

# Convention of the rights of persons with disabilities politics essay



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People with disabilities exist in every age group, every social sector, every class and every ethnic and religious community. They often do not have a voice of their own in issues that affect their lives. It is important to understand the causes of disability and the discrimination intended for the disabled, and measures that need to be taken to ensure the equal enjoyment of human rights for persons with disabilities. Societies must work as a whole to integrate disabled persons into the life of society and provide them with equal opportunities in schools, the workplace and the global community.

December 13, 2006 the Convention on the Rights of Persons with Disabilities (CRPD) was implemented. Currently 99 countries have approved the Convention and there are 147 members. A high number of developing countries are included in signing the Convention. It is likely those developing countries will be asking development actors for support after approving the convention in the implementation of the principles and binding responsibilities. Around 650 million people, 10% of the world's population live with a disability. According to the UN Development Program (UNDP) 80% of persons with disabilities live in developing countries ("Rights and dignity," 2011). Estimated by the World Bank 20% of the world's poorest people are disabled and are regarded as the most disadvantaged in their own communities (Takamin, 2004).

The term persons with disabilities is applied to all people with disabilities. It includes people who have long term mental, physical, intellectual or sensory impairments. These disabilities can affect their participation in society. "Impairment is a functional limitation caused by physical, mental or sensory damage and a disability can be defined as a loss or reduction of

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opportunities to take part in the everyday life of the community on an equal level” (Yeo, 2003). “ It is important to note that a person with a disability may be viewed as a person with a disability in one society or setting, but not in another, depending on the role that the person is anticipated to take in his or her community.” “ The convention recognizes that disability is an evolving concept and that legislation may adapt to reflect positive changes within society.” (“ Country profile: thailand,” 2010).

The Convention on the Rights of Persons with Disabilities consists of an article on international cooperation, pointing out the gap between developed and developing countries. Issues such as human rights violations, poverty, and social exclusion are overpowering and have prevented the global South to have significant improvement.

Article 32 in the Convention on the Rights of Persons with Disabilities insist that there be international cooperation for the support of the CRPD in developing countries, once a country has ratified the convention they become required to engage in international cooperation.

The important question to keep in mind is how can international partnership be effectively put into action in developing counties. With the help of official donor agencies and non-governmental organizations (NGOs) which represent persons with disabilities and the families in developing countries the CRPD can be applied. Thailand is one country that has had the help of four major NGOs working with persons with disabilities and official donor agencies from developed counties such as the United Kingdom, Australia, and Japan (“ Thailand human rights,” 2011).

Thailand approved the CRPD in July 2008 along with Australia. Thailand symbolize the typical issues developing countries face, such as poverty. Thai persons with disabilities are challenged with poverty. NGOs in Thailand in comparison to other developing countries are well recognized, the representatives of NGOs in Thailand are strongly taking part in the development of the policy on disability on a national level (“ Thailand human rights,” 2011).

More attention has been given to the reality of persons with disabilities among the disadvantaged people in developing countries. International Organizations such as the World Bank state that persons with disabilities are the poorest of the poor. According to the United Nations Economic and Social Commission for Asia and the Pacific approximately 160 million persons with disabilities which are over 40% of the total number of persons with disabilities are living in poverty (Takamine, 2003). Around 100 million people in developing countries have a medical condition due to malnutrition and poor sanitation (Takamin, 2004).

Social exclusion helps to clearly comprehend the association between poverty and disability. In developing countries, persons with disabilities are more likely to experience different types of social segregation including: limited social contact, exclusion from formal/informal education and employment, the community has low expectations from them and they hold low expectations for themselves, exclusion from the political/legal process, exclusion from basic healthcare, the lowest priority for any limited resources such as food, clean water, and inheritance, and lack of support for the high expenses directly linked with the impairment such as costly medical

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treatments (Yeo, 2003). All of these factors take away the opportunity for persons with disabilities to make an income, placing them in the absence of state support. Impairment may be caused by malnutrition and poor health that is a result of poor people being deprived of healthcare and healthy food. Poor people are often oppressed and sent to work in dangerous conditions, which generates risk of accidents and physical impairment. “ Poverty and disability are mutually reinforcing, as persons with disabilities are socially excluded and adequate social services are not provided” (United Nations, 2007). In developing countries we see a large amount of people who are disabled and living in poverty. To improve the circumstances, persons with disabilities in these developing countries should be involved in all the development efforts of their countries, and an inclusive development approach should be put in place to deal with the different forms of social exclusion.

Article 32 was negotiated in a series of CRPD preparatory meetings. Article 32 states:

1. States Parties recognize the importance of international cooperation and its promotion, in support of national efforts for the realization of the purpose and objectives of the present Convention, and will undertake appropriate and effective measures in this regard, between and among States and, as appropriate, in partnership with relevant international and regional organizations and civil society, in particular organizations of persons with disabilities. Such measures could include, inter alia:

- (a) Ensuring that international cooperation, including international development programmes, is inclusive of and accessible to persons with disabilities;
- (b) Facilitating and supporting capacity-building, including through the exchange and sharing of information, experiences, training programmes and best practices;
- (c) Facilitating cooperation in research and access to scientific and technical knowledge;
- (d) Providing, as appropriate, technical and economic assistance, including by facilitating access to and sharing of accessible and assistive technologies, and through the transfer of technologies.

