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The Department of Sociology and Social Policy
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International Disability and Development NGOs and the Implementation of the CRPD

by Matthias Leicht-Miranda, September 2011

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Abstract:

The UN Convention on the Rights of Persons with Disabilities (CRPD) entered into force in 2008. It was elaborated with a strong participation of international DPOs and puts disability on the international human rights agenda. The articles contained in the CRPD guarantee disabled people a wide range of rights and aim at the equalization of opportunities, redressing social disadvantages and participation in society. Until now, 103 countries have ratified the CRPD and are supposed to start implementing it. It is probably the most important advocacy element right now of the international disability movement.

The CRPD is also gaining importance in the work of international Disability and Development NGOs (D&D INGOs), although the role they play in its implementation differs from country to country. Different terms and processes of the CRPD are not easily understandable to non-experts in human rights, starting with the term 'implementation of the CRPD'. Furthermore, D&D INGOs mostly work in economically poor countries with a weak civil society and DPOs, who may lack capacity to take part in the

implementation. Considering this context: What role should D&D INGOs play in the implementation of the CRPD?

This paper seeks to help D&D INGOs to understand what implementing the CRPD means, if the implementation of the CRPD is in line with their mission, and how implementing the CRPD can change their organization. Through interviews with key informants from D&D INGOs and from international DPOs and a review of relevant literature, suggestions to D&D INGOs to define their role are made. Six tasks around the implementation of the CRPD are identified and it is argued that there is a potential role for D&D INGOs in every task. It is suggested though that for D&D INGOs to take a leading role in the implementation is both incompatible with the mission statements of most of them, and disregards the leading role of disabled people and their representative organizations that is called for in the CRPD. D&D INGOs, it is proposed, should first of all align all their work, both in majority and minority world countries, with the CRPD and implement it in their own organization and projects. Concerning the official implementation process in specific countries, they should give assistance and capacity development to local DPOs, so they can take the leading role.

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1. Introduction

This research analyses the role of international disability & development non-governmental organizations (D&D INGOs) in the implementation process of the United Nations Convention on the Rights of People with Disability (CRPD or 'the Convention' in the following). It also discusses the potential the CRPD of reaching one of its main goals, namely to "redressing the social disadvantages" of disabled persons (United Nations, 2008: p.3).

Background

The CRPD is the youngest of several United Nations human rights treaties ('UN HR treaties' in the following) and entered into force in 2008 (UN ENABLE, undated and unpagged). Its intention is not only that disabled people enjoy equal rights and are able to make their own choices (United Nations, 2008: p.2), but also to "...make a significant contribution to redressing the profound social disadvantage of persons with disabilities and promote their participation..." (p.3). Although the CRPD lists some measures focussing on the individual (specifically article 26 on Habilitation and Rehabilitation [p.19]), the main focus lies on changing the environment and society. From this fact it can be derived that the CRPD in principle follows a social model approach to disability.

The social model of disability is based on a definition of The Union of the Physically Impaired Against Segregation (UPIAS) of disability as "(...) something imposed on top of (...) impairments, by the way [disabled people] are unnecessarily isolated and excluded from full participation in society" (1976: p.3). Oliver further elaborated this distinction between 'impairment' (biological) and 'disability' (social) to the social model of disability (1996: p.33). The social model concentrates on the social part of the phenomenon, the part "that can be changed through collective action" (p.38), and deliberately neglects the biological part. Through positioning the problem on society it distinguishes itself from the individual model, which positions the problem in the individual and therefore proposes individual treatment to disability, which often is imposed on the disabled person by non-disabled professionals (p.34). The following research also distinguishes between disability and impairment and uses the term 'disabled persons' and not 'persons with disabilities' to refer to people who are discriminated against because of their impairments. However participants of the study usually used 'persons with disabilities' because of the internationally widespread use of this expression. The social model has now reached international law status with the CRPD. Consequently, UN ENABLE describes the CRPD as a:

...'paradigm shift' (...) [that] takes to a new height the movement from viewing persons with disabilities as 'objects' of charity, medical treatment and social protection towards viewing persons with disabilities as 'subjects' with rights (...) (undated and unpagged).

After an UN HR treaty is ratified by a member state, the process of implementation starts, which involves the implementation into the legal system, national policies and programmes and an international monitoring process (Heyns and Viljoens, 2001). Experience shows that this process is too complex to be handled by a government in isolation. It must involve the support of Non-Governmental Organizations (NGOs), the UN and other actors of society, as can be seen, for example, in the case of the UN Convention on the Rights of the Child (CRC) (Doek, 2009: p.779). In the latter case international NGOs (INGOs) are also working at an international level towards the implementation through the establishment of a coalition to "... facilitate the promotion, implementation and monitoring of the Convention on the Rights of the Child" (NGO Group for the convention of the Rights of the Child, undated and unpagged). In the case of the Convention on the Elimination of All Forms of Discrimination Against Women

(CEDAW) the approach is similar but on a less institutionalized level. A loose international network of mostly women NGOs and feminist groups are pushing and watching over its implementation (Alston, 2006).

Aims and Objectives

As an employee of a D&D INGO, I am interested in the role we, our partners and other D&D INGOs should play in the implementation of the CRPD. By discussing the data collected during this investigation and existing literature on the subject, a greater understanding should be gained about the CRPD, and its possibilities for D&D INGOs to reach their objectives. This investigation further aims at contributing to the applied research in the field of development, specifically the field of disability and development cooperation. This is important because generally it can be said that "...disability practice is largely not underpinned by research findings" (Mmatli, 2009: p.14). And the same seems to be true for development cooperation practice (Rajasingham, 2010).

The objective of this investigation is first of all for non-experts of the international human rights framework to understand what the implementation of the CRPD means. Second objective is to give

D&D INGOs a framework and some general principles on how to work towards the implementation of the CRPD. It should also help D&D INGOs to understand how the CRPD can influence their work. Finally this research should be insightful for all INGOs, who are working or thinking about working towards the implementation of any UN HR treaty.

Methods

To reach these objectives I tried to follow an emancipatory research approach (Mercer, 2002). As presented in Chapter Three, this research does not fulfil all requirements of emancipatory research. However, if this study will contribute to the empowerment of disabled people, it still can be called emancipatory (op.cit.: p.245). This study used different qualitative research methods, which include participant observation and semi-structured interviews with different actors of the implementation process. Half of the data collected was from employees or partners of INGOs and D&D INGOs, the other half from representatives of international DPOs. The data was then analyzed following a framework approach (Pope, et al., 2000) and enriched with relevant literature. Before drawing the final conclusions, preliminary findings were shared within a broad

potential audience of disability scholars and INGO representatives and their feedback was included.

Research Questions

To reach the objectives of this research, three research questions were followed throughout the data gathering and analysis. These questions are:

- What does 'implementing the CRPD' mean and who is involved?
- Can the social disadvantages disabled people face worldwide be redressed by implementing the CRPD?
- What is the role of D&D INGOs in the implementation of the CRPD?

Terminology employed

Throughout this dissertation there are some terms that will be used regularly. Even though to some of these terms there also exist synonyms, for the sake of clarity I will always use the same term.

D&D INGO: An international NGO mainly working in the field of disability and development cooperation (for an overview on some D&D INGOs see Appendix C).

International DPO: In this research umbrella organizations who are constituted out of several national DPOs are called international DPO, and no difference is made between regional and global organizations.

