

**REPORT ON THE  
RI-USICD SEMINAR ON IMPLEMENTATION OF THE  
UN CONVENTION**

**SATURDAY, AUGUST 26, 2006  
NEW YORK CITY COUNCIL CHAMBER  
NEW YORK, USA**

**ORGANIZED BY RI AND THE UNITED STATES  
INTERNATIONAL COUNCIL ON DISABILITY (USICD)**

## OVERVIEW

RI and the United States International Council on Disabilities (USICD) convened the Seminar on Implementation of the Draft UN Convention on the Rights of Persons with Disabilities at New York City Hall, on Saturday, August 26, 2006.

This Seminar coincided with the conclusion of the 8<sup>th</sup> session of the Ad Hoc Committee on the Draft UN Convention on the Rights of Persons with Disabilities, which served as the forum for the negotiations on the treaty. The aim of this meeting was to gather experts on disability issues from civil society, governments, academia and the UN to discuss how the international community can utilize the recently-negotiated UN Convention to develop action-oriented programs and policies that will benefit the growing global population of persons with disabilities.

In particular, this seminar provided a forum for disability advocates and practitioners to:

- Raise awareness of disability rights
- Discuss the roles of governments and civil society, in particular disability organizations, in ensuring the practical application of rights enshrined in the UN Convention
- Exchange good practices to implement disability rights
- Strengthen coordination and cooperation among the UN and its agencies, governments and civil society
- Create momentum for ratification and implementation of the UN Convention

Bios of all speakers are available upon request.

## PROGRAM

**10:00 Opening and Welcome**

**10:15 The Process Toward a UN Convention and its Implications**

**12:00 Perspectives from Civil Society and National Human Rights Institutions**

**14:30 Challenges and Expectations for Policymakers**

**16:00 Strategies for Implementing the UN Convention**

**17:30 Conclusions and Recommendations**

## **ACKNOWLEDGEMENTS**

RI and USICD thank the many sponsors/partners for this Seminar, without whose generous support this meeting would have not been possible:

- Government of Denmark
- Government of Ireland
- Government of Norway
- Ms. Beatrice Cummings Mayer
- City of New York
- City University of New York (CUNY)
- Easter Seals USA
- Goodwill Industries
- Syracuse University College of Law's Disability Law and Policy Program - Professor Arlene Kanter, Director

RI and USICD also thank the staff and numerous volunteers who assisted with preparations for and during this meeting.

## **ABOUT THE ORGANIZERS**

Founded in 1922, RI is a global network of people with disabilities, government agencies, service providers, researchers and advocates promoting and implementing the rights and inclusion of people with disabilities. RI is currently composed of over 700 members and affiliated organizations in more than 95 nations, in all regions of the world. To learn more about RI, visit: [www.riglobal.org](http://www.riglobal.org)

USICD brings together many of the disability-oriented government agencies, consumer associations, service providers and individual consumers in the United States, who are interested in furthering the full integration into society of people with disabilities. For more information, visit: [www.usicd.org](http://www.usicd.org)

## OPENING SESSION

*“The agreement on the Draft UN Convention is a most historic event, with unprecedented cooperation between civil society, governments and the UN.”*

- RI President Michael Fox

**RI President Michael Fox (Australia)** welcomed all participants to the Seminar, particularly in light of the intense two-week negotiations in the Ad Hoc Committee. He noted that the International Disability Alliance (IDA) and International Disability Caucus (IDC) had played an integral part in the success of the negotiations, and he was delighted to acknowledge that many members were present. He drew attention to the inspiring statements made by IDC representatives Stefan Trommel and Kicki Nordstrom at the conclusion of the negotiations.

Mr. Fox emphasized that this day should be a celebration of our achievements, and we should take this opportunity to consider how to collaboratively undertake the hard work that lies ahead. He noted that there would be a number of formal presentations in order to engage in a discussion on the process of implementing the UN Convention worldwide.

Mr. Fox particularly thanked John Lancaster, President of USICD, Matthew Sapolin, Commissioner of the New York City Mayor’s Office on Persons with Disabilities, and Tomas Lagerwall, RI Secretary General, for their significant assistance in organizing this seminar. He also acknowledged the support of the many sponsors for this event. Mr. Fox recognized the extraordinary role of the Chair of the Ad Hoc Committee, Ambassador Don MacKay of New Zealand, whose calm demeanor and effective leadership enabled the successful conclusion of the negotiations on the UN Convention.

