to read a long statement citing the health and poverty of the country leading to disability when DPSA delegates were allowed back by an embarrassed Government. This helped to grow the organisation and its funding and by the end of 1980s they were able employ permanent staff and carry out initiatives.

In February 1990, the African National Congress (ANC) were unbanned and Nelson Mandela and other political prisoners were released. DPSA contacted the ANC as the Government in waiting and impressed upon them the need for full inclusion of disabled people. Widespread capacity building was undertaken. Important Groups were set up which DPSA led on Disability Rights Charter, Rural, Women and Children these were linked with consciousness raising and mass mobilisations and involvement of disabled people all over the country. Many reported in DPSA’s own publication –‘disAbility’.

The upshot of all this activity and intense negotiations led to disability as a human rights issue being included in the new constitution, commitments to address the disadvantage of the past on employment, education, women and welfare and the acceptance of 2 parliament places for DPSA nominated representatives.

Presidents Mandela and Mbeki had a disability department in their office and disability was taken seriously. In later years, the relationship with DPSA was more tenuous and funding was stopped, but it still retains a local infra-structure. Now other voices, not necessarily with the understanding that came from the years of struggle, are demanding different solutions for the lack of progress on disability equality.

# **Shadow or Parallel Reports**

**“**Civil Society Organization and DPOs are highly encouraged to prepare a Shadow Report on the implementation of the CRPD at the domestic level in order for the Committee to effectively monitor the implementation of the CRPD in a country. Organizations are encouraged to establish national CRPD alliances (networking groups) and produce the Shadow Report on the basis of consultations and input received from members of the alliances.

The Shadow Report of civil society organizations provides the Committee with accurate and appropriate information documenting a government’s disability rights record and recommendations for improving the protection of human rights of persons with disabilities in a country. Such information is important for the Committee in its assessment of a government’s compliance with the CRPD. In fact, Article 3 of the CRPD anticipates the involvement and consultation of civil society groups during the drafting of the government’s report. The Shadow Report provides the Committee with information on the achievement of the substantive rights (basic rights) outlined in the Convention and gaps in implementation of the obligations contained in the CRPD.

The comprehensive Shadow Report should contain information related to the various basic rights guaranteed under CRPD, including the status of access, exercise, and enjoyment of these rights by PWDs; gaps and obstacles and concrete recommendations to address and improve PWDs’ enjoyment of these rights. The shadow report should take this information a step further and not only include the status of rights in the country, but also provide a critical analysis of the information provided in the State Party Report

**Role of Shadow Report**

Through shadow reporting DPOs and PWDs can actively engage with the reporting and monitoring process by providing facts and data on the achievements of the rights of persons with disabilities, and identify gaps in implementation of the obligations outlined in the CRPD. This includes:

* + The situation of PWDs
	+ Capacity to monitor and assess a government’s track record for fulfilling its obligations under the CRPD
	+ The impact and progress made by the State in implementing the Convention
	+ Violations of the human rights of persons with disabilities
	+ Gaps in laws and policies and their implementation status
	+ Information about obstacles and barriers to the full realization of the human rights and fundamental freedom of PWDs
	+ Examples of “best practices” to advocate for further government action”[[11]](#footnote-11)

**Suggested Template for shadow report[[12]](#footnote-12)**

Executive Summary

1. Key issues of concern and recommendations

Introduction

1. Methodology
2. Who was involved in drafting the report
3. How and to what extent DPOs were involved in the preparation of the State Party Report

Key Issues and Principle Concerns

1. Purpose, definitions, general principles and general obligations (Articles 1-4)
2. Specific rights covered under Articles 5 & 8-30
3. Situation of women and children with disabilities (Articles 6 & 7)
4. Statistics and data collection, international cooperation and national implementation and monitoring (Articles 31-33)

Key recommendations

References

The Shadow Report needs to be concise, based on reliable documented sources; it needs to be properly referenced. The length of the report can vary. The organizations in each country have flexibility in determining the size of the report because the situation in each country is different. It is suggested that the Shadow Report not exceed 60-70 pages in length. This does not include appendices or supplementary materials. The report should include:

* + Title page including title, author(s) and date of the report
	+ Executive summary
	+ Table of contents
	+ Introduction that gives more information about the production of the report
	+ Body, organized by the CRPD articles, including recommended actions
	+ Conclusion
	+ Appendices (e.g. text of important laws and regulations, lists of references or participants (NGOs) in report preparation, media clips, etc.)[[13]](#footnote-13)

Working with Government as DPOs is expected in developing their Reports. This is helpful in developing issues that the State Party is not prioritizing that the shadow report should focus upon. The need to base the shadow report on evidence -statistics, surveys, judicial cases and case studies is important for its credibility. The recommendations the shadow report makes should be both realistic and achievable within the resources available and the level of development within the country. A great deal more back up for shadow report creating can be found at <https://www.globaldisabilityrightsnow.org/tools/crpd-shadow-report-guidance> .

