ENSURING
RIGHTS
IN DEVELOPMENT

Implementing the UN Convention on the
Rights of Persons with Disabilities
with select case studies from the MENA Region

Written for Government Agencies,
Businesses, Civil Society Organizations,
and Practitioners in the field of
Planning and Development

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A
Joint Project
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Realizing a World of Potential

TABLE OF CONTENTS

FOREWORD BY JAY SNYDER

Dear Readers,

I am proud to present this major new tool for understanding—not only of the UN Convention on the Rights of Persons with Disabilities—but for understanding between peoples of different regions, beliefs, and cultures who share basic values and experiences with disability.

Working with prominent disability experts and self-advocates from the Middle East and the West, the Open Hands Initiative has created "Ensuring Rights in Development", the first practical guidebook to promote the inclusion of the UN Convention on the Rights of Persons with Disabilities in the process of development in the Middle East/North Africa (MENA) region.

"Ensuring Rights in Development" was created through a unique diplomatic initiative that brought together experts from America and the MENA region on the basis of their shared values and experiences with disability. By bringing together theory, policy, and practice from a development perspective, the guidebook provides practical examples to those implementing the principles and articles of the UNCRPD, including policy makers, practitioners, and non-governmental organizations.

The democratic trend in the MENA region means this project comes at a crucial time. The guide's framework calls for the active participation and collaboration of persons with disabilities and their organizations with the principle actors in development: governments, private corporations, and non-governmental organizations.

For persons with disabilities to fully share in the benefits of reform and development, meaningful participation, access, and social inclusion, as guaranteed under the CRPD, must crosscut all sectors of society. Social actors must be engaged and work cooperatively with disability advocates to fulfill their roles and responsibilities in making the rights outlined in the CRPD a reality.

The Open Hands Initiative believes firmly in the power of everyday

people to build relationships that transcend culture, geography, race, and religion. Disability is one of the few issues with the unique power to unite people and families wherever they may be in the world.

By providing practical tools to strengthen the most marginalized members of civil society in the region, we hope to strengthen their societies as a whole, and contribute to fostering trust, understanding, and goodwill between the United States and the Arab and Muslim world.

This guidebook shows just how much can be achieved when people of different backgrounds, cultures, and traditions put aside their differences and come together to create something for the world through friendship, cooperation, and understanding.

Sincerely,

Jay T. Snyder

Co-Founder and Chairman

Open Hands Initiative

PURPOSE STATEMENT

Introduction

This white paper serves to provide practical examples to policy makers, practitioners, and non-governmental organizations that are implementing the principles and articles of the United Nations Convention on the Rights of Persons with Disabilities (CRPD). A handful of resources already exist to implement the Convention in the Middle East and North Africa (MENA), but few offer examples that bring together theory, policy, and practice from a development perspective.

The Open Hands Initiative and the Victor Pineda Foundation joined forces to develop and share a new approach to disability policy. This resource aims to help countries that have ratified or intend to ratify the CRPD. As of the date of this publication, 14 out of 22 countries in the region are party to the treaty thereby pledging commitment to protect, promote, and ensure the basic rights and dignities of people with disabilities.

The concepts developed in the following sections can support government agencies, civil society organizations, and private enterprises in implementing the articles of the Convention. We hope that you will use this white paper to inform and develop fieldwork and to design courses, seminars, workshops, informal discussion groups, etc.

This document also provides an overview of how the process of development in the MENA region can incorporate a CRPD development framework. This framework calls for the active participation and collaboration of persons with disabilities and their organizations with the principle actors in development: governments, private corporations, and non-governmental organizations.

Different political systems exist in the MENA region (and some are in flux due to recent events): from monarchies to republics to

federations, with variations in between[1]. While this paper refers to government offices, ministries, and/or bureaus as actors capable of driving reform, differing political structures such as tribal affiliations, religious, political or cultural structures will also affect the subject and substance of reforms in each system. The principles of this text were written in a manner to apply to the broad spectrum of governance systems currently in place.

The participants (or beneficiaries) of this manual could be persons with or without disabilities, governmental and non-governmental staff, volunteers, members, activists, local and national community leaders, or professionals in the fields of rehabilitation, education, and social welfare. The materials may be used to introduce or increase awareness of inclusive development and support its practical implementation. The development of local networks of facilitators is important in countries where there are a lack of trainers, especially trainers who have disabilities themselves. The manual will be instructive to anyone who wants to learn more about inclusive development and its relevance to their lives and work.

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1 It is important to note that countries in this region are very diverse and have differing social, political and economic structures. Nonetheless, emerging social and political currents in many countries are increasing the pressure placed on governments, civil society organizations and the private sector to consider and be made more accountable to all stakeholders.

INCLUSIVE DEVELOPMENT IN MENA

A Changing Landscape for Human Rights and Development

The "Arab Spring" of 2011 has altered the political, social and economic systems for people across the region. In Tunisia, Egypt, Jordan, Yemen, Bahrain, Syria, and beyond, it is also altering the relationship between the government, private enterprises, and civil society. Persons with disabilities and those advocating for their rights should take note of such changes for several reasons. Civil society is growing and becoming more robust, making it possible for further development of disabled persons' organizations (DPOs) across the region. Bilateral and multilateral donors in the region have encouraged market-oriented development policies and the G8 have recently committed to trade agreements that will increase private sector investment in several MENA states. Some development scholars note that through this change, state-owned entities may be restructured or privatized and the public services provided by states will be reformed and in some cases reduced, possibly affecting persons with disabilities who depend on such social services. Thus, it is important that the advancement of the rights of persons with disabilities in MENA countries be carried out holistically, through the engagement of three key sectors: governments, private enterprises, and civil society (including disabled persons organizations).

Under this holistic approach, those individuals and organizations that are advocating for change understand that states are still the primary guarantors of rights, corporations offer opportunities for innovation and employment. Increasingly, more inclusive civil society organizations are giving voice to persons with disabilities.

Participatory Governance

The underlying principles of the United Nations Convention on the Rights of Persons with Disabilities (CRPD) embrace a framework for inclusive development. Such a framework is predicated upon the notion of **participatory governance** and is based on the disability rights motto, *"Nothing about us, without us."*

As such, governments, corporations, and civil society organizations in the Middle East and North Africa each have a role in removing unnecessary barriers that exclude persons with disabilities. The international

> **Participatory Governance** concerns itself with empowering citizens to participate in the processes of public decision-making that affect their lives. There exists a wide range of participatory governance practices and tools. These tools are aimed at achieving more transparent, responsive, accountable, and effective governance, at both the local and national level, through active citizen participation.

community has publicly stated its commitment to nations in the region that are responsive to the aspirations of their people. Inevitably, different sectors will be at the forefront of change and reform depending on the specific country, but it is always important for individuals, corporations, or government agencies advocating for the inclusion of persons with disabilities to establish and maintain a comprehensive agenda that engages all three: state, civil society, and the private sector.

For persons with disabilities to fully share in the benefits of reform and development, meaningful participation, access, and social inclusion must crosscut all sectors of society. Social actors must be engaged and work cooperatively with disability advocates to fulfill their roles and responsibilities in making the rights outlined in the CRPD a reality.

KEY EXAMPLES FROM THE MENA REGION

Participation In Political And Public Life
In Lebanon, specifically regarding local elections, there was a collective campaign aimed at facilitating access to places of election so that persons with disabilities can actively participate and practice their citizenship rights and duties.

What is meant by Development?

Institutions are at the core of the development process.
Development is often defined in terms of economic aspects,
such as increased material well-being through means of ensured
employment and income. But as recognized by anyone whose
children go to schools of poor quality, have no clean water to drink,
or face the threat of violence, development is also about having
access to adequate social services.[2]

Development is thus also concerned with human development:
the quality of material living, with wider choices and opportunities
for people to realize their potential. Development also seeks
to guarantee those intangible qualities that characterize more-
developed societies: equality of treatment, freedom to choose,
greater voice, and opportunities for the people to participate in the
processes by which they are governed.[3]

Three principle
actors working in
parallel oftentimes
drive development:
governments,
private
corporations, and
non-governmental
organizations,
each with its
corresponding
institutional sphere

> **Markets vs. States**
> A state-led approach is one in which the
> government is the primary investor, man-
> ager, and producer of goods and services
> through nationalized industries and a large
> public sector. A market-led approach is one
> in which government plays a much smaller
> role, allowing private corporations through
> trade and competition to produce and
> distribute goods and services.

of states, markets, and civil society, respectively. Modern history is
rife with ideologies, practices, and institutional arrangements that
sought to **centralize power**[4], resources, and the responsibilities
for development. Many scholars characterize development in
the 20th century as a struggle between state-led vs. market-led,

2 Humphreys, C., Banerji, A., Campos, J. E., Casero, P. A., Aldahdah, E., Al-Hamad, L., et al. (2003). Better Gover-
nance for Development in the Middle East and North Africa: Enhancing Inclusiveness and Accountability. Washington,
D.C.: The International Bank for Reconstruction and Development / The World Bank
3 Humphreys, C., Banerji, A., Campos, J. E., Casero, P. A., Aldahdah, E., Al-Hamad, L., et al. (2003). Better Gover-
nance for Development in the Middle East and North Africa: Enhancing Inclusiveness and Accountability. Washington,
D.C.: The International Bank for Reconstruction and Development / The World Bank
4 The term centralize in this paper usually refers to the process of modernization whereby a head of state or national
government controls most aspects of governance and consolidates decisionmaking.

centralized vs. decentralized approaches.[5]

The collapse of the Soviet Union in 1991 boosted the legitimacy of market-led growth and neo-liberalist policies that supported decentralizing the power of the state throughout the world. It is important to note that the decentralization of state-led power, which has taken place over the past two decades, has also led to some significant problems. Increasing inequalities and the incidence of social marginalization as a result of unregulated markets has occurred, leading to a call to action for states to continue to invest in and protect their people.

