

**THE UNITED NATIONS CONVENTION ON THE
RIGHTS OF PERSONS WITH DISABILITIES: IMPLICATIONS
FOR ICT POLICIES AND STRATEGIES**

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The United Nations Convention on the Rights of Persons with Disabilities: Implications for ICT Policies and Strategies

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Agenda

- Background on the United Nations Convention on the Rights of Persons with Disabilities
- Implication for ICTs
- Expected legislative and regulatory processes
- Key issues confronting all stakeholders



Background on the Convention

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Facts about the Convention

- Adopted by the United Nations General Assembly on December 13, 2006
- 8th Universal Convention on Human Rights
- 1st Human Rights convention of this millennium
- Addresses the rights of 650 million persons with disabilities, impacting 2 billion persons including the family members of persons with disabilities
- Historically the highest number of signatories for a UN Convention on its opening day—in this case, on March 30th, 2007
- **102 countries have signed it to date**



A Historic Momentum

- Programme of Action concerning Disabled Persons, December 1982:
 - First international instrument to attempt to articulate both a developmental *and a rights-based approach to disability*
 - Established the foundation for international monitoring
 - United Nations Decade of Disabled Persons (1982-1993)
- Standard Rules on the Equalization of Opportunities for Persons with Disabilities, December 1993:
 - 22 rules that address all aspects of life of persons with disabilities
 - Provide for a continuum of interventions that are critical to the equalization of opportunities for all persons with disabilities
 - Significant contribution to the advancement of legislation and regulations around the world



The Role of Civil Society

- Convention developed by the United Nations General Assembly Ad Hoc Committee with active involvement from NGOs representing Persons Living with Disabilities from across the world
- Many innovative aspects of the Convention reflect contributions from Civil Society and NGOs representing Persons Living with Disabilities
- Future years: the Convention includes dispositions establishing:
 - An international reporting and monitoring process
 - Inclusion of Civil Society through the establishment of the *Committee on the Rights of Persons with Disabilities*



Definition of “Persons with Disabilities”

“Persons with disabilities include those who have long-term physical, mental, intellectual or sensory impairments, which, in interaction with various barriers, may hinder their full and effective participation in society on an equal basis with others”.

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(Preamble of the United Nations Convention on the Rights of Persons with Disabilities)



Principles of the Convention

1. Respect for inherent dignity, individual autonomy including the freedom to make one’s own choices, and independence of persons;
2. Non-discrimination;
3. Full and effective participation and inclusion in society;
4. Respect for difference and acceptance of persons with disabilities as part of human diversity and humanity;
5. Equality of opportunity;
6. Accessibility;
7. Equality between men and women;
8. Respect for the evolving capacities of children with disabilities and respect for the right of children with disabilities to preserve their identities.

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P2 This is where this definition comes from, correct? It is best to specify from which preamble if you wish to cite it properly.

Pauley; 10/09/2007



Principles of the Convention

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Implication for ICTs



ICTs are an Important Component of the Convention

- 14 out of the first 32 non-procedural articles of the Convention explicitly mention obligations of states regarding Information and Communication Technologies
- Obligations are generally defined in relation to a desired outcome, rather than in specific technical terms
- Ratifying states, however, are obligated to enact laws and regulations reflecting those dispositions, which may entail specific technical obligations



Obligations of States Vis-à-Vis ICTs as Defined by the Convention

- Promote the accessibility of ICT-based services and applications for Government, Employment, Education, Media & the Internet, Consumer services, Emergency Response and Cultural life
- Support ICT-based assistive services for persons living with disabilities
- Support R & D efforts for Assistive Technologies
- Encourage Universal Design ("Design for All")
- Engage in international cooperations to support new technology
- Seek to lower the cost of accessible and assistive technologies