***Follow up Activity 14.2***

***14.2i Suggest the main ways you would go about setting up a group to write a shadow report in your country.***

***14.2ii List the main things you would need to consider to ensure the group you would be part of developing the shadow report need to consider to make sure you are successful.***

**Other means of using the UNCRPD Committee. Optional Protocol**

**The Optional Protocol** to the Convention on the Rights of Persons with Disabilities was adopted by the UN General Assembly on 13 December 2006 and entered into force on 3 May 2008. As of May 2021, it has been ratified by 96 States. An individual communication and an inquiry procedure are foreseen under the Optional Protocol. The individual communication procedure allows individuals or groups of individuals who believe that their rights are being violated by a State party to submit a complaint to the Committee. The inquiry procedure gives the Committee the authority to examine grave or systematic violations of rights under the CRPD. DPOs should use both of these procedures to report on violations of the rights under the CRPD.

**Example use of Optional Protocol The United Kingdom**

Summary Of The Findings of the Committee for the UNCRPD’s inquiry into the human rights of disabled people in the United Kingdom of Great Britain and Northern Ireland (October 2016). In 2012 the Committee of the UNCRPD accepted information from Disabled People’s Organisation’s (DPOs) alleging human rights abuses against disabled people in the UK. In 2013 a formal request was made by DPOs based in the UK such as Reclaiming Our Future Alliance (ROFA), Disabled People Against Cuts (DPAC). to the Committee of the UNCRPD to formally investigate the ‘state party’ (UK government) for human rights abuses against disabled people. In 2014 the Committee of the CRPD decided to formally go ahead with the inquiry deeming that the evidence submitted by the DPOs indicated a systematic violation of human rights. The inquiry assessed whether the British state was upholding disabled people’s rights to live independently (Art. 19 of the CRPD), the right to work and employment (Art. 27) and an adequate standard of living and social protection (Art. 28).

**Findings**

* The British government disputed the sources used by the DPOs when making their request for an inquiry to the Committee of the CRPD
* The committee verified these sources by fact checking them against parliamentary reports, government documents and formal statements made by the British government. It did not find any evidence to support the British government’s claims that no human rights violations had been committed against disabled people.

**Welfare**

* The inquiry found that an overhaul of the welfare system had been undertaken by the British State
* This included cuts to disability benefits, the planned roll out of Universal Credit, Work Capability Assessments (WCAs) that often treated disabled claimants as if they were guilty of fraud and other misdemeanours
* The inquiry found no evidence of benefit fraud

**Independent living**

* The committee was concerned by the closure of the Independent Living Fund (ILF) which has greatly reduced the ability of disabled people to live freely in the community
* This has led to greater dependency on family, kinship, carers and has limited the social opportunities for disabled people
* Considerable tightening around criteria for who is eligible for social care has meant fewer disabled people have managed to avail of social care options and thus their standard of living has decreased significantly

**Work and employment**

* Government supported initiatives to aid disabled people in finding work had ‘no visible impact’
* Many disabled people face strict conditions such as sanctions while looking for jobs

**Adequate standard of living and protection**

* Evidence presented to the committee showed that thousands of disabled people lost their right to mobility aids due to benefit reforms
* Families that included disabled members were adversely affected by changes to welfare policies and often slipped below the poverty line
* The committee found that the British State justified these welfare reforms through austerity policies
* The switch from Disability Living Allowance (DLA) to Personal Independent Payment (PIP) caused a 620,000 reduction in the number of disabled people eligible for PIP
* Reduction in employment, reasonable accommodation, mobility aids etc. have had a ‘discriminatory effect’ (p. 20) on disabled people.

**Conclusion** The committee concluded that there was evidence that systematic human rights violations had been committed by the UK government against disabled people[[14]](#footnote-14). The UK government, however, rejected the UN report, saying in a formal response its findings presented an inaccurate picture of life for disabled people in the UK.[[15]](#footnote-15)

# **v. Influencing other human rights processes: Mainstreaming the rights of disabled people[[16]](#footnote-16)**

In addition to the Convention on the Rights of Persons with Disabilities, there are other international human rights mechanisms that can be used to mainstream disability issues. The other international human rights treaties also contain reporting procedures by which States Parties submit periodic reports to a Committee who examines these reports and prepares conclusions and recommendations. They also examine individual complaints, issue general comments and hold days of general discussion; all of which are opportunities for DPOs to provide input on the rights of persons with disabilities.