**John Lancaster**, President of USICD, thanked RI for its commitment to this process over the past years, and recognized the hard work of the RI Secretariat in organizing this meeting. He agreed that this is a day for celebration, but also a day for us to refocus ourselves and begin the real work in advancing the rights of persons with disabilities.

He noted that the US has made great progress in establishing the American with Disabilities Act (ADA), which required a unified approach at both the local and national levels. He acknowledged that there is still a long way to go and encouraged the US government to take a more leadership role on disability issues.

He also hoped the Convention would initiate more activity among universities and other institutions, and noted that Cornell and Syracuse Universities both participated today and have been following the Convention process.

**Matthew Sapolin, Commissioner of the New York City Mayor's Office on Persons with Disabilities**, welcomed all participants on behalf of Mayor Michael Bloomberg and New York City. He noted that this meeting was taking place in a very historic room, explaining that City Hall was built in 1812 and since then, many legislative accomplishments have occurred in this room. Mr. Sapolin explained that the Mayor's Office for Persons with Disabilities is charged with finding ways to integrate persons with disabilities into the life of NYC and they have worked hard to ensure persons with disabilities reach their full potential.

The City of New York welcomes all citizens from around the world and is very proud of the accomplishments of the Ad Hoc Committee, particularly since the negotiations took place in New York City. He asked participants to join him in celebrating everyone's accomplishments at the UN in finalizing the Draft Convention under the leadership of Ambassador MacKay. Mr. Sapolin encouraged all participants to continue moving forward with fortitude and momentum to ensure that the Draft Convention can be adopted by the General Assembly as soon as possible and ratified by as many countries as possible.

**KEY NOTE ADDRESS:**

**AMBASSADOR DON MACKAY, PERMANENT REPRESENTATIVE OF NEW ZEALAND TO THE UNITED NATIONS IN GENEVA AND CHAIR OF THE UN AD HOC COMMITTEE ON THE UN CONVENTION ON THE RIGHTS OF PERSONS WITH DISABILITIES**

*"The paradigm shift in the way society thinks and acts about disability issues is the biggest potential impact of the Convention."*

- Amb. Don MacKay

At the outset of his remarks, Ambassador Don MacKay acknowledged that he had not prepared a speech because there were still a large number of open issues in the Convention until the very end of the negotiations the night before. Though he noted that he shared some concerns in the text, he felt that the overall outcome on the Convention is quite remarkable. He urged colleagues to now focus on implementation of the Convention, and commended RI for holding a seminar on implementation just 15 hours after agreement on the Convention, demonstrating RI's confidence in a successful outcome.

Ambassador MacKay noted that some people had said that this Convention was never needed because persons with disabilities theoretically have the same rights as everyone else. The reality, however, has been rather different. He recognized the important role played by civil society, particularly the IDC, in the negotiations. In fact, many elements in the Convention had originally been proposed by the IDC. He also noted the good interaction among governments

and between governments and civil society, instead of the usual procedure of delegations' reading prepared speeches.

Ambassador MacKay explained that it was indeed a remarkable step that the Ad Hoc Committee's report, which included the Draft Convention, was adopted at 7:50 pm on Friday evening, August 25 – just ten minutes before the interpreters had to leave. In fact, he had started the afternoon plenary session late to allow time for delegations to resolve outstanding issues. If other issues such as procedural issues had arisen at the last minute, this report would not have been adopted. In that case, there would have been another week-long session in January, which might have led to an unraveling of the carefully constructed text, even on those issues adopted ad referendum. He noted that additional discussions would have likely weakened, not strengthened, the Convention. For these reasons, he explained, he was very keen to avoid a January meeting.

Ambassador MacKay clarified that the next step is for the UN Drafting Committee to review the text for linguistic inconsistencies, and a resumed session of the Ad Hoc Committee will formally adopt the text, at which time governments can make interpretive statements and declarations. Implementation is obviously the key, particularly modifying legislation in most countries. Most countries need to change domestic legislation before they can ratify, some automatically adopt national legislation when they ratify, and others can ratify and adopt legislation later. He urged the disability community to focus on promoting ratification of the Convention as a matter of priority, since the treaty will only come into force after 20 countries have ratified. Unlike most other interest groups, the disability community has links into every level of society and must use this power to mobilize society.

