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Welcome to the lecture "Disability and Human Rights". My name is Swantje Köbsell, I am a professor of Disability Studies at the Alice Salomon University of Applied Sciences in Berlin.

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First, we will deal with the topic of human rights and human rights and disability, followed by the UN Convention on the Rights of Persons with Disabilities, or UN CRPD for short, and its implementation in Germany using the example of education and personal assistance. And finally, there will be a conclusion.

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First of all, human rights. Human rights are universal, that means every human being is entitled to them from birth. They are inalienable. That means you cannot say, 'oh, now I don't want any human rights', but rather you have them. And they are indivisible. That means they can only be realised in their entirety.

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Their foundation are freedom, equality and solidarity. It is about the right to be free from fear and hardship. And they are not only a defensive right in the sense of a right to defend yourself against the authorities, against the state, but at the same time they are a mandate to the state to ensure that human rights are implemented in the respective state.

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The Universal Declaration of Human Rights was adopted in 1948 under the impact of fascism and the Second World War. It was adopted by the United Nations and one would think that the Universal Declaration of Human Rights would be sufficient. It soon became apparent that the Universal Declaration of Human Rights only applied to certain people, so that it quickly became clear that separate human rights documents had to be created for certain groups that were still disadvantaged.

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Accordingly, the Anti-Racism Convention was adopted in 1969, the Women's Rights Convention in 1981, the Convention on the Rights of the Child in 1990, and human rights of people with disabilities also came to the fore, so that their human rights situation was examined separately both in 1993 and again in 2002.

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What did they find out? Not really surprisingly, they found that there are massive human rights violations against disabled people in all UN member states.

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These were violations of the human right to equality. But they also identified physical violence in the form of abuse, forced sterilisation and sexualised violence, structural violence in the form of institutionalisation and isolation, as well as inadequate health care, questioning of the right to life and many more. And it became very clear that there is a need for a specific human rights convention here.

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In 2002, this led to the establishment of the so-called "Ad Hoc Committee" for a comprehensive and integral international agreement to protect and promote the rights and dignity of persons with disabilities.

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The process of writing this convention took place with strong participation of the member states as well as non-governmental organisations, whose participation was explicitly requested.

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Germany ratified this Convention in 2008. It has been in force here since 26 March 2009, which means that since then Germany has been required to implement the content of the UN Convention on the Rights of Persons with Disabilities into German law.

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The UN Convention on the Rights of Persons with Disabilities is accompanied by a paradigm shift in disability policy. It is now no longer a medical or social law "problem", but a human rights issue. And at this point, we can see the influence of the social model of disability, because the UN Convention on the Rights of Persons with Disabilities describes disabled people as having long-term physical, mental, intellectual or sensory impairments which, in interaction with various barriers, may prevent them from participating fully, efficaciously and equally in society.

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The aim of the UN Convention on the Rights of Persons with Disabilities is not to create new human rights. Rather, it is about breaking down already recognised human rights along the identified human rights violations to the situation of disabled people.

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This means affirming existing human rights and implementing the state duty to create conditions for equal enjoyment of these human rights.

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And this in fact means that special measures have to be taken depending on the respective impairment and life situation, for example Article 21 "Right to freedom of expression" states: In order for disabled people to be able to exercise this right on an equal footing with all others, they must be provided with appropriate means of communication, such as sign language, Braille or others.

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General principles in the UN Convention on the Rights of Persons with Disabilities are respect for human dignity, individual autonomy, including the freedom to make one's own decisions. And this is particularly important in the context of disability, because this is something that many disabled people are still denied.

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Furthermore, it is about acceptance of disabled people as part of human diversity and humanity, so not as "the others" of a society. It is about equality, non-discrimination, full and efficacious participation in society, so ultimately inclusion. And accessibility is a cross-cutting issue that is also of great importance for all these areas.

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However, accessibility alone is not enough to ensure full participation of all persons with impairments, which is why the UN CRPD also provides for so-called "reasonable accommodation". This means that if general accessibility is not sufficient, special measures

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must be taken in individual cases to enable participation. And that is precisely what the UN Convention on the Rights of Persons with Disabilities calls "reasonable accommodation".

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To give an example: If a person in a wheelchair is employed somewhere or attends a school where, in principle, the spatial requirements of accessibility are given, but he or she cannot get under the usual tables, the procurement of a specific table that this person can manage would be "reasonable accommodation".

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The UN CRPD also takes into account particularly vulnerable groups and thus there is a separate article for disabled women, Article 6, as well as one for disabled children, Article 7.

