

The Convention on the Rights of Persons with Disabilities – Could it work in the UAE?

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Support for people with disabilities varies across the world with many under-developed and developing countries providing little to no services at all. In an effort to set a standard of acceptance and best-practice, members of the United Nations have proposed the Convention on the Rights of Persons with Disabilities and ask governments to adopt the principles of the Convention as their own. Like other countries, the UAE is considering changing laws and policies to improve the acceptance and opportunities for disabled people.

The Convention on the Rights of Persons with Disabilities is directed at increasing the participation, equality and access of people with disabilities within their societies. The Convention document suggest that there are some 650 million people around the world who live with disabilities. The Convention proposes that disabled people are to be recognised by law as a special category of people needing protection, support and opportunity.

The problem the Convention seeks to address is the marginalised existence of many of these 650 million people who have little hope of schooling, employment and health care. The level of disability in a society is correlated against levels of poverty proposing that disability can arise from poor nutrition, lack of access to clean water, low rates of immunization, dangerous working conditions and illiteracy. Thus, in attempting to increase or introduce rights for disabled persons, the Convention faces a seemingly overwhelming task of trying to eliminate discrimination and prejudice, as well as the equally mammoth task of addressing poverty.

The purpose of the Convention is to encourage national governments to take “appropriate measures” to enable people with disabilities to have access, opportunities and equality. The Convention seeks to draw governments together to agree on the pursuit of standards of best-practice for enhancing the acceptance and rights of disabled persons. The problem is, calling on like-minded governments to come together and agree on a convention is only an exercise in pointing to ideals and encourage governments to embrace them as their own. In attempting to implement pro-disabled person policies, each country has its own cultural and legislative issues to deal with. Indeed, there are quite a number of fundamental considerations in drafting national laws.

First, is the issue of state sovereignty and the right of country’s to self determination as to being told by an international convention on what should be done to help disabled people. There is also the issue of interpreting the right to liberty and where one person’s liberty stops before it impinges on the liberties of someone else. There is the issue of social responsibility and the care for those who cannot care for themselves. There is the issue of the rights and abilities of families to care for their own before and above the infringements of governments. And, quite significant, is the issue of legal capacity: Should a disabled person be designated as having rights to liberty and independent ability when they may be deemed to have limited capacity to comprehend or limited capacity to act on those rights.

And, is legal capacity to be extended to all persons with disabilities or are certain persons to be excluded? Unfortunately discussion on all these issues is not clearly delineated in the Convention. Thus, I suggest, it remains for each government to interpret the document within its own social context and to translate these treaty article imperatives into suitable laws and procedures that advance its own society.

Implementing laws and policies will be easier for some issues than others, and for many countries, much of what is proposed is already in place or underway. It is a relatively easy step to require all buildings to construct ramps for wheelchairs. But for subjects such as education, the issues of integration of children with special needs will be much more difficult. The Parliamentary Handbook to the Convention suggests that there are many barriers for people with disabilities in obtaining education: Poverty, overcrowded schools, lack of trained teachers and inaccessible curricula, to mention just a few. It is estimated that school enrolments rates for children with disabilities in developing countries are as low as 1 to 3 percent, meaning that some 98% of children with disabilities do not go to school.

The process of writing policy for the inclusion of special needs children into mainstream schooling has to be done carefully. The push toward inclusive education has continued since the 1970s with the Rehabilitation Act of 1973 in the United States and the Warnock Report of 1978 in Britain. The UN Convention propounding the rights of disabled people to education in mainstream schools has fuelled new and renewed interest in making inclusion possible. However, the efforts to make it work have fuelled much frustration with the problems preventing its success. To accommodate an initiative for inclusion of special needs children into mainstream schooling requires changes to the education system but the change needed is perhaps greater than people realise. An initiative of inclusion requires a radical change in the model of education and a shift away from a paradigm of excellence and achievement: A change many people are not willing to accept and many schools not able to accommodate.

Writing legislation for advancing the rights of disabled persons is not enough to change social values. Regardless of culture, many of the problems of prejudice and discrimination can be found to run deep and can be evident within families and the extended family community as well as across society. Prejudice is a very hard thing to try to outlaw. Writing legislation and policy needs to be done cautiously for, by itself, it can become an enemy rather than a friend to advancing society. We should note that every law we legislate gives birth to 3 sisters: Laws of Administration and Implementation; Laws of Regulation and Policing; and Laws of Judicial Overview and Control. The US Congress and Senate, for example, legislate, on average, some 22,000 pieces of legislation during any 2 year session. One has to wonder what was the matter with the previous 22,000 pieces of legislation enacted two years previous. Or, indeed, whether all the legislation in America over the past ten years has made it a better society or advanced its civilization?

If the objective of the Convention is to change the attitudes of society to accept people with disabilities on an equal basis, the place to start is for each country to understand the values of its own society. Generic rules arising out of a Western political paradigm need to be considered carefully before introducing them into a Muslim culture.

I wish to suggest that on an issue as significant as increasing the acceptance of persons with disabilities within society, both legislation and a public relations campaign may well be required: something governments might want to consider. There have been quite a few successful government campaigns to change social values and the evidence is that public awareness and education to encourage people to embrace change needs to go hand-in-hand with legislation.

Just a few years ago, in the height of the boom period of Dubai, His Royal Highness Sheikh Mohammed bin Rashid Al Maktoum said to his leading people that in considering new projects and new ideas they should look for what added value to the society. This axiom remains true for considering the drafting of laws and regulations for enhancing the life of disabled people.

In asking why people were attracted to come to the UAE over the past 7 years, the answer is not found in the many tall buildings that were constructed, the tax-free life, or the wonders of the desert safari. The attraction has been the dynamism of the society: the energy of change, development and imagination that is in such short supply in many other parts of the world. To progress the quality of UAE society will need intelligent leadership: Good ideas coming from good men and women. In considering how to advance equality for disabled people, the country's leaders will seek to initiate change by advancing society for the benefit of everyone. The level of a country's civilization, they should note, however, is not determined by the level of its technology or wealth, but by the level of its social and cultural development. The UN Convention on the Right of Disabled Persons is proposing to do the seemingly impossible; change social habits and norms through legislation. But changing laws will not of themselves change society. It will require good leaders to touch and change the heart of society, otherwise new laws will carry no value and the life conditions of disabled people will not improve.