

# Disability Inclusion Helpdesk, September 23

## Evidence digest focus issue: Legislation and Rollback of Rights

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## The latest evidence and guidance on disability legislation and rollback of rights

### CRPD

The International Disability Alliance (IDA) have **compiled the concluding observations of the Convention on the Rights of Persons with Disabilities (CRPD) Committee**. The recommendations issued by the CRPD Committee in the concluding observations are systematically compiled by article, including equality and non-discrimination, women with disabilities, children with disabilities, equal recognition before the law, and access to justice. IDA aims to facilitate access for these recommendations for organisations of persons with disabilities (OPDs), civil society, disability rights researchers, and other stakeholders.

The UN Economic and Social Commission for Asia and the Pacific (ESCAP) published a report on **Harmonization of national laws with the convention on the rights of persons with disabilities (CRPD): overview of trends in Asia and the Pacific** in October 2022. This series of publications, including an analytical regional overview and five country case studies (**Australia, China, India, Republic of Korea and Thailand**), captures learning from an ESCAP research project to study the trends of the Asian and Pacific countries in harmonising their national laws with the CRPD. It examines the extent to which reporting obligations have been fulfilled in a timely and substantive manner and the ways in which national human rights institutions and civil society organisations, in particular organisations of persons with disabilities, have been involved in that process.

The UNDP published a report on **promoting the rights of persons with disabilities in Central Asia: institutional experiences and the way forward** in 2013. The report shares critical lessons from National Human Rights Institutions. The first section of the report presents initiatives from Central Asia that seek to promote the inclusion of people with disabilities and highlights the key challenges that policy changes may face. The second section highlights the important contribution that experts from National Human Rights Institutions can make in ten strategic areas, including non-discrimination, promoting de-institutionalisation, participation, social protection, and access to education and employment.

The UN Division for Social Policy Development (DSPD) and Department of Economic and Social Affairs (DESA) published a **toolkit on disability for Africa: legislating for disability rights** in 2016. The report aims to provide practical tools on various disability-related issues for a range of audiences, including government officials, public servants, and OPDs. It

intends to support the implementation of the UNCPRD and disability-inclusive development and provides examples of good practice from countries across Africa. The toolkit is available in English and **French**.

## Data repositories

The AfriCAN Network has a list of **policies and laws on disability in different African countries**. This includes national strategies, policies, legal frameworks, and acts.

The United Nations Department of Economic and Social Affairs has a list of **Disability Laws and Acts by country or area**. This includes laws on disability rights, equal opportunities bills, disability discrimination acts, and constitution articles.

## Deinstitutionalisation

The Committee on the Rights of Persons with Disabilities (CRPD) announced the adoption of its **Guidelines on Deinstitutionalization, including in emergencies** in September 2022. These guidelines were crafted to complement the essence of General Comment No. 5 on Article 19, which pertains to the right to live independently and be included in the community, as well as the Guidelines on Article 14, focusing on the right to liberty and security of the person. Developing the Guidelines involved a two-year collaborative consultation process, involving 7 regional consultations and over 500 participants. The Guidelines were created after the repercussions of the Covid-19 pandemic on individuals with disabilities who were residing in institutions and focuses on including their voices.

The Committee on the Rights of Persons with Disabilities published a **statement of the Chair of the Committee at the closing of the panel on deinstitutionalisation** held on 18 August 2023. The statement highlights key messages and shares heartfelt gratitude to the courageous people that have shared their narratives as survivors of institutionalization, to resilient individuals who continue to navigate through unjust discrimination, and to the experts of the Committee.

## Employment legislation

In 2022, the article **Legislation on Disability and Employment: To What Extent Are Employment Rights Guaranteed for Persons with Disabilities?** was published in the International Journal of Environmental Research and Public Health. The article aimed to understand how legislation in seven Latin American countries (Bolivia, Costa Rica, Chile, Colombia, Ecuador, Mexico, and Peru) has defined and enabled the inclusion of people with disabilities in the labour market. It found that although all countries have enacted legislation promoting the employment rights of persons with disabilities, six of the seven countries (except Chile) take a medical approach to disability, which imposes a barrier to the labour-market inclusion of people with disabilities and perpetuates the association of disability with lack of capacity to work.

## Rollback

In 2018, the United Nations Committee on the Elimination of Discrimination against Women (CEDAW) and the Committee on the Rights of Persons with Disabilities (CRPD) launched a joint statement on how **access to safe and legal abortion, as well as related services and information are essential aspects of women’s reproductive health**. It highlighted concerns that opponents of reproductive rights refer to disability rights to try and restrict or prohibit women’s access to safe abortion, which is a misinterpretation of the CRPD.