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Furthermore, intersectionality is considered at least in the preamble by referring to the fact that multiple or aggravated forms of discrimination can exist due to different aspects of difference such as skin colour, gender, language, religion, cultural background, wealth, age and other status, which must be taken into account.

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It is also important to the UN CRPD that the overall attitude towards disability changes. And this is stated in Article 8 "Awareness-raising" which calls on states to take measures to help combat stereotypes, prejudice and harmful practices towards persons with disabilities, including on the basis of gender or age, in all areas of life.

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And here we can observe that somehow reference is made to ableism or disableism, namely the negative attitudes towards and discrimination against people who deviate from social expectations of normality.

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Here is a selection of articles which cannot all be discussed here in the short time available, to give you an idea of what it is all about.

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It is about equal recognition before the law, which points out that people with impairments are often not recognised by the law, have problems asserting their rights. Article 19 "Living independently and being included in the community" could also be called self-determined living. We will come back to this later.

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Mobility has received its own article. "Respect for privacy" against the background that many disabled people still live in institutions where their privacy is not respected at all.

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"Respect for home and the family", which makes clear that it is also about disabled people having a right to start their own family. This also means that their fertility must be preserved. We will also come back to Article 24 "Education". "Health", disabled people often have no health care at all or much worse health care than non-disabled people in the same country. "Work and employment", here too the situation of disabled people in all UN member states is characterised by high unemployment and thus a high risk of poverty. And

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"participation in political and public life", "participation in cultural life, recreation, leisure and sport" are of course of crucial importance when it comes to comprehensive participation, to inclusion.

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The CRPD is therefore consistently about the realisation of social participation in all areas, about disabled people being able to enjoy their human rights on an equal footing with others. And this is accompanied by the obligation of states that have ratified the Convention to create the conditions for this. And ultimately, creating these conditions means changing the system. It is no longer a matter of integrating the excluded into normality, which in turn goes hand in hand with adaptations by those who are integrated, but of inclusion from the very beginning, and that only works if conditions are created that do not exclude anyone from the very beginning.

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And how difficult it is to implement this becomes particularly evident in Article 24 "Education", which is much discussed in Germany and which states: "States Parties recognise the right of persons with disabilities to education. With a view to realizing this right without discrimination and on the basis of equal opportunity, States Parties shall ensure an inclusive education system at all levels and lifelong learning". We can see how difficult this is everywhere in Germany. Of course, this is made more difficult by the fact that we have 16 federal states with 16 education systems and 16 school laws. But basically, it can be said that there is a lack of willingness within the school system to really change the system, which makes it difficult to achieve inclusion there.

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In addition, there are also different interpretations of inclusion, and it can even be considered inclusion when disabled people go to special institutions, to special schools, because inclusion in the school system then takes place among their peers.

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Among other factors, these are the ones that complicate the implementation process in this area.

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Another aspect that is very important for the social participation of people with disabilities is personal assistance, which many people with disabilities need in order to leave their homes, to be able to live outside of institutions, in order to participate in a self-determined way in the areas of society in which they want to participate.

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In principle, there are legal rights, but in the end funding is insufficient. And so there were great hopes with regard to the new Federal Participation Act, which has been gradually coming into force since 2017, in which many things have been changed, some of them for the better. But with regard to assistance, there is the so-called cost proviso ("Kostenvorbehalt"). This means that if living with assistance, that is living outside of institutions, becomes too expensive, there is a threat of institutionalisation. This is provided for in the law. Another thing provided for is the so-called pooling of assistance services to

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reduce costs. This means that several people who live in the same place or in the same area use assistance together.

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This is a blatant violation of Article 19 of the UN Convention on the Rights of Persons with Disabilities, which is called living independently and being included in the community. There has been massive protest against this, as you can imagine, from organisations of disabled people, a campaign with the hashtag #nichtmeingesetz (#notmyact), but the cost proviso has not been withdrawn.

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This means that we are still a long way from implementing the UN Convention on the Rights of Persons with Disabilities, but we are already on the way. It has become clear that the implementation of the CRPD requires radical restructuring in the structures of care and corresponding legal changes, that these changes must also be accompanied by research, that awareness raising is a very central aspect, which must also take care of the cultural representation of disabled people in the media, in schoolbooks and other areas.

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It is important to have a civil society that is strongly committed to the implementation of the UNCRPD, always with the involvement of people with disabilities and their organisations. And that would also require strengthening Disability Studies, both in research and in the implementation of political demands, all in accordance with the demand "nothing about us without us!".

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Thank you for your attention.