

# Disability and Rights for Citizens (DRC) Project

## Timeline of Major Milestones in International Disability Policy by Council of Canadians with Disabilities (CCD)

### **Moving from the Charity Model to the Human Rights Paradigm**

#### **The Role Played by Canada and Canadians with Disabilities**

**1948**—The United Nations adopted the Universal Declaration of Human Rights (UDHR). John P. Humphrey, a Canadian with a disability, headed the Human Rights Secretariat at the UN and played a pivotal role in the drafting of the UDHR. The Declaration and subsequent thematic human rights conventions applied to people with disabilities. However, in practice, the UN human rights system was largely silent on the human rights violations experienced by persons with disabilities. In 2002, Gerard Quinn and Theresia Degener, a German academic with a disability, in “Human Rights and Disability: The Current Use and Future Potential of United Nations Human Rights Instruments in the Context of Disability” addressed how the international human rights system was not assisting people with disabilities realize the full enjoyment of their human rights. The awareness created by the Quinn and Degener report spurred on the demand for a thematic human rights convention addressing the discrimination experienced by persons with disabilities.

**1971**—Canada and France introduced the resolution that led the UN to adopt the Declaration on the Rights of Mentally Retarded Persons. This document upheld that, where feasible, persons labeled mentally handicapped had the same rights as other persons (Neufeldt and Egers).

**1975**—The UN adopted the Declaration on the Rights of Disabled Persons.

**1980**—The 1980 WHO International Classification of Impairments, Disability and Handicaps (ICIDH) was criticized for its biomedical approach and for its exclusion of environmental barriers. People with disabilities in Quebec took a lead role in moving the classification away from the medical model and to embrace the social model (Boucher, et. al.). The International Classification of Functioning, Disability and Health, endorsed in 2001, recognizes disability as a “universal human experience”.

**1981**—The UN proclaimed the International Year of Disabled Persons (IYDP). The UN had an Advisory Committee to plan IYDP activities. Only one person with a disability, Frank Bowe, an

American, was part of the Committee. Canadians with disabilities convinced the Government of Canada to include Henry Enns on the Canadian delegation that would participate in meetings in Vienna on IYDP. At the Vienna meeting, MP David Smith, head of the Canadian delegation, introduced a new topic “full participation of people with disabilities in IYDP” and Henry Enns spoke to this topic (Enns and Neufeldt). Full participation became a key theme for IYDP. This partnership between government and a disability organization was a harbinger of a new model for inclusive policy development, where people with disabilities and their organizations are at the table when disability laws and policies are developed. At the UN during the drafting of the CRPD, “Nothing About Us Without Us” became an important guiding principle. Indeed, this principle can trace its roots back to the 1980s.

Also for 1981, the UN established a Fund, which would come to be known as the United Nations Voluntary Fund on Disability. Currently, the Fund is being used to increase awareness of the CRPD. Both NGOs and governments can apply to this fund, through applications made to the Department for Economic and Social Affairs (DESA).

Also, in 1981, Disabled Peoples’ International (DPI) was founded. (CCD is the Canadian member of DPI.) DPI was granted consultative status at the UN. Henry Enns was the first Vice Chairperson of DPI and Jim Derksen was its staff Development Officer.

**1982**—On December 3rd the UN General Assembly adopted the World Programme of Action Concerning Disabled Persons (WPA), a global strategy addressing prevention, rehabilitation and equalization of opportunities of people with disabilities. A Canadian with a disability, Henry Enns, who was then Vice Chair of Disabled Peoples’ International (DPI), and James Crowe, a Canadian diplomat, drafted the sections of the WPA that ensured that disability would be addressed from an equalization of opportunities perspective, as well as from a rehabilitation perspective (Enns and Neufeldt). Also in 1982, the UN proclaimed the Decade of Persons with Disabilities (1982-92).

**1983**—The International Labour Organization (ILO) adopted the Vocational Rehabilitation and Employment (Disabled Persons) Convention, which focused on rehabilitation and employment. This Convention was based on the principle of equal opportunity between workers with disabilities and nondisabled workers. It also recognized the need for “special measures” to address barriers. Also in 1983, Canada sponsored a resolution in the UN Human Rights Commission calling for an international study on human rights violations of people with disabilities.

**1984**—Mr. Leandro Despouy was appointed the Special Rapporteur for Human Rights and Disability. He published “Human Rights and Disabled Persons”, which proposed international mechanisms, such as an ombudsman, for the promotion and protection of the human rights of persons with disabilities. The report, presented to the UN Human Rights Commission in 1991,

increased international awareness of the human rights violations experienced by people with disabilities.

**1992**—The UN established December 3rd as the International Day of Persons with Disabilities.

**1993**—The UN adopted the Standard Rules on the Equalization of Opportunities for Persons with Disabilities, a nonbinding instrument, which provides guidance to Governments on how to increase opportunities for people with disabilities. While not binding, the disability community rallied around the Standard Rules and they focused attention on the human rights of persons with disabilities.