Research participants: This term will be used to refer to the people that were interviewed for this dissertation in general. If a specific research participant is quoted, it will be noted who she or he represents (for example 'representative of International DPO').

UN HR treaty: The CRPD and other UN conventions discussed in this research are called generically United Nations human rights treaties (Heyns and Viljoen, 2001: p.484), they will be referred to as UN HR treaties in this research.

International cooperation: This term is often used synonymously with development cooperation. Since 'international cooperation' is used in the CRPD, it is also the term used in this dissertation.

Majority world/ minority world: This term is increasingly being used to write about what before was called the 'Third World', the 'Developing World' or the 'Global South', terms that are seen as inaccurate or not reflecting reality (Appropedia, 2009). I will use this term throughout the essay and will use 'minority world' to

describe the other countries that were formerly known as 'First World', 'Developed World', the 'North' or the 'West'.

Structure of the Dissertation

In the following chapter a short review on the literature relevant to the subject is presented, followed by a chapter presenting the methodology and the methodological approaches taken for the data generation and analysis and how ethical questions were dealt with. In Chapter Four a definition of the implementation of the CRPD is elaborated, as well as different tasks in the implementation process and the role of different actors in these tasks. Chapter Five then analyses if social disadvantages can be redressed through implementing the CRPD and Chapter Six draws from the findings of the previous two chapters to present the role of D&D INGOs. Finally, Chapter seven concludes with a summary of the findings, as well as recommendations for D&D INGOs involved in implementing the CRPD.

2. The International Human Rights Framework and the Rights-Based Approach to Disability

The three questions followed for this research are to understand what the implementation of the CRPD means, to investigate if the CRPD is a useful tool to redress the social disadvantages disabled people worldwide face, and to draw conclusions about the role of D&D INGOs in it. Specific literature about D&D INGOs' role in the CRPD is scarce. But broadening the scope of the literature search, allowed for finding texts in two areas in close relation with the research theme.

The first texts are about the implementation of other UN conventions. There is a lot of literature about the CRC, both from the time when it came into force as well as more recent texts evaluating the achievements of the CRC. Further literature was found about the CEDAW and the impact of other UN HR treaties on domestic level. The texts presented will help to understand the implementation process of an UN HR treaty and will give insights about the prospects of the D&D INGO involvement in the CRPD. Answers to the second research question can be found in the literature about the relation between human rights and social change, and in texts about the rights-based approach to disability.

The sometimes philosophical discussions around these issues are a rich source of doubts and ideas about redressing social disadvantages through UN HR treaties.

Implementation of other UN HR Treaties

In their research about the impact of UN HR treaties on the domestic level, Heyns and Viljoen (2001) investigate twenty countries that have ratified most or all of UN HR treaties and group their findings around different elements of UN HR treaties. I will present shortly these elements and add findings from literature specifically about the CRC and the CEDAW.

The first thing to note about the ratification of an UN HR treaty is that the process itself is not the same in all the countries. Sometimes it is the executive power that can ratify it alone, sometimes the legislative power has to give the approval as well (Heyns and Viljoen, 2001: p.491). But more important than the ratification is the application of the new law, which follows either a monist or a dualist approach. Countries with a monist approach accept ratified UN HR treaties automatically as enforceable law, whereas this is not the case in countries with a dualist approach, where they have to incorporate the treaty into domestic law to render it enforceable (op.cit.: p.490). A ratification of a UN HR

treaty normally has its motivation in international diplomacy and happened in the past when there was international or domestic (civil society) pressure, but also simply when there was not much difference felt between national law and the new treaty (op.cit.: p.494).

UN HR treaties incorporate a monitoring and reporting mechanism, but are not equipped with a complaint mechanism. These were introduced, sometimes at a later stage, in the form of optional protocols (for example in the case of the CEDAW [Jones and Wachala, 2005: p.130]), but are much less ratified than the treaties themselves. The main reason for the non-acceptance seems to be the fear of losing sovereignty (Heyns and Viljoen, 2001: p.496). When ratifying a UN HR treaty, countries are also able to make reservations regarding specific articles or the whole treaty (op.cit.: p.498).

Indicators of the impact of UN treaties are in Heyns and Viljoen's research (2001) among other things the level of awareness, constitutional recognition, judicial decisions and the development of policy (pp.499-504). They noted that partially the lawyers, government officials, academics and specialized NGOs are aware of the treaties and the UN system, but the media is hardly

portraying anything in its relation, and the general awareness among the population is low (op.cit.: p.499). Regarding the constitutional recognition some countries make their bill of rights coincide with the treaties, and where these bill of rights are enforceable, the impact of the UN treaties can be felt (op.cit.: p.500). But from all the countries with a dualist approach surveyed, there is only Finland that incorporated the treaties fully into domestic law (op.cit.: p.490). In countries with a monist approach the treaties could be applied theoretically directly by the justice system, but the survey of the judicial decisions detected that they are mostly used as an interpretative tool, if ever, and not as an independent basis in court (op.cit.: p.502). In some countries there is a chance that treaties incite governments to develop policies and action plans but this was not observed to be a general pattern (op.cit.: p.503).

Ratifying countries are asked to give regular reports about the implementation of the respective treaty (treated in article 35 in the case of the CRPD [United Nations, 2008: pp.26-27]). These reports were in the past always submitted late because of different reasons: lack of political will, low pressure from domestic NGOs and because it is a long process of collecting information involving

different actors of government (Heyns and Viljoen, 2001: p.508).

Increasingly, national and international NGOs write shadow reports to the government reports (especially regarding the CRC), but in some countries NGOs feel sufficiently involved in the writing of the state report and dismiss the possibility of a shadow report (op.cit.: pp.506-7). The reports lead to concluding observations, which indicate the progress observed and further steps to take. Although there are some positive examples of implementing the concluding observations, they are mostly ignored by the state parties (op.cit.: p.511).

Regarding limiting and enhancing factors the authors note that the implementation of UN HR treaties is limited in a specific country when there is a lack of human rights culture, the human rights institutions are concentrated on urban areas, there is poverty, and when the documents are not available in local languages (Heyns and Viljoen, 2001: pp.518-22). There is more chance for a comprehensive implementation when there is a strong NGO sector, a UN body supports the implementation as part of its mission (as with the UNICEF in relation to the CRC), and when there is domestic jurisprudence developed around the treaty (op.cit.: pp.522-24).

The findings of Heyns and Viljoen are reflected as well in the literature about specific UN HR treaties. A shared critique is the non-enforceability because of a lack of sanctions (Tang, 2004: pp.1180-82, 84; Jones and Wachala, 2005: p.129). Three enhancing factors mentioned above are as well mentioned by other authors, namely the importance of a civil society and local NGOs (Jones and Wachala, 2005: pp.133-4; Doek, 2009: p.779), the importance of human rights culture or a public awareness of the treaties (Jupp, 1990: p.136) and the importance of dedicated UN bodies (in the case of the CEDAW the UNIFEM [Jones and Wachala, 2005: p.133]). To analyze the impact more precisely it is useful to introduce a distinction presented by Hammarberg (1990):

For easy understanding of the Convention [on the Rights of Children], one could group the articles according to the 'three P's': provision, protection, and participation.

Provision - the right to get one's basic needs fulfilled (...)

Protection - the right to be shielded from harmful acts or practices (...)

Participation - the right to be heard on decisions affecting one's own life (pp.99-100).

