

Recommendations on the Draft Comprehensive and Integral International Convention on the Protection and Promotion of the Rights and Dignity of Persons with Disabilities

A submission to United Nations Ad Hoc Committee
established by UN General Assembly resolution 56/168,
from Joint Council for the Physically and Mentally Disabled /
Hong Kong Council of Social Service,
Hong Kong Special Administrative Region

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About Joint Council for the Physically and Mentally Disabled (Joint Council)

Joint Council is the main coordinating body of practically all NGOs of and for people with disabilities in Hong Kong SAR, China. It is a full member of Rehabilitation International which has a consultative status with UN. Joint Council is also an integral partner of Hong Kong Council of Social Service which has a consultative status with UNESCAP since 2003. Joint Council has intensive and extensive experiences in disability work for many decades in Hong Kong, and also in the world. It is one of the most active players in regional disability movements, and a staunch supporter for the first and second Asian and Pacific Decade of Disabled Persons, and the Biwako Millennium Framework.

Hong Kong Situation and the new Convention

Hong Kong SAR, China is a metropolitan city with a population of 6.8 million, and an estimated number of 450,000 people with disabilities. It has in place a comprehensive rehabilitation programme plan, a disability specific legislation (the Disability Discrimination Ordinance), and a range of legislative measures concerning people with disabilities. The Basic Law of Hong Kong has incorporated the International Convention on Civil and Political Rights, the International Convention on Economic, Social and Cultural Rights, and the Convention on the Elimination of all forms of Discrimination Against Women. Moreover, self-help organizations of persons with disabilities are being increasingly recognized and involved in policy making in Hong Kong. In spite of these measures, the rights based approach is still far from firmly rooted in the society, and social discrimination against people with disabilities is frequently reported.

The new convention will ensure GOs to adopt a rights based approach to protect and promote full and effective participation in multi-track approach to the fulfillment of the human rights of persons with disabilities and the achievement of the goals of human and social development.

Concerns toward the Draft Convention

1. Promotion of Positive attitudes to persons with disabilities

The attitude of the public toward persons with disabilities is the key factor in making the society to recognize and respect the rights of persons with disabilities. In shaping the image of persons with disabilities, mass media plays an important role and creates much influence to the public. We agree that the draft Convention shall encourage "all organs of the media to project an image of persons with disabilities consistent with the purpose of this Convention." However we are of the opinion that more affirmative measures should be adopted other than only relying on the self-discipline of mass media.

2. Accessibility and Personal Mobility

Accessibility to built environment, transportation and information technology is very crucial for people with disabilities to full participation in the society. Apart from public buildings and facilities, we propose that private buildings and facilities intended to be used by the public should also be covered by the obligations in the draft Convention. Moreover, it is necessary to clearly define some key words such as "appropriate", "easy-to-read-and-understand forms" in the draft Convention. Choices and equal opportunities should be emphasized in the formulation of related policies, rather than

just providing only one choice to people with disabilities. It is also found that measures to ensure the accessibility of information and communication technologies for people with disabilities as proposed in the draft Convention are not emphasized enough.

3. Right to Work

Employment is important for people with disabilities to be able to gain a living by themselves. However, the unemployment rate of people with disabilities is still much higher than that of the whole population in Hong Kong and other parts of the globe, especially in those developing and third world countries. We suggest that the new Convention should protect the right to work of people with disabilities by proposing affirmative policies such as introduction of quota system through legislation, ensuring enough supports and accommodations to be provided in workplaces, etc. Moreover, vocational rehabilitation services should also be provided for those not suitable for open employment.

4. Education

In general, mainstream education should be made available for people with disabilities. In many places, special schools still exist, but people with disabilities should enjoy their rights and have the chances to choose mainstream schools. We suggest adults, other than children, both with and without disabilities, may enjoy the rights to education. The quality of education for people with disabilities should be ensured as good as that for their non-disabled peers such that their personality, talents and abilities can be developed to the fullest potential.

5. Women with disabilities

We are disappointed that the issues of women with disabilities are not covered in the draft Convention. As discrimination against women can still be found in many countries, women with disabilities are always under double discrimination and the Convention should respond to this concern. We strongly recommend that women with disabilities must be ensured to be free from any violence and abuse, particularly women with learning disabilities as they are the most vulnerable group in protecting themselves. The social factors in causing violence and abuse should also be recognized and addressed in the Convention.

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