Ambassador MacKay also stressed the importance of the “paradigm shift” to a human rights approach on disability. The establishment of a monitoring mechanism was another key element to ensure effective implementation. States need to report to an international body on their actions to give effect to the Convention, and the monitoring mechanism can provide valuable guidance for States.

Ambassador MacKay noted that the process is moving into a new phase where diplomats like him will step back and where the disability community can play an even greater role than before. He concluded, “You've led and guided this process, but now it's totally yours. Thank you.”

**KEY NOTE ADDRESS:**

**THERESIA DEGENER, PROFESSOR OF LAW, ADMINISTRATION, AND ORGANIZATION AT THE PROTESTANT UNIVERSITY OF APPLIED SCIENCES IN BOCHUM, GERMANY; AND MEMBER OF THE DELEGATION OF GERMANY TO THE AD HOC COMMITTEE**

*“While many have been calling the Convention a social development treaty, I feel strongly that the Convention reflects all human rights, including political and civil rights.”*

- Prof. Theresia Degener

Theresia Degener thanked the organizers for this conference and having the confidence to hold such a seminar just one day after the Ad Hoc Committee meeting. She shared a message from Professor Gerard Quinn of the University of Galway in Ireland, who gave heartfelt congratulations to all of those involved in the negotiations.

Her remarks focused on the development of disability rights and the implications of the UN Convention. She explained that if a disability rights convention had been adopted 20 years ago when first proposed, the findings in the Quinn-Degener Report on Human Rights and Disability (January 2002) would have been very different. The study found that even after the Standard Rules on the Equalization of Opportunities for Persons with Disabilities, persons with disabilities were mostly forgotten within the human rights framework, or if they were included, the medical model prevailed. Over the past two decades, she noted the great progress toward the Convention, particularly under the leadership of Ambassador Don McKay. Despite a nasty footnote on the issue of legal capacity, we can all be proud of the Convention.

The Convention will come into force one month after 20 states have ratified the treaty. From this day on, all branches of the ratifying governments, including the judicial branch, will be legally bound by the Convention. Everyone must be educated about the treaty and the subsequent obligations. For example, States' negative and positive duties to protect human right mean not only refraining from torture or discrimination against persons with disabilities, but also taking positive steps to ensure rights to independent living, privacy, family, expression, employment, etc. She noted that, because of this treaty, persons with disabilities were finally invited to the table of human rights.

This Convention will assist in mainstreaming disability rights so that States will consider the needs of persons with disabilities as they implement other treaties. Putting words on paper can change the world, she remarked, adding that the difficult task of implementation begins now. She concluded by reaffirming her personal commitment to ensuring broad implementation of the Convention.

#### QUESTION AND ANSWER PERIOD:

One participant asked about the interpretation of progressive implementation, since this term could imply that States have a long time to implement what are considered social and economic provisions of the Convention. Ms. Degener responded that it would be important to take into account the guidelines and recommendations of the Committee of Experts, which will monitor the treaty's implementation in those States which have ratified. If the Committee concludes that a State has not adequately implemented the right to education, for example, then the Committee can recommend that the State must take a more inclusive approach to education (which does not necessarily cost much). She added that there is no hierarchy among the rights in the Convention, noting that it is up to us to apply this Convention where it is most needed, which will differ from country to country. For example, education may be the top priority in Germany, while other states might choose another arena. Regardless, there is a lot of work to be done.

Ambassador MacKay commented that there was some debate in the Ad Hoc Committee over priority of rights and whether to specify which rights were economic/social versus political/civil rights. However, the final text has no separation of rights, which was done deliberately since many articles address both sets of rights.

Another participant asked about the consequences if some governments refuse to implement elements of the Convention. Ambassador MacKay replied that the key is the active participation of disability organizations at the national level and the pressure to keep implementation of this Convention as a matter of priority for the governments. If organizations are unable to mobilize within a country, civil society can cooperate with governments and NGOs in other countries.

He added that the important article on international cooperation provides for annual discussions among countries providing assistance and disability should be raised in this context. In fact, a number of countries now include provisions for disability issues in their development assistance programs. A key element of the campaign could be to collaborate with disability organizations in developed countries to get them actively involved in their own countries' affairs in order to influence cooperation with developing countries.