The Human Rights Council has a universal periodic review (UPR) in which it examines the human rights situation in all countries. DPOs can contribute to the review through the submission of stakeholder information, participation at sessions of the UPR. [[17]](#footnote-17) The Human Rights Council has also established a series of special procedures which monitor, advise and report on specific countries (country mandates) or on human rights violations worldwide (thematic mandates).

Independent experts or working groups carry out these mandates by sending communications, undertaking country visits, publishing reports, and preparing thematic studies. For each of these activities, DPOs can contribute to the work of the special procedures. Involvement of DPOs in the reporting process to other human rights treaty bodies The United Nations treaty body system consists of nine international human rights treaties. Each treaty is monitored by a Committee which reviews reports submitted by State Parties.

 International Human Rights Treaties

• International Covenant on Civil and Political Rights (1966) [[18]](#footnote-18)

• International Covenant on Economic, Social and Cultural Rights (1966) [[19]](#footnote-19)

• International Convention on the Elimination of all Forms of Racial Discrimination (1965) [[20]](#footnote-20)

• Convention on the Elimination of all Forms of Discrimination against Women (1979) [[21]](#footnote-21)

• Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (1984)[[22]](#footnote-22)

• Convention on the Rights of the Child (1989)[[23]](#footnote-23)

• International Convention on the Protection of the Rights of all Migrant Workers and Members of their Families (1990)[[24]](#footnote-24)

• Convention on the Rights of Persons with Disabilities (2006)[[25]](#footnote-25)

• International Convention on the Protection of all Persons from Enforced Disappearance[[26]](#footnote-26)

Like the CRPD, the two international Covenants and the Convention on the Elimination of Discrimination against Women also have Optional Protocols which allow for the consideration of individual complaints. There are also three Optional Protocols that deal with substantive rights such as the Second Optional Protocol to the International Covenant on Civil and Political Rights which aims to abolish the death penalty or the two Optional Protocols of the Convention on the Rights of the Child which focus on the involvement of children in armed conflict , and on the sale of children, child prostitution and child pornography. The Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment[[27]](#footnote-27) establishes national and international monitoring mechanisms and differs from the monitoring of other Optional Protocols as it has its own monitoring body, the Sub-Committee on Prevention of Torture. All of the other Optional Protocols are monitored by the body established under the main treaty. All of the above mentioned treaties contain provisions that are relevant to persons with disabilities. A study conducted for the United Nations in 2002 which evaluated the use of the treaty body system in the context of persons with disabilities may provide DPOs with some information as to which articles of the other treaties are relevant to persons with disabilities[[28]](#footnote-28).

**Example of DPOs using reporting system. Geneva Women with Disabilities India Network “**In February 2019, the Women with Disabilities India Network (WWDIN), coordinated by the [Shanta Memorial Rehabilitation Centre](https://www.google.com.jm/search?rlz=1C1CHBD_en-GBGB793GB793&ei=cKvuXJyzEM2C5wLmqLCADA&q=Shanta+Memorial+Rehabilitation+Centre+commonwealth+foundation&oq=Shanta+Memorial+Rehabilitation+Centre+commonwealth+foundation&gs_l=psy-ab.3...760.2957..3127...0.0..1.215.2830.5j18j1......0....1..gws-wiz.......0j33i22i29i30j33i160j33i21.DnRXF7bhk9Q), submitted an Alternative Report on Article 6 of the [UNCRPD](https://www.ohchr.org/en/hrbodies/crpd/pages/crpdindex.aspx) to the Committee on the Rights of Persons with Disabilities (CRPD). [Our report](https://tbinternet.ohchr.org/Treaties/CRPD/Shared%20Documents/Ind/INT_CRPD_ICO_Ind_33879_E.docx) was prepared in response to the Initial Report submitted by the Government of India on progress towards meeting its commitments to the UNCRPD. In April, a team of four women with disabilities from WWDIN travelled to Geneva to present the report’s findings. This was the first such engagement of its kind for women with disabilities in India.

[The Alternative Report](https://tbinternet.ohchr.org/Treaties/CRPD/Shared%20Documents/Ind/INT_CRPD_ICO_Ind_33879_E.docx) is the product of two years of data collection (2017 and 2018) from consultations with 441 women with disabilities in 23 states of India. Women with disabilities are one of the most vulnerable and invisible sections of society in India. Women with disabilities are marginalised in different ways related to education, livelihood and access to health and other services leading to different forms of gender and disability-based violence within families and communities.