Human Rights Watch published a briefing paper entitled **Human Rights Crisis: Abortion in the United States After Dobbs** in April 2023. It details how people with disabilities, as people who already face documented discrimination within and outside the health system, are disproportionately impacted by the US Supreme Court decision to overturn constitutionally protected right to access abortion. People with disabilities have been denied reproductive autonomy and people with disabilities, particularly people of colour with disabilities, have faced forced sterilisation. The paper highlights concerns that the Supreme Court decision will further entrench discriminatory policies and erode progress towards the protection of bodily autonomy.

The article **The Frailty of Disability Rights** was published in the University of Pennsylvania Law Review Online in 2020. It argues that disability rights laws are viewed as “nice to do” rather than “must do” and therefore are easily rolled back in situations like pandemics. Using the US context, it explores access to treatment and public education, and the instability of disability rights. It concludes by saying that the COVID-19 pandemic has surfaced unfiltered normative views of disability that will continue to undermine even the most progressive legislation unless these views are contended with.

In September 2020, an article was published on **Disability Rights During COVID-19: Emergency Law and Guidelines in England** in Medical Law Review. The article highlights reports from the disability community in England and elsewhere that measures taken to contain the spread of COVID-19 impact negatively on their human rights and experiences. It describes how laws and practices changed during the COVID-19 pandemic, and how focuses on how guidelines for health practitioners on who to prioritise when resources are limited can disproportionately effect people with disabilities.

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## The latest evidence and guidance on disability inclusion: Other topics

### General

The Disability Inclusion Helpdesk published a report on **disability inclusion in Timor-Leste**. It presents the latest evidence on disability inclusion and rights in Timor-Leste, including in key sectors such as governance, climate change, health, and social protection. Drawing on a literature review and interviews with organisations of persons with disabilities (OPDs) and the Ministry of Social Solidarity and Inclusion, the report also presents data on the progress made in recent years, gaps remaining, and a summary of key stakeholders on disability inclusion.

In September 2023, the WHO published a report on **Mental Health Conditions in the WHO South-East Asia Region**. The report responds to a lack of data on people with mental health conditions in South-East Asia, the degree of unmet need for treatment and interventions, and the patterns and costs of treatment. It found that one in four people living with a mental health condition worldwide lives in the WHO South-East Asia region, and that anxiety and depression are the most common conditions amongst both men and women, contributing to nearly 50% of the number of people with mental health conditions in the region.

The World Food Programme Afghanistan Country Office Protection Unit published a **Disability Inclusive Terminology Guideline** in August 2023. It highlights that the words used in communication matter and have the power to affect community attitudes positively or negatively.

## Digital inclusion

The article **Sensing technologies, digital inclusion, and disability diversity** was published in the Journal of Computer-Mediated Communication in August 2023. Drawing on a large-scale qualitative project that involves new and second-generation migrants with disabilities from a socio-economically disadvantaged area in Sydney, Australia, the report focuses on uses and experiences of everyday sensory technologies by racially and ethnically diverse persons with disabilities. It finds that sensing technologies, such as smartphones equipped with cameras or heart-rate monitors, for example, often assume a medical model of disability. There are multiple, complex, and intersecting barriers to sensing technologies, for example, a reliance on accent-specific voice-activation.

## Disaster Risk Reduction

In August 2023, CBM published guidance for planning and practice on **Mainstreaming Disability Inclusive Disaster Risk Reduction in Community Development**. The report brings together reflections and learnings from a broader study on good practices in DIDRR and a situation analysis of disability inclusive disaster risk reduction (DIDRR) mainstreaming in community based inclusive development programming. Targeted at community development practitioners, this document seeks to provide a practical resource that can support the process of mainstreaming DIDRR.

The UN Office for Disaster Risk Reduction published the report **Gender-responsive and disability-inclusive early warning and early action in the Pacific region** in August 2023. The report explores the barriers, challenges, and opportunities to strengthening gender-responsive and disability-inclusive early warning early action in the Pacific, focusing on existing policies, practices and knowledge. It seeks to capture evidence on risk perception, warning practices and response mechanisms that could be leveraged to make early warning systems inclusive and people centred.

## Education

In September 2023, Humanity and Inclusion published a briefing paper on **Disability-Inclusive Education in the occupied Palestinian territory** (West Bank including East

Jerusalem, and Gaza Strip). The briefing paper provides a definition of inclusive education, and information on the number of children with disabilities in the occupied Palestinian territory and the barriers they face to accessing education. The briefing paper ends with recommendations at the policy, family and community, service-provision, and international cooperation level.

## Employment

Light for the World have produced a video series of **economic empowerment success stories from the Inclusive Futures programme** in Kenya. The videos highlight the impact of the programme on participants' economic endeavours and lives. Featured stories include how Vanandis Makokha improved his soda business through business management training, where he learned about financial savings, tax management and the company registration process. Through a disability self-help group and the Inclusive Futures programme, Lillian Adhiambo transformed her doughnut business into an independent and sustainable business.