#### **PANEL PRESENTATION:**

##### **PERSPECTIVES FROM CIVIL SOCIETY AND NATIONAL HUMAN RIGHTS INSTITUTIONS**

**Yannis Vardakastanis (Greece), President of the European Disability Forum (EDF)**, echoed the sentiment that today is a day to celebrate the recognition that disability is a human rights issue. He noted that disability organizations have been active in this process from the start, reinforcing the slogan: "Nothing about us, without us". He shared the story of the June 1997 "Invisible citizens'

campaign” in the European Union, which resulted in the creation of an all inclusive European disability organization. The Convention represents an opportunity to change the way society thinks and acts, strengthen the global disability movement and support developing countries. The Convention will only be implemented effectively if there is a strong, well-coordinated and inclusive disability movement in place at all levels – nationally, regionally and internationally.

**Tina Minkowitz (USA)** shared her perspectives as **Co-Chair of the World Network of Users and Survivors of Psychiatry (WNUSP)**, an organization that has been an integral part of the negotiations toward the Convention from the beginning. She noted that WNUSP had accomplished something that cannot be taken away, namely that the key issues for persons with psycho-social disabilities – legal capacity, liberty, etc. – were finally put on the global human rights agenda. In addition, she explained that this process has served as a catalyst for dialogue toward recognition that everyone should have full legal rights. While the articles in the Convention can be used to ensure that many rights are achieved, Ms. Minkowitz noted that the footnote to Article 12 on equal recognition before the law was one issue to be still resolved.

She also believes that one day there will be an elimination of all institutions, forced interventions and other practices since they will be recognized as violence. In this regard, reforms need to take place to transform society in order to deal with a person’s needs and to respect every person as a full human being, rather than as an object.

**Markku Jokinen (Finland), President of the World Federation for the Deaf (WFD)**, presented his remarks in sign language and highlighted how the Convention promotes the rights of the deaf community around the globe. From the WFD’s perspective, the most important aspect of the Convention is its recognition of sign languages. He also noted that Article 9 (Accessibility) and Article 21 (Freedom of Expression and Opinion) are very important to the deaf community.

Since only about 44 countries recognize sign languages at the legislative level, the disability movement must ensure that deaf persons are well represented as this is one means of achieving equality.

An effective awareness campaign is also required since basic concepts related to the treaty are not understood by the deaf community. This issue is compounded by the fact that 95% of all deaf persons across the world are marginalized in educational systems. Finally, he emphasized that the Convention will promote recognition of the identity of the deaf community.

**Catherine Mumma, Commissioner on the Kenya Human Rights Commission and Member of the Kenyan Delegation to the Ad Hoc**

**Committee**, acknowledged the inclusive approach of the negotiations, which was the result of the Chair's efforts to coordinate input from States as well as persons with disabilities and their representative organizations. Although human rights instruments are often negotiated in the UN context, the purpose is to protect rights at the national level. Therefore, we need to developing good strategies to ensure that concepts such as "legal capacity" are well defined in our own systems. Instead of waiting for additional resources, Ms. Mumma urged participants to advocate for existing resources and programs to address the needs of persons with disabilities.

She went on to explain that National Human Rights Institutions (NHRIs) were initiated by the UN through the Paris Principles. The work of NHRIs includes advocacy, public information and interventions on controversial matters. NHRIs are a valuable and easily-accessible resource at the national level that should be tapped into when implementing the Convention. She recommended that NHRIs lobby parliamentarians as well as government officials, facilitate the work of persons with disabilities and organize networking opportunities regionally and internationally on different issues (including with other NHRIs).

She also encouraged participants to prepare tools on each Article to enable government actors to understand the concepts in the Convention and suggested that the disability community focus on different issues throughout the world.

#### QUESTION AND ANSWER PERIOD:

One participant commented that this was the first time that the UN provided documents in Braille, giving blind people the opportunity to participate more actively in the negotiations. Another participant added that the UN should continue to fully include persons with disabilities in the ratification and implementation phases, and we should continue to raise awareness at the UN so that resources for persons with disabilities are available for all processes at all levels of the UN.

Yannis Vardakastanis remarked that EDF is working to strengthen local capacity, and encouraged others to undertake such initiatives nationally and regionally, utilizing Article 32 of the Convention on international cooperation.

Tina Minkowitz added that, in terms of working together in the disability community, an important element is the collaboration of persons with certain skills, such as legal expertise. Catherine Mumma commented that civil society should develop tools for Article 32, which can actually assess national development aid and advocate for the need for governments to include disability in their requests.