Although regarding the CRPD I would propose to enlarge the definition of participation rights and include as well rights to participate in society (i.e. articles 29 and 30 [United Nations, 2008: pp.21-23]). When analyzing the impact of the CRC, progress can be noted mainly on the protection part. Hardly any impact was noted on fulfilling provision rights, since there was not much success on countering poverty worldwide, one of the main causes of human (provision) rights violations (Doek, 2009: p.781). Another picture is painted by Warner (2010) regarding the CEDAW:

Since CEDAWs adoption by the United Nations, more girls are going to school; women's life expectancy has increased; and more women are earning an income than ever before (p.16).

How much influence the CEDAW itself had in achieving these indicators is not reported though.

A Critique of the Rights-based Approach to Disability and the International Human Rights Framework

The rights-based approach to disability was first used in the United States in the 1960s and culminated in the first law prohibiting discrimination of disabled people in 1973, which

included access to buildings, jobs and independent living (Barnes and Mercer, 2003: p.118). The battle for access to different services and the improvement of living conditions was later also fought through advocating for anti-discrimination laws in the UK (op.cit.: pp.120ff.) and in other countries. Jones and Marks (1999) write:

For people with disabilities demanding rights, and the legal recognition of those rights, remains an important strategy for achieving social justice. While law cannot on its own solve problems or guarantee equality, it has proved time and again to be a valuable tool, particularly in the hands of disadvantaged groups (p.23).

Thus in general there is a tendency to see human rights and a rights-based approach to disability as positive and effective tools for the disability movement (Sheldon, 2005: p.122; Armstrong, 2009). But there are also many authors that are critical towards this approach or doubt its effectiveness. Armstrong discusses in his essay 'Beyond (Human) Rights' (2009) the effectiveness of this approach regarding the CRPD and the role of Disability and Development INGOs. Drawing from the work of Wendy Brown (1995), he questions the use of the rights discourse as a tool for

redressing social disadvantages. He highlights the danger of rights being used by governments as a means to control and exclude individuals or groups. Further he draws the attention to technical difficulties, especially in poor countries, to enforce rights. In some cases governments would have to enforce the rights of minorities against entire communities, but may not have the means to guarantee these rights. Paradoxically the only entities having the means to do this are the communities themselves. Finally, he highlights the conflict between NGOs rights-based approach and the still widespread western charity approach that is financing the same NGOs.

Apart of the rights-based approach, there is also the human rights-based approach, which is used by some actors in international cooperation. There are various definitions on the human rights-based approach with different meanings:

[They] range from incorporating the norms, standards and principles of the international human rights system into development work, to a complete paradigm shift that involves replacing the development effort (Ljungman, 2005: p.200).

Criticism of the human rights-based approach include that, when narrowly defined, it can have several negative outcomes. For

example when the sought law is not seen as a mere instrument for change but becomes the goal, or when the approach leads to dependency on professionals (Katsui, 2008: p.11).

To further analyze the rights-based approach, it is important to introduce two distinctions regarding rights that appear implicitly or explicitly in the texts discussed. Handley (2000) distinguishes first between moral and legal rights (p.319), defining human rights as moral "(...) and legal rights as specific legal instruments established by the political systems of nation states enshrining these human rights as positive law on the other" (p.319). It is therefore one thing to refer to the human rights as moral order when fighting for an improvement of disabled people's living conditions, and another to adopt a (civil) rights-based approach, where the improvement is sought in form of legal rights. The second distinction is made between a "'freedom from' right (...) [and] a 'freedom to' have or do something right" (p.320). The first group encompasses rights that aim at protecting against abuse, as for example the right of freedom of speech or the right of protection against torture. 'Freedom to' rights are social and economic rights, like the right to have a decent work, or social protection.

The prominent liberal historian Michael Ignatieff is a defender of an active human rights politics but only fighting for 'freedom from' rights, which is criticized by Brown (2004) as being a fatalistic approach to improving humanity. She states:

If the global problem today is defined as terrible human suffering consequent to limited individual rights against abusive state powers, then human rights may be the best tactic against this problem. But if it is diagnosed as the relatively unchecked globalization of capital, postcolonial political deformations, and superpower imperialism combining to disenfranchise peoples in many parts of the first, second and third worlds from the prospects of self-governance to a degree historically unparalleled in modernity, other kinds of political projects, including other international justice projects, may offer a more appropriate and far-reaching remedy for injustice defined as suffering *and* as systematic disenfranchisement from collaborative self-governance [emphasis in original] (pp.461-462).

Brysk, in her book "Human Rights and Private Wrongs" (2005: pp.4-14), echoes Browns criticism of limiting the struggle for human rights to abusive state powers. She points out to the new

setting of human rights activism: Human rights abuse is not only exercised by the state but also by private actors. And more and more human rights abuse is perpetuated by transnational private actors. The “contemporary response” to these transnational private wrongs, which in some cases already led to local successes, are transnational human rights campaigns involving international organisations as well as grass-root groups (op. cit.: p.7).

Another criticism of Brown (1995: p.98) is that a rights-based approach threatens collective action: Since rights are given to individuals, the collective action dissolves once the rights are obtained. Sheldon makes a similar point in her discussion about the rights-based approach as "idealist interpretation of the social model [of disability]" (2005: p.121), and notes that one weakness of the rights-based approach is that rights are individualistic and difficult to enforce (p.122). The lives of some disabled people will probably improve because of the rights-based approach, but the underlying system of oppression towards disabled people is not questioned (pp.123-124). Sheldon then refers to Finkelstein (2001). He describes what a "radical social model of disability" seeks to achieve: "(...) the creation of a society which enables us

to be 'human'- not just access our 'rights' within an existing competitive market society" (p.4).

Handley (2000) is also criticizing the rights-based approach to disability. He deplores that this approach is used by many disability activists without thinking it through and without theoretical fundament (p.314). In a first step to do so he concludes among other things, that once 'freedom to' rights are enforceable legal rights, these become barriers to "(...) mutually satisfactory solutions to social and political problems" (p.321). Handley also identifies a paradox in disability activism, which is on the one side fighting against imposed dependency on experts (medical, rehabilitation and other professionals) and at the same time insisting on legal 'freedom to' rights that, in order to enforce them, will make disabled people dependent on legal experts (p.322).

Besides these technical and political points, it is insightful to look at philosophical ideas, which discuss the subject of human rights. Even though human rights are supposed to be universal, in reality it is possible to be deprived of every human right. Hamacher (2004) explains this paradox (first pointed out by Hannah Arendt) as follows:

The identification of human rights with the rights of 'sovereign' national governments leads to the inescapable consequence that the loss of civil rights is identical with the loss of human rights (p.350).

This would only change if all states would "[submit] themselves to an international penal court" (p.349), which would guarantee Arendts right to have rights (p.353). Rancière (2004) agrees with these points, but adds that being without civil and human rights does not deprive subjects from political agency: Human rights declarations give groups at least the possibility to demonstrate that they are missing those rights (p.304).

Spivak (2004) is analysing more deeply how human rights are being enforced in the majority world. She rejects the assertion of some authors that in the present "(...) the motor of human rights is 'pressure' on the state 'from above'- international- and 'from below'- domestic" (p.525). There is domestic pressure, but it is not coming "from below", meaning from the rural poor. Domestic pressure is put instead by middle class activists, mostly trained and financed by international NGOs. The deprived people in the majority world are therefore not yet subjects of human rights, but "remain (...) its object of benevolence" (p.550). She goes on to

say that if an NGO seriously wants them to become subjects, it is not helpful just to impart slogans on them (p.560). Instead the level of their education has to be brought above basic literacy and numeracy skills (p.526). In fact, she writes that "it is more important to develop a critical intelligence than to assure immediate material comfort" (p.557).

