

*** HUMAN RIGHTS AND DISABILITY

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Statement to the fortieth session of the United Nations Sub-Commission on
Prevention of Discrimination and Protection of Minorities
Agenda item 7: human rights and disability

Geneva, Switzerland

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Until recently, the disabled have constituted a minority in obscurity. Unlike certain other groups that fall victim to discrimination, the disabled do not comprise a self-contained, close-knit social community. Instead, they populate every social sector, every class, every age group, every ethnic and religious community. And at every level, society has tended to ignore them, believing them incapable of participating in the community, or avoiding them as unpleasant reminders of the fragility of our existence.

Fortunately, this situation is beginning to change. Nations and localities are devoting steadily more attention to improving the plight of the disabled. Mr. Despouy's excellent interim report demonstrates the seriousness with which the international community too is finally addressing this important issue. The Baha'i International Community welcomes the Special Rapporteur's study and would like to take a few minutes to comment on his report and on some of the issues it raises.

The plight of the disabled is a mirror reflecting the shortcomings of society. This fundamental observation holds true with respect to three major topics that the Special Rapporteur plans to treat at length in his final report: first, the causes of disability; second, prejudice and discrimination directed towards the disabled; and third, measures to ensure the equal enjoyment of human rights for the disabled.

First, with respect to the causes of disability, the list of injurious practices resulting in disability that the Special Rapporteur has compiled is thought provoking, ranging from amputations to civil war. Disability can be caused by the gamut of inhuman conduct perpetrated by human beings against one another. For that very reason, the international community must take aim at all human rights violations, for they can all result in the permanent mental or physical handicap of human beings. We fully agree with the Special Rapporteur's observation, in paragraph 14 of his report, that any acts contrary to international law and violative of mental or physical integrity should be proscribed, not only those acts that rise to the level of torture or other cruel, inhuman or degrading treatment or punishment.

Secondly, the prejudice and discrimination that disabled people suffer is the product of the more general human tendency to label as "inferior" those who are somehow different. But the ostracism that disabled persons often experience can be even more intense, for it is founded on fear -- fear on the part of the ostracizer that he, too, may someday become the victim of disability. The only way to eradicate this fear is to educate every member of society to see disability for what it really is -- a mental or physical condition that may make everyday life more challenging, but that cannot affect the disabled person's soul, spirit, creativity, imagination or determination -- in short, some of the most valuable aspects of life. At the same time, such an appreciation will enable individuals to see through the outward handicaps of disabled persons, to their inner reality.

As we pointed out in our statements to the Sub-Commission last year, the reformation of social stereotypes and prejudices against the disabled requires education aimed at helping individuals to see the disabled as real people and to share in their triumphs. As Baha'is, we are working to implement this kind of education in our schools and in Baha'i homes. We are pleased to learn from the Special Rapporteur's report that a number of governments have reported that they are pursuing educational programmes with this goal directed towards young persons, teachers and the society as a whole. We hope that the Special Rapporteur will be in a position to elaborate Parts III and V of his final report, and to make specific recommendations on the form and content of educational programmes designed to combat prejudice against the disabled.

We now turn to our third topic; ensuring equal rights for the disabled. Like many other groups, the disabled have been stigmatized and victimized by prejudice, preventing them from assuming their rightful places in society. As pointed out by the Special Rapporteur, the elimination of traditional stereotypes and prejudices against the disabled is a sine qua non for their full enjoyment of fundamental human rights. We agree wholeheartedly with the Special Rapporteur that all sectors of society must work to integrate disabled persons into the life of society and give them equal opportunities in schools, the workplace and the community at large. Society will be the loser if it fails to benefit from the talents of disabled persons. Their resolute determination to overcome problems that most of us will never be forced to deal with should be a shining torch for us all. We would only suggest that the Special Rapporteur emphasize the ideal of rehabilitation in the family as well as in the community. Family members should be trained, where possible, to help provide the support and encouragement that the disabled person requires to surmount his impairment. Moreover, we would add the right to freedom of religion to the list of those rights especially important for the disabled person. Disabled persons must be free to partake of the inspiration that religious beliefs can provide. We have described in more detail our views on these topics, and on the broad economic, social and cultural rights to which disabled persons are entitled, in our written statement to the current session of the Sub-Commission.

Finally, we welcome discussions on the possibility of drafting a convention on disabled persons' rights. Every effort to specify more clearly disabled persons' rights and entrench these rights in the legal order deserves to be commended. But the problem of finding the proper method for developing and entrenching these standards requires careful study. For this reason, we approve of the suggestion by the Secretary-General that the General Assembly consider forming a Working Group to examine the possibility of elaborating a convention and the steps involved in its preparation.

Thanks in part to the devoted efforts of the Special Rapporteur, disabled persons will no longer have to cope with their handicaps in isolation, hidden behind a veil of intentional ignorance on the part of the society around them. We applaud efforts worldwide to help them surmount their disabilities and become fully-functioning members of their communities. Indeed, we all have much to learn from the disabled persons. Theirs is often an example worthy of emulation.

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