In most of the West, civil society's role has historically been to either advocate for states to take more action to protect their citizens, or make up for market failure when needed services were deemed not profitable enough for private corporations to provide or no longer the state's responsibility.

As a result of the increasing dominance of market-led approaches, the central command of social welfare programs in many states began to lose ground. Throughout much of the developed world, the number of NGOs in both nation-states and the international sphere has expanded, often addressing growing inequality and the erosion of social welfare programs. Non-governmental organizations focused on disability and disabled persons' organizations have often played the role of representing the needs of persons with disabilities by either demanding that states provide services, such as rehabilitation, or providing those services themselves when markets and states have failed to do so. These NGOs are increasingly becoming aware that it is also important that they engage the private sector and other civil society organizations.

After achieving independence during the decolonization and self-determination movements, the majority of MENA countries chose state-led development policies. Such policies were dominant after World War II. State-led policies were attractive because they were seen as a way of strengthening independence. It was believed that developing local industries would lessen dependence on

5 UNDP. (2009). Arab Human Development Report 2009: Challenges to Human Security in the Arab Countries: United Nations Development Programme.

former colonial ties. Such policies have not always produced the desired results. In recent years, however, many MENA countries have begun pursuing more market-oriented approaches in order to further integrate into the global economy. These changes on the macroeconomic level can have direct and indirect effects on persons with disabilities. When a state is transitioning from one development model to another, it is important that persons with disabilities both retain the same rights that they had before as well as benefit from any new opportunities that are created. This may require new advocacy strategies and the engagement of additional partners. Understanding frameworks for and the roles and responsibilities of different actors in development is especially important for navigating the ongoing political, economic, and social changes taking place throughout the region.

Social Accountability in the Arab World

Social Development is a process of transforming institutions to make them more inclusive, cohesive, accountable, and resilient. Only through such a people-centered empowerment process can development be socially sustainable. **Social accountability** moves away from compliance across a narrow range of issues to focus on a greater and more comprehensive range of social opportunities, risks, and impacts.[6]

Recent research by the World Bank on global social development and accountability has shown that the MENA region scored "weak/ low" on the capacity of its civil society relative to other regions.[7] Regulatory frameworks constraining civic participation and civic engagement are still too common throughout the region. In actionable governance indices, such as Global Integrity, MENA scores 2.6/8.0 for freedom of association and assembly, 44/100 for government accountability, 33/100 on civic participation, 24/100 for civic engagement and civic monitoring, and 15/100 on interaction between state and society.[8]

6 Bousquet, F. (2011). Proposed Social Accountability Approach. Paper presented at the ANSA-Arab World - Regional Strategic Planning Workshop.
7 Bousquet, F. (2011). Proposed Social Accountability Approach. Paper presented at the ANSA-Arab World - Regional Strategic Planning Workshop.
8 According to the World Bank, the region scores poorly relative to other regions in a variety of social accountability

As such, there exists little knowledge of social accountability metrics and its benefits (good governance, development effectiveness, government credibility, and empowerment).[9] Such indicators are increasingly important as a relatively young population and high unemployment in many MENA countries will require dramatic and coordinated actions. The private sector and civil society are expected to play a larger role than governments in ensuring jobs and services to fellow citizens. Through these changes governments may be held to increased accountability and transparency by a more vocal civil society.

The strategies of disability rights advocates within this changing landscape should be comprehensive and directed at all three social sectors: state, civil society, and private corporations. States still remain central to creating the legislative framework and ensuring, protecting, and promoting rights, but their responsibilities are changing. Disability advocates must tailor their messaging to respond to these changes, ensuring that states develop the regulatory framework and institutional capacity to support and assess sustainable job creation, innovation and social equity. Change agents interested in supporting the implementation of the CRPD must advocate the equal access and full inclusion of persons with disabilities in the goods, services, and opportunities that they provide.

KEY EXAMPLES FROM THE MENA REGION

A Discussion To Enable Those That Live Independently, Yet Strive To Participate In All Aspects Of Life In Saudi Arabia, for example, the system of government is based on Islamic law. But the principles of this law can still grant access to those with disabilities for information on religious studies, speeches, readings from the Koran, and sign language interpretation (for the Deaf) in a lot or religious places as well as media considerations.

indicators. See Bousquet, F. (2011). Proposed Social Accountability Approach. Paper presented at the ANSA-Arab World - Regional Strategic Planning Workshop. Other statistics in this same report also scored countries in MENA at 1.8/7.0 on having effective and accountable governments. Note that statistics on a 10 point scale were converted to a 100 point scale for consistency.

9 Bousquet, F. (2011). Proposed Social Accountability Approach. Paper presented at the ANSA-Arab World - Regional Strategic Planning Workshop.

Global Context and New Perspectives

The UN Convention on the Rights of Persons with Disabilities (CRPD) is an International Human Rights instrument of the United Nations intended to protect the rights and dignities of people with disabilities. Of the 22 MENA Countries, 14 are parties to the convention and are required to protect, promote, and ensure the full enjoyment of human rights and equality by persons with disabilities under the law.

In 2006, the CRPD became the first international treaty designed to promote, protect, and ensure human rights for an estimated one billion people who live with disabilities around the world.[10] By July 16, 2011, the CRPD had been signed by 149 countries and ratified by 104.[11] This legal instrument ushered in a wave of legal reforms and spurred the passage of disability rights legislation in over 100 countries. The purpose of the Convention is to ensure that girls, boys, women, and men with disabilities, as members of their societies, may exercise the same rights and obligations as others.[12]

> **What Is a Convention?**
> A convention is an agreement between countries to obey the same law about a specific issue. When a country signs and ratifies (approves) a convention, it becomes a legal promise and guides the actions of the government. It often leads the government to adapt and change its own laws to support the goals of the convention.

There are eight guiding principles that underlie 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

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10 The World Disability Report, jointly released by the World Health Organization and World Bank, estimates that 15% of the world's population, or one billion people, are persons with disabilities.
11 United Nations Enable website accessed on July 16, 2011 at http://www.un.org/disabilities/
12 Kanter, A. S. (2007). The Promise and Challenge of the United Nations Convention on the Rights of Persons with Disabilities. Syracuse Journal of International Law and Commerce, 34:287, 287-314.

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

Photograph 1 : (From right to left) Akiko Ito, Chief, Secretariat for the Rights of Persons with Disabilities, DESA; H.E.Ms. Noluthando Mayende-Sibiya Minister of Disability Affairs of Republic of South Africa; HRH Prince Ra'ad bin Zeid of Jordan, acting Chairperson at 2nd Conference of State Parties (photo courtesy of Rouye Jiang, the Victor Pineda Foundation

Photograph 2 : A United Republic of Tanzania Delegate makes an intervention during the Second Conference of State Parties in New York (photo courtesy of Rouye Jiang, the Victor Pineda Foundation)

Defining Disability

Disability *is an evolving concept [which] … results from the interaction between persons with impairments and attitudinal and environmental barriers that hinder full and effective participation in society on an equal basis with others (Preamble CRPD, 2007)*

The definition of disability is of interest to disability policymakers and analysts because it has fundamental implications for eligibility for public programs, for the scope of legislation, and for the way that disability prevalence is measured.[13]

> **'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' (Article 1 CRPD, 2007)

The focus of the Convention is on "discrimination" in any case – therefore a mother <u>without</u> disabilities that suffers discrimination on the basis of her child <u>with</u> disabilities (e.g., dismissal from work because the employer assumes the mother will take time off to care for her child) will be protected under the Convention.

The urgency for reforms is born out of long standing neglect, discrimination, and the denial of basic dignities and freedoms. Such negative outcomes are the result of a lack of social awareness and incomplete information and are fundamentally based on outdated conceptions and models of disability. Such models cannot be eliminated with anti-discrimination legislation alone, but will require coordinated programs and efforts from across and between many sectors of government working collaboratively to

KEY EXAMPLES FROM THE MENA REGION

To promote equality and eliminate discrimination… by any person, organization or private enterprise; In Kuwait, a committee was formed to hear complaints in the event that a person with a disability was subjected to ill treatment or prejudice against them.

13 Mitra, S., & World Bank. Human Development Network. Social Protection Team. (2005). Disability and social safety nets in developing countries. Washington, D.C.: Social Protection World Bank.

strengthen inclusion of persons with disabilities in the growing private sector and civil society. Real inclusion not only requires the removal of barriers, but also the active provision of accommodations to make it possible for everyone to participate in all aspects of society on an equal basis with others

The Relevance to Development

Considerations of human rights continue to shape contemporary socio-economic debates on the provisions of programs, products, services, and opportunities that should be afforded to persons with disabilities.[14] The capacity to provide these services and opportunities differs greatly from country to country. As such, successfully implementing international norms on the local level requires evidence-based research, civic engagement, and a government commitment to cross-sector reform.[15]

Social accountability should also include addressing outdated welfare approaches. Such approaches further dependency and stigma while failing to incorporate new technological, political, and social facts. The new UN Convention contains within it the framework for furthering social accountability for persons with disabilities. Social accountability for persons with disabilities would challenge preconceptions of disability and marriage, or social stigma of mental illness, educational restrictions for persons with learning or intellectual disabilities, the employability of persons with hearing impairments, and other discriminatory legal practices.

KEY EXAMPLES FROM THE MENA REGION

Standard Of Living (Food, Housing, And Clothing) And Social Protection The Syrian city of Tartous has declared itself "disability friendly," by ensuring the growth and development of all needs and requests of persons with disabilities.