The moderator urged participants to find ways in which the UN and other international organizations can support capacity building, and encouraged RI to explore this issue as well.

Yannis Vardakastanis responded that there is a clear role for NGOs to work with the UN on this issue. He underscored the importance of focused and transparent development cooperation to reach those people that require it most. Tina Minkowitz added that provisions within the Convention could possibly encourage the World Health Organization (WHO) to support more capacity building.

Another participant asked how the disability community could collaborate to bring about a paradigm shift to a rights-based model not only within governments, but also within UN agencies, such as the WHO, that have taken a medical approach until now. In response, the panel noted that this paradigm shift depends on what governments understand about disability.

We need to emphasize that disability is part of the natural differences in human kind, and that disability needs to be embraced by sharing information about different disabilities with one another. Another panelist responded that though some countries in any given region may have made this paradigm shift, many others have not. It is not enough to have a minority in the disability movement converted to the paradigm shift.

**PANEL PRESENTATION:  
CHALLENGES AND EXPECTATIONS FOR POLICYMAKERS**

*“Last night at the United Nations, we witnessed how the disability community transformed the world; from a world divided by disability into a world in which persons with and without disabilities work side by side toward the same goal of universal human rights and fundamental freedoms for all.”*

- Amb. Luis Gallegos

**Ambassador Luis Gallegos, Ambassador of Ecuador to the US and former Chair of the UN Ad Hoc Committee** affirmed that the UN Convention represents a great advancement in universal human rights for all persons, irrespective of disabilities and in both developed and developing countries. He particularly congratulated the leaders of the disability community who have tirelessly demonstrated how the battle against discrimination and oppression can be won by determination, hard work, perseverance, flexibility and innovation. Now our work has just begun, and we must make the Convention a reality in a small village in Africa as well as in a metropolis, such as New York.

There are many global issues affecting persons with disabilities and our society – ranging from extreme poverty and inequity, escalating situations of armed conflicts, and the continuing threat of the AIDS epidemic, to the increasing divide between the rich and poor created by technological advances. Implementation of the Convention should be an integral part of all facets of policymaking, based upon an understanding of the changing nature of disability and how it is inevitably a part of every individual's life and every society.

The effectiveness of these efforts, however, entirely depends upon how we strengthen our capacity and use this new Convention in conjunction with international, regional and national human rights systems. We must focus on (1) incorporating the disability perspective into the broader policy discourse, as has been done with women and children's perspectives; (2) strengthening our knowledge base on a wide range of disability issues and topics; (3) building the capacity and collaboration of policymakers, disability rights advocates, scholars and other stakeholders; and (4) promoting an open dialogue, well-informed consensus, and collective action.

He concluded by saying that we need to use the Convention in all aspects of policymaking to provoke changes in society, not only to rectify past discrimination against persons with disabilities, but also to create a society based on justice and equity, where differences among individuals do not hinder the full enjoyment of universally-recognized human rights.

**Leena Leikas from the Foreign Ministry of Finland**, which now serves as President of the European Union, presented her views on the next steps toward implementation of the Convention and the role of policymakers as major duty bearers. She acknowledged that people with disabilities face consistent challenges to equality and discrimination, and stressed the importance of implementing this Convention in light of all human rights conventions. In her view, governments should focus on mainstreaming disability in all programs and policies and set realistic priorities for implementation.

Ms. Leikas encouraged governments to work collaboratively with global civil society, since disabled peoples' organizations have a fundamental knowledge about disability since they deal with disability on a daily basis. She emphasized that awareness raising and media outreach are fundamental at the grass roots level and encouraged civil society to keep disability alive in the media. She concluded that while policymakers have a duty to protect the rights of all persons, civil society has a counter duty to keep policymakers aware of how to improve efforts to address disability issues.

**Eric Zhang of China's Disabled Peoples' Federation (CDPF) and member of the delegation of China to the AHC meetings** commented that although he was personally not happy with all articles in the present text, he noted that this

moment is historic in the global disability movement and we should all celebrate our achievements. In a country with more than an estimated 60 million persons with disabilities, Mr. Zhang said that DPOs have a critical role to play in the implementation of the Convention. In 1990, CDPF took the lead with other international organizations such as RI and the World Blind Union, in adopting the Beijing Declaration calling for an international convention on the rights of peoples with disabilities. As a developing country, China faces many difficulties but the rights of persons with disabilities have seen progress, for example, in the areas of rehabilitation and accessible technology, through partnerships with RI and the implementation of the Standard Rules.