Mandates by Application Areas

Specific ICT Application Areas Covered by the Convention	Accessibility Mandates	Facilitating Assistive Technologies	Supporting ICT Vendors R & D
E-Government	◇		
Employment	◇		
Education	◇	◇	
Media & Internet	◇		
Consumer Services	◇		
Freedom of Expression	◇		
Emergency Response	◇	◇	
Personal Mobility		◇	◇
Independent Living		◇	◇
Culture & Leisure	◇		



Accessibility: Freedom of Expression and Access to Information

States Parties shall take all appropriate measures to ensure that persons with disabilities can:

- Exercise the right to freedom of expression and opinion
- Including the freedom to seek, receive and impart information and ideas on an equal basis with others and
- *Through all forms of communication of their choice*

(Art. 21)



Freedom of Expression and Access to Information: Specific Measures

- (a) Providing information intended for the general public to persons with disabilities in *accessible formats and technologies* appropriate to different kinds of disabilities in a timely manner and without additional cost
- (b) Accepting and facilitating the use of sign languages, Braille, augmentative and alternative communication, and *all other accessible means, modes and formats of communication* of their choice by persons with disabilities in *official interactions*
- (c) Urging *private entities* that provide services to the general public, including through the Internet, to provide *information and services in accessible and usable formats for* persons with disabilities;
- (d) Encouraging the *mass media, including providers of information through the Internet, to make their services accessible to persons with disabilities* (Art. 21)



Accessibility: Participation in Cultural Life

States Parties recognize the right of persons with disabilities to take part on an equal basis with others in cultural life, and shall take all appropriate measures to ensure that persons with disabilities:

- (a) Enjoy access to cultural materials *in accessible formats*
- (b) Enjoy access to television programmes, films, theatre and other cultural activities, *in accessible formats*



Accessibility: Private Sector Services

"The state must insure that *private entities* that offer facilities and services to the public take into account the accessibility of those services" (art. 9)

(Also mentioned in art. 21)



Assistive Technologies: Personal Mobility

States Parties shall take effective measures to ensure personal mobility with the greatest possible independence for persons with disabilities, including by:

- (b) Facilitating access by persons with disabilities to quality mobility aids, devices, *assistive technologies* and forms of live assistance and intermediaries, including by making them available at affordable cost
- (d) Encouraging entities that produce mobility aids, devices and assistive technologies to take into account *all aspects of mobility* for persons with disabilities. (Art. 20)



Promoting Assistive Technologies

- To undertake or promote research and development of, and to promote the availability and use of new technologies, including information and communications technologies, mobility aids, devices and assistive technologies, suitable for persons with disabilities, giving priority to technologies at an affordable cost
- To provide accessible information to persons with disabilities about mobility aids, devices and assistive technologies, including new technologies, as well as other forms of assistance, support services and facilities

(Art. 4)



ICT Products Development

- Early Stage Accessibility Definitions:
 - "Promote the design, development, production and distribution of accessible information and communications technologies and systems at an early stage, so that these technologies and systems become accessible at minimum cost" (Art. 9)
- Universal Design:
 - "To undertake or promote research and development of universally designed goods, services, equipment and facilities, as defined in article 2 of the present Convention, which should require the minimum possible adaptation and the least cost to meet the specific needs of a person with disabilities, to promote their availability and use, and to promote universal design in the development of standards and guidelines" (Art. 4)



Expected Legislative and Regulatory process

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Legislative Process

- Signing of the Convention
 - Optional Protocol
 - Does not commit States
- Ratification (*or "accession" later on*)
 - Commits States
 - Varying constitutional dispositions
 - Convention enforceable as an International Instrument when 20 States have completed their ratification process (10 only for the Optional Protocol)
 - Expected in 2008
- Parties States must then align their legislation and regulations with the dispositions of the Convention unless already more favorable



Obligation to Enact Legislation and Regulations

- “States Parties undertake:
 - To adopt all appropriate legislative, administrative and other measures for the implementation of the rights recognized in the present Convention;
 - To take all appropriate measures, including legislation, to modify or abolish existing laws, regulations, customs and practices that constitute discrimination against persons with disabilities;
 - To take into account the protection and promotion of the human rights of persons with disabilities in all policies and programmes”