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14 Mitra, S. (2006). The Capability Approach and Disability. Journal of Disability Policy Studies, 16(4), 236-247.
15 Pineda, V. (2009). Without this human wealth a nation limits itself. The National, (June 12, 2009), 2. Retrieved from http://www.thenational.ae/apps/pbcs.dll/article?AID=/20090612/OPINION/706119911&SearchID=73390829238086

Disability and Development in the MENA Region

In pure economic terms, of the 355 million people in the MENA region: 85% live in states that are classified as Middle Income, 8% of the population live in states that are considered High Income, and 7% of the region's population live in state classified as Low Income. In recent years, the region made significant progress on key social indicators with an average life expectancy of 70 years, a primary education completion rate of 90% and an under-5 mortality rate of 38/1,000. Absolute poverty was low with approximately 4% of the population living under $1.25 a day.[16] Although such advances show the general trajectory of improved economic, social, and health outcomes for people throughout the Middle East, these statistics for the most part do not include persons with disabilities.

Persons with disabilities to a great extent are excluded from national censuses and commonly are not adequately represented in national health, education, and labor surveys.[17] Such exclusion, under the framework of the CRPD, is considered a form of discrimination. Invidious discrimination (such as the denial of educational opportunities) or more subtle forms of discrimination (such as segregation and isolation because of the imposition of physical and social barriers) prevent persons with disabilities from equally enjoying the fruits of developmentwith their non-disabled peers.[18][19]

Effects of disability-based **discrimination** in the region have been particularly severe in the fields of education, employment, housing, transport, cultural life, and access to public places and services. This may result from distinction, exclusion, restriction or preference, or denial of reasonable accommodations based on an individual's impairment. Such actions can effectively nullify or limit the recognition, enjoyment, or exercise of the rights of persons with disabilities.[20] The World Health Organization (WHO) estimates

16 More information available on the World Bank Website: http://web.worldbank.org/WBSITE/EXTERNAL/COUN-TRIES/MENAEXT/0,,menuPK:247606~pagePK:146732~piPK:146828~theSitePK:256299,00.html
17 Khalil, T. (2006). Global Survey on Government Action on the Implementation of the Standard Rules on the Equalization of Opportunities for Persons with Disabilities. Doha: South-North Center for Dialogue & Development, Amman, Jordan, for the Office of the UN Special Rapporteur on Disabilities.
18 Nagata, K. K. (2008). Disability And Development: Is The Rights Model Of Disability Valid In The Arab Region? An Evidence-Based Field Survey In Lebanon And Jordan. Asia Pacific Disability Rehabilitation Journal, 19(1), 49-68.
19 Christiaan Poortman, M. R., Akiko Maeda, Guillermo Hakim. (2005). A note on disability issues in the Middle East and North Africa (Report). Washington DC: World Bank.
20 Nagata, K. K. (2008). Disability And Development: Is The Rights Model Of Disability Valid In The Arab Region? An Evidence-Based Field Survey In Lebanon And Jordan. Asia Pacific Disability Rehabilitation Journal, 19(1), 49-68.

that there are approximately 1 billion persons with disabilities (PWD) globally.[21] Referring to the 15 per cent worldwide disability prevalence rate estimated by the WHO, it can be concluded that approximately 45 million people with disabilities live in the Middle East and North Africa.[22] Approximately 15 million of these are youth 15-29 years old.[23]

Young people between 15-29 years of age make up roughly one-third of the population of the MENA region, forming a "demographic bulge" that carries both risk and opportunity. This unique demographic challenge has spurred important new research efforts into youths' economic, social, and political inclusion in society. However, young people with disabilities continue to be largely invisible to researchers and to their own societies, although their numbers grow daily due to consanguinity, chronic disease, injury, violence, illness, and aging.[24]

The link between poverty and PWDs is well established. Conditions associated with poverty — e.g. lack of access to education, poor nutrition, and inadequate health services — increase the risk of disability, while discrimination and a lack of access to social, educational, and employment services result in the inability of disabled persons and their families to break the vicious circle of poverty.[25] The price of exclusion, however, not only affects individuals with disabilities and their families, but the entire economy. According to WHO data, Gross Domestic Product (GDP) loss due to disabilities is estimated at 2 trillion USD worldwide. More recent research carried out by the International Labour Organization on ten countries in Asia and Africa calculated that disability exclusion costs countries between 3% to 8% of GDP because persons with disabilities have lower levels of education and less access to workplaces, resulting in higher levels of unemployment or

21 World Report on Disability. (2011). Geneva: World Bank and World Health Organization.
22 Hakim, G., & Jaganjac, N. (2005). A Note on Disability Issues in the Middle East and North Africa: The World Bank - Human Development Department, Middle East and Noth Africa Region.
23 Calculations based off of research conducted by author of data provided by Hakim (2005). Pineda, V., & Cuk, V. (2010). Realizing the Economic Potential of Young Persons with Disabilities in the MENA. Unpublished Policy Brief. Dubai School of Government.
24 Pineda, V., & Cuk, V. (2007). From Policy to Action: Young People with Disabilities in the ECA Region. Paper presented at the World Bank - Rome Conference.
25 Hakim, G., & Jaganjac, N. (2005). A Note on Disability Issues in the Middle East and North Africa: The World Bank - Human Development Department, Middle East and Noth Africa Region.

underemployment than their peers.[26] Inclusion, therefore, is an essential part of any development strategy.

Although significant resources have been invested over the last 20 years toward improving basic health and education across the region, such services have to a great extent excluded PWDs, resulting in poor outcomes in educational attainment rates, illiteracy, and perpetuating poverty. The responsibility for these inequalities are shared; not only have states failed in their responsibility to

KEY EXAMPLES FROM THE MENA REGION

The Right To Education.
The experience and value of proactive learning was learned earlier on in Yemen. Now, Yemen recognizes the importance of integrating education into society. Through a widespread project for societal rehabilitation, a vast number of schools now include up to 15 male and female students. Also in Yemen, certain people are secured by the State to accompany the those with disabilities when they travel outside of the country to pursue their studies abroad. Insurance and travel expenses for personal assistants are paid for by the State.

In the United Arab Emirates, the Department of Special Education, the Council of Abu Dhabi Education and its Department of Curriculum and Educational Programs, as well as the Ministry of Education coordinated together to provide different copies of curriculum necessary for all disabilities in its country.

ensure equality, but many multilateral and non-governmental organizations working in the region have funded or implemented humanitarian relief and development programs that are inaccessible or exclusionary of persons with disabilities. Discrimination against PWDs is common across the MENA region, reflected not only in the established environmental and societal assumptions, but also in prejudices within families with a disabled member.[27] Moreover, there are few incentives for employers to hire PWDs, especially in

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26 Bucknup, Sebastian. The price of exclusion: The economic consequences of excluding people with disabilities from the world of work. Employment Working Paper No. 43. International Labour Organization, Employment Sector. Geneva, 2009.
27 Hakim, G., & Jaganjac, N. (2005). A Note on Disability Issues in the Middle East and North Africa: The World Bank - Human Development Department, Middle East and Noth Africa Region.

the private sector. Often in such environments, the few income protection and rehabilitation programs that exist for disabled persons provide disincentives for them to work.

KEY EXAMPLES FROM THE MENA REGION

A Discussion On The Requirement Of State Parties Not Only To Recognize The Right of Persons with Disabilities to Work But To Also Give Them The Necessary Support

In Kuwait, a study was begun to reduce the number of working hours to as little as two hours for persons with disabilities. It also stressed the importance of workers to take care of a person with a disability in their job if so needed. Furthermore, most Arab countries have the necessary operations and amenities for persons with disabilities, both in public and private sectors. Interestingly, however, there was an initiative to amend the law for what the percentage of persons with disabilities in the workforce throughout the Arab world can be. The percentage of persons with disabilities in the workforce is undetermined in Egypt, for example, while in other countries such as Jordan, its number of persons with disabilities in the workforce has actually increased.

Dominant Welfare Approaches to Disability Policy

3 Basic Welfare Approaches

Education

Rehabilitation
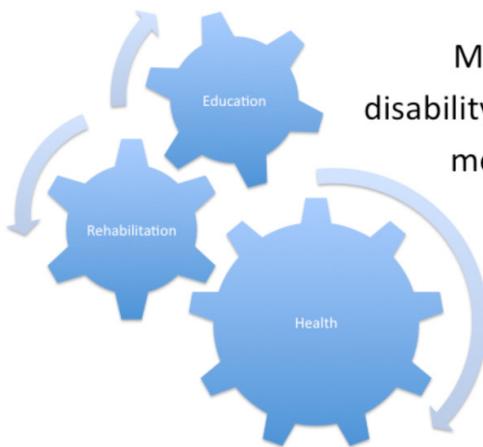
Health

Most approaches to disability rights stem from medical and welfare perspective focused on three basic failures in functioning

Figure 1 - Government approaches to disability policy are too often limited to only health, rehabilitation, and education[28]

In the United Arab Emirates, Saudi Arabia, Syria, and Lebanon (and in the majority of other countries across the region), disability policies are predominantly approached from either health or welfare perspectives.[29]Disability rights are thus defined and operationalized within specialized agencies that focus on social protection, welfare, and health care provisions. Such approaches dominate disability policy because of social or cultural assumptions that the individual's impairment defines and circumscribes their existence. Disabled people are incorrectly understood to be ill and as a result live tragic lives. Across the region, segregated health, education, rehabilitation, and employment programs continue to be seen as increasing the social welfare of people with disabilities. Many such segregated approaches are ineffective but are nonetheless still being developed today. Segregated psychiatric wards, live-in rehabilitation centers, and segregated schools continue to be built against years of evidence that shows that these are outdated, ineffective modes.

