December 2002

Landmine Survivors and a Convention on the Rights of Persons With Disabilities

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Recommended Citation
Available at: http://commons.lib.jmu.edu/cisr-journal/vol6/iss3/24

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In the 1970s, a broader "social model" emerged, recognizing that the medical model alone could not fully address the needs of persons with disabilities. This social model focuses on the social discrimination and barriers to which persons with disabilities are confronted, instead of focusing on their physical limitations. It sees the problem not as residing in the persons with disabilities themselves, but as resulting from structures, practices, and attitudes that prevent the individual from exercising his or her capabilities. Thus, the social model gives priority attention to the way persons with disabilities want to live and to the right they have to participate fully and equally in society.

A number of United Nations initiatives and meetings shaped the development of a human rights approach to the disability issue in the 1970s and 1980s. These include the adoption by the General Assembly, in 1982, of the World Programme of Action Concerning Disabled Persons, which considered issues such as rehabilitation as a human right.

In 2001, at its 56th session, the General Assembly adopted Resolution 56/168, which called for the establishment of an Ad Hoc Committee to "consider proposals for a comprehensive and integral international convention to promote and protect the rights and dignity of persons with disabilities." The resolution, which was adopted by consensus, was the result of a four-year process of consultation and negotiation among governments and non-governmental organizations.

The Ad Hoc Committee on rights and dignity of persons with disabilities and a new international convention

Several non-governmental organizations (NGOs), such as Disabled People's International, International, Inclusion International, Madre Inc Landmine Survivors Network (LSN), Support Coalition International, World Blind Union and World Federation of the Deaf participated in the work of the Committee and made meaningful contributions over the next two years. The committee concluded, however, that a "new emerging community," would need to formulate and promote the fundamental and universal human rights of persons with disabilities. Differences of opinion remain, however, particularly amongst governments, regarding the need to elaborate a new convention. While the Government of Mexico is a strong advocate of the pro-convention movement and wants to see a concrete output at the end of the process (i.e. a convention), other governments merely support "a process" and work "toward a convention." To facilitate further discussions on this issue and other issues, the Ad Hoc Committee recommended the adoption of a resolution at the 57th session of the General Assembly in the fall of 2002, and the organization of additional meetings of the Ad Hoc Committee and of regional technical and expert groups.

The human rights perspective and victim assistance

According to the "Guidelines for the Care and Rehabilitation of Survivors," developed by the International Committee to Ban Landmines, victim assistance consists of nine activities: emergency medical care, continuing medical care, physical rehabilitation, prostheses and assistive devices, psychological and social support, education, employment and economic integration, capacity building and sustainability, legal and public awareness, and data collection. There have been in-depth discussions on most of these nine areas of activity, including medical and socio-economic reintegration issues. It seems, however, that the latter has received increased attention within the victim assistance community as a result of the development of the human rights approach to disability.
really needs is a job, as only around 20 percent of people with disabilities are in satisfactory economic situations.27

Socio-economic issues were discussed from a human rights perspective at the January 2002 session, by providing additional human rights and view of disability norms and standards was also presented, as well as updates on ongoing efforts to elaborate a convention on the rights of persons with disabilities.28 This will be further discussed at future Standing Committee meetings.

One day, governments worldwide will ratify a Convention on the Rights of People with Disabilities. When this happens, the world will be closer to the principle that all people are born free and live with dignity and rights. A new international convention on the rights of people with disabilities will promote, protect and guarantee that everyone can enjoy equality, dignity and rights. It is a fundamental truth that if these rights are not available to everyone, then no one is free...The Convention we seek will state that people with disabilities have the same rights and opportunities as all citizens. No one, I repeat, no one has the privilege to deprive them of these rights. They too deserve to be treated as equals in the society. All are born free and equal in dignity and rights.29

The participation of LSNI in the work of the Ad Hoc Committee establishes for the first time a common, a shared position on disability and its essential role in the only participating organization which represents landmine survivors.

Implications of the proposed convention for the victim assistance community

The adoption of a convention on the rights and dignity of persons with disabilities would have potentially three positive implications for the victim assistance community, landmine survivors in particular. First and foremost, it would draw additional international attention to persons with disabilities and help provide assistance to its own citizens when they fall victim to landmines.30 The proposed convention on the rights of persons with disabilities could therefore play a complementary role by making it legally binding for governments to assume responsibilities with regard to persons with disabilities and landmine survivors, fostering their development, and in providing them with the assistance they need.

The adoption of a convention on the rights and dignity of persons with disabilities could also have positive financial implications for landmine survivors. It could make it easier for landmine survivors to claim additional resources from various existing social funds. A fund such as the Trust Fund for Human Security (TFHS) supports initiatives to address the protection of human security, various threats to human lives, livelihoods, and dignity, including landmine contamination, poverty, environmental degradation, conflicts, landmines, refugee problems, illicit drugs, and infectious diseases such as HIV/AIDS.31 Because landmine victims pose additional human requirements, TFHS is interested in projects related to survivor assistance. This interest is therefore essential to ensure that landmine survivors, who are not just passive recipients of social welfare and charity but bearers of rights and freedoms, and are involved in all ongoing discussions concerning the new convention.

Similarly, it is possible that a new convention could also benefit the United Nations Development Programme, which is therefore essential to ensure that landmine survivors, who are not just passive recipients of social welfare and charity but bearers of rights and freedoms, and are involved in all ongoing discussions concerning the new convention. As was recently noted by Adnan Al Aboudy, director of LSNI Asman, Jordan, himself an amputee, "support for the human rights of landmine survivors is crucial in expediting the integration back into society as full and equal participants..."32

Endnotes
1. Speech by President Vincent Fox of Mexico, delivered at the United Nations during general debate of the sixty-sixth session of the General Assembly, 10 November 2001, New York.
2. This proposal was subsequently adopted by the General Assembly in resolution 56/169 of 19 December 2001. Throughout this paper, references to persons with disabilities include landmine survivors, persons with mental and physical disabilities, and persons with sensory disabilities.
6. "The Role of Mine Action in Victim Assistance": I. The human rights of landmine victims is crucial in expediting the integration back into society as full and equal participants..."32