Mr. Zhang explained that the Convention, a legally binding instrument unlike the Standard Rules, will be critical to mainstreaming disability in national policies and placing disability as a priority. He noted that the treaty has many new and revolutionary elements, creating the need to begin awareness raising campaigns in China to promote a greater understanding of disability rights, including the concept of reasonable accommodation and the definition of disability, and the diverse nature of the disability community. These endeavors require a paradigm shift to ensure non-discrimination and positive measures to promote equal opportunity and equal protection under the law. Mr. Zhang also noted that it is important for CDPF and other DPOs to form partnerships with government and other actors to ensure consultation in the national implementation process.

*“It was personally very encouraging to be a part of this process, particularly since I was a member of one of the first delegations with a person with a disability at AHC1 and now nearly every delegation has a person with a disability. If we can achieve this in such a short time, we can do this in our countries, too.”*

- Charlotte McClain-Nhlapo

**Charlotte McClain-Nhlapo (South Africa), a consultant for the World Bank,** echoed the remarks that today was a day for celebration. At the same time, we should bear in mind that persons with disabilities remain excluded from mainstream society. People with disabilities often do not have access to policymakers, yet as we have seen from this Convention process, persons with disabilities have the knowledge to influence policy, and their opinions are important. Furthermore, it’s our responsibility to go back to our constituencies and share information with people who were not able to participate in the negotiations of the Convention.

The disability community must now hold accountable national governments as well as international organizations such as the World Bank, particularly with regard to poverty reduction strategies. For example, in Uganda, persons with disabilities participated in developing those strategies. We need to share

information on when these processes are happening so we can ensure that the voice of persons with disabilities is taken into consideration. From her experience in various policy initiatives in South Africa, Ms. McClain-Nhlapo noted that increased ownership by and consultation with persons with disabilities leads to better policies and a greater sense of accountability.

She also stressed the need to recognize that simply presenting the text of the Convention to policymakers isn't enough. Data collection, field research and statistics will be very important in policy formation and appropriate budgetary allocations. In this regard, the World Bank is developing a list of questions to be included in national censuses.

The disability community needs to engage in the budget formulation process, monitor public expenditure and lobby the Ministry of Finance. We also need to start involving the private sector and making it more accountable since public-private partnerships are important for effective implementation of the Convention.

On the issue of building national capacity, she pointed out the need to strengthen household surveys, national human rights institutions, councils of persons with disabilities and any other institutions that relate to the rights in the Convention. Ms. McClain-Nhlapo stressed the importance of developing innovative incentives and creating new alliances with others with expertise in implementation.

From a strategic point of view, Ms. McClain-Nhlapo recommended that the disability community look for a "quick win" – something that can be achieved quickly and will vary in each country – which is a useful strategy for influencing policy makers. In order to have the greatest positive impact, it is imperative that the disability community interpret the text in a way that is understandable for most people and popularize the Convention as part of the implementation strategy. In her native South Africa, for example, the Convention on the Rights of the Child was conveyed to the general public through song, theater and other forms of media.

**Muhammed Al Tarawneh (Jordan), a consultant on disability issues**, urged the disability community to maintain pressure on governments to follow through with their commitments to implement the Convention, and ensure that this instrument has a greater and more immediate impact than the other seven human rights treaties. He noted the importance of developing jurisprudence on disability and discrimination on the basis of disability. The greatest challenge is how to engage in improving government policies and hold them accountable and he recommended that civil society consider innovative ways to achieve our goals.

**Rajaa Al-Masabi (Yemen), Chairwoman of the Arab Human Rights Federation**, began her remarks by congratulating all persons with disabilities and all organizations promoting disability rights. She shared her experience organizing a series of meetings with the Minister for Human Rights and the

Minister for Social Affairs to convince the Yemeni government to send a delegation to the AHC meetings. She stressed the importance of strong partnerships between governments and persons with disabilities. Because of the cooperation in her country, the government has made several resolutions to make Yemen's cities more accessible. This achievement occurred before the Convention was agreed on, and now the disability community has a strong tool to advocate for our rights.

### **PANEL PRESENTATION: STRATEGIES FOR IMPLEMENTATION**

**Eric Rosenthal (USA), Executive Director of Mental Disability Rights International (MDRI)**, remarked that though we have achieved rights for all persons with disabilities through the Convention, we must realize that all countries are, in essence, not in compliance with these new requirements.