The literature presented in this chapter shows that theoretically the same process applies to the implementation all UN HR treaties: They are ratified by state parties, who are obligated to report regularly on the progress of implementation to a committee. The committee then emits concluding observations, which should be implemented until the following report. In reality, this process is only taken seriously by few countries. The reason for not complying with the process is mostly a lack of political will. Civil society can play an important role in putting pressure on the state to still comply with the conventions. The second group of literature raises doubt about the effectiveness of the international human rights framework and the rights-based approach by stating that a concentration on rights will not by itself bring the changes hoped for. Before enriching the data collected with this literature in

Chapters Four, Five and Six, the following chapter will present the methodology used to gather and analyze the data.

3. Investigating a Global Subject

The methodology chosen for research is a direct consequence of the researchers' ontology and epistemology (Guba and Lincoln, 1994). It is not the mere sum of the methods rather "[the] methods must be fitted to a predetermined methodology." (op.cit.: p.108) In the following I will therefore summarize my ontology and epistemology and discuss what methodology derives from it. Then I will present how data was generated and analyzed. Finally I will refer to ethical questions of the research.

Ontology and Epistemology

I believe that social reality is a construction of shared meanings (ontology). Social phenomena can be understood through detection of meanings and can be changed (epistemology). My research methodology therefore should enable me to understand and detect meanings of the social phenomena investigated and to elaborate ways to change the phenomena.

Research Methodology

This research is about three social phenomena: The implementation of an UN HR treaty, the social disadvantages of disabled people and the role of INGOs in the implementation

process. To understand these phenomena, different meanings that involved people give to them, have to be detected. The research methods most suitable to do this are qualitative research methods, especially qualitative interviews and participant observation (Maxwell, 1996: p.17), as can be seen in the subchapter about data generation.

A research methodology that aims at changing social phenomena (and especially the discrimination of people on grounds of their impairments) is emancipatory research. Mercer (2002) summarizes emancipatory research and lists four features:

- rejection of the individual model of disability and its replacement by a social model approach;
- concentration on a partisan research approach (so denying researcher objectivity and neutrality) in order to facilitate the political struggles of disabled people;
- reversal of the traditional researcher-researched hierarchy / social relations of research production, while also challenging the material relations of research production;
- pluralism in choice of methodologies and methods (p.233).

These features have been partially implemented in this research.

Using a social model approach in this research means that I will

consider how the CRPD can contribute to overcome disability, understood as the social oppression of people with impairments. A partisan research approach is applied because this study does not pretend to be neutral but intends to contribute to the political struggles of disabled people worldwide to create inclusive societies. For the study to be a contribution to this, the findings and recommendations of the research will be summarized in a short document directed at INGOs and DPOs. To reverse “the social relations of research production” (Mercer, 2002: p.223), Oliver (1992) proposes researchers to be a tool disabled people use to their ends (p.111). Applied to the present research this would mean that a group of disabled people identified the subject (role of INGOs in implementation of CRPD) and asked me to do a research on the question. Since this was not the case, a high involvement of disabled people in the research was sought: Interviews with leaders of international DPOs were conducted and findings shared with the DPOs, as well as with disability scholars over an international mailing list, to have them critically evaluated, before the final findings were written. What Mercer means by pluralism of methods is that disability research has been innovative in inventing and employing different new methods that generate data out of research participants like disabled children,

or people with learning difficulties in an inclusive manner (Mercer, 2002: pp.243ff.). This research cannot claim to use innovative methods, but, in line with most other emancipatory studies, qualitative methods were used.

As Barnes (2003) puts it, in emancipatory research the choice of methods is less important than "the uses to which they are put" (p.12). And Mercer (2002) concludes in his chapter about emancipatory research: "Disability research should be judged in terms of its capacity to facilitate the empowerment of disabled people" (p.245). This research tries to employ emancipatory research methodology as much as possible, but if it really can be called emancipatory, will depend on the impact it has on disabled people's lives.

Having discussed my ontology and epistemology and the resulting methodology I will present in the following the different methods used. First the sampling and the data generation methods are presented, followed by a description on how the generated data was analyzed.

Data Sampling

To generate data on the three research questions, purposeful sampling was used. Purposeful sampling:

... is a strategy in which particular settings, persons, or events are selected deliberately in order to provide important information that can't be gotten as well from other choices (Maxwell, 1996: p.70).

The reasoning behind this choice was that there are people that are already working in different settings toward the implementation of the CRPD and can be considered experts in this field. These experts could necessarily provide me with much richer data on my research subject than random members of DPOs and random employees of D&D INGOs. Therefore, I identified people from different organizations that are involved with the implementation of the CRPD at the international and the national level.

There is a validity problem with this sampling method, namely that the data from this restricted group of people may not represent the view of all D&D INGOs or all disabled people ("key informant bias") (Maxwell, 1996: p.73). Thus, purposeful sampling generates limited findings and one has to be careful not to over-generalize them (Patton 1999: p.1197). This research uses the data mainly to understand social phenomena. If generalizations are made, then only referencing more comprehensive studies. To

mitigate key informant bias, the main findings were shared over e-mail groups with a larger group of people before drawing up the final document and the responses were integrated into the paper.

Data Generation

The methods used in this research to gather data were semi-structured interviews, focus group interviews and participant observation. The different methods will be presented in the following. A short description of each method and its intended goal will be followed by a presentation on how each method was used in this research for data generation.

Semi-structured interviews are used in qualitative research to get a better picture of the meaning interview partners give to a certain topic (Blaikie, 2010: p.207). I conducted them with certain guiding questions, the purpose of which were not to get straight answers, but to give the interview partner the opportunity to interpret certain topics in a personal way (see Appendix A). The face-to-face situation of these interviews made it possible to be guided by the answers towards other questions, which would not have occurred to me before. Semi-structured interviews were conducted with four leaders of international DPOs and a member of the Secretariat of the NGO Group for the Convention of the Rights of the Child (the

latter to generate data on past experiences of INGOs in implementing other UN HR treaties).

Focus group interviews are different to individual interviews in that the members of the group can react not only to the interview question but also to answers of other members, they can reflect better on the subject and their assumptions about it (Blaikie, 2010: p.207). The idea is to enhance the scope of the original subject and incite new viewpoints about the subject (Hopf, 2004: p.205). I used this method with participants and facilitators of the training workshop in West Africa. Two focus group discussions with a group of five participants and a group of four facilitators were conducted. The discussions were semi-structured (see Appendix A) and evolved around the role of the respective organisation, about who else is involved in the implementation and the role of these other actors. Since I did not know many of the participants before this training, individual interviews would not have been this fruitful. There was good interaction between participants, who commented on each other's ideas and came up with fresh ideas during the interview. The focus group interviews were helpful also for the participants, since they could wrap up the things learnt during the week and combine it with their lived experience.