**‘…the distance of educational institutions from home also has a specific effect on girls’**

The report appreciates the positive initiatives taken by the Government of India such as the passage of the Right to Persons with Disabilities Act 2016. The India Country Report has extensive listings of legal provisions, schemes and programmes for persons with disabilities in India. However, little data is provided about differential access women with disabilities have to these provisions. One of the reasons for this is that there is no coordination on issues of women with disabilities, who are relegated to the Disability Department by the Women and Child Development Department and often times overlooked. As a result, women with disabilities continue to remain far from achieving either de-facto or de-jure equality. The recognition of the legal capacity of women is partial, and this can be seen in old and even new legislation such as the newly introduced Mental Health Care Act (2017).



The Women with Disabilities India Network deliver the alternative report in La Salle des Emirates in the Palace of Nations, Geneva

Our research revealed that women with disabilities are consistently marginalised in education and employment, with low enrolment and work force participation. An insufficient number of schools in rural areas, where the vast majority of disabled people live, affects access to education; in particular, there are low enrolment numbers for girls with disabilities.

**‘In practice women with disabilities have effectively no access to the justice system.’**

Education of disabled girls is also affected by factors like poverty, adolescence and puberty; the distance of educational institutions from home also has a specific effect on girls as they are thought to be more vulnerable during long commutes than their male counterparts. The distance between home and school along with poor commuting facilities is a crucial factor in determining dropout rates among disabled girls from educational institutions. This is compounded by lack of accessible infrastructural and residential facilities. Our findings show that women with disabilities are also particularly vulnerable to violence both in domestic and public spaces. Much of this violence is undocumented and unrecognised as policies and practices in India fail to address specific barriers faced by women with disabilities, particularly in response to gender-based violence and violations of sexual and reproductive rights. Gender-based violence against women with disabilities takes many unique forms and includes violence that is perpetuated by stereotypes that attempt to dehumanise or infantilise, exclude or isolate them, and target them for sexual and physical abuse. Many women with disabilities experience gender-based discrimination in the private sphere, ranging from harassment and emotional abuse to rape and physical violence. Women with disabilities in India also face violence at the hands of intimate partners, including husbands and their families.



*Persons with disabilities protest for their rights in India*

The Women with Disabilities India Network sat opposite the United Nations Committee on Persons with Disabilities as they delivered their alternative report

Women with disabilities—particularly women with intellectual or psychosocial disabilities—are disproportionately subjected to practices such as forced or coerced sterilisation, contraception, and abortion. Frequently, when these women are minors or are deprived of legal capacity, guardians, parents, or doctors may make the decision on their behalf. Women with psychosocial and intellectual disabilities face discrimination in the form of continued institutionalisation in state- and privately-run care homes and hospitals. Indian Laws however do not take cognisance of the special types, intensity and magnitude of violence perpetuated against women with disabilities. While some laws address violence against women with disabilities in institutional settings, in practice women with disabilities have effectively no access to the justice system.

The most obvious barriers to equality before the law in terms of disabled women’s access to the justice system are physical access, communication barriers, and financial constraints. Current policies and practices in India addressing violence against women fail to address the unique causes and consequences of gender-based violence against women with disabilities. For instance, the Rights of Persons with Disabilities Act 2016 does not address violence against women with disabilities.

While in Geneva last month, the WWDIN team presented our findings during two interactions with the CRPD – one with the entire committee and a second meeting with committee member Mr. Jun Ishikawa. In both our engagements, we were able to impress on the CRPD committee members the violations of the rights of women with disabilities in India, the roots of these problems, and their varied nature. The committee members asked pertinent questions, asking for clarification on several points and duly noted that there is a need to engage more proactively on issues of violence against women with disabilities. The outcome of the pre-session has been favourable as the List of Issues mentions the violations of rights of women with disabilities and enjoins the Indian state to be more proactive in addressing the concerns of women with disabilities across the country”.[[29]](#footnote-29)

**Organising DPOs to influence Government- United Disabled Persons of Kenya (UDPK) influence on government**

United Disabled Persons of Kenya (UDPK) is the umbrella organization of organizations of persons with disabilities in Kenya. It was established and registered in 1989 under Section 10 of the Societies Act by the Registrar of Societies. UDPK is the reference Civil Society Organization (CSO) for persons with disabilities in Kenya. The organization exists to advocate for equal access to opportunities and active participation of persons with disabilities in mainstream development processes.