These specialized approaches are frequently offered as exceptional programs providing social services to marginalized populations. Usually, these services fail to fully empower the communities that they serve. The General Principles of the CRPD maintain that individuals with disabilities face unnecessary physical, social, and institutional barriers which prevent them from equally participating in their societies.

> "Some local disability rights advocates in Oman note that this is a result of tradition and culture. Others I have spoken to from Saudi Arabia note that disability rights in their country are constrained by greater restrictions on civil society. Yet others from Morrocco refer to the legacies of colonialism and uneven development."
>
> **– Moath Al-Marri, Disability Advocate, UAE**

28 Pineda, V. (2010). The Capability Model of Disability: Assessing the Success of the UAE Federal Law No. 29 of 2006. Dissertation, University of California Los Angeles, Los Angeles.
29 Ibid.

For too long, the welfare model of disability (focusing solely on individual impairment) has perpetuated the marginalized status of people with disabilities and has failed to adequately address the wider definition of disability identified in the CRPD (as "an interaction between persons with impairments and attitudinal and environmental barriers in society"). The welfare model has also resulted in the compartmentalization of the state's responsibility in protecting the rights of persons with disabilities in one specialized agency or a few key ministries or offices (such as those of social protection, welfare, and health care provision).

KEY EXAMPLES FROM THE MENA REGION

Rehabilitation Strives To Give Maximum Independence To Persons With Disabilities, While Also Allowing Them To Achieve Their Full Potential Physically, Mentally, Socially, And Professionally. In Yemen, the establishment of a welfare fund for the care of those with disabilities is an attempt to lay the foundation for future, long term rehabilitation.

Ministries or bureaus with shared responsibility for the protection of the rights of persons with disabilities have not developed the necessary policies or capacity in order to effectively perform these duties. For instance, ministries of trade and commerce have a responsibility to develop and monitor trade policies and corporate law that ensures private corporations provide accessible goods, services, and opportunities for employment. Similarly, ministries or offices dealing with foreign affairs have the responsibility of ensuring that international nongovernmental organizations implementing or funding programs in their country are accessible and inclusive.

Any government agency that approaches and comprehends disability policy as solely a welfare issue is limited in its ability to fully implement the breadth and spirit of the CRPD. More importantly, it will be open to liabilities and risks engaging in violations of the CRPD.

Legal Progress on Disability Rights in MENA

Like those of other regions, governments in the MENA region have addressed disability from a medical or social welfare framework, trying to address an individual's impairment through medical interventions or social care. Since the 1970's there has been a revolution in understanding the concepts of disability. New approaches challenge the dominant medically-based paradigm of disability and offer new concepts for governments to consider. Such concepts are based paradigm shift and introduce policies and practices that will provide for the legitimate human rights of people with disabilities.

> **WHAT IS SOCIAL DEVELOPMENT?**
> **Social development** concerns itself with:
>
> 1) promoting the inclusion of poor, vulnerable and excluded groups (especially youth and women);
>
> 2) strengthening social cohesion and the capacity for collective action towards development and;
>
> 3) enhancing the capacities of citizens and civic groups to hold accountable the institutions that serve them.

Legislative reforms must emphasize regulations that promote independence, unlock economic potential, and employ and empower the active voices of PWDs. With the right policies and support mechanisms in place, persons with disabilities have the potential to make significant contributions to economic growth and poverty reduction.[30] Laws have been passed throughout the region recently to address these claims. These laws are not perfect, but they do represent efforts at addressing some blatant shortcomings in preexisting policy and charting out a new course. This trend of enacting disability rights legislation reflects the evolution of thinking of people with disabilities as "objects" of care to "subjects" of rights.

It is important, at this unique moment, that governments, private businesses, and civil society organizations throughout the MENA region meet the demand for ensuring equal citizenship of people

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30 Demarco, G. (Artist). (2009). Unlocking the economic potential of persons with disabilities in MENA.

with disabilities – a new approach to citizenship not exclusively based on caring or compassion but on the tenants of justice and equality. An inclusive and participatory approach to development allows for targeted legislation that not only tends to specialized needs, but also affords social rights through social development.

Need for New Approaches

The topic of disability has increasingly shown up on the agenda of civic and political leaders in the region. Nonetheless, policymakers and practitioners too often fail to address disability as a natural component of the human condition. Additionally, the concept of disability is rarely addressed as resulting from the dynamic interaction between a person and the barriers found in his or her environment. Oftentimes outdated approaches persist as a result of insufficient capacity and lack of training. Shortcomings such as these, in turn, lead many states to implement costly, ineffective, and impractical solutions that fail to adequately promote, protect and ensure the rights of disabled individuals. Policy makers, private enterprises, and civil society organizations should therefore dramatically reconsider disability policy. This paper argues that disability policy must be part of a greater inclusive social development strategy.

There is evidence by UNICEF, UNESCO, UNDP, and the World Bank that such a strategy is evolving in Jordan, Qatar, Tunisia, and other states. States are slowly beginning to move away from social welfare (distribution) toward a social development (empowerment) framework.

With the implementation of disability-inclusive social development programs, there continues to be a need training, technical assistance, and capacity building for government agencies, private enterprises, and civil society organizations. Such interventions could support States that are party to the convention by increasing capacity to practically and effectively apply the principles outlined by the CRPD within the varying social, economic, political, and cultural sectors.

Such processes help form more robust and contemporary models of equitable development. Because of this, state parties need to adopt a more dynamic definition of disability that takes into account the role of the physical and social environment in enabling or disabling people with disabilities in a particular space. This is central to applying the CRPD to state development.

CRPD DEVELOPMENT FRAMEWORK

Fully implementing the CRPD requires a variety of interconnected and coordinated reforms within a CRPD Development Framework (CDF). Such reforms could be framed as a more "inclusive" development framework. Any such framework must substantively include persons with disabilities in the design, implementation, and monitoring of disability policies.

The CRPD provides clear guidelines to states, specifying the goals of the treaty and providing the methods. A process central to achieving the goals of the CRPD is engaging the community through meaningful participation. Meaningful participation builds local capacity and further breaks down social exclusion. One way of achieving this is by increasing the capacity of Disabled Peoples' Organizations (DPOs) in implementation and monitoring. If implemented successfully, governments that have begun implementing the CRPD should work collaboratively with DPOs, greater civil society and private enterprises to do the following:

1. Embrace the paradigm shift from paternalistic to rights- and development-based perspectives;

2. Extend and operationalize relative and universal factors into practice;

3. Alter the lived phenomenon by mandating representation, participation, and voice;

4. Address and debate the forces that perpetuate deprivations for people with disabilities;

5. Identify, measure and monitor the basic rights and dignities through global cooperation, coordination, and global monitoring mechanisms;

6. Promote, protect, and ensure the rights and dignities of people with disabilities by encouraging a change in attitudes toward people with disabilities and engaging local action in implementing international norms on the level of individual

community;

7. Appoint national secretariats (non-welfare agencies) to serve as a National Focal Point, Exist with Executive, Legislative, and Judicial Advisory or (independent federal agency providing policy recommendations to Executive and Legislative); and

8. Appoint local secretariats (non-welfare agencies) to serve as local focal points existing with municipal or local government agency providing channels for local deliberations for local implementation.

Demonstrating progress toward implementing the CRPD shows a desire by the state to comply with international human rights norms. However, it is often difficult for a state to immediately remediate the prolonged ineffective approaches directed toward persons with disabilities. As such, the treaty is progressive and allows states time to make progress towards implementation. Inclusion should be understood as both a process and outcome of CRPD Development efforts.

Creating Coherent and Deliberative Policies

Inclusive development requires that persons with disabilities be treated on an equal basis with others relative to dignity and human development. Doing so effectively requires that diverse actors coordinate their actions across sectors and scales. Coordination across different sectors of government is often difficult as there are few cross sector institutional models.[31]

Deliberative institutions are local, national or regional organizations or agencies that promote debate, dialogue, and coordinated action towards a particular public agenda. Critics note that deliberative institutions are vulnerable to co-option or free rider trappings. In almost every region, there have been cases where some disability-based interest groups gain power over others and

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31 Forester, J. (1999). The deliberative practitioner : encouraging participatory planning processes. Cambridge, Mass.: MIT Press.

gain more prominence in national dialogues and debates.

Many disability rights advocates note that supporting a cross disability and unified approach through consensus must dominate the spirit of all disability discussions. Self-interest or disability specific interests should be subset to the broader cross-disability agenda.[32] The general outcome of a coherent national disability policy would incorporate all aspects of the rights of people with disabilities and bring them together under a unified and cooperative national strategy.

Developing National Disability Strategies

National strategies include actions to sensitize the public, provide disability and inclusive education training to primary school teachers and administrators, set up a national clearinghouse for disability statistics and research, and even provide funding for community-based rehabilitation and health centers that provide services such as attendant care so that individuals with disabilities can be supported in their own homes. Such goals are costly and nearly impossible to achieve without the close collaboration and meaningful participation of organizations run by and for persons with disabilities.

New approaches to disability policy should stress that basic freedoms afford subjects increased agency. With increased agency, subjects can more easily convert their rights into social value. This social value thus supports a state's labor and employment efforts. Basic freedoms allow people with disabilities to live the type of life that they have reason to value. A main question of concern for the CDF is what factors would need to be present to afford persons with disabilities the type of life they have reason to value?

Building Capacity Across Sectors

The immediate goal for governments that have ratified the CRPD is to build the capacities of both institutions and the citizens that

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32 Gerometta, J., Hausermann, H. H., & Longo, G. (2005). Social innovation and civil society in urban governance: Strategies for an inclusive city. Urban Studies, 42(11), 2007-2021.

they serve to more effectively implement and promote disability policy coherence. One example of a national model deliberative institution is the National Council on Disability. A national strategy that promotes, protects, and ensures the active and substantive engagement and participation of persons with disabilities would do the following:

a) Ensure that decisions are coordinated and communicated with stakeholders affected

b) Allow for discrete points of view to make necessary modifications and adjustments to existing policies and progress over time

c) Make necessary adjustments and allocate sufficient budgets to reach the goals set by local, national, and regional agreements

d) Actively monitor domestic legislation for compliance to international laws like the CRPD.