Participant observation is defined as “(...) [a] sustained immersion in the life of the people being studied” (Blaikie, 2010: p.206). It is part of the ethnographic methods used first in social and cultural anthropology to empirically investigate other societies, and not judge them from secondary sources (Atkinson and Hammersley, 1994: p.250). I choose this method because I wanted to investigate another society, but to be able to compare the data obtained through other methods with a specific lived situation. A training workshop in West Africa was chosen as the most suitable venue for participant observation. One day of the workshop was dedicated to human rights and the CRPD, during which participant observation was carried out. Notes were taken on participants’ and facilitators’ comprehension of the CRPD, on the interaction between disabled and non-disabled participants and on new ideas generated during the training. The participant observation did not generate much data useful by itself, but helped to contextualize the data gained through interviews.

Data Analysis

Although I did purchase a very helpful software package designed to do grounded theory (Blaikie, 2010: pp.210-11), the method finally chosen to analyze the data was the framework approach

(Pope, et al., 2000). This approach is suitable for qualitative studies, which have clear goals from the beginning of the study and comprises five stages: familiarization, identifying a thematic framework, indexing, charting and mapping and interpretation (op.cit.: p.116). After transcribing the interviews and then familiarizing with the data I made a list of themes to be able to index the data. The themes were partly pre-defined from the literature, the methodology and the research goals and partly emerged out of the data. In total I came up with twenty-five themes and indexed the whole data against these themes. After charting the data and a first mapping I saw themes emerging allowing me to chart the data following less themes. This second indexing and charting was around eleven themes, which allowed then as well for interpreting the data.

Ethics

As highlighted by the British Sociological Association (BSA) (2002):

[I] have a responsibility both to safeguard the proper interests of those involved or affected by [my] work, and to report [my] findings accurately and truthfully (p.2).

This research involved participants from various backgrounds, some of them are disabled persons, but all of them are in a leading position within an organization. Although the subject of this research and the questions asked are not touching the private sphere of the participants, I still preferred to treat all the research participants anonymously, because some of the research participants are in a dependent working relationship with each other. Therefore I produced a form for all the participants of the workshop according to the guidelines of the BSA (2002: p.2), where I declared that I would treat all the responses anonymously and they signed to confirm that I explained the reason for my research to their full understanding (see Appendix B). For the second set of interviews with members of international DPOs I did not use such a form, but assured them orally that their responses would be treated anonymously and got written consent via e-mail correspondence to use the responses. In the following chapters I will refer to the authors of some phrases as either 'representative of West African NGO', 'representative of D&D INGO', 'representative from international DPO' or 'representative of local DPO'. Different authors from the same sub-group will not be distinguished, as for this specific research it does not seem important to distinguish the research participants further.

Regarding the second point highlighted by the BSA, as mentioned above, I shared both transcriptions of the interviews as well as preliminary findings with the research participants for them to give me feedback on accuracy.

To investigate a global subject with the methods described above is both challenging and yields results with limited validity. To increase validity, results have been cross-checked with other studies about similar subjects. Besides, the goal of this research is not to give evidence about the role D&D INGOs already have in the CRPD, but to discuss different possible roles. To this end the data obtained by the methods described above and analyzed following a framework analysis was sufficiently rich. The following three chapters present the findings drawn from the data. Chapter Four gives a general presentation on the implementation of the CRPD, Chapter Five discusses the question about the right tool to address the social inequalities and improve the lives of disabled people worldwide and Chapter Six draws conclusions from the previous chapters to conclude about the role of D&D INGOs.

4. Implementation of the CRPD: Meaning, Tasks and Actors

The first goal of the research was to understand what the implementation of the CRPD means. This chapter will first elaborate on the meaning and will then distinguish different tasks and actors of the implementation. In order to do this, it draws from literature and from the answers of the research participants. Although the questions of each interview differed slightly (cf. Appendix A), the first question was always about the meaning of the term ‘implementation of the CRPD’. The answers included almost literal accounts of the respective articles in the Convention, as well as personal interpretations and examples of what implementation does not mean. The different tasks and actors were extrapolated from the interview transcripts. To guarantee anonymity of the participants, most answers are summarized and only a few are cited.

What Implementing the CRPD means

Article 33 describes how the implementation and monitoring of it should happen at national level, namely through “focal points”, “frameworks”, “independent mechanisms (...) to promote, protect and monitor [the] implementation”, and other structures (United

Chapter 4: . Implementation of the CRPD: Nations, 2008: pp.24-25). The responsibility lies on the signing state parties to “take all appropriate measures” to implement the rights described in the different articles, or to “encourage” others to do so (United Nations, 2008). A majority of participants define implementation of the CRPD broader, as being the steps taken towards realizing the rights described in the Convention for disabled people. There is a distinction made between the legal implementation, which means ratification and revision of laws to integrate the CRPD into the national legislation, and programmes implemented on the ground to make the rights reality. One participant added to this the dimension of ‘popularisation’ as an integral part of the implementation. He says that:

...everyone should know and understand the Convention, be that the government, development agencies or the disabled people themselves and their organisations... (*representative of West African NGO*)

Resuming the three elements above one can state that implementing the CRPD means to integrate it into the national legislation, to make it known and understood by everyone and to realize the rights described in the articles on the ground.

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Prevention of primary impairment is an area of work often mistakenly thought to be part of implementing the CRPD. Since the Convention is following a social model approach, it distinguishes between disability (social) and impairment (biological) (United Nations, 2008: p.1) and focuses on disability. A representative of an international DPO illustrates the importance of this with following example:

It's fine if you want to do work on preventing river blindness, but that is a completely different area of work and requires a different approach, different messages, than if you want to work towards promoting the rights of blind people...

and

... let's completely separate those two elements, because mixing them together for a number of reasons generates confusion and does not help in changing the mindset. I think it is important for people to understand [that] the prevention of primary impairment has nothing to do with disability rights.

Tasks and Actors of the Implementation of the CRPD

The first obligation of implementation lies on the governments that ratified the CRPD. Some participants consider also every private

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entity bound to include the CRPD in its activities, because the ratified Convention becomes national law (which is not always the case though [cf. Heyns and Viljoen, 2001: pp.490, 502]). For a full realisation of every right described in the CRPD, society as a whole has to contribute to the implementation process. There are however some actors that are being considered more important in the implementation than others. And analyzing the interviews there are also different tasks for the successful implementation of the CRPD that can be distinguished: implementing the particular rights, monitoring and evaluation, disseminating information, technical support, financial support, and pressure. In the following I will describe what is meant by these tasks and which actors are supposed to fulfil them.

Implementing the Particular Rights

Asked about who the main actors in the implementation are, there were many mentioned: Continental unions of governments like the African Union; parts of the political system of a country like ministers and politicians; people in executive functions of a government like the police or public functionaries; policy executers like professional bodies, schools and service providers; members of the civil society like political parties, unions, the media and

disabled people's organizations; and finally the family members and the right-holders themselves.

However, when searching the data for concrete actions described to implement the rights, in most cases the main actor is the government. The government is seen to be obligated to mainstream disability into all programmes and policies, but also to start new programmes. Concrete propositions mentioned were to build accessible schools nationwide, to exonerate orthopaedic workshops from import taxes for material, but also to create new services (*representatives from West African NGOs*). That the rights described in the Convention become reality does also mean that the new legislation is applied in the justice system, which in most countries is far from being reality (*representative from International DPO*).

