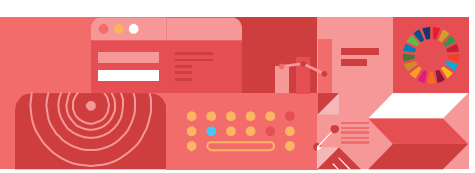




Policy Paper

No. 2022/03

Framework for Disability Policies and Strategies in Asia and the Pacific



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Acronyms

CRPD	Convention on the Rights of Persons with Disabilities
ESCAP	Economic and Social Commission for Asia and the Pacific
EU	European Union
GDS	Global Disability Summit
NHRI(s)	National Human Rights Institution(s)
OHCHR	Office of the United Nations High Commissioner for Human Rights
OPD	Organization of Persons with Disabilities
SDG(s)	Sustainable Development Goal(s)

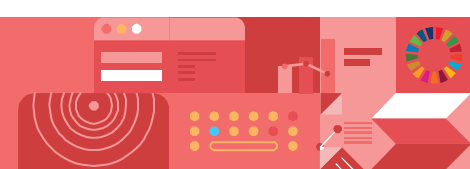
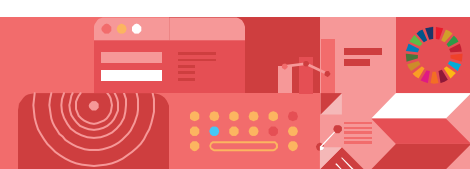


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Executive Summary

Since 1993, with the adoption of the first of three regional disability specific decades, the Asia-Pacific region has been a leader in promoting disability-inclusive development. The Incheon Strategy to “Make the Right Real” for Persons with Disabilities (also known as the Incheon Strategy) was the first set of regionally agreed upon disability-specific development goals.

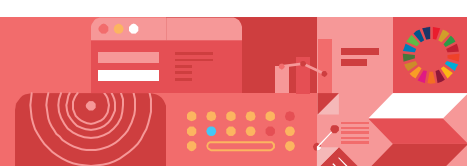
The objective of this paper is to provide guidance to national governments on the role disability policies and strategies can play to ensure progress toward inclusive development and the realization of the Incheon Strategy goals and the broader Sustainable Development Goals (SDGs). The SDGs have recognized the need to leave no one behind. Yet without policies and strategies that focus explicitly on ways to promote inclusion, there is a real risk that persons with disabilities will be excluded from the benefits of national development plans and actions.

There are, of course, some caveats. States have different legal and administrative systems and practices and have adopted different approaches toward ensuring compliance with international laws. While it is both impossible to craft and not useful to implement a “one-size-fits-all” approach for national policies and strategies globally, this paper finds there are some shared broad elements that states may want to consider as they pursue their disability-inclusive development agendas.

This paper describes the functions of policies and strategies, bearing in mind the frame provided by international law, and in particular the Convention on the Rights of Persons with Disabilities (CRPD). There are six main elements that can form the basis of national disability policies: 1) a commitment to mainstream disability in law and policy; 2) a vision that aligns the development agenda and CRPD; 3) a commitment of financial, technical support, and staff resources to achieve policy (and eventually strategic) objectives; 4) the establishment of mechanisms to facilitate implementation of laws and policies; 5) the setting of the government’s broad objectives vis-à-vis the inclusion of persons with disabilities; and 6) the articulation of the assumptions and principles that guide implementation of the strategy. Examples from around the globe illustrate the ways in which states have considered and incorporated these elements.

The paper then presents four main elements that are found in different national disability strategies and presents examples from different states as illustrations. The four elements of disability strategies are: 1) a situational analysis and the identification of priorities 2) an articulation of a state’s general obligations, in other words, an overview of the investments it will make and the supports it will provide to facilitate non-discrimination, protection, autonomy and empowerment of persons with disabilities; 3) the specification of capacity building outcomes and objectives; and 4) the identification of measures to support the full inclusion of persons with disabilities in national development plans and programmes.

Persons with disabilities all over the world experience discrimination and are more likely to be living in less favourable conditions, and with fewer opportunities and resources than their non-disabled peers. Many countries have shown, following their ratification of the CRPD and the adoption of the SDGs, a commitment to addressing inequalities and providing the support needed to facilitate full inclusion in the community. This paper aims to help governments to translate those commitments into action.