Policy Coherence for Rights Model

Employment Accommodations

Inclusive Education

Physical Access

Civic Participation

Independent Living Services

Inclusion as a Result of Policy Integration + Capability Model

Modified Figure. Source: *Navtej Dhillon and Tarik Yousef.* Inclusion: Meeting the 100 Million Youth Challenge, pg. 24
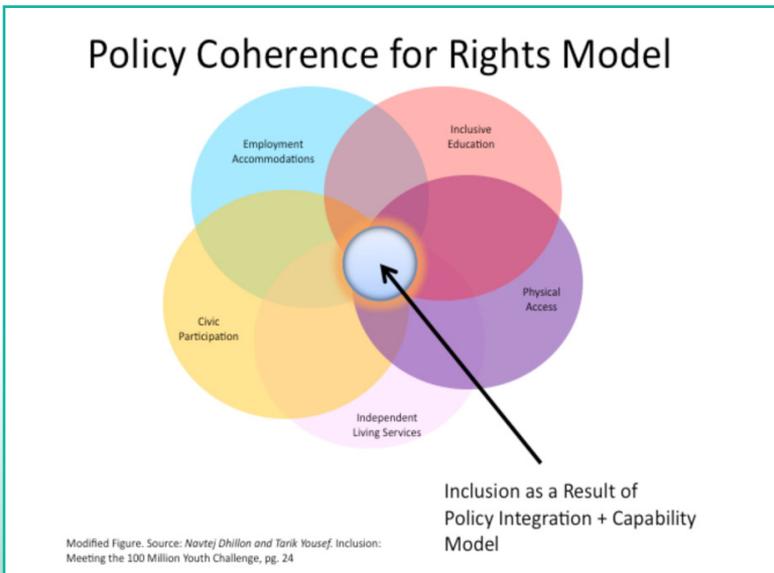
Figure 1 : Policy Coherence for producing effective national disability strategy

National Councils have proven effective in Jordan, Syria, Tunisia, and other countries in catalyzing national coordinated action on disability issues. Participatory approaches are considered too expensive, cumbersome or difficult. Nonetheless, advocacy and debate within the disability communities and across disability allies and stakeholders increase the overall understanding and awareness of diverse viewpoints. They also allow for more engaged and meaningful participation by persons with disabilities on the decisions that affect them. Over time, such approaches may provide more sustainable, effective methods from which to build lasting legislative and social change

Interconnectedness of Rights and Development

The CRPD Development Framework (CDF) builds upon the basic principles of the interconnectedness of all human rights – all rights must be equally promoted, protected, and ensured. Each sector (public, private, and civil society) must also develop more specific policies and action plans. Such policies and action plans should be developed with the participation of persons with disabilities. Once a state ratifies the CRPD, it also embarks upon the process of enacting domestic legislation that complies with and supports the domestic implementation of the treaty. By implementing the CDF holistically with the participation of diverse stakeholders, governments can be made more transparent and accountable to their citizens; private enterprises can be made more accountable to their communities; and civil society can become more vibrant and better informed. This is illustrated in the following figure:
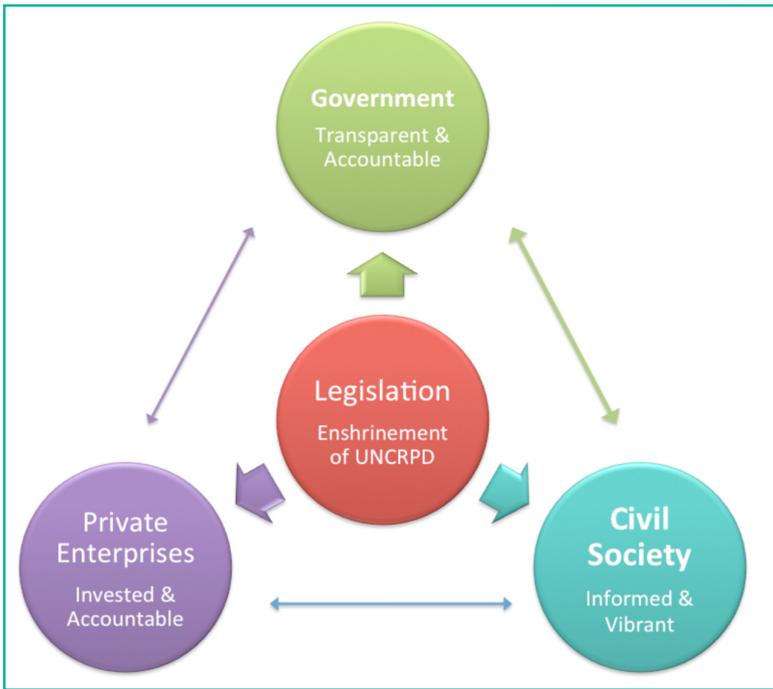
Figure 2 : The impact of ratification and changing legislative measures

Such approaches are congruent with the World Bank's MENA social development strategy, published to address disability issues within the broader challenges to the region's social and economic development efforts. Disability, however, should not be seen as simply a social development issue. Private sector corporations must be held accountable by offering persons with disabilities equal access to goods, services, and opportunities. State ministries and agencies regulating trade, investment, and commerce have the responsibility of ensuring that these private sector agents:

> (a) promote social inclusion (especially with regards to youth, gender disparities, and protection of vulnerable groups);

(b) strengthen social cohesion in urban and rural areas; and

(c) enhance the capabilities of citizens and civic groups to hold accountable the institutions that serve them.

NGOs and DPOs in the region should understand the broader development priorities of their country or region and tailor CDF to these efforts. Implementation of an inclusive regional social development strategy allows DPOs the ability to leverage the impact of the CRPD. The World Bank identified strategic recommendations in MENA region. These areas have been modified by the CDF to include persons with disabilities:

1. ***Support an overall enabling framework for social development in the policy dialogue.***

    Reflect inclusive disability policies into broader social development issues. Ensure that inclusive social development is included in all key strategic documents [e.g., in the case of the World Bank, the Country Assistance Strategy (CAS) and the Poverty Reduction Strategy Paper (PRSP)] and through policies which promote the social development principles of inclusion, social cohesion and accountability. This will accompany more disability related analytical work including Country Social Analyses and Poverty and Social Impact Analyses (PSIAs).

    Build a portfolio of disability related projects that focus on the greater social development principles of inclusion, social cohesion, and accountability. These will, in general, involve pilot multi-sector projects and programmatic operations not adequately covered by a sectoral approach (such as disability youth inclusion, gender, and disability). Demand side governance (such as monitoring) and community-driven participatory development, self-advocacy, and accessibility standards in post-conflict reconstruction.

2. **Improve the effectiveness of development-assisted projects and studies by mainstreaming disability programs into Health, Education and Employment**

(key sectors of social development).

Wider participation of persons with disabilities in the design, implementation, and monitoring of projects not only promotes ownership but also builds better institutions and more sustainable development outcomes for all. This entails maintaining the attention given to investment lending operations through safeguards and social development work and stepped-up analytical efforts of measuring and assessing disability related metrics in Poverty and Social Impact Analyses.

3. **Strengthen local DPOs' abilities to undertake social development through capacity building and broader partnerships.**

This will foster the creation of 'communities of practice' for more CRPD inclusive social development work. DPOs can contribute to building social development knowledge of good practice in country and task teams and legitimizing the use of disability inclusive policies to better measure outcomes. Broader partnerships with local and regional institutions are to be encouraged to promote two-way knowledge sharing.[33]

Application of CDF in government ministries requires further investment in increasing capacity and technical knowledge in three areas: (1) training and discussions on the social model of disability; (2) developing programs that provide sustainable and meaningful political, public, and economic participation of PWD with key ministries and agencies; and (3) strengthening the independent monitoring and assessment of CDF based disability policies. Effective CDF based policies seek to promote the role of participation in weaving institutional reforms that can increase greater social inclusion of persons with disabilities.

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33 World Bank Database, http://web.worldbank.org/WBSITE/EXTERNAL/COUNTRIES/MENAEXT/EXTMN AREGTOPSOCDEV/0,,contentMDK:20529511~menuPK:583439~pagePK:34004173~piPK:34003707~theSite PK:583433,00.html

1: Political and Public Participation (Opening doors of the ministry)

2: Eliminating Unnecessary Physical and Social Barriers (Welcoming)

3: Independent and Community Living (Active Living, Community Inclusion)
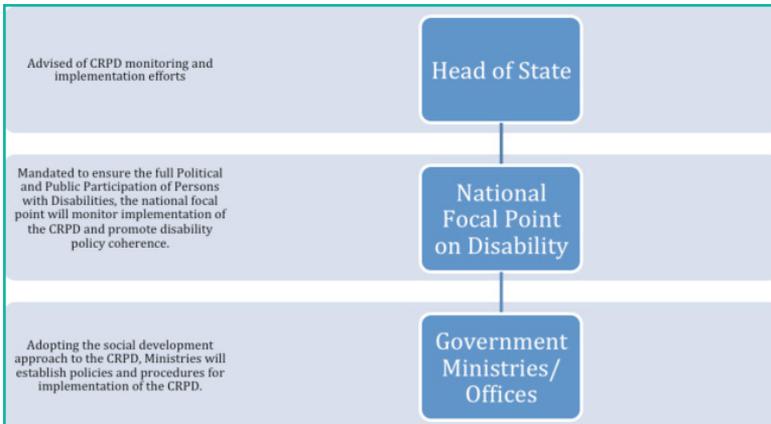
Figure 3 – Monitoring and Implementation Structure for UNCRPD

The first stage in implementing CDF based disability policies is developing channels for meaningful participation and sustained dialogue. This can be accomplished by organizing advisory councils, task force, committees, and other types of deliberative mechanisms. Such efforts should be done with full attention being made to practice the principles of universal access, gender equality, and ethnic and religious diversity.

