

DISABILITY RIGHTS

A TOOLKIT FOR PARALYMPIC ATHLETES



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A TOOLKIT FOR ATHLETES IN THE PARALYMPIC GAMES
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"Much has been accomplished, but the world continues its struggle to create societies in which disabled persons enjoy the same opportunities as other members of the human family, and are viewed and treated as equal partners in the social, cultural, political and economic life of our communities."

- Kofi Annan,

Beirut, Lebanon, 3 December 2001

WHAT ARE HUMAN RIGHTS?

The Universal Declaration of Human Rights of 10 December 1948 states: "All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood".

We have all heard about human rights and have a rough idea of what they are. To give a few examples they include: freedom from discrimination, the right to work, the right to education, the right to participate in sports and recreation, and the right to form a family. Human rights enhance the well-being and dignity of an individual and ensure the provision or the protection of basic needs. Their denial signifies that a person's inherent value is not being respected.

ARE THE HUMAN RIGHTS OF PEOPLE WITH DISABILITIES RESPECTED?

Unfortunately the answer is no. Persons with a disability face persistent barriers to the enjoyment of basic human rights such as education, employment, access to buildings and transportation and participation in public life. Terrible abuses, including institutionalization based on disability, and violence toward persons with a disability do not receive the attention they deserve by society.

With over 600 million persons with a disability in the world, this is not an issue that can be ignored. It is estimated that 80% of persons with a disability live in low-income countries and most often they are among the poorest of the poor. Poverty can lead to disability, for example, through poor sanitation and healthcare, and disability can lead to poverty through limited access to work and employment opportunities.

WHY DO WE NEED A CONVENTION ON THE RIGHTS OF PEOPLE WITH DISABILITIES?

Currently persons with a disability are denied the enjoyment of basic rights guaranteed to all people, including, for example, the right to equality and non-discrimination, the right to education, the right to work, and the right to participate in sport and recreational activities. The issue of disability has been addressed at the international level for more than 20 years. One important document, the United Nations (UN) Standard Rules on the Equalization of Opportunities for Persons with Disabilities, encourages governments to undertake a moral and political commitment to work towards equalization of opportunities for persons with a disability. While we cannot underestimate this document in effecting positive change for persons with a disability over the last several years, it is important to note that the Standard Rules are not legally binding.

WHAT DOES THIS MEAN?

A UN convention on the rights of persons with a disability will be a legally binding document where UN Member States will subscribe to a set of principles and standards and they will be obliged to maintain their promises. In addition, a convention will have a monitoring and implementation framework, which will play an important role in ensuring that States live up to their convention obligations. As a legally binding document, this convention will empower persons with a disability and will guarantee their rights all across the world, no matter their socio-economic level.

WHAT DO WE WANT TO ACHIEVE THROUGH A CONVENTION?

The goal is a convention in which the rights of persons with a disability are clearly articulated and which takes into account the barriers they face in realizing their human rights. In short, it will clarify in one legally binding document that persons with a disability have the same rights as all human beings. Recognizing that diversity of people is a societal asset, the convention's aim is the elimination of discrimination against persons with a disability and ensuring the full enjoyment of their civil, political, economic, social and cultural rights.

WHO WILL BENEFIT?

Everyone will benefit. As the title of the convention implies, the principal beneficiaries of a convention are persons with a disability because their rights will be clearly^o outlined in a legally binding document. However, the enjoyment of human rights by persons with a disability is ultimately a concern for all human beings. Where the human rights of some are violated, the human rights of all are in jeopardy. A convention will represent an important tool in the effort to ensure that States live up to their commitment to build inclusive societies in which persons with a disability are empowered citizens.

WHAT ABOUT A RIGHT TO SPORTS?

In the context of sport and recreation, sportsmen and women with disabilities have, among others, the right to:

- Participate in sporting and recreational activities at all levels and, as appropriate, offer disability-specific programming;
- Organize and participate in sporting activities and to receive the necessary instruction, training and resources; and
- Access sporting, recreational and leisure venues.

In addition, children and youth with disabilities have the right to equal access to participation in sporting, recreational and leisure activities, including within the education system, and to engage in play.