1. Introduction

This report presents a framework to guide the development of national disability policies and strategies grounded in a human rights approach and fully consistent with the Convention on the Rights of Persons with Disabilities (hereinafter, CRPD or the Convention) and other international laws, as well as the Sustainable Development Goals (SDGs), and other initiatives and agreements, such as the Sendai Framework for Disaster Risk Reduction 2015-2030. The intended audience for this guide is policymakers and government officials, primarily in the Asia-Pacific region, though it is hoped others find it useful as well.

The report has incorporated examples from national disability policies and strategies as a way of showing the considerations different states have given in the presentation of their frameworks.

1.1 Overview of the CRPD

The Convention forms part of the body of international laws and treaties and provides a framework for inclusive international development. The Convention was adopted in 2006 and entered into force in 2008.

As of 5 January 2022, 184 countries, including the vast majority of states in the Asia-Pacific region, have ratified the Convention. Once countries ratify, i.e. become state parties to the Convention, they are obliged to develop, adapt, or strengthen national disability policies and strategies to ensure persons with disabilities can exercise rights on an equal basis with others.

They are also obliged to submit initial state reports to the CRPD Committee, a body established by the Convention to consider reports from state parties and alternative reports from other stakeholders. The Committee reviews all materials, meets with relevant stakeholders and then issues reports, known as Concluding Observations, in response to those submissions. The CRPD Committee also provides guidance, through general comments, on different themes and issues of importance to support the development and implementation of policies and strategies to ensure the realization of the rights of persons with disabilities.

Box 1: The CRPD Committee's recommendations on implementation

The CRPD Committee issues Concluding Observations that summarize the Committee's findings and recommendations for the states' consideration. In their Concluding Observations the CRPD Committee has emphasized the importance of frameworks for national implementation. This has included calls to ensure adequate funding is provided for implementation, to consult closely with persons with disabilities, and to strengthen measures for monitoring, accountability and learning. In particular, the CRPD Committee has recommended:

- Establish a system for implementation of the CRPD,¹ including the identification and capacity building of a focal point,² work to mainstream disability across all

¹ CRPD/C/SLV/CO/1, para 68.

² CRPD/C/SVK/CO/1, para 88.



policies and programmes,³ an elaboration of prerogatives,⁴ and funding for the focal point(s) and accountability of government departments⁵

- Establish an effective coordination mechanism across government for the development and implementation of policy⁶
- Report on measures to guarantee rights and ensure implementation of provisions in the CRPD⁷
- Ensure that national monitoring adheres to Paris Principles and Organizations of Persons with Disabilities (OPDs) play a role in monitoring⁸
- Provide a budget to OPDs for monitoring implementation⁹
- Enable independent monitoring, including the provision of sufficient human, technical and financial resources,¹⁰ and ensure the autonomy of bodies tasked with monitoring¹¹

The CRPD both advances human rights law and serves to guide international development. It provides a legislative framework for ensuring the rights of persons with disabilities are protected upon ratification, and a roadmap for how Governments can transform their laws, public policies and strategies to ensure inclusive international development. Given these twin purposes (rights protection and promotion, and international development), the principles and rights established under the CRPD must be embedded in every country's efforts to implement the SDGs (and any subsequent development agenda).

1.2 The importance of participation and being seen as rights-holders

Persons with disabilities have argued for the need for a paradigm shift in how communities see and interact with persons with disabilities. The traditional view, that persons with disabilities are charity or medical cases, continues to treat persons with disabilities as objects. The CRPD advances a rights-based approach, that persons with disabilities have the same rights as persons without disabilities and must be afforded the opportunity to participate as equals in discussions on all aspects of their lives. Given this shift, states need to protect the rights of persons with disabilities, just as it does for all other people, and to recognize their legal capacity, including the concepts of individual autonomy and choice. Finally, the CRPD obliges states to ensure avenues for participation by persons with disabilities on an equal basis with others, including access to resources and opportunities. With regard to the development and implementation of policies and strategies, persons with disabilities need to be consulted and actively engaged in all stages.¹²

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