The second stage would engage the diverse networks of NGOs, DPOs, student groups (youth groups), parents' groups (family advocates), and intergovernmental working groups (local and federal committees) with a national and local identification of unnecessary physical and social barriers). Additional emphasis can be made to support accessibility (article 9), independent living (article 19), awareness raising (article 8), access to information (article 21), and so on.

The third stage involves supporting the development of community-based resources that can support independent or community living. The development of these services should not be developed exclusively by the government, but instead should develop through the coordination and interaction between governments, companies, and civil society organizations. In many ways, independent and community living are the apex of successful and coordinated public and private services and programs. Independent and community living are vital to fully realizing the underlying outcomes of social inclusion. Additionally, this supports active participation in the community (article 29), employment (article 27), education (article 24), habilitation and rehabilitation (article 26), and so on.

With this framework, we begin to see that processes of governance and accountability become increasingly important. The following framework to improve governance will also support more inclusive development in the MENA region.

Equal participation — Equal treatment

INCLUSIVENESS

GOOD GOVERNANCE

ACCOUNTABILITY

Transparency — Contestability

Inclusiveness means that all those who have a stake in a governance process and want to participate in it—men and women, rich and poor, rural and urban—are able to do so on an equal basis, whether by voting, by contributing to consultations, or by overseeing local public service agencies.

Inclusiveness also means that governments treat everyone equally, that they protect the rights of everyone with equal vigor, that exclusion and discrimination are absent in the provision of public services by governments, and that everyone has equal rights to recourse and remedy if there is discrimination by public officials.

Accountability is based on the idea that people have the right to hold their governments answerable for how they use the authority of the state and the resources of the people.

Accountability needs transparency or full access to information—the people need to know about the functioning of the government, to hold it answerable, and governments need to provide access to such information.

Accountability also needs contestability—being able to choose among alternative political and economic entities on the basis of how well they perform. It also means recourse and remedy when government actions contravene basic rights—especially those of inclusiveness—or violate the rule of law.

Source: Better Governance for Development in MENA
(World Bank)

Such mechanisms allow for remedial administrative measures and also for targeted local actions to be implemented without the directives of higher-level authorities. They also allow the people most affected to not only share their understanding and knowledge but also contribute other resources and solutions that can in turn lower the costs of broad and effective solutions. By necessity, the following recommendations should be carried out by and across a variety of governmental and non-governmental organizations; their effective implementation can be guided and coordinated by a high-level disability advisory council which includes people with disabilities. Core functions of the disability advisory council should include the following:

Promotion of strong partnerships between policy makers and government officials, civil society, and private sector organizations can help coordinate interest from donors, media, and other entities. Such partnerships are absolutely essential for dialogue on furthering disability policy.

1. Development of national disability strategies; support for the creation and dissemination of new research on disability policy.

2. The council should work with a variety of governmental and nongovernmental organizations toward the following objectives:

    a. Diagnosis of impairments and provision of intervention as early as possible;

    b. Education reform that promotes inclusive education and supports specialized training for teachers;

    c. Improvement of societal attitudes toward people with disabilities through media initiatives and other public-private partnerships;

    d. Connecting disabled persons' organizations with vocational rehabilitation and skills development programs to enhance the employability of PWDs;

e. Extension and improvement of social insurance and social safety net mechanisms targeted to PWDs; and,

f. Extended networks for disability rights and consumer directed support services.

ENGAGING DEVELOPMENT ACTORS

Protecting and promoting the rights of persons with disabilities is everyone's responsibility. For the full complement of rights to be enjoyed and for persons with disabilities to benefit from social and economic development on an equal basis with others, all development actors must be disability inclusive. Today, MENA is a dynamic region with significant changes taking place in many of its countries. This change is not limited to governments, but includes new roles for civil society and the private sector. For persons with disabilities to benefit from the positive aspects of this change and to be protected from its negative outcomes, all sectors of society must be held responsible for promoting and protecting the rights of persons with disabilities. This means that disability rights advocates must not only have a strategy for engaging governments, but also for engaging civil society organizations and the private sector. The CRPD specifically and the larger international human rights movement in general provide tools for these new forms of engagement.

States that sign the CRPD have the primary responsibility of protecting the rights of persons. Traditionally, ministries of health and social welfare have had the responsibility for developing and implementing national disability policies, of which the primary focus was service provision. This allocation of responsibilities reflects a health and welfare perspective on disability. More recently, as disability rights advocates have become successful in advocating for the right to participate in their communities on an equal basis with others, ministries of education, labor, and transportation have begun to play significant roles in developing disability policies that increase access for persons with disabilities to education, work, and public transportation, respectively. Equally, ministries of justice have begun adjudicating more cases protecting persons with disabilities from discriminatory treatment.

Ministries of health, social welfare, education, labor, transportation, and justice will remain central in their role of promoting and protecting many of the rights specified in the CRPD. However, every ministry must be held accountable for developing disability inclusion policies and other states parties to the CRPD that are active in the

region must be held accountable.

For example, the G8 announced the "Deauville Partnership" and released a Declaration on the Arab Spring in May 2011. The partnership outlines a donor and development strategy focused on Egypt, Tunisia, and other countries for private sector development and job creation.[34] As donors, the G8 members who are state parties to the CRPD have the responsibility (under Article 32) to ensure that persons with disabilities are included in international cooperation agreements, including international development programs. Many of the promises made by the G8 are for trade agreements between MENA countries and the EU and other markets. In each country, ministries of trade and commerce must be engaged to ensure that provisions within trade treaties are made requiring that products and services provided by international firms are disability inclusive. Ministries of commerce should be engaged to include protections for the rights of persons with disabilities in commercial law and develop the capacity to monitor both national and international businesses active within countries.

In addition to engaging donor countries and ministries of trade and commerce, businesses should also be engaged by disability rights advocates directly. Private corporations should not be seen as secondary actors in the realization of human rights. In March, 2011, John Ruggie, Special Representative of the Secretary-General on the issue of human rights and transnational corporations and other business enterprises, submitted a landmark report to the United Nations Human Rights Council outlining Guiding Principles on Business and Human Rights.[35] In addition to reiterating the state's duty to protect human rights through policies, legislation, regulation, and adjudication focused on preventing human rights abuses perpetrated by private businesses or committed by state-owned businesses, the report also promotes the norm that businesses should respect human rights and must develop and maintain appropriate policies and processes to promote human rights. This norm, advanced by the international community,

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34 "Declaration of the G8 on the Arab Spring." G8 Summit of Deauville. May 26-27, 2011.
35 Ruggie, John "Guiding Principle on Business and Human Rights: Implementing the United Nations 'Protect, Respect and Remedy' Framework, Report of the Special Representative of the Secretary-General on the issue of human rights and transnational corporations and other business enterprises" Human Rights Council, 21 March 2011.

parallels private corporations' voluntary efforts at corporate social responsibility and diversity, often fulfilled through partnerships with civil society organizations or through commitments to corporate social responsibility networks such as the UN Global Compact. All corporations doing business in a country should be educated and engaged on the rights of persons with disabilities, encouraged to develop disability inclusion policies, and monitored and held accountable to them. Additionally, disabled persons' organizations should partner with businesses to train and assist them in providing reasonable accommodation and connecting them to qualified job candidates with disabilities.

Lastly, civil society has been taking on a more active role in many MENA countries. Civil society organizations often provide important goods and services to members of the community. These goods and services must be provided to persons with disabilities on an equal basis with others.

A 2006 study on the economic inclusion of persons with disabilities in developing countries, unfortunately, found that amongst microfinance institutions, many of which were non-governmental organizations, the percentage of clients with disabilities who were provided access to microloans ranged between 0-0.5% of the majority of microfinance organizations' clientele.[36] Civil society organizations provide important goods and services, as well as other opportunities for health, education, financial services and so forth. Many civil society organizations also advocate for the protection and promotion of human rights for certain groups. If persons with disabilities are to benefit from the activities of all civil society organizations, CSOs must be educated about the rights of persons with disabilities and encouraged to develop disability inclusion policies and practices. Ministries of foreign affairs that certify or license international non-governmental organizations should require NGOs to develop disability inclusion policies. Ministries of social affairs and local governments working with grassroots non-governmental organizations should likewise require disability inclusion policies.

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36 Handicap International. "Good Practices for the Economic Inclusion of People with Disabilities in Developing Countries: Funding Mechanisms for Self-Employment." 2006.

RECOMMENDATIONS FOR ENSURING RIGHTS IN DEVELOPMENT

This section incorporates and summarizes the variety of recommendations that could foster a more inclusive and accountable approach to development.

1. Bringing people together

The CRPD is a comprehensive document that covers all aspects of life. Each article specifies a particular right that may involve different actors or the same actors taking on different roles and responsibilities.

Stakeholder meetings should be organized around particular issue areas and rights that need to be protected. For example, a stakeholders meeting on education could involve the ministry or bureau of education, public school administrators and teachers from government, textbook and educational material publishers, private school administrators and teachers, parents' associations, teachers' unions, NGOs implementing education projects, and Disabled Persons Organizations from civil society. Each issue area may involve a different set of specific actors or the same actors in different roles. For example, a meeting on the right to work might also include teachers' unions and textbook publishers, but rather than have the focus be on inclusive education methods and materials, the focus would be on hiring and retaining persons with disabilities as teachers, principals or district supervisors.