## Gender-based Violence

In July 2023, UNFPA published a report on **Disability Inclusion in Gender-Based Violence Programming: Promising Practices and Innovative Approaches from UNFPA and the Pacific Country Offices**. The report shares key learnings from the implementation of tools developed by the UNFPA Asian and Pacific Regional Office, which include a **Tip-sheet on Disability Inclusion in GBV Programming** and a **GBV and Disability Inclusion Assessment Tool**. The report highlights the power of partnerships between UNFPA, GBV service providers and OPDs, not only in addressing the needs of survivors with disabilities, but for knowledge exchange, mentoring and joint advocacy.

## Humanitarian Response

To mark World Humanitarian Day, Sightsavers released a blog sharing learning from **supporting women with disabilities in Kakuma refugee camp** in Northern Kenya, which is home to more than 200,000 refugees from over 20 countries. The Inclusive Futures project, which focuses on women, aims to empower micro-entrepreneurs with disabilities – or those caring for them – to develop their businesses and livelihoods. First, it encourages private and public institutions to increase inclusion in their procurement chains. Then, it advocates for disability-inclusive policy development. Finally, it shares evidence and lessons learned on how to make livelihood programmes inclusive of people with disabilities.

In June 2023, the Regional Refugee Response for the Ukraine Situation published a **Recommendations Note for Humanitarian Actors on Inclusion of Refugees with Disabilities in the Ukraine Refugee Response**. The note provides a snapshot of the context for refugees with disabilities in Hungary: 22% of households surveyed in a regional analysis reported having family members with disabilities or serious medical conditions. Households with members with disabilities were more likely to be missing biometric passports, has lower employment rates, and a substantial proportion (94%) required immediate access to health services, material assistance, and food support.

Recommendations are given in the following areas (1) increasing accessibility, (2) partnering with organisations of persons with disabilities, (3) fostering an inclusive organisational culture, and (4) data collection.

The Institute of Development Studies published a report on **Adapting Menstrual Health Interventions for People with Intellectual Disabilities in Emergencies** in July 2023. It shares learnings from the Bishesta campaign – a menstrual health intervention for people with intellectual disabilities and their caregivers was designed and delivered in Nepal’s development setting and then adapted to become the Veivanua campaign in humanitarian emergencies in Vanuatu. It outlines the key stages for adapting the campaign for other settings, including obtaining ethical approval before data collection, forming a transdisciplinary team including people with disabilities, conducting pilot training sessions to ensure they are appropriate, and conducting a feasibility study to evaluate the campaign.

## Infrastructure

The Disability Inclusion Helpdesk published a cheat sheet on **Gender Equality, Disability and Social Inclusion in Infrastructure** programming. Infrastructure is vital for societal development and economic progress, but benefits are often not distributed equally. This cheat sheet provides information for policy makers and programme staff on how to mainstream gender equality, disability, and social inclusion into infrastructure initiatives to effectively drive economic growth, enhance accessibility, and foster sustainable outcomes that benefit everyone.

## International Day of Sign Languages

The theme for Light for the World shared a video message from their Thematic Director on Disability Inclusion, Ambrose Murangira, calling for **national sign languages to be respected, celebrated and used everywhere**. He highlighted the need for budgeting for sign language and to engage with local organisations of Deaf people.

In September 2023, DW published an article on **barriers to rights experienced by Deaf people in Africa**. It explains that there are more than 300 different sign languages across Africa, but that only 4 countries – Kenya, Uganda, South Africa, and Zimbabwe – recognise sign language as an official national language.

In May 2023, a **Position Paper on the Social Inclusion of Deaf people with Intellectual Disabilities** was published by the World Federation of the Deaf and endorsed by Down Syndrome International and Inclusion International. It aims to create awareness to fulfil the specific social, communication and linguistic rights of deaf people with intellectual disabilities and indicate measures to support the full development of their potential and their social inclusion in a communicatively and linguistically accessible environment.

## Intersectionality

The book **Disability, Sexuality, and Gender in Asia** was published in 2023. It introduced experiential knowledge of the intersectionality of disability, sexuality, and gender equality issues. Scholars and disabled peoples' organisations in different Asian countries, including China, Myanmar, Nepal, and Vietnam contributed to the book. Topics covered include stigma and discrimination, employment, experiences of women and LGBTQI+ people with disabilities, sexual and reproductive rights, gender-based violence, and voice and empowerment. Chapters can be downloaded online.

