**Module 14 Summary : Influencing Government**

**CDPF Online Disability Equality Capacity Building Course Book**

**Introduction**: Even though 186 governments are committed to implementing the UN Convention on the Rights of a Person with Disabilities (UNCRPD). Progress towards Disability Inclusion has been painfully slow. These ideals are in danger of being derailed by ongoing impacts of financial inequalities, increasing international debt, and reducing amounts of financial and material aid etc.

For disabled people, the best way of influencing government to positively improve our position, is by building strong grass roots, democratically accountable organizations, able to support and hold to account elected disabled 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 strength 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 and their inclusion is vital to winning unified policy objectives.

**The language the CDPF uses**: In the Commonwealth Disabled People’s Forum (CDPF), persons still refer to themselves as “disabled people” because of the development of the ‘social model of disability’. However, when talking about the UN Convention on the Rights of Persons with Disabilities, the statement to use would be “people or persons with disabilities.”

**Power and Influencing Governments**: “ The ability to make one’s will felt”, is the definition of power. Power comes from many different sources and Disabled People’s Organizations (DPOs) need to be aware of them all and how and when to use them for their strategic advantage in achieving their aims, implementing disability rights and good human rights practice in their country.

The various powers are explained below:

**Wealth Power and ownership of assets**: We live in a world of increasing polarization between very rich individuals and the corporations they control and the rest of the world. Meanwhile, the world’s poorest get even poorer. Many governments are fuelling this inequality crisis by massively undertaking corporations and wealthy individuals while underfunding vital public services. The poorest are the ones that are being hit the hardest by these policies. The human costs are devastating with women, girls and disabled people suffering the most. Despite their huge contribution to our societies through unpaid care work they are amongst those who benefit the least from the present economic system.

**Democratic Power:** Holding power in an organization or Government because those entitled to vote, based on the policies promised by a candidate, have voted for that candidate. Private interest and corruption preventing democracy for the many is on the increase. Increasingly, the power of the independent judiciary to control the laws of democratic countries has been weakened and a large amount of the 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 organizations 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.

**Autocratic Power**: The use of police or the army to seize and hold power for your particular interest. Studies have shown that the more autocratic a government is, the less taxes are gathered, the less equal is the society, in terms of social equality and the less structural inequalities like disablism will be tackled. They do not also 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 a Government of a different hue if elected, but this will not bring about the changes the disabled people need.

**Protest Power**: using peaceful mass means to challenge inequities. The right to protest is written into the human rights charters: freedom of expression, together ensure the right to gather publicly or privately and collectively express, promote, pursue and defend common interests.

**Revolutionary Power**: the union of a mass of people who feel injustice to take power. When revolutionary upsurges occur in society, more progressive ideas are accepted an disabled people can benefit. The best example is the decision by disabled people in 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.

**Moral/ Religious Power**: holding and promoting values that are considered right and just, like Human Rights. 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. 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.

**Influencing Power:** by leaflet, petition, documentary and social media including prominent people and cultural influence thinking through arts, literature etc. This has been a well-tested variety of methods of influencing people which has been boosted by social media. The aim is to enrol 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 governments for regular meetings.

● Creating reports, charters or shadow legislation and publicize

● Demonstrations, hunger strikes, occupations- publicize demands.

● Social Media via Facebook or Twitter to highlight injustices.

● Persuading the media to make programmes on disability issues.

● Lobbying targeted meetings with Ministers or Members of Parliament.

**Utilizing the UN Convention on the Rights of Persons with Disabilities (UNCRPD) to influence Governments**: Disabled people have long fought to have their human rights formallyrecognized in human rights law. For example, In 2006, the United Nations General Assembly adopted theConvention 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 and the 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. Another example would be, An International Day of Persons with Disabilities (3rd 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 on 20th December,1993 (resolution 48/96 annex.)

**Approaches to Equality, Non-Discrimination, and Disability in National Law:** 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 examples are examples of such provisions from different countries.

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

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

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

“Every person has the right to equality before the law.”

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

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

**Shadow or Parallel Reports**: The shadow report of civil society organizations provide the UNCRPD 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. This information is important for the Committee in its assessment of a government’s compliance with the CRPD.

The role of shadow report: Through shadow reporting DPOs and OPDs 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.

**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 is 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.

**Influencing other human rights processes: Mainstreaming the Rights of Disabled People**

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)

● International Covenant on Economic, Social and Cultural Rights (1966)

● International Convention on the Elimination of all Forms of Racial Discrimination (1965)

● Convention on the Elimination of all Forms of Discrimination against Women (1979)

● Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (1984)

● Convention on the Rights of the Child (1989)

● International Convention on the Protection of the Rights of all Migrant Workers

● Members of their Families (1990)

● Convention on the Rights of Persons with Disabilities (2006)

● International Convention on the Protection of all Persons from Enforced Disappearance

**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

● Publicize regular bulletins or newsletters to keep their members informed

● Ensure proceedings and publications are available in different accessible modes to meet member’s needs.