UDPK as per its mandate, played a critical role in advocating for the inclusion of persons with disabilities during the formulation of 2010 constitution. UDPK has continued to ensure that laws and policies developed are inclusive, as well as ensuring meaningful participation of persons with disabilities in governance processes. Some examples of laws influenced are:

Persons with Disabilities Act of 2003 which paved way for the establishment of National Council for Persons with Disabilities- which is a government parastatal that coordinates service delivery to persons with disabilities in the country. UDPK is closely influenced the process to enact the Persons with disabilities Act of 2020, which has been reviewed in line with the UNCRPD. Once it comes into effect, it will repeal the PWD Act of 2003.

Other achievements which UKDP played a major role in getting on the statute book include

Is the Elections Act of 2011

Other achievements include

* UDPK worked closely with the Directorate of Special needs Education on Sector Policy for Learners with Disabilities
* UDPK Worked closely on this policy, participated by giving input into the policy and participated during its launch by the President which was launched in 2018
* UDPK played a role in negotiating the formulation of the United Nations Convention on the Rights of Persons with Disabilities (UNCRPD), which Kenya ratified in 2008, and has lobbied to include its framework in the Constitution of Kenya and subsequent implementation policy and legislative framework
* UDPK has also been involved and supported forums on the review of the Social protection policy. These forums have been organized by the Social Protection Actors Forum (SPAF).

# **vi Utilising the Voluntary National Reports of SDGs to influence Government**

In the Voluntary Country Reviews of the Sustainable Development Goals feeding into the High Level Political Forum; where the opportunities were engaged with, and Government encouraged DPO involvement, there are signs of useful dialogue. DPOs preparedness to engage in the different ways outlines in Figure 2 below and experience of advocacy are crucial. The evidence from the first round of engagement is that these reviews can be a good platform for National DPOs to promote Disability Inclusion and involvement of disabled people and DPOs in the regional, national and international discussions. The role of DPO advocacy at all levels is central. See Figure 2.

**Figure 1: Utilising Voluntary National Reports SDGs to Higher Level Political Forum**



**Graphic description:** Above is a picture where three circles are connected with arrows labeled “advocate”. In the top circle is written “National level/ Government”. It leads to the second circle located at the right bottom. In this second circle is written “regional level”. The second circle leads to the third circle, located on the bottom left corner. In third circle is written “Global level”. The third circle leads back to the first circle. In the middle of the three circles stands a fourth and last circle where is written “DPOs”.

**Figure 2. SDG Monitoring Country Voluntary Reporting Mechanism: How DPOs can get Involved [[30]](#footnote-30)** (the column on the left, ie, beginning with Inviting States to ‘volunteer for review’, would usually have arrows going down to show movement from one level to the next)

|  |  |
| --- | --- |
| Inviting States to volunteer for review | The review process is voluntary and as such, each government can choose if, when, as well as the number of times they wish to report. The voluntary process is officially open following the election of the succeeding president of ECOSOC, at the end of each HLPF session, with the issue of a letter to Member States inviting them to volunteer to participate in the review process. DPOs and civil society organizations can advocate at the national level to urge their governments to report at the global level.\* |
| State informs of his willingness to be reviewed | When Member States are willing to report, they are encouraged to initiate a national process and strategy to complete the VNR which includes: (a) designating a focal point, informing the UN and (b) holding national consultations with civil society and other stakeholders. These consultations vary by country and region, as highlighted by the case studies in this report. |
| UN mechanisms to support Member States | As the VNRs are a new process, the UN has developed various mechanisms to increasingly support Member States in creating meaningful reports and ensuring the wider participation of civil society at all levels. The UN has developed and conducted webinars, as well as in-person consultations, to relay best practices, common challenges and recommendations from current and former VNR countries. Additionally, UN country teams have organized national workshops on the VNRs in countries such as for example Botswana and Chile.  |
| Meetings on engagement and participation of civil society | Between the period from when a country volunteers and the HLPF takes place, there are numerous national, regional and global meetings focused on the engagement and participation of civil society in VNRs, including regional sustainable development forums sponsored by UN regional headquarters. |
| State reports | The volunteering countries are encouraged to submit a short report with a deadline set by the UN, and a long report that has no set deadline. The reports frequently focus on the annual theme of the HLPF and the highlighted set of Goals. However, Member States are invited to address all SDGs and have the discretion to showcase topics of their choice in their reports. |
| Oral presentations of States' reports | Reporting governments have the opportunity to present their reports in a short oral statement during the Ministerial Week at HLPF. Oral presentations are given in groups, with usually 3-4 Member States presenting at one time. It is unknown how Member States are grouped. Major Groups and other Stakeholders have the opportunity to present joint statements and to ask brief questions to Member States after their VNR presentations. |
| Side events on engaging with civil society stakeholders | In response to criticism from the HLPF 2016 for lacking meaningful engagement with Stakeholders and Major Groups, HLPF 2017 included supplementary side events focused on engaging volunteering countries with civil society stakeholders, including a Ministerial breakfast to strengthen engagement. These events were aimed at supplementing, not replacing, the established engagement between Major Groups and Stakeholders and governments.   |