Several participants mentioned that DPOs should also have a "strong participation" in the implementation, or be "involv[ed] in a meaningful way (...) in the delivery of (...) program[s] and project[s]" (*representative from International DPO*). There are some encouraging examples of such an involvement in Eastern and Southern African countries, where the CRPD has been ratified (*representative from International DPO*). Regarding the

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legal implementation it was mentioned by one research participant that not only has the existing legislation to be checked if it is consistent with the CRPD, but also all future laws. For this cross-checking there should be a “filter” composed of DPOs, who would ensure that every law is “inclusive to disability” (*representative from International DPO*).

Since research participants were asked specifically about the role of international Disability and Development NGOs in the implementation, these organizations are also mentioned a lot as having a part in the concrete actions to implement the rights described in the Convention. Mainly three areas emerged in this regard: D&D INGOs helping disabled people after emergencies, D&D INGOs starting specific services working towards elements of the CRPD (for example orthopaedic workshops) and D&D INGOs starting Community-Based Rehabilitation (CBR) programmes (WHO, 2010), which are seen by some participants as *the* tool to implement the CRPD.

Monitoring and Evaluation

The Convention includes a monitoring mechanism, which is described in its articles 33 to 40. Key elements are the formation of a national governmental monitoring structure with a proposed strong participation of civil society (especially DPOs), the

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formation of an international CRPD committee, which evaluates the implementation of the Convention for every ratifying country. Based on regularly analysed state reports and reports from non-governmental expert bodies, the CRPD committee formulates recommendations to the government (United Nations, 2008: pp.24-29). The meaningful involvement of civil society is also recommended in the guidelines to the writing of state reports in order “to enhance the quality of reports” (Committee on the Rights of Persons with Disabilities, 2009: p.2). This mechanism is well known by the participants to this study, and the discussions and answers were around how to make this mechanism most effective. The themes which were most mentioned were the parallel reports (based on Art. 38 of the Convention [United Nations, 2008: p.28]), the meaningful involvement of DPOs and the discrepancy between the situation described in state reports and the reality on the ground.

Even though the civil society is encouraged to take part in elaborating the state reports, civil society was mostly seen to play a leading role in the elaboration of the parallel reports. While the participation of civil society in the state reports could enhance the quality of these, chances are that civil society will miss the

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opportunity to elaborate a parallel report (as happened for example in the case of Zambia concerning other UN treaties [cf. Heyns and Viljoen, 2001: p.507]). Thus the DPO involvement in state reports can be counterproductive, because the parallel reports are

...a key element, without which the recommendations [of the CRPD committee] would not be as good and therefore the impact of the recommendations would also not be so important (*representative of international DPO*).

The existence and the quality of these parallel reports depend on the local civil society. And this is where the international DPOs see their main role: to train the local DPOs (as element of civil society) on the content of the CRPD and on how to write a parallel report, to provide them with accessible information and to enable them to participate in the monitoring process and to present the report to the committee. But also representatives of D&D INGOs and their local partners see their role in the active involvement in the monitoring process in the respective countries. The efforts of international DPOs and D&D INGOs in this field are in some cases coordinated, though there is no official structure yet to coordinate it in all cases (*representative of international DPO*).

Pressure

Pressure was often cited as an important element of the implementation process and mostly meant as pressure on the government to implement the CRPD (although there was some mentions of pressuring other entities, such as the justice system or private companies). There is agreement among all the participants and evidence in the literature (Heyns and Viljoen, 2001: p.518) that most governments will not act if they are not pushed. Pressure on governments to implement the recommendations of the CRPD committee is also a logical next step to the monitoring and evaluation process. Another target of pressure that was mentioned, especially by research participants of the workshop in Western Africa, are all actors of international cooperation. They should mainstream disability into their programmes and hence contribute to the implementation of article 32 of the CRPD. And lastly it was mentioned by a representative of an International DPO that pressure must be put as well on the society as a whole by denouncing the often horrible realities lived by disabled people.

Most participants mentioned a precise target but were seldom clear about the actor of pressure. Nevertheless, it was shared by all research participants that local and national DPOs should have

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the lead in exercising pressure. The problem seems to be that local DPOs are often not strong enough to act as pressure groups. D&D INGOs are asked to act in these cases as door openers to meet government representatives and development agencies in the majority world, as well as to pressure the development agencies headquarters in the minority world. Other possibilities mentioned to enhance the effectiveness of pressure are to unite all local actors working in the field of disability (instead of compete among them) (*representative of West African NGO*) or that local and international DPOs ally with other social movements (*representative of international DPO*).

Disseminating Information

Article 8 of the CRPD is about disseminating information on the rights of disabled people to the general public (United Nations, 2008: p.8). But research participants highlighted also other important addressees for information. First of all disabled people and DPOs who want to take part in the implementation of the particular rights, monitoring and evaluation process and pressure, have to be informed about their rights, the CRPD, the process of ratification and implementation and the concluding observations. A precondition for this is the translation of the CRPD into local and non-legal language, so everybody can understand it

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(*representative of international DPO*). This statement is supported by Heyns' and Viljoens (2001) finding that the absence of documentation in local languages is limiting strongly the local impact of human right treaties (p.522). The main actors mentioned to disseminate information about the CRPD among local DPOs are international DPOs and D&D INGOs. An example of disseminating practical information to DPOs would be the DPI implementation toolkit (www.icrpd.net/implementation/en/toolkit).

An issue that was only raised by D&D INGOs and their local partners is the collection of good practices. The idea behind this is that it is not enough to put pressure on governments to start implementing the CRPD, but governments have to be convinced by good practices of implementing the CRPD, that it can be done. Based on these practices good policies can be recommended. An example of such collection and dissemination of good practice is the 'Making It Work'-initiative (www.makingitwork-crpd.org), who gathered different actors in the area of disability regionally and produced material about good practice in the regions. The collection and dissemination of good practice seems to be a method coming from the area of organizational development (Serrat, 2008). No reference to this was found in the literature of

human rights treaties, and therefore no scientific evidence indicating its effectiveness in pushing forward the implementation of such treaties. A scientific evaluation of this approach would be useful to assess its impact.

Technical Support

Participants of this study evoked mainly two issues that are summarized here under the term of 'technical support'. First, governments and other actors (such as international cooperation agencies), who are willing to implement the CRPD may miss technical expertise to do so. To fill this gap, governments should not dismiss the expertise and experience of the disabled people's movement (*representative of international DPO*). In the majority world D&D INGOs will be increasingly important to form alliances of people with technical expertise in different areas, and to help them to gain recognition and legitimacy in their field of competence (*representative of D&D INGO*).

The second issue is that DPOs are often missing the capacity to seize the opportunities that the CRPD offers them. They may not know how to write a parallel report, how to lobby for the rights of disabled people, how to write grants applications to international donors and may lack organizational strength. Representatives of

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International DPOs, D&D INGOs and their local partners feel themselves all responsible to build the capacities of local DPOs and strengthen them. The capacity building regarding the general functioning and processes of the CRPD seems to be shared and coordinated between international DPOs and D&D INGOs. Another important actor are universities that have already started on training lawyers on disability law. But in the area of international cooperation and the meaningful inclusion of DPOs in it, D&D INGOs have a stronger role than international DPOs, since former know the terminologies used and are in a better place to help DPOs understanding this language (*representative of international DPO*).

Financial Support

Since it is governments ratifying the CRPD, the rights stated in the different articles have to be guaranteed by the state. Some countries may try to accomplish this through national action plans and programmes encompassing provision, protection and participation rights (cf. Hammarberg, 1990: pp.99-100). These should be financed by the government, but are often not implemented because of lack of resources (Doek, 2009: p.779). Different research participants therefore are calling also D&D INGOs, development agencies and the UN to finance the

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implementation of items mentioned in the CRPD as rights.