**1994**—As provided for in the Standard Rules, the UN appointed Mr. Bengt Lindqvist, a blind man from Sweden, who had been active in Disabled Peoples' International, as the first Special Rapporteur on Disability. The Special Rapporteur monitors the implementation of the Standard Rules. The UN continues to appoint Special Rapporteurs, with Mr. Shuaib Chalklen, of South Africa, currently serving in this office.

**1995**—The World Summit for Social Development's Programme of Action recognized the pressing need for the realization of the goals of full participation and equality by persons with disabilities. Also in 1995, first in the Beijing Platform for Action, created at the Fourth World Conference on Women, and then at the 23rd special session on further actions and initiatives to implement the Beijing Declaration and Platform for Action, there was a recognition of the additional discrimination faced by women with disabilities and a call to action to address their issues. The 23rd special session also recognized that the barriers faced by women with disabilities prevent them from experiencing the full enjoyment of their human rights. Canadian women with disabilities were active participants at the Beijing conference. Also in 1995, Barb Goode, a Canadian woman with an intellectual disability, addressed the UN General Assembly (GA), becoming the first self-advocate to present to the GA (Richler).

**1996**—Canadians with disabilities and their organizations were very involved in the processes which led to the UN Convention on the Prohibition of the Use, Stockpiling and Transfer of Anti-Personnel Mines and on their Destruction (1997).

**1997**—The UN General Assembly resolution 52/107 called for the full and equal enjoyment of all human rights and fundamental freedoms by children with disabilities. Also in that year, the Organization of American States adopted the Inter-American Convention on the Elimination of All Forms of Discrimination against Persons with Disabilities.

**2001**—Following a proposal from Mexico, the UN General Assembly established an Ad Hoc Committee to study proposals for a convention to promote and protect the rights and dignity of persons with disabilities.

**2003-2006**—CCD hosted community consultations where representative organizations of people with disabilities provided input to the Canadian delegations that attended the Ad Hoc Committee meetings in New York where the drafting of the CRPD occurred. The Government of Canada invited disability community members Ms. Mary Ennis and then Mr. Steve Estey to participate on the Canadian delegations which helped to draft the CRPD at the UN. Ms. Dulcie McCallum was also a delegation member. The Canadian delegation also included Mr. Vangelis Nikias, a person with a disability and an HRSDC staff person, on the Canadian delegation.

**2006**—The UN General Assembly adopted the Convention on the Rights of Persons with Disabilities (CRPD). The CRPD examines all human rights from a disability perspective to illuminate necessary actions to ensure that the right in question is fully enjoyed by persons with disabilities. The processes established under the CRPD (i.e. the Conference of States Parties and the UN Committee on the Rights of Persons with Disabilities) will ensure that the work of giving meaning to human rights in the context of disability is an on-going project. Canadians with disabilities are seeking to be part of these processes. Nothing About Us Without Us continues to be the guiding principle.

Following the UN adoption of the CRPD, people with disabilities began to urge their countries to ratify the CRPD. Canadians with disabilities promoted ratification at the provincial and federal levels.

Also in that year, the UN launched the Global Initiative for Inclusive Information and Communication Technologies (G3ict), which is an advocacy initiative of UN-GAID, the United Nations Global Alliance for ICT and Development. The G3ict is promoting the adoption of a Digital Accessibility Agenda, which is based upon the CRPD. The G3ict will be sharing information on best practices, working on standards and harmonization and supporting policy makers.

**2007**—Spain organized an Expert Group to examine civil society participation in the implementation of the CRPD, which produced the Declaration of Madrid. Among other matters, the Declaration of Madrid calls upon States Parties to undertake implementation of the CRPD in close contact with the representative organizations of people with disabilities. Canadian disability organizations have been sharing with Canadian governments their views on how the CRPD should be implemented and how people with disabilities should be involved in its implementation. (See CCD/CACL Action Plan.)

**2008**—As called for in the CRPD, the first Conference of States Parties met to consider matters related to implementation. For example, in 2009, there was a roundtable examination of equal recognition before the law, access to justice and support and decision-making.

**2009**—The first session of the UN Committee on the Rights of Persons with Disabilities was held in Geneva. (A Canadian has not been appointed to the Committee. It is hoped that a Canadian

with a disability will be supported by Canada to participate on this body.) A State Party submits its first reports to the Committee within 2 years of the CRPD entering into force.

**2010** (March)—Canada ratified the CRPD and Steve Estey (CCD), Traci Walters (ILC), Bendina Miller and Anna MacQuarrie (CACL) accompanied Minister Cannon to the UN for this event. Canada is now eligible to participate in Conferences of States Parties and make nominations to the CRPD Committee. Canada ratified the CRPD with reservations and did not ratify the Optional Protocol—two actions which were a disappointment to the representative organizations of people with disabilities.

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