**Kenya** “DPOs have been involved within this SDG engagement roadmap, primarily through awareness raising and advocacy, contributing to resource mobilization and participating in budget processes, and social monitoring and reporting. Despite their involvement peripherally, DPOs were not substantively consulted in creating the national SDG roadmap. Kenyan DPOs have prepared their input on the SDG progress in Kenya and submit it to the unit in April 2017. The Civil Society is in the process of preparing its submissions through the SDG Forum Kenya. The disability sector is participating in this process and has been tasked with reporting on goal 1, 17 and a statement on leave no one behind. Members agreed to use the SDG Forum and other channels to make their submissions. Members will also explore the possibility of developing a shadow report. Whilst preparing for the VNRs, Kenya has held multiple national-level consultations with civil society on SDG implementation which were inclusive of persons with disabilities. In addition, the government held a forum specifically engaging national Kenyan DPOs. Civil Society as a whole have organized themselves forming the SDG Forum. DPOs, in particular United Disabled Persons of Kenya are members of this forum and coordinated the inputs on disability issues within consultations and reports, particular with regard to Goal 1 and 17”.

“Within the response report to the Secretary General, Kenyan DPOs are proposing recommendations which will enhance the capacity of women with disabilities and their organizations to hold the Kenya government to account on its obligations towards promoting and protecting the guaranteed rights of women with disabilities. The response will focus on developing women and girls with disabilities’ technical capacity and skills to engage with the government, to lobby and advocate for their rights, to strengthen the organizations that represent them and to better leverage the space and gains of women’s rights movement in Kenya to include the rights of women with disabilities. By drawing upon the strength of strategic partners, the action will interlink the voices of women with disabilities with those of women generally, thus enhancing the integration of the rights of women with disabilities into the rights of women, reducing the existing gap between the two groups and the real experiences of women with disabilities verses the guaranteed rights. The response will have an additional measure to increase knowledge on disability mainstreaming among the duty bearers in targeted counties”. [[31]](#footnote-31)

**Nigeria** “Currently, the umbrella organization, the Joint National Association of Persons with Disabilities (JONAPWD), is engaging with the office of the Senior Special Assistant to the President on SDGs to ensure that disability is included within ongoing consultation and the VNR process. JONAPWD has increasingly engaged with other agencies and ministries within the government including the Office of the Statistician General, the Bureau of Statistics and the Ministry of National Planning, to increase awareness and inclusion of persons with disabilities in national SDG implementation. In addition to meeting with the government, JONAPWD has set up Technical Working Groups on SDGs—ensuring that relevant agencies of government are adequately represented -- at state and national levels to produce a comprehensive report on addressing disability in implementing the SDGs in Nigeria. Further, JONAPWD have developed a nationwide awareness raising workshop to engage a diverse cross-section of civil society and government on mainstreaming disability in SDG implementation. As the Nigerian umbrella organization for DPOs, JONAPWD is coordinating recommendations and inputs of DPOs to produce a shadow report on the status of persons with disabilities in SDG implementation and has officially written to, and has commenced engagement with the Federal and state governments on the SDGs”[[32]](#footnote-32).

**India “**An active proponent of the 2030 Agenda, the Government of India has made significant steps to outline its vision of SDG implementation, led by the National Institution for Transforming India (NITI Ayoog).[[33]](#footnote-33) NITI Ayoog has been tasked in addition to framing national SDG implementation, with being the central agency in which collects high quality data on the SDGs indicators and targets. Additionally, the Ministry of Statistics and Programme Implementation (MoSPI) is supporting this effort by coordinating between ministries to produce such data reflecting the SDG goals and targets. Based on answers of the responding DPOs there was little to no engagement of persons with disabilities in national consultations**.”[[34]](#footnote-34)**