He emphasized that we must now begin to work on implementing these new obligations. Many grassroots disability organizations are unaware of what is going on in the international realm.

Since this Convention addresses the need to raise awareness in the general public and hold governments accountable, we must reach out beyond the disability community and encourage the public to be engaged in ensuring compliance with the treaty. Mr. Rosenthal shared two examples of how MDRI has issued reports on violations against persons with disabilities, which have created a reversal of laws and practices in Turkey and Romania.

**Anurandha Mohit, Special Rapporteur of the Human Rights Commission of India**, shared her reflections on how countries which have human rights institutions can successfully implement the Convention. The Convention represents a solid foundation of enforceable law, but action is now needed at many levels and by many different actors to create awareness about this new instrument, particularly among government agencies.

National human rights institutions monitor conventions in a range of ways, including by cooperating with civil society organizations. This type of consultation and collaboration benefits both groups because human rights institutions will gain knowledge about disability issues, and civil society will learn about human rights institutions. We must continue to share information and build capacity about disability rights on the national level, to ensure that national human rights institutions work to live up to their expectations. In addition, international human rights institutions must monitor domestic laws and policies.

**Damjan Tatic, an expert to the Ministry for Labor, Employment and Social Affairs of Serbia and Member of the delegation of Serbia to the Ad Hoc Committee,** presented concrete examples of how to facilitate implementation, generated from a meeting organized for southeastern European states (non EU) in Belgrade in March 2006.

These recommendations included: translation of the Convention into many languages; mainstreaming the issues in the Convention persistently over time; speaking to politicians and decision makers in an appropriate and understandable manner; ensuring interaction between national and international disability legislation; and facilitating the participation of civil society in policymaking. Regarding this last issue, his organization will lead a campaign to raise awareness via publications, networking and media coverage to make sure that persons with disabilities know about the Convention.

**Jan Scown, member of the delegation of New Zealand to the Ad Hoc Committee,** spoke about strategies being used to introduce a rights-based perspective into the government framework.

She noted that all countries will have to make changes to their legal systems in order to be in compliance with the Convention.

An important issue is how to keep the Convention alive by taking a proactive and sustained approach to raising awareness of disability rights among the general population. People need to hold their countries accountable and make sure the Convention is addressed not only when an international monitoring report is due. New Zealand is likely to be among the first to ratify the Convention and has allocated a budget for its promotion. She also stressed the need to mainstream disability and develop outcome-oriented action plans.

#### QUESTION AND ANSWER PERIOD:

One participant noted the importance of engaging in positive dialogues between government and civil society. Another issue to consider is the relationship between disabled peoples' organizations (DPOs) and organizations *for* persons with disabilities.

Eric Rosenthal responded that a positive approach is possible, but it is a question of transparency and the democratic process. If the public does not know about specific issues, those citizens are not empowered to take action. Jan Scown added that there is a lot of value in working together and not treating the other as an enemy. It is quite possible to be working quite closely together and still be allowed to voice public concerns or disagreements outside of that working relationship. Damjan Tatic also commented that we should not lose sight of our ultimate goal of implementation of the Convention.

## CLOSING SESSION

**RI President Michael Fox** chaired the last session, to take final comments and summarize the many recommendations presented throughout the day.

Gidion Mandesi, RI Vice President for Africa, pointed out that the Convention addresses rights from a development perspective, which is particularly important since most persons with disabilities live in the developing world.

Anne Hawker, RI Chair of the Social Commission, stressed the importance of following up on this discussion in New York, by developing action plans and putting these plans in place in our communities. She also noted that some efforts to implement the Convention will not require much money.

One participant noted that we must stress that we have a human rights convention and another commented that the Convention applies to persons of all ages.

John Lancaster, President of USICD, made three final recommendations on how to effect implementation:

- (1) mobilize the disability community nationally, build coalitions with human rights organizations in their countries and work together with governments to move these issues forward;
- (2) consider how to generate funding from the UN and other important international institutions to support capacity building in developing nations;
- (3) establish a think tank to develop solutions for overcoming barriers to mobilization and for promoting the Convention in different countries and cultural contexts.

**RI President Michael Fox** then summarized the panel discussions and presented the seminar's recommendations. A strong theme from the panel on perspectives from civil society was the importance of taking a collaborative and inclusive approach to implementation.