2. The provisions of this article are without prejudice to the obligations of each State Party to full fill its obligations under the present Convention. (“ Convention on the,” 2011).

Disability is a major issue that requires strong support and partnerships from different participants. The process to draft the CRPD began in 2001, and in 2002 the United Nations Asian and Pacific Decade of Disabled Persons adopted a set of policy guidelines known as the “ Biwako Millennium Framework for Action to Promote an Inclusive, Barrier-free and Rights-based Society for Persons with Disabilities in Asia and the Pacific” (United Nations, 2007). In the Framework, the rights-based approach is suggested for the formation of national disability policies and aid programs in the Asia-Pacific

region (United Nations, 2007). This guarantees that persons with disabilities benefit from all the rights which other citizens enjoy.

In developing countries human rights tools promote the quality of life of people; it is questioned whether the Declaration of the Right to Development would be better guaranteed by UN and international NGOs rather than individual nation states (Dean, 2008). International aid organizations in some developing countries have been the main body for encouraging social policy associated to persons with disabilities and providing pertinent amenities. Concerning this Article 32 clarifies that international cooperation is “ in support of national efforts for the realization of the purpose and objectives of the present Convention” (“ Convention on the,” 2011).

UK, Australia and Japan are three developed countries that have been involved in international development programs concerning disability and have set up policies on development cooperation. The UK has one official donor agency that deals with disability that has been playing a primary role in development aid called the Department for International Development (DFID). DFID works in association with NGOs and accentuates the cycle of disability and poverty and the empowerment of persons with disabilities. Stating that “ reducing poverty by tackling social exclusion is a DFID’s policy” and “ disability is about discrimination and exclusion – key aspects of DFID’s work -” DFID is dedicated to addressing issues of disability in its development programs throughout the world” (“ Dfid department for,” 2011).

In Australia the Australian Agency for International Development (AusAID) has also made an effort to “ establish Australian leadership on disability”. Since early 2008 AusAID formed a unit of NGOs and other stakeholders to create new disability strategy for the Australian aid program for 2009-2014, titled “ Development for All”. Effective international leadership on disability and development is one of the main objectives of the strategy which is in alliance with CRPD Article 23 (Saunders, 2007).

In 2003 the Japan International Cooperation Agency (JICA) in alliance with Japanese experts and NGO representatives developed its policy paper on “ support for persons with disabilities” (“ Japanese overseas cooperation,” 2011). Hundreds of volunteers and professional are sent out annually by JICA to both governmental and non-governmental organizations for support to work in special education, physiotherapy, vocational training, and many others. It has also helped a number of disability-related projects carried out by the governments of developing countries. (“ Japanese overseas cooperation,” 2011).

The population of Thailand in mid-2007 recorded by the United Nations is approximately 62, 829, 000 million, with 5. 7 million living in Bangkok the capital city. The National Statistical Office’s Disability Survey in 2002 found that 1. 7% of the people consisting of 1. 8% male and 0. 9% female had disabilities. The rate among the rural population was twice that of the urban population according to the survey. The Northeast 2. 4%, the South 1. 9%, and the North 1. 8 % had higher rates of disability, while Bangkok and the Central region had 0. 7% and 1% (“ Thailand – asia-pacific,” 2011). These statistics prove that rural regions have a higher majority than the central

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regions of poor people, and more persons with disabilities live in these poor regions. In 2007 1.9 million of the population had a disability and the proportion of persons with disabilities to total population was 2.9%. (“Thailand – asia-pacific,” 2011).

The Rehabilitation of Disabled Persons Act of 1991 and the United Ministerial Regulations which had been the main legal instruments, was replaced by the Persons with Disabilities Empowerment Act which was enforced in 2007 (“Persons with disabilities,” 2007). The Rehabilitation Act of 1991 set the basis for the rights of persons with disabilities to benefit from public services. Other Acts also involve rights for persons with disabilities such as the Social Security Act which gives registered persons with disabilities an allowance of 500 baht which is roughly 15 US dollars each month (Camfield, 2009). The National Education Act is also in place, which defends the rights of persons with disabilities to acquire education. However, compared to the current standard of living the survival allowance and other support are quite minimal, the daily minimum wage of 2007 was 120 baht in Thailand. The National Office for Empowerment of Persons with Disabilities has been launched and works in collaboration with other government agencies and NGOs. These Acts guarantee that Thai persons with disabilities are given employment support and financial aid, as well as educational, medical, rehabilitative, and services. District Public Welfare Offices and Health Centers offer assistance to persons with disabilities, and Provincial Special Education Centers are responsible for educational services for children with disabilities (Glassman, 2008).