“This relatively short report includes an impressive 29 explicit references to persons with disabilities and also dedicates a chapter to persons with disabilities. This is a significant achievement, as while organizations of persons with disabilities had a variety of experiences at national and regional levels, at the global level, persons with disabilities were prominently highlighted and included in the Voluntary National Reviews. This is truly a collective achievement of the disability movement, including disability leaders and members of organizations of persons with disabilities and advocates of persons of disabilities. It is now time to continue working on to translate these global commitments into national realities to achieve the 2030 Agenda for Sustainable Development and the CRPD for persons with disabilities and truly to leave no one behind. [[35]](#footnote-35)

***Follow up activity 14.3 & 14.4***

***14.3i Describe how you might organise to ensure disability issues are raised at a national consultation on the SDGs, (Remember disability has 11 specific references and the equality clause mean disability issues apply throughout).***

***14..4***

***14.4i What are the ways you would go about getting a national political party raising disability policy issues in their election Manifesto?***

***14.4iiCheck out what the current policy commitments are towards disabled people, specifically in your country. Develop some criteria to judge whether these commitments are being implemented.***

***14.4iii Government policy initiatives need funding to be implemented. Find out the share of the national Government budget allocated to disability issues in one or more policy area. When you have the result, write a letter to the Prime Minister arguing why the amount needs to be increased and properly tracked.***

**vii. Conclusion**

**To influence Governments effectively National DPOs need to strive to:**

* Have democratic consultative mechanisms to ensure they are representing the views of their entire membership
* Have ongoing training and awareness raising available to their members
* Have democratic structures with leaders regularly elected
* Publicise regular bulletins or newsletters to keep their members informed
* Ensure proceedings and publications are available in different accessible modes to meet member’s needs.

**To fulfil their obligations under 4.3 and 33.3 Governments should:**

* Set up a timetable for implementation of legislation and measures to implement UNCRPD and SDGs and monitor these provisions
* Regularly gather disaggregated disability data based on the Washington Group framework
* Set up regular meetings with the representatives of DPO’s
* Ensure DPOs have sufficient funding to function as representatives
* Make information available to all disabled people on the progress of implementing Disability Rights
* Ensure that Disabled People are Members of Parliament and senior civil servants
* Ensure Ministries are under regular scrutiny, including taking account of DP0 views.
* Promote Disability Equality and Inclusive Development

However, even if none of the above are available, we need to recognise that influencing and changing Government policy comes from the well-spring of our experience and formulation of disability as a social oppression which will have widespread ramifications on all aspects of society. Governments have undertaken to transform their countries and the lived experience of disabled people, who experience these disabling barriers by ratifying the UNCRDP and the SDGs.

To bring about our desired changes, we as disabled people, must strive for effective organisation to lobby and present our thinking. It was once said ‘Politics is the Art of the Possible’. As we have seen what ‘is possible’, changes in society through organizing the collective will of disabled people to bring about desired change. The balance of forces, counter interests and a wide variety of factors need to be assessed at each stage . DPOs need to keep their ‘eye on the ball’ and organize using a wide variety of tactics and strategy to bring this about.

**Future Implementation Influencing Government**

i) Ensure your DPO have regular meetings and contact with senior administrators and Ministers responsible for disability rights implementation.

ii) Ensure your local DPOs are connected in terms of information to National Umbrella DPOs and have a democratic say in those organisations.

iii) Ensure your national DPO is actively involved in pan-national DPO for your region, the Commonwealth e.g. CHOGM and relevant parts of United Nations.

iv) Ensure your national DPO is aware of the UN CRPD Committee reporting cycle and that you engage fully in Shadow Reporting. If possible, send a delegation to Geneva when the Report comes to the Committee.

v) Make sure your DPO has Public Relations /Press Spokespersons and that you regularly issue news and press releases and make sure your points are picked up by the mass media.

vi) Ensure your organisation has a Business Plan, clear policy direction and funding stream to be able to function effectively.