2. Educating stakeholders

It is important for stakeholders to be aware of their roles and responsibilities concerning the rights of persons with disabilities and how to effectively address barriers that persons with disabilities may encounter within their field.

Universal design can be effectively used to generalize "best practices" in the design of products, services or even policies. The barriers that persons with disabilities face should not be over-generalized by administrators. Individuals with disabilities should be

consulted because the manner that such barriers are encountered in each area may be different. For instance, being included in education may require different approaches in ensuring accessibility than in ensuring access to telecommunications or voting, and so on.

(a) that disability is an issue which is the sole responsibility of ministries and bureaus of health or social affairs or (b) that within governments, the inclusion of persons with disabilities is the responsibility of the national government rather than a local municipality. Including persons with disabilities and protecting their rights is the responsibility of every government ministry and falls under their responsibility, be it the ministry of education, the ministry of commerce, or the ministry of tourism. Equally, every private sector corporation or NGO must be made aware of the fact that persons with disabilities represent a significant portion of their current or potential constituents.

3.   Gathering information: a baseline for measuring inclusion

Compiling important information on the realization of the rights of persons with disabilities requires communication and cooperation from all of the relevant stakeholders. Once specific government ministries, private corporations, and civil society organizations understand the barriers faced by persons with disabilities in their specific area, they can work cooperatively to design tools for evaluating the extent of those barriers. Disabled Persons Organizations can assist stakeholders in conducting initial surveys and evaluation to produce a baseline which can then be used for measuring future improvements or failures in regard to that area.

Evaluations should be comprehensive and highlight key barriers and areas for action. Quantitative data should be supplemented with qualitative data to best understand the social mechanisms that underlie and reproduce barriers. For example, ministries of transportation may know that persons with disabilities are not active users of public transportation. However, they may not know that the reason why this is the case is due to the attitudes and actions of bus drivers rather than the physical design of the bus itself. Specifically, this could be the inadequate training of employees or not announcing stops to customers who are blind. The latter will

become known by the addition of interviews to the gathering of raw statistics.

4. Forming strategies for inclusion and the protection of rights

Once a baseline survey has been conducted, stakeholders must be brought together to review the survey results and better understand how persons with disabilities are impacted by their actions (or inaction). Each stakeholder must understand its roles and responsibilities as well as its resources needed to contribute toward the development of strategies for inclusive policies, programs, services, and goods.

5. Implementing strategies

Once strategies are in place and agreed upon by all of the relevant stakeholders, it is time to take action. It is at this point that parties may fail to realize these rights and commit to action. Often, stakeholders will develop well-meaning plans for change but not implement these commitments. This is a critical juncture for realizing the rights of persons with disabilities and moving beyond rhetoric into action. Any implementation strategy must be clear about the "who, what, when, and how": who is responsible?; what they will do?; when will they do it?; and how the action will be carried out? If the strategy is not specific, it is unlikely that it will be fully implemented or that the correct organizations will be held accountable.

6. Monitoring strategies

Disabled Persons Organizations must be recognized in roles of power (such as national focal points) and work closely with national human rights institutions and government officials to monitor the realization of rights under CRPD. Formal strategies and commitments must include timelines, deliverables, and accountability. If mutually agreed upon strategies fail to achieve goals or stated results, stakeholders must gather more information and reconvene to create new plans for action.

These recommendations expand on the manner in which rights and development can be better linked to address the needs of persons with disabilities.

CONCLUSION

The CRPD is a "how to" guide and one of the few conventions to expressly provide for social and economic development. The CRPD is comprised of 50 articles that act as a set of promises for member governments to strive to fulfill.[37] Local states, private enterprises and civil society organizations should consider how the CDF could be modified to their particular circumstances. Disability policies can and should be shaped by new approaches to disability. These new approaches should complement and strengthen political, economic, social policy and other reforms. Such reforms should be inclusive of persons with disabilities in terms of the process and outcomes. We have argued that diverse actors must collaborate to ensure that rights improve development outcomes and that development efforts improve the human rights of persons with disabilities.

Government agencies, corporations, and civil society organizations must develop and fund national strategies. Such strategies should be developed in an inclusive and participatory manner. Participation by a broad cross section of stakeholders is vital to successfully implement the articles of the CRPD across sectors (different ministries, private enterprises, and civil society). Increased participation also broadens the base for support and allows for actions across local, national, regional, and global arenas. All actors and stakeholders should support the development of a baseline and participate in the process of monitoring implementation, assessing progress, and evaluating results.

National disability strategies differ from country to country and should not be fashioned on a "cookie cutter" or ad hoc basis. Instead, they should be developed over time with the active engagement of a broad sector of society. Governments, through their national strategies, should set a baseline from which to empower local communities. This can be done through direct funding of community centers for active living (based on consumer directed service provision and community based services). In turn, this would help countries transitioning away from welfare approaches and support individual and community empowerment.

37 http://www.un.org/disabilities/

A national strategy that promotes, protects, and ensures the active and substantive engagement and participation of persons with disabilities would do the following:

a) Ensure that decisions are coordinated and communicated with stakeholders affected

b) Allow for discrete points of view to make necessary modifications and adjustments to existing policies and progress over time

c) Make necessary adjustments and allocate sufficient budgets to reach the goals set by local, national, and regional agreements

d) Actively monitor the domestic legislation to ensure compliance with international laws (like the CRPD).

Ensuring rights supports accountability and inclusiveness. These factors also support sustainable national development in states. The CRPD has clear implications not only for governments, but also for private enterprises and civil society organizations. These key actors can and must make meaningful progress and work collaboratively to strengthen the role that persons with disabilities play in the governance and development process. No nation can be complete (or effectively compete) without fully embracing the potential and capabilities of all its citizens. Everyone must be included.

ARTICLES OF THE CONVENTION ON THE RIGHTS OF PERSONS WITH DISABILITIES (CRPD)

For the full text of the CRPD please see: **http://www.un.org/ disabilities/documents/convention/convoptprot-e.pdf**

GLOSSARY

Convention is an agreement between countries to obey the same law about a specific issue. When a country signs and ratifies (approves) a convention, it becomes a legal promise and guides the actions of the government. It often leads the government to adapt and change its own laws to support the goals of the convention.

Cross Disability is a term used to identify policies, programs, and social movements that incorporate an approach that includes a diverse set of individual impairments and functions, thus embracing a more universal approach to disability rights and policies.

CRPD as a Development Approach (CDA) categorizes the interconnectivity of rights to state development.

Deliberative Institutions are local, national or regional organizations or agencies that promote debate, dialogue, and coordinated action toward a particular public agenda. Critics note that deliberative institutions are vulnerable to co-option or free rider trappings.

Development is often an ill-defined and ambiguous concept related to acts and processes that promote growth or progress. In relation to nation-states, development refers to the accumulation and distribution of human and economic capital.

Disability is an evolving concept and results from the interaction between persons with impairments and attitudinal and environmental barriers that hinder full and effective participation in society on an equal basis with others. (Preamble CRPD, 2007)

Discrimination on the basis of disability can result from distinction, exclusion, restriction, preference, or denial of reasonable accommodations based on an individual's impairment. Such actions can effectively nullify or limit the recognition, enjoyment, or exercise of the rights of persons with disabilities.

Market-led Development is an approach in which government plays a much smaller role, allowing private corporations through

trade and competition to produce and distribute goods and services.

MENA is the Middle East and North Africa region, made up of 22 Countries.

National Focal Point on Disability is an independent and participatory body for deliberation and implementation of the CRPD.

National strategies include actions to sensitize the public, provide disability and inclusive education training to primary school teachers and administrators; setting up a national clearinghouse for disability statistics and research; and funding for community-based rehabilitation and health centers that provide services such as attendant care so that individuals with disabilities can be supported in their own homes.

Participatory Governance concerns itself with empowering citizens to participate in processes of public decision-making that affect their lives. There exists a wide range of participatory governance practices and tools. These tools are aimed at achieving more transparent, responsive, accountable, and effective governance (at both the local and national level) through active citizen participation.

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

Social accountability is a metric utilized by the World Bank to assess progress toward greater and more comprehensive range of social opportunities, risks, and impacts and not simply a narrow range of issues and sectors. Social accountability metrics are concerned with civic participation and civic engagement and seek to promote good governance, development effectiveness, government credibility, and empowerment.

Social Development is a process of transforming institutions to make them more inclusive, cohesive, accountable and resilient.

Only through such a people-centered empowerment process can development be socially sustainable. It often concerns itself with promoting the inclusion of poor, vulnerable, and excluded groups (especially youth and women); strengthening social cohesion and the capacity for collective action toward development; and enhancing the capacities of citizens and civic groups to hold accountable the institutions that serve them.

State-led Development is an approach in which the government is the primary investor, manager, and producer of goods and services through nationalized industries and a large public sector.

UN Convention on the Rights of Persons with Disabilities (CRPD) is the first international treaty designed to promote, protect, and ensure human rights for an estimated one billion people who live with disabilities around the world.

APPENDIX

The Conditions and Rights of Disabled Persons in the Middle East and North Africa

Countries Include: Saudi Arabia, Kuwait, Yemen, United Arab Emirates, Syria, and Lebanon

Articles of the MENA (Middle East and North Africa) Convention:

- *Article 9:* A Discussion To Enable Those That Live Independently, Yet Strive To Participate In All Aspects Of Life

  In Saudi Arabia, for example, the system of government is based on Islamic law. But the principles of this law can still grant access to the disabled for information on religious studies, speeches, readings from the Koran, and sign language interpretation (for the Deaf) in a lot or religious places as well as media considerations.