The Thai government now has a more hands-on position on human rights. For example, the Thai diplomatic mission states that: “ The country has progressively striven to promote human rights awareness through human rights education and to strengthen legal frameworks to promote and protect human rights in line with UN Conventions, in particular with regard to the rights of vulnerable groups” (“ The royal thai,” 2008). Moreover, “ Thailand has a long-standing commitment to enhancing cooperation to uplift the quality of life of women, children and persons with disabilities as well as to ensure their rights” (“ The royal thai,” 2008). Thailand’s ratification of the CRPD was one of the earliest in Asia. The Persons with Disabilities Empowerment Act of 2007 is renowned as the first Thai law to forbid discriminatory and biased acts against persons with disabilities and to punish anyone that does not abide by the law. Also, the Act has expanded the rights for Thai persons with disabilities and explained these rights in more detail. Most importantly the Thai government has confirmed its support for the CRPD by adjusting the domestic legislation to fit the CRPD (“ The royal thai,” 2008).

There are four major NGOs which are involved in a wide range of activities and influence on the Thai disability policy which include: Thailand Association of the Blind (TAB), the Redemptorist Foundation for People with Disabilities, the Association of Parents for Thai Persons with Autism under the Thai Autism Foundation, and the National Association of the Deaf in Thailand (NADT). These NGOs epitomize persons with disabilities as well as their families (Delcore, 2003).

Within the last few years in Thailand, all four NGOs recognize the Empowerment Act as an advanced legal device that has improved the legal and policy development, in terms of punishing discrimination against those with disabilities. They agree that even with an active disability association and recent advancements at the national level, the situation of persons with disabilities has not been much improved in the rural areas due to poverty and countless social exclusions. Many with disabilities are still denied from education and employment. The private sector is in need of more employment opportunities for persons with disabilities due to poor understanding and support of the employers. Furthermore, the quality of education and other related services for persons with disabilities requires more improvement in Thailand. Many persons with disabilities are have HIV/AIDS due to lack of education of it, and some persons with disabilities mostly deaf people are unfairly treated when it comes to legal cases due to incomplete sign language interpretation. Young women with disabilities easily become victims of different exploitations, such as those with hearing impairments or intellectual disabilities are very weak and socially cut off and do not receive sufficient education (Delcore, 2003).

With the formation of the CRPD and the Thai Persons with Disabilities Empowerment Act improvements have been made at the national level, however not much of a change has been made at the lowest level in Thailand and other developing countries. Stating that disabled persons have rights is important although it may not be enough to bring about a real adjustment for disabled persons. All local leaders should be knowledgeable about the rights of those with disabilities as well as an obligation to protect

their rights. Another benefit is to have local leaders with disabilities that can serve for the empowerment and be an example to those with disabilities in their community. This will advocate the need to empower persons with disabilities and educate local people on disability issues. It is apparent that the understanding of the Thai public range is limited concerning the rights of persons with disabilities, and there is difficulty in the carrying out of the Empowerment Act and promotion of the CRPD in the government. They face many issues such as poor understanding, policies adopted by the central government are not expressed in local governments properly, and therefore the understanding of the rights of persons with disabilities at the local level is very restricted. It is crucial to raise awareness through public education (Delcore, 2003).

The Thai disability policy is moving on the right course. It is in a transitional period by following the international movements. The Thai disability policy needs further evaluation to have actual implementation. It is stressed that the assessment and monitoring of policy implementation are vital but currently lacking. The future NGOs should be more involved in monitoring and evaluation. NGOs in Thailand and their representatives with disabilities have been recently very much involved in the formation of the national policy in comparison to the past as well as the surrounding developing countries. While some people with disabilities are asked to participate at the national level, only a small number of persons with disabilities are participating at the local level. More local leaders with disabilities and local self-help groups need to participate in the policy formation and push these programs at the local level. More attempts should be made for empowering

persons with disabilities especially in the rural areas; the difference of the situation of persons with disabilities between Bangkok and other regions has been increasing. The implementation of Thai disability policy should be further dispersed in the future by improving local programs (Delcore, 2003).

The Convention on the Rights of Persons with Disabilities has raised fundamental knowledge of the rights of persons with disabilities in the underdeveloped countries and has also influenced the formations of their disability policy. Thailand is a developing nation-state; it has already ratified the CRPD and has launched an anti-discrimination law for persons with disabilities. Article 32 on international cooperation in the CRPD states that “international cooperation is necessary to support national efforts”. Through NGOs and civil society, and a nation’s government, have the main responsibility to support and defend the rights of its citizens with disabilities and achieve international cooperation. Organizations of persons with disabilities and other NGOs have been the most active and have started the promotion of rights through their local networks. In Thailand, local leaders with disabilities have great potential in spreading the goals of the CRPD at the community level. UK, Australia and Japan’s international donor agencies have been involved for years, in assisting the development for persons with disabilities. Distinguishing the relationship between poverty and disability, these agencies attempt to take in persons with disabilities and include them in their international development programs. Therefore, it is evident that major donor agencies are ready for the execution of CRPD Article 32 if they remain committed to attain effective implementation. In addition, their collaboration with different associations that deal with persons with

disabilities and other NGOs are growing, which will enrich programs of these agencies.