

Concept Note

Accelerating meaningful participation of persons with disabilities in policy development in the Commonwealth

17th Session of the Conference of States Parties to the Convention on the Rights of Persons with Disabilities

Background

Approximately 16 percent of the world's population, equivalent to 1.3 billion people, experiences some form of disability.¹ Of this total, approximately 400 million live in the Commonwealth. Women and girls are disproportionately represented, with a disability prevalence rate of approximately nineteen percent.² As global populations age and chronic conditions leading to impairments become more prevalent, the number of persons with disabilities is expected to rise.³ The Covid-19 pandemic and its economic impact exacerbated existing inequalities and created new barriers for persons with disabilities, resulting in persons with disabilities dying at higher rates, being pushed further into poverty, and being excluded from pandemic response measures.⁴

Globally, persons with disabilities continue to encounter physical, communication, attitudinal and institutional barriers to their full inclusion and participation in the life of their communities. These barriers result in marginalisation, stigmatisation, and discrimination, often leaving disabled people further behind⁵ and unable to enjoy their human rights on an equal basis with others. Persons with disabilities are consequently often excluded from active and informed participation in decision-making processes on matters relating to or affecting their lives, with decisions made on their behalf without meaningful consultation or their input.

Disability-inclusive policies are crucial to removing barriers and ensuring that persons with disabilities enjoy their human rights and fully benefit from sustainable development processes. Commonwealth Heads of Government affirmed their commitment to disability inclusion at the 2018 Commonwealth Heads of Government Meeting (CHOGM). Heads agreed to 'address the stigma around disability in all its forms and manifestations...ensuring that no one is left behind, and to encourage all member countries to ratify and implement the United Nations Convention on the Rights of Persons with Disabilities (CRPD)'.⁶ Recognising the imperative need to address these challenges, Heads reaffirmed their commitment to

¹ World Health Organization (2011). *World Report on Disability*. Geneva: World Health Organization, p 27-28.

² Ibid.

³ Ibid, p 34-35.

⁴ See e.g., United Nations Secretary-General, *Inclusive Development for and with Persons with Disabilities* (2022), UN Doc. A/77/166, Section II; and Office of the High Commissioner for Human Rights (2021), *Socioeconomic Impact of COVID-19 on Persons with Disabilities*.

⁵ United Nations Department of Economic and Social Affairs, *Disability and Development Report: Realising the Sustainable Development Goals by, for and with persons with disabilities* (2019).

⁶ Commonwealth Heads of Government Meeting Communiqué (2018), para. 6.

disability inclusion during the 2022 CHOGM in Kigali, Rwanda, where they also ‘urged member countries to implement the UN Convention on the Rights of Persons with Disabilities, and promote alignment of any related policies.’⁷

Disability inclusion necessarily entails taking into account the protection and promotion of the human rights of persons with disabilities in all policies and programmes, as is required by article 4(1)(c) of the CRPD. The active and informed participation of people in decisions that affect their lives is a core tenet of human rights-based approaches. In the context of disability, participation of persons with disabilities through their representative organisations is both a cross-cutting principle⁸ and a general obligation imposed by the Convention, which requires close consultation and active involvement of persons with disabilities in the development and implementation of legislation and policies, and in other decision-making processes.⁹ It also contributes to ensuring the diversity of persons with disabilities, including under-represented groups, and intersectional discrimination to which they may be subjected are adequately and effectively addressed.

With at least 400 million persons with disabilities in the Commonwealth, the impact of their active and informed participation in the formulation, implementation, monitoring and evaluation of policy and legislation can be profound. As persons with disabilities are best positioned to identify their own needs and the most appropriate policies for meeting them, their participation can lead to better outcomes. Participation promotes agency, equality and empowerment, fosters a sense of ownership, shapes societies for the better by breaking down stigma, and enhances good governance and accountability. Despite the transformational potential of direct participation of persons with disabilities, there remains a gap between the spirit of the CRPD obligation of participation and its implementation.

The Commonwealth Secretariat and its partners are convening a side event to highlight practical means of strengthening the meaningful and effective participation of persons with disabilities in policy and legislative processes. Framed around the CRPD obligation to ‘closely consult with and actively involve persons with disabilities, including children with disabilities, through their representative organizations’ in the development and implementation of legislation and policies to implement the Convention, the side event will critically examine the role of states and disabled people’s organisations. Panellists will share experiences and country-specific examples of disability-inclusive policy development; highlight challenges and offer solutions; explore requisite elements in intersectional, inclusive and participatory approaches to legislative and policy development; and consider means of strengthening collaboration between states and disabled people’s organisations in CRPD implementation.

Objectives:

The overarching objective is to raise awareness of opportunities and challenges in ensuring the active and informed participation of persons with disabilities in the development of legislation and policy to implement the Convention. Specific objectives are to:

⁷ Commonwealth Heads of Government Meeting Communique (2022), para 23.

⁸ Convention on the Rights of Persons with Disabilities, article 3.

⁹ Convention on the Rights of Persons with Disabilities, article 4(3). See also Committee on the Rights of Persons with Disabilities (2018), *General Comment No. 7 on the participation of persons with disabilities, including children with disabilities, through their representative organizations, in the implementation of the Convention*, UN Doc. CRPD/C/GC/7.



- Discuss obstacles encountered by persons with disabilities in participating in policy and legislative processes.
- Share effective means of facilitating inclusive and participatory policy development and implementation.
- Exchange experiences, expertise and good practices in strengthening participation of persons with disabilities in the implementation of the CRPD.
- Underscore the importance of intersectional approaches to participation.
- Highlight meaningful engagement and collaboration between disabled people's organisations and states in implementing the CRPD.

Moderator: Luis Franceschi, Assistant Secretary-General, Commonwealth Secretariat

Speakers:

- Member country 1
- Member country 2
- Nalini Bethel, Chairperson, Bahamas National Commission for Persons with Disabilities
- Commonwealth Disabled People's Forum
- Commonwealth Children and Youth Disability Network

Target audience: Ministers, permanent representatives and senior officials; national focal points on disability; multilateral organisations and international agencies; representatives from key partner organisations and stakeholder groups; disabled peoples organisations and civil society; and other interested parties.

Format: Moderated panel discussion followed by interactive dialogue and an opportunity to ask the panellists questions.