- *Article 19:* A Discussion On Independent Living And Reintegration Into Society: The Disabled Must Have Choices Equal To The Choices of Everyone.

  In Kuwait, a committee was formed to hear complaints in the event that a disabled person was subjected to ill treatment or prejudice against them.

- *Article 20:* A Discussion On The Right Of Moving And The Necessities That States Must Provide.

  Only over a short period of time, the news began to cover Saudi Arabia for its new initiative that would provide a taxi service to the disabled through the help of volunteer drivers.

  Furthermore, now, in Djibouti, there is an initiative to require moving agencies to provide all necessary equipment for any disabled person that needs assistance.

- *Article 24:* The Right To Education. The experience and value of proactive learning was learned earlier on in Yemen. Now, Yemen recognizes the importance of integrating education into society. Through a widespread project for societal rehabilitation, a vast number of schools now include up to 15 male and female students.

And also in Yemen, certain people are secured by the State to accompany the disabled when they travel outside of the country to pursue their studies abroad. Insurance and travel expenses for these people who accompany the disabled are paid for by the State.

In the United Arab Emirates, the Department of Special Education, the Council of Abu Dhabi Education and its Department of Curriculum and Educational Programs, as well as the Ministry of Education coordinated together to provide different copies of curriculum necessary for all disabilities in its country.

- *Article 25:* The Right of Health And Health Care. In Syria, private swimming pools were provided to fifty physically disabled people, granting them weekly physical activity. Physiotherapists were coupled with this idea of swimming pools in order to give these fifty individuals an improved and healthy sense of rehabilitation.

- *Article 26*: Rehabilitation Strives To Give Maximum Independence To Persons With Disabilities, While Also Allowing Them To Achieve Their Full Potential Physically, Mentally, Socially, And Professionally.

  In Yemen, the establishment of a welfare fund for the care of the disabled is an important step to laying the foundation for their future, long term rehabilitation.

- *Article 27:* A Discussion On The Requirement Of State Parties Not Only To Recognize The Right of Disabled Persons to Work But To Also Give Them The Necessary Support.

  In Kuwait, a study was begun to reduce the number of working hours to as little as two hours for disabled persons. It also stressed the importance of workers to take care of a person with a disability in their job if so needed.

  Furthermore, most Arab countries have the necessary operations and amenities for people with disabilities, both in public and private sectors. Interestingly, however, there was an initiative to amend the law for what the percentage of the disabled in the workforce throughout the Arab world can be. The percentage of the disabled in the workforce is undetermined in Egypt, for example, while in other countries such as Jordan, its number of disabled in the workforce has actually increased.

- *Article 28:* Standard Of Living (Food, Housing, And Clothing) And Social Protection

  The Syrian city of Tartous declared itself "disability friendly," by ensuring the growth and development of all needs and requests of the disabled.

- *Article 29:* Participation In Political And Public Life. yria has experience with this particular article because the person who is appointed to the position of Secretary General of the Central Council for Persons with Disabilities is one with a mobility disability.   The individual uses a wheelchair in the office. The use of a wheelchair within this political setting is certainly a practical application of this article to a real life situation.

  Also, in Lebanon, specifically regarding local elections, there was a collective campaign aimed at facilitating access to places of election so that disabled persons can actively participate and practice their citizenship rights and duties.

Three Individual Cases - Saudi Arabia, Kuwait, and Jordan

Saudi Arabia: System of Care for the Disabled
http://www.pscdr.org.sa/en/Pages/DisabilityCode.aspx

Articles from the Prince Salman Center for Disability and Research

- *Article 2:* The Government shall guarantee the prevention, welfare and habilation services to persons with disabilities and their families, and will encourage institutions and individuals to contribute to charitable activities within the field of disability. The Government shall guarantee to provide services to persons with disabilities in the following areas: health, education, training and rehabilitation, work, society, culture, and sports.

- *Article 3:* The Supreme Council shall coordinate with authorities to abide by the regulations for structural specifications required to give access to persons with disabilities in all centers of habilitation, training, education, medical, welfare, public places, as well as all other areas. This enables easy access of movement and transportation. All authorities shall abide by the said regulation.

- *Article 4:* The Supreme Council shall coordinate with authorities to provide education and training nationally and internationally in the field

of disability, and to promote the exchange of experience with other countries.

- *Article 5:* The Government shall award loans for persons with disabilities to establish occupational or commercial employment that is suited to their abilities in their capacity as individuals or as a group.

- *Article 6:* Technical aids and devices used by persons with disabilities shall be exempt from customs duties. These will be specified in a list approved by the Ministry of Finance and National Economy.

- *Article 7:* A trust fund shall be established, under the control of the Supreme Council, for depositing all endowments, donations and revenues from fines. Funds will be used for providing care for persons with disabilities.

Kuwait: The Higher Council for the Disabled
http://www.q8sneed.com/importanetpage/lawpageto.html#

- *Article 5:* The government is committed to taking effective administrative measures to ensure that persons with disabilities have access to their civil and political rights. The government is also committed to offering special services for people with disabilities in all government institutions, including a sign language interpreter, specifically so the blind can enjoy their rights.

- *Article 7:* The government is committed to providing preventive services, guidance, therapy, and rehabilitation in all health centers across the country for the disabled. In cases of pregnancy, the government is committed to finding the most pressing causes of disability before, during, and after birth. It also provides the option of medical treatment outside the country if necessary.

- *Article 8:* The government is committed to providing a highly specialized and technical medical staff that is trained in various fields and can give therapeutic services to the disabled in plenty of health centers and government funded hospitals across the country, equal to those of the non disabled.

  Furthermore, the government will provide health care specialists and physiotherapists for the disabled inside their homes when this is deemed necessary.

- *Article 9:* The government is committed to providing educational services for the disabled who have learning difficulties so that they can learn on the same level and pace of their peers. There are other special needs that are tended to such as communication, language difficulties, and additional learning drills. A highly specialized educational and professional staff is available that receives higher material and moral incentives for their work.

  The government will also provide educational and professional testing for the disabled to see if they are educationally challenged.

- *Article 10:* The government is committed to taking the necessary educational steps to reintegrate the learning disabled in stages through different teaching methods, especially those that are suitable with their abilities that often times are sensitive and unique.

Jordan: Laws on the Care and Rehabilitation of the Disabled
http://www.mosd.gov.om/rules_disable.asp

- *Article 5:* The disabled have the right to health care and preventive treatment offered by the state, including prostethics and other rehabilitation devices that assist them with mobility, education, and training, in accordance with the rules and procedures issue by the decision of the Health Minister.

- *Article 8:* The Ministry, in coordination with authorities require necessary professional qualification requirements to treat and teach the disabled. Qualification certificates from rehabilitation centers are mandatory.

- *Article 9:* Committed to government agencies and business owners who use the fifty workers or more sets of his candidacy and the Ministry of Manpower of the disabled qualified from the reality of record of the national workforce, a percentage of the jobs or occupations to be filled.

  The fixing of this rate - after taking the opinion of the minister - a decision of the Civil Service Board with respect to government agencies, and the decision of the Minister of Manpower for the private sector.

  And must in the case of the appointment or the use of a handicapped without the nomination of the Ministry of Manpower so notified within

thirty days of receipt of the work of the significance of this when calculating the ratio of assessments.

And enjoy from being appointed in accordance with the provisions of this Article the rights and benefits provided to employees and other workers.

- **Article 10:** Committed government authorities take necessary measures to ensure access for the disabled to public services, including compliance with engineering specifications for roads, buildings, places of worship, markets, parking, and other facilities frequented by the disabled.

Relevant Legislative Changes in the Middle East to Address the Disabled:

- **Jordan:** The law of the rights of persons with disabilities No. 31 of 2007 (Act the rights of persons with disabilities 2007), which repealed Act No. 12 of 1993 under the auspices of the disabled.

- **United Arab Emirates:** Issued Federal Law No. 29 of 2006 regarding the rights of people with special needs in the United Arab Emirates to address the various issues of disability, according to a unified legislative framework.

- **Lebanon:** From countries which had its own law to persons with disabilities is characterized by comprehensive and with the issuance of a law the rights of persons with disabilities no 220 for the year 2000.

- **Syria:** (Act 34 of Persons with Disabilities 2004), where for the first time a law on persons with disabilities in and includes all issues of concern to persons with disabilities.

- **Yemen:** Yemen issued in more than a law dealing with disability issues, notably: The Welfare and Rehabilitation of Disabled Persons 1999, the Fund Act and the care and rehabilitation of the disabled. (Fund Act care and rehabilitation of the disabled 2002

- **Kuwait:** Law No. 49 | in 1996 on the care of disabled

- **Sudan:** It is also among the countries in which it was several laws to address issues of disability, where the law was released in early care and rehabilitation of the disabled in 1984, and then a law was passed, "National Disabilities Act of 2009"

- **Saudi Arabia:** Saudi Arabia issued care system disabled by Royal Decree No. 37 \ m in 1421 Hijri 2000 AD

- **Iraq:** the inclusion of reference to persons with disabilities in the 2005 constitution, in Article 32 which states that: "The State cares for the disabled and those with special needs and guarantees their rehabilitation to integrate them in society, and this is regulated by law.

- **Egypt:** in 1975 a law was passed and the rehabilitation of disabled persons that was characterized by an attempt to collect legal texts relating to disability in one law. In 1982 the law was amended by Law No. 49 and dealt with amendments to the provisions of the proportion operating in the public sector, and raise the value of a fine for violation of the provisions of articles per operation.

- **Palestine:** Palestinian National Authority issued a "law of the rights of persons with disabilities 1999" to address the situation of many persons with disabilities who are on the rise due to wars.

- **Qatar:** a law was passed with the special needs of the State of Qatar "Law No. 2 on the Special Needs 2004"