Examples that were called for include assistive devices, accessibility software, school fees and formation of sign language interpreters.

Financial support is also needed for the tasks supporting the implementation presented above, such as the writing of the parallel reports, trainings on writing the parallel reports and disseminating information around the CRPD. Representatives from international DPOs mentioned that they were supporting national DPOs through financing capacity building around the CRPD and the venue of delegations to the presentation of the state reports in Geneva. But many participants expect also from D&D INGOs to finance such activities. To organize the writing of parallel reports, for example, is often too expensive for local civil society (Heyns and Viljoen, 2001: p.520) and D&D INGOs are seen to be in a better position to give financial support than international DPOs (*representative of international DPO*). The translation of documents into local language or accessible formats is another important activity mentioned by participants and in the literature (Heyns and Viljoen, 2001: p.530). Finally, if DPOs should involve themselves effectively in the implementing

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process, they need to be supported financially by D&D INGOs or
by the UN (*representative of local DPO*). Because as illustrated by
Yeo and Bolton (2008) for the case of Bolivia, local DPOs often
lack the most basic things to start advocating for their rights:

Many [DPOs] had no meeting space, no office furniture or
equipment, no means of circulating information other than
word of mouth or sympathetic radio channels, and certainly
no funds to pay for refreshments or travel costs (p.70).

The six tasks described in this chapter resume the views of the
research participants. These included mainly representatives from
D&D INGOs and their local partner organizations and national and
international DPOs. If representatives from other groups would
have been interviewed, maybe other tasks would have been
deducted, but the distinction made in this chapter seems useful to
discuss the role of D&D INGOs in Chapter Six. Before discussing
the role of D&D INGOs, the CRPD as a tool to redress social
disadvantages will be analyzed first.

5. The CRPD as a Tool to redress Social Disadvantages

The CRPD mentions several objectives in its preamble: equalize opportunities, promote and protect human rights of disabled people, and redressing social disadvantages, among others (United Nations, 2008: pp.1-3). To be able to assess the possible future impact of the CRPD, the goal of redressing social disadvantages was chosen to be discussed, because it is an objective that seemed close to the objective of my employer: to improve quality of life of disabled people in the poorest countries. Some data from the interviews is analyzed, but mostly literature is used to understand the possibilities of the CRPD in regard of this goal.

Defining Social Disadvantages

The term 'social disadvantages' is not further explained in the CRPD, and research participants confronted with this term did not seem to need further explanation either. But searching the literature, different interpretations of social disadvantages were found. Before discussing if the CRPD will help redress the social disadvantages, it is therefore important to define first what this term shall mean in this research. One possible way to interpret

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social disadvantages is to consider them as socially imposed disadvantages, putting the emphasis on the origin and not the nature of the disadvantages. An example of such interpretation would be the definition of the United States Small Business Administration (SBA), whose definition is as follows:

Socially disadvantaged individuals are those who have been subjected to racial or ethnic prejudice or cultural bias because of their identity as members of a group. Social disadvantage must stem from circumstances beyond their control (undated, unpagged).

Another form to approach the term is to define more specifically the nature of social disadvantages. This is done in a research about social disadvantages in Australia, who states that it is a combination of income poverty, deprivation and social exclusion (Saunders, Naidoo and Griffiths, 2007: p.viii). The study is mainly concerned with who and how many are affected by income poverty, deprivation and social exclusion, and not why they are affected.

Social disadvantages is discussed as well in the field of disability studies. The social disadvantages of disabled people were already considered in the WHO's first International Classification

Chapter 5: Redressing Social Disadvantages of Impairments, Disabilities and Handicaps (ICIDH) under the term of 'handicap' (Bury, 2000: p.1073). Handicap is defined there as an incapacity to fulfil ones role in society caused by impairment (Edwards, 2005: p.12). This term was criticized by many disability scholars, who define disabled people as oppressed rather than disadvantaged (Thomas, 2004: p.578), and see the root cause of social disadvantages in an oppressive society, not in the individuals impairment.

To be able to discuss if the CRPD will help to redress social disadvantages, one should be clear about the origin and nature of social disadvantages. Considering the definition of disability used in the Convention, the origin of social disadvantages would be "attitudinal and environmental barriers" (United Nations, 2008: p.1). Since the CRPD is vague regarding the nature of the disadvantages, the three elements discussed in the research of Saunders, Naidoo and Griffiths (2007) will be considered as social disadvantages in this research. First, because the research participants included all three elements in their answers regarding social disadvantages, and second, because recent evidence from the WHO (2011) shows that a majority of disabled people

worldwide is indeed affected by income poverty, deprivation and social exclusion.

Using the CRPD and other UN HR Treaties to address Social Disadvantages

After having established a working definition of social disadvantages, I will analyze the provisions of the CRPD and other UN HR treaties against these disadvantages and some of their impacts in the past. As presented shortly in Chapter Two, the substantial articles of the CRPD (the articles not concerned with technicalities of the implementation) can be divided into three types: provision, protection and participation (Hammarberg, 1990: p.100). When asking research participants how the CRPD will help redressing social disadvantages, some particular articles were mentioned: In terms of provision rights article 28 about adequate standard of living and social protection was cited. Equally deemed highly relevant to combat social disadvantages are the articles 24 about education and 27 about work and employment, both including elements of provision and participation rights. A representative of an International DPO commented:

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One of the greatest social disadvantages is people haven't even have the opportunities to go to school, go to work (...). And we all know, if you go to work, then you will earn money, you can make choices in life. And if you never get a job in your life, you are trapped into the poverty cycle.

Research participants mainly from the majority world also mentioned article 32 about international cooperation and mainly the importance of the inclusion of disabled people in development programmes aimed at reducing poverty. Even though the aforementioned articles are the most important, participants also stated that in fact every article of the CRPD, if fully implemented, is contributing to redressing social disadvantages.

From studies about the impact of other UN treaties it may be possible to derive the possible impact of the CRPD. Warner (2010) insinuates in her conclusions a correlation between the CEDAW and the worldwide increase of girls school attendance, women's income and life expectancy (p.16). She lists some local examples that demonstrate the influence the CEDAW had in increasing some of these indicators, however, there is no proof that the CEDAW influenced the global increase of these indicators. This correlation is probably impossible to prove. In my

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opinion, there are two ways to measure the effectiveness of UN HR treaties regarding social disadvantages: First, the decrease of discriminating (or the increase of inclusive) laws, and second, the number of national policies and programmes to combat poverty, deprivation and social exclusion of the respective constituency. The former would show how the origin of social disadvantages has decreased and the latter if and how the nature of social disadvantages has been addressed.

Several studies analyzed the impact of UN treaties on country level. Apart of Warner's study (2010) none of the studies consulted for this research was enthusiastic about governments addressing social disadvantages through UN HR treaties. Pradhan Malla (2000) reports a "rather slow" implementation of the CEDAW in Nepal, indicating as main reasons "...[r]ural poverty, traditional social barriers..." and a lack of political will (p.117). The social disadvantages of women in Canada is reportedly much lower, but according to Waldorf and Bazilli (2000) this is not due to the CEDAW (p.52). There is evidence that UN treaties lead to reforms of legislation in some countries (Heyns and Viljoen, 2001: pp.501-2; Warner, 2010), but in other countries treaties had almost no impact on legislation (Heyns and Viljoen,

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2001: p.502). A different picture is painted by Doek (2009) in relation to the CRC, and specifically regarding the use of it to plan and implement national plans: The CRC was "the inspiring force" behind "sectoral programmes" of many governments (p.779). Though these programmes often lack resources, globally advancements were made especially regarding child soldiers, sexual abuse and violence (Doek, 2009: pp.773-7).