(Article 4)



Role of Parliaments

- Countries seldom have legislation in place that conforms completely to every provision in the Convention
- The Convention can translate into national law by:
 - enacting a single law that simply sanctions the Convention in its entirety as equivalent to national law (except in those countries where the Constitution makes this automatic)
 - adopting individual pieces of legislation that implement one or more provisions of the Convention, until the whole Convention is implemented over time
 - Amending the Constitution or other fundamental law to add a strong anti-discrimination clause to protect the rights of persons with disabilities
 - Conducting a systematic review of all existing laws to make sure that they are not in violation of the Convention, and to enact the required amendments

Source: Inter-Parliamentary Union Manual for the Implementation of the Convention



Developing Legislation and Regulations

- Long term process that will take a few years to be completed both at the legislative level and with concrete policies on the ground
- Persons with disabilities should be intimately involved in the legislative and policy-making process as the principal local stakeholders
- ICT Industry and Standards Organizations should also be consulted in matters of specific technical requirements
- Areas of proven good practices and technical/economic feasibility (example: television sub-titling/captioning already in place in many countries) likely to be addressed first



Key issues confronting stakeholders



NGOs Representing Persons Living with Disabilities

- NGOs support the implementation of the Convention worldwide
- NGOs are concerned by increasing risk of discrimination due to pervasive ICT applications in all aspects of daily life
- Key issue among local NGOs and policy makers is enforcement Vs. simple guidelines—a likely difficult debate to develop between all stakeholders, including industry and the public sector P6
- NGOs believe that judiciary initiatives with new jurisprudence in several countries that support accessibility requirements could be further supported by the text of the Convention
- NGOs hold that new very promising assistive ICTs are far too expensive for most persons living with disabilities



ICT Vendors

- State their support of accessibility of ICTs with several large corporations dedicating large resources to R&D on accessibility
- Concerned that individual national legislation and regulations may fragment the market making it more difficult to mass produce low cost accessible and assistive ICT products
- Speed of technology innovations Vs. accessibility standards
- Few R&D efforts with states incentives
- Expanding market through greater usability of products made accessible for persons living with disabilities

Slide 27

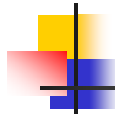
P6 I felt that you needed to tie the title of the slide into the bullet points more, so I added "NGOs" at several spots to make the connection clearer.

Pauley; 10/09/2007



Governments - Procurement

- Most effective way to implement accessible ICT solutions in public services with proven track record
- Size of public markets create the incentive for ICT vendors to incorporate accessibility features in their products
- Example of Section 508 of the ADA in the US
- Areas of discussion:
 - How to manage the definition of requirements?
 - Who is responsible to assess the accessibility of a given product?
 - Third party certification and supporters or self-declaration of conformity by vendors?
- E-Government accessibility challenges still considerable



Standards Organizations

- International Coordination critical to enable industry to develop low cost mass produced accessible and assistive ICT products
- Multiple aspects are covered by a variety of organizations
- Examples of successful collaborative work such as:
 - Daisy Consortium
 - W3C-WAI
 - ITU SG 16
- Bridges needed with legislators and regulators



G3ict Global Initiative for Inclusive ICTs

- Provides a venue in the context of the United Nations for stakeholders actively engaged in ICT and disability issues to coordinate their efforts and raise awareness of solutions by:
 - Identifying and sharing best practices and solutions amongst and between the private and public sectors
 - Identifying core areas of ICT opportunities
 - Fostering greater harmonization and standardization of solutions
 - Supporting capacity-building programs for legislators, regulators and local authorities



Conclusions

- The Convention is a historic milestone
- ICTs central to its implementation
- Multi-stakeholders consensus necessary to fully leverage the potential benefits of ICTs for persons living with disabilities

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