

ESCAP Expert Group Meeting 22 June 2022

Rosemary Kayess – Opening Remarks

The Convention on the Rights of Persons with Disabilities represents a significant conceptual shift in how we understand and respond to the phenomenon of disability as societies. The Convention negotiations focused on addressing the impact of the medical model of disability. This medical model explains the power relationship that has dominated the lives of people with disabilities by pathologising our difference and labelling us as abnormal and incapable of functioning in society, treating us as objects and subjecting us to care, treatment and protection regimes that strip us of autonomy and segregate us from society. This has been the basis for limiting or diminishing the rights of people with disabilities.

The Convention introduces the human rights model of disability, which stipulates that human rights cannot be limited or diminished on the basis of impairment. The Convention negotiations recognised that it is law, policy and practice that creates barriers to the ability of people with disabilities to participate in society; it is not inherent to the individuals themselves. The human rights model recognises impairment as an equally valued aspect of human diversity and people with disabilities equal in dignity and worth.

In response to the social and economic exclusion, segregation and loss of autonomy experienced by people with disabilities, the community of nations agreed to the Convention provisions. These are the reasons why the treaty exists; this is the ratio legis. States Parties need to stop seeing us as different and to start seeing us as a valued part of the diversity of the human condition. This will require significant, coordinated change globally, regionally and nationally. It will require societies to effect legislative and cultural change to transform itself, to adopt law, policy and practice to promote, protect and ensure the full and equal enjoyment of all human rights and fundamental freedoms by all persons with disabilities, and to promote respect for their inherent dignity.

The Asia Pacific region is home to two thirds of the world's population of people with disabilities. ESCAP has provided critical leadership in tackling disability discrimination and inequality and promoting disability rights in the Asia Pacific region. ESCAP was one of the first regions that called for an international convention and developed the Bangkok Draft in 2003, which became the influential working group draft that was the base document for the Convention negotiations.

ESCAP has established three regional decades of action on the rights of persons with disabilities, which influenced the establishment of similar decades of action in other regions. The first and second Asia Pacific decades consolidated the voice of people with disabilities in the region and established a collaboration between Member States, organisations of people with disabilities, civil society and other stakeholders. The third decade linked action to progress Convention rights with action to implement the Millennium Development Goals, making people with disabilities visible in international development activities and foreshadowing the Sustainable Development Goals.

Despite this significant leadership from ESCAP, the COVID pandemic has starkly exposed the inequality and discrimination experienced by people with disabilities globally. While many persons with disabilities have health conditions that make them more susceptible to COVID-19, pre-existing discrimination and inequality means that people with disabilities are one of the most excluded groups in terms of health prevention and response actions and economic and social support measures, and among the hardest hit in terms of transmission risk and actual fatalities.

Climate change is also revealing significant risks for our world, with specific impacts experienced by people with disabilities. People with disabilities are often excluded from climate change discussions and the development of agreed actions to alleviate risks. Climate change has particular relevance for the Asia Pacific region, and people with disabilities need to be part of the solutions.

People with disabilities are often confined to regional and national disability policies and programs, which fails to recognise the diversity of people with disabilities, including in relation to gender, sex, age, race, indigenous and LGBTIQ status. Intersectionality continues to remain a challenge for States Parties to understand and apply. There is a predominance of policy silos, where women, children, older persons, people with disabilities, Indigenous peoples etc are assigned to separate categories of focus. While this continues, the rights contained in the Convention will not be achieved for all people with disabilities.

ESCAP now has the opportunity to build on the successes of the previous three decades of action, to learn the lessons from the COVID pandemic, and to identify and address current challenges, such as climate change.

It is critical that the Convention guides your discussions during this Expert Group Meeting. The Convention provides the roadmap for the social transformation that is required to realise the rights of people with disabilities and to progress the Sustainable Development Goals. The principles and standards of the CRPD need to underpin the design of measures and strategies that will address disability rights in the post-2022 period and up to 2030, the concluding year of the SDGs.

I draw your attention to the following key principles and standards of the Convention:

1. **The human rights model of disability** - It has been almost sixteen years since the adoption of the Convention, and it is long overdue that the medical model is abandoned. Understanding and applying the human rights model requires law and policy makers to recognise disability as a social construct, to embrace impairment as an equally valued aspect of human diversity and human dignity, and recognise that there can be no diminishment or limitation of human rights based on impairment.
2. **Intersectionality** – People with disabilities are not a homogenous group. An intersectional lens needs to be applied by recognising the diversity of people with disabilities and ensuring that this diversity is incorporated into disability specific policies and plans to ensure de facto equality for all people with disabilities. An intersectional lens also needs to ensure that disability specific measures are

embedded in other policy areas, such as gender equity strategies, youth strategies or areas such as climate change and disaster risk reduction strategies.

3. **Active participation of people with disabilities** – People with disabilities need to be included in law and policy development and implementation. There needs to be a focus on strengthening and resourcing mechanisms for the active involvement and close consultation of people with disabilities, including children with disabilities through their representative organisations.
4. **Statistics and data collection** – Building a robust evidence-base is critical to developing and implementing strategies and measures that will realise human rights. This evidence-base needs to be informed by rigorous disability-inclusive research methods for the collection of consistent and disaggregated data.

The critical role ESCAP has played in the Asia Pacific region needs to continue through the period 2023 to 2030. I wish you every success for this Expert Group Meeting, and to ESCAP continuing to provide global leadership in disability inclusion and the rights of persons with disabilities.

Thank you.