1. https://www.oxfam.org/en/5-shocking-facts-about-extreme-global-inequality-and-how-even-it [↑](#footnote-ref-1)
2. <https://www.opendemocracy.net/en/oureconomy/britains-democratic-deficit-is-escalating-the-climate-crisis/> 2020 [↑](#footnote-ref-2)
3. ***The Spirit Level: Why More Equal Societies Almost Always Do Better***[[1]](https://en.wikipedia.org/wiki/The_Spirit_Level_%28book%29#cite_note-Book-1) is a book by [Richard G. Wilkinson](https://en.wikipedia.org/wiki/Richard_G._Wilkinson) and [Kate Pickett](https://en.wikipedia.org/wiki/Kate_Pickett) 2009 [↑](#footnote-ref-3)
4. https://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=23954&LangID=E [↑](#footnote-ref-4)
5. http://www.un.org/disabilities/documents/historyinfographic.pdf [↑](#footnote-ref-5)
6. <https://en.wikipedia.org/wiki/Convention_on_the_Rights_of_Persons_with_Disabilities> and comments from Professor in his Video Talk Michael Stein The Making of the UNCRPD <https://www.youtube.com/watch?v=GWIf_NzpvYo> [↑](#footnote-ref-6)
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<https://www.internationaldisabilityalliance.org/sites/default/files/documents/crpd-reporting-guidance-document-english-final-print1.pdf> [↑](#footnote-ref-7)
8. An extract from the very useful training pack Human Rights Yes <https://hpod.law.harvard.edu/pdf/Human-Rights-Yes.pdf> [↑](#footnote-ref-8)
9. A History of Disability Rights Movement in South Africa by Howell,C.,Chaklan,S. & Thomas,A in Disability & Social Change Ed Watermeyer,B. et al 2006 HSRC Press. Pretoria [↑](#footnote-ref-9)
10. Speech by Deputy President Thabo Mbeki at official opening of Perkins Brailler Projerct, 8th January 1998 http://www.anc.org.za/ancdocs/history/mbeki/1998/sp980116.html [↑](#footnote-ref-10)
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12. Ibid p.8 [↑](#footnote-ref-12)
13. Ibid p.9 [↑](#footnote-ref-13)
14. <https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CRPD%2fC%2f17%2fR.3&Lang=en> [↑](#footnote-ref-14)
15. https://www.theguardian.com/business/2016/nov/07/uk-austerity-policies-amount-to-violations-of-disabled-peoples-rights [↑](#footnote-ref-15)
16. International Disability Alliance Effective Use of International Human Rights Monitoring Mechanisms to Protect the Rights of Persons with Disabilities

<https://www.internationaldisabilityalliance.org/sites/default/files/documents/crpd-reporting-guidance-document-english-final-print1.pdf> [↑](#footnote-ref-16)
17. Confidential inquiries should be submitted in either English, French, Spanish, Russian, Chinese or Arabic to the Committee on Persons with Disabilities, c/o Office of the High Commissioner for Human Rights, Palais des Nations, 8-14 avenue de la Paix, CH1211 Geneva 10, Switzerland. [↑](#footnote-ref-17)
18. <http://www2.ohchr.org/english/law/ccpr.htm> [↑](#footnote-ref-18)
19. <http://www2.ohchr.org/english/law/cescr.htm> [↑](#footnote-ref-19)
20. <http://www2.ohchr.org/english/law/cerd.htm> [↑](#footnote-ref-20)
21. <http://www2.ohchr.org/english/law/cedaw.htm> [↑](#footnote-ref-21)
22. <http://www2.ohchr.org/english/law/cat.htm> [↑](#footnote-ref-22)
23. <http://www2.ohchr.org/english/law/crc.htm> [↑](#footnote-ref-23)
24. <http://www2.ohchr.org/english/law/cmw.htm> [↑](#footnote-ref-24)
25. <http://www2.ohchr.org/english/law/disabilities-convention.htm> [↑](#footnote-ref-25)
26. <https://www.ohchr.org/en/hrbodies/ced/pages/conventionced.aspx> [↑](#footnote-ref-26)
27. <http://www2.ohchr.org/english/law/cat-one.htm> [↑](#footnote-ref-27)
28. The current use and future potential of United Nations human rights instruments in the context of disability, 2002, <http://www2.ohchr.org/english/issues/disability/docs/Studydisability_en.doc> [↑](#footnote-ref-28)
29. This article was written collaboratively between Nandini Ghosh, Assistant Professor at the Institute of Development Studies, Kolkata, and Reena Mohanty, Programme Officer, Shanta Memorial Rehabilitation Centre, Odisha. <https://commonwealthfoundation.com/women-with-disablities-advocate-for-their-rights-in-geneva/> [↑](#footnote-ref-29)
30. Case study on the engagement of DPOs in voluntary national reviews Stake holder group of persons with disabilities 2017 <https://www.internationaldisabilityalliance.org/sites/default/files/global_report_on_the_participation_of_organisations_of_persons_with_disabilities_dpos_in_vnr_processes.docx> [↑](#footnote-ref-30)
31. Ibid p 40 [↑](#footnote-ref-31)
32. Ibid p.46 [↑](#footnote-ref-32)
33. [↑](#footnote-ref-33)
34. Ibid p 69 [↑](#footnote-ref-34)
35. Ibid p117 conclusion [↑](#footnote-ref-35)