And yet it is all too often the case that persons with a disability do not enjoy their rights to participate in sport and recreational activities. This form of discrimination is particularly acute in the case of persons with an intellectual, psychiatric or psychosocial disability who are so often kept in institutions and are rarely given the opportunity for meaningful activities and stimulation to nurture their person and development.

Even in cases where access to sporting and recreational activities is open to persons with a disability, they may nonetheless face restrictions owing to prohibitive costs, inequitable services and programs, or the poor quality of integration. Lack of understanding and awareness of how to include persons with a disability in sport and recreational activities has contributed to exclusionary practices and, accordingly, their participation remains undervalued and ignored.

Diversity is important as it enriches society and in order to have diversity, all people - including persons with a disability - must have the right to participate in every level of society: in the community, at work, at school, in politics and in sport.

Ensuring that the Right to Participate in Sport and Recreational Activities is included in the convention:

we need your help!

International human rights law recognizes that all people have a right to rest, to leisure time and to participate in recreation and sports. In 1976, the first International Conference of Ministers and Senior Officials Responsible for Physical Education held by UNESCO affirmed, among other things, the right of persons with a disability to participate in physical education and sport. The treaty body which monitors the implementation of the Covenant on Economic, Social and Cultural Rights in General Comment 5 on Disability has recognized the relevance of these broad rights for persons with a disability which extend to participation in tourism and recreational activities, including sport. Rule 11 of the UN Standard Rules provides:

UN STANDARD RULE 11: RECREATION AND SPORTS

States will take measures to ensure that persons with disabilities have equal opportunities for recreation and sports.

1. States should initiate measures to make places for recreation and sports, hotels, beaches, sports arenas, gym halls, etc., accessible to persons with disabilities. Such measures should encompass support for staff in recreation and sports programmes, including projects to develop methods of accessibility, and participation, information and training programmes.
2. Tourist authorities, travel agencies, hotels, voluntary organizations and others involved in organizing recreational activities or travel opportunities should offer their services to all, taking into account the special needs of persons with disabilities. Suitable training should be provided to assist that process.
3. Sports organizations should be encouraged to develop opportunities for participation by persons with disabilities in sports activities. In some cases, accessibility measures could be enough to open up opportunities for participation. In other cases, special arrangements or special games would be needed. States should support the participation of persons with disabilities in national and international events.
4. Persons with disabilities participating in sports activities should have access to instruction and training of the same quality as other participants.
5. Organizers of sports and recreation should consult with organizations of persons with disabilities when developing their services for persons with disabilities.

The participation of persons with a disability in recreational and sporting activities is a basic human right, yet it is all too frequently denied. Persons with a disability often face discrimination both in their receipt of leisure time and also in terms of their access to and participation in recreational activities, including sports activities and spectator sporting events. In some cases, this discrimination manifests itself in the complete denial of access to these activities. Even in cases where access to sporting and recreational activities may be open to persons with a disability, they may nonetheless face restrictions owing to physical access, prohibitive costs, inequitable services and programs, or the poor quality of integration. Lack of understanding and awareness of how to include persons with a disability in sport and recreational activities has contributed to exclusionary practices and, accordingly, their participation remains undervalued and ignored. It is therefore essential that the convention currently being drafted within the UN explicitly include a provision on this right and its specific application to persons with a disability.

WHAT CAN YOU DO?

There are many ways to get involved. The most important thing is to build your own knowledge!

- Learn about the convention process - visit the UN website dedicated to disability issues where you will find useful information on the convention, including the most current documents:

www.un.org/esa/socdev/enable.

- If you are still not a member of a Disabled Peoples' Organization (DPOs), join one! The International Disability Alliance (IDA) is made up of eight global organizations. To find out more about the organizations and to get contact information for local chapters, visit:

www.internationaldisabilityalliance.org.

- Make your voices heard! Contact your government delegate, the media, and DPOs to discuss your priorities.
- Follow-up on the actions taken by your government and representative DPOs.
- Publicize the convention by informing friends, organizations or community groups you belong to and through web sites.

we need your input!

Go to the International Paralympic Committee website: www.paralympic.org to share your views about the convention, as well as personal experiences in sport and recreation related to your human rights, and specific examples of advocacy activities around disability, sport and human rights.

Rehabilitation International is a worldwide network of people with disabilities, service providers and government agencies working together to improve the quality of life and promote the rights of people with disabilities and their families. Visit: www.rehab-international.org.