The panel on policymakers highlighted the need to raise awareness, share information and include persons with disabilities and all stakeholders in the policymaking process. The panel on strategies for implementation presented ideas for collaboration, community participation and outreach.

In his concluding remarks, Mr. Fox drew attention to a quotation from Abraham Lincoln on the ceiling of the City Council Chamber that read: "Of the people, by

the people, for the people”, which was an appropriate reflection of the negotiations toward the UN Convention.

Michael Fox expressed his appreciation to all participants for their involvement in this important seminar on implementation of the Convention. A summary report of the Seminar will be available on the RI web site and in accessible formats.

**The Seminar recommendations are summarized as follows:**

#### **GENERAL RECOMMENDATIONS**

1. Raise general awareness about the treaty and the subsequent obligations of governments through public education campaigns and media outreach. Outreach should also be done on the diverse nature of disability.
2. Form partnerships among governments, UN, civil society and other actors to ensure consultation in the national implementation process.
3. Advocate that persons with diverse disabilities are represented at the policy and decision-making level by sharing information on when these processes are happening and actively seeking the participation and ownership of persons with disabilities.
4. Collect data and statistics and conduct field research to influence policy formation and appropriate budgetary allocations.
5. Advocate that discussions on development assistance include the aspect of disability and building capacity in developing countries, with particular mention of Article 32 on international cooperation.
6. Encourage more countries to develop policies in which disability must be addressed in development assistance programs.
7. Advocate that existing resources and programs address the needs of persons with disabilities.
8. Continue to raise awareness at the UN so that resources for persons with disabilities are part of all processes at all levels within the UN.
9. Organize networking opportunities regionally and internationally on different issues.
10. Involve the private sector and making them more accountable by developing more public-private partnerships.
11. Translate the Convention into many languages and accessible formats.
12. Establish a think tank to develop solutions for overcoming barriers to mobilization and for promoting the Convention in different countries and cultural contexts.

#### **RECOMMENDATIONS FOR CIVIL SOCIETY (PARTICULARLY DISABILITY ORGANIZATIONS)**

13. Focus on pressuring governments to consider ratification and implementation of the Convention as a matter of priority.

14. Develop and support an active, well-coordinated and inclusive disability movement at the local, national, regional and international levels.
15. Create new alliances and coalitions with other organizations with expertise in implementation, such as human rights organizations.
16. Cooperate with governments and NGOs in other countries, particularly if disability organizations are unable to mobilize within a country.
17. Increase collaboration among disability organizations in developed countries and developing countries, and influence the development agenda.
18. Develop outcome-oriented action plans and put these plans in place in our communities, particularly since some efforts to implement the Convention will not require a great deal of money.
19. Develop materials to explain the Convention in a way that is understandable for most people and popularize the Convention through song, theater, etc.
20. Develop effective strategies to ensure that concepts such as “legal capacity” are well-defined in national legal systems.
21. Hold accountable national governments as well as international organizations and institutions, such as the World Bank and regional banks, particularly with regard to poverty reduction strategies.
22. Use National Human Rights Institutions (NHRIs) as a resource for advocacy, public information and interventions on controversial matters at the national level.
23. Include parliamentarians as well as government officials in advocacy efforts and speak to them in an understandable and appropriate manner.
24. Engage in the budget formulation process and monitor public expenditure by reaching out to ministries of finance in different countries.
25. Prepare tools on each article to enable government actors to understand the concepts in the Convention, including specific tools that can assess national development cooperation with respect to Article 32.
26. Have diverse civil society participants focus on different issues in the Convention in different regions of the world, and encourage the exchange successful practices and policies.
27. Look for a “quick win” – something that can be achieved quickly and will vary in each country. Identify discriminatory practices around the world.

#### **RECOMMENDATIONS FOR GOVERNMENTS**

28. Implement this UN Convention in light of all other human rights conventions.
29. Develop national plans for implementing the Convention in all relevant fields.
30. Focus on mainstreaming disability in all programs and policies.
31. Include persons with disabilities in all aspects of the ratification and implementation phases.

- 32.** Set realistic priorities for implementation.
- 33.** Work collaboratively with global civil society, as disabled peoples' organizations have a fundamental knowledge about disability since they deal with disability on a daily basis.
- 34.** Share good examples of implementing legislation, policies and practices with other countries.
- 35.** Develop jurisprudence on disability and discrimination on the basis of disability.