The article **Disability doesn't discriminate: health inequities at the intersection of race and disability** was published in the *Frontiers in Rehabilitation Sciences* journal in 2023. Using 2018 National Health Interview Survey (NHIS) data from the United States, the article examined and compared the unmet health needs of Black, non-Hispanic and Hispanic adults with and without disabilities. The report found that Black and non-Hispanic adults most commonly reported mobility related impairments. People with disabilities were significantly more likely to delay or forego care than their peers without disabilities within each racial/ethnic group. Among non-Hispanic Black and Hispanic adults, nearly 30% of people with disabilities forewent services due to cost compared to persons without disabilities.

## Meaningful Engagement

In the framework of the 16th session of the Conference of States Parties to the UNCRPD, the OPD Partnership Task Group of the International Disability and Development Consortium organised a side-event devoted to the **Meaningful Engagement of organisations of persons with disabilities (OPDs) and the inclusive processes for reaching under-represented groups of persons with disabilities in programming**. A summary of the event is available online.

IDA is currently hosting a survey to better understand how the **Disability Data Advocacy Toolkit** is being used and how it can be improved as an advocacy guide for organisations of persons with disabilities. The survey is available in **Arabic, English, French, International Sign, Portuguese, and Spanish**. The survey is divided into two parts. The first part covers the use of the Toolkit, and the second part focuses on disability data in your country. The survey should take approximately 8-10 minutes to complete.

## Nutrition

The World Food Programme in Afghanistan published a **Disability Inclusion Guidance Note Resilience and Food System Program** in August 2023. This document provides a brief guidance on how to enable persons with disabilities to participate in all stages (assessing, designing, planning, implementing, monitoring, and evaluation) of resilience and food system (RSF) programming in Afghanistan.

The World Food Programme in Afghanistan also published a **Disability Inclusion Guidance Note on Nutrition** in August 2023 to promote disability inclusion through nutrition programming. It provides context on disability inclusion and rights in Afghanistan, before

providing guidance on disability inclusion in needs assessments/context analysis, project design and planning, implementation, and monitoring, evaluation, and reporting.

## Research Ethics

A blog on [the ethics of disability-inclusive development research](#) was published on Bond in July 2023. It shares learning from the [Institute of Development Studies](#), who undertook a piece of inclusive and participatory fieldwork in Bangladesh for the UK Aid-funded [Disability Inclusive Development programme](#). The study explored the experiences of learners with disabilities of the adapted [BRAC STAR youth employment programme](#). The blog provides three core pieces of guidance: (1) ask local partners for advice, (2) a flexible approach may be needed, and (3) the principle of ethics must take precedence over process.

## Safeguarding

The Resource and Support Hub on Safeguarding hosted the webinar [Breaking barriers: Disability inclusion for all](#) in August 2023. The webinar focussed on the importance of considering the need of persons with disabilities at every level of safeguarding implementation. The webinar defined what disability and/or accessibility means and how to ensure approaches and implementations are consistent with disability inclusive safeguarding. Attendees learnt what practical steps can be taken to ensure disability inclusion is embedded within an organisation's safeguarding arrangements. The slides and a recording of the webinar are available.

The Afghanistan Humanitarian Country Team (HCT) published [minimum standards for quality programming in Afghanistan AAP, PSEA, Gender and Disability Inclusion](#). The minimum standards aim to guide the humanitarian partners' ability to practically implement the IASC minimum criteria for programming in Afghanistan and support clusters' approach in planning the revision of the 2023 HRP. Minimum standards related to project design, assessment, implementation, and monitoring and evaluation are provided, including 'Do you disaggregate data/findings by sex, age, and disability in your analysis?'

## Social Protection

The Committee on the Rights of Persons with Disabilities published a [Statement on Social Protection and Persons with Disabilities in Situations of Risk and Humanitarian Emergencies](#), in the framework of the 75th anniversary of the Universal Declaration of Human Rights in the 29<sup>th</sup> session of the CRPD (14<sup>th</sup> August – 8<sup>th</sup> September 2023). This statement points to the need to establish social protection for persons with disabilities supported by statistical data, and outlines ways to ensure the inclusion of persons with disabilities in times of crisis. It notes that people with disabilities are disproportionately affected by emergencies, and that during emergencies existing social protection systems often fail to address the specific needs of persons with disabilities adequately. The statement recommends a comprehensive and inclusive approach, which involves (1) inclusive social protection systems, (2) accessibility and communication, (3) communication systems,



relevant technologies, and assistive devices, (4) strengthening networks and partnerships, and (5) capacity building and training.

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## About the Disability Inclusion Helpdesk:

The Disability Inclusion Helpdesk provides research and technical assistance on disability inclusion to the UK Foreign, Commonwealth, and Development Office as part of the Disability Inclusive Development Programme. All our published reports are available on [our website](#). Contact us via: [enquiries@disabilityinclusion.org.uk](mailto:enquiries@disabilityinclusion.org.uk)