Analyzing the literature it seems that UN treaties had some impact on legislations, but very little on the ground. The successes in legislation, which would combat the origin of social disadvantages, may also in many cases not be applied and therefore blur the fact that the disadvantages still persist. UN conventions would then act rather as a "smokescreen", than addressing the real issues (Jones and Wachala, 2005: p.134). Besides that, most of the successes of other UN treaties concern protection rights, which in my opinion do not combat directly social disadvantages, but rather mitigate their negative effects. Some hints about why protection rights are more successfully implemented than participation and provision rights, are given in the following subchapter.

Chapter 5: Redressing Social Disadvantages
Barriers to Addressing Social Disadvantages with Rights

For the arguments put forward in this subchapter it is important to emphasize on a distinction between two concepts that in the literature are sometimes used synonymously (for example in Ljungman, 2005): The first is the human rights-based approach (HRBA), which is a term majorly used in the field of international cooperation and the second is the rights-based approach (RBA), used to describe the approach employed by the civil rights movements (for example in Sheldon, 2005: p.122). The difference lies in the legal frameworks used as a reference by the two approaches: The HRBA is taking the international human rights agenda as framework, and development projects using a HRBA aim at "... contribut[ing] to the practicality and active enjoyment of human rights" (Ljungman, 2005: p.211). Practitioners of a HRBA appeal to "obligations that are legally binding under international law" (op.cit.: p.205)- obligations that are rarely enforceable (Jones and Wachala, 2005: p.130). Groups using a RBA, on the other hand, are fighting for including their claims into national legislation, which would then make them enforceable. HRBA is thus appealing to 'moral rights', while a RBA works towards 'legal rights' (Handley, 2000: p.139). Regarding the tasks described in

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Chapter Four, applying a HRBA would mean to contribute to the first task 'implementing the particular rights', while using a RBA would mean putting 'pressure' on the government to fully integrate the CRPD into national legislation, thus transforming 'moral rights' into 'legal rights'.

The distinction made by Handley (2000) between 'freedom from' and 'freedom to' have or do something rights (p.320), is also important to discuss the possible impact of the CRPD on social disadvantages. Comparing Hammarbergs (1990) classification used to divide the rights described in the CRC with Handleys distinction, the protection rights would fall under 'freedom from' rights and the provision and participation ones under 'freedom to' rights. The 'freedom from' rights are relatively uncontested in the literature and among human rights activists, but the 'freedom to' rights stand in sharp contrast with liberal ideas about society (Handley, 2000: p.320). Following Hayek (1976) they threaten free societies, and implementing them would lead to totalitarianism (p.104). Despite such resistance, 'freedom to' rights have been included in UN HR treaties. In the case of the CRC, Hammarberg (1990) makes following remark:

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The division between economic and political rights has plagued UN discussions on human rights; however, this division is not reflected in the Convention on the Rights of the Child (p.99).

The same can be said about the CRPD, but as has been seen in the past, there is a big difference between ratifying a convention and actually implementing it. And it is evident that the legal implementation of the 'freedom to' rights of the CRPD will be opposed by liberals all over the world. Successes will be therefore mostly attained regarding 'freedom from' rights. Looking at the origin and nature of social disadvantages disabled people face (cf. Subchapter "defining social disadvantages"), it only seems realistic for a rights-based approach to achieve laws against attitudinal barriers. Enforceable rights concerning environmental barriers, income poverty, deprivation and social exclusion are much more difficult to be reached. However, with pressure and technical support from the civil society, actions to redress social disadvantages may in some countries still be implemented through governmental policies and national action plans, as has been observed in the case of the CRC (Doek, 2009: p.779).

Critics of the Human Rights Framework and Alternatives

There are several fundamental criticism to the use of human rights for the empowerment of "disenfranchised groups" (Sheldon, 2005: p.122). Hamacher (2004), for instance, criticizes that as long as not all states can be judged by an international court, human rights are not universally enforceable, since an individual's human rights are only protected as long as it enjoys its civil rights (p.350) (for example disabled people, who were never given a birth certificate, are missing their civil rights). Rights are particularly not enforceable in low income countries, where governments have no means to reach the communities to enforce the rights (Armstrong, 2009: unpagged). And when rights are achieved, it threatens also the collective action of the 'disenfranchised group':

... [R]ights sought by a politically defined *group* are conferred upon depoliticized *individuals*; at the moment a particular 'we' succeeds in obtaining rights, it loses its 'we-ness' and dissolves into individuals [emphasis in the original] (Brown, 1995: p.98).

Spivak (2004) deplores that it is not the 'disenfranchised groups' in the majority world demanding their human rights. It is the "new domestic middle-class urban radical[s] (...) out of touch with the

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mindset (...) of the rural poor below the NGO level" (p.527) doing it for them. The attempt to empower people through human rights can therefore lead to the opposite effect of disempowering them. Finally, regarding specifically the group of disabled people, a rights-based approach is proposed by idealist interpretations of the social model, but criticized by those following a materialist interpretation. Both see disability as discrimination of people on the grounds of their impairment, however the materialist see the cause of this discrimination as being rooted in the capitalist system, while the idealist see it in beliefs and prejudices (Sheldon, 2005: pp.118ff.). To follow a rights-based approach is, according to materialist interpreters, not considering the "current global mode of production" as the root cause of the oppression of disabled people (op.cit.: p.124), and can therefore not be the solution by itself to combat disability.

Since the rights-discourse is so widely used as orthodoxy (Handley, 2000: p.313) it is difficult to think about alternative approaches. The criticism mentioned above indicate that alternative approaches have to make the 'disenfranchised groups' subjects of their battle and that they should also attack the root cause of disability. A rights-based approach would give disabled

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children access to education, but according to Spivak (2004) this is not enough. She would propose to furthermore propagate an education that goes "beyond literacy and numeracy" (p.526) in order to "develop a critical intelligence" (p.557) or in the words of Freire (2005): a "critical consciousness". Regarding the root causes of disability, an approach proposed by Gleeson (1997) would be to reform the commodity labour market:

The commodity labour market uses the lens of competition to distort and magnify the limitations of impaired people: a just society would seek to liberate the bodily capacities of all individuals (p.197).

Human rights discourse is used both by left-wing and right-wing politicians to emphasize their claims. This chapter has shown that there are different types of human rights and that believers in economic liberalism are only working towards 'freedom from' rights. An organization that works towards the full implementation of the CRPD is therefore also implicitly or explicitly positioning itself against economic liberalism.

6. The Role of D&D INGOs

By defining what implementing the CRPD means and establishing different tasks for the implementation in Chapter Four, and by analyzing the possible impact of the CRPD on social disadvantages in Chapter Five, the ground was laid to have a closer look at the role of D&D INGOs. First, it will be discussed if and how D&D INGOs should involve themselves in the different tasks of the implementation. A second subchapter will discuss the implications the CRPD could have on their strategies. Then it is discussed how D&D INGOs could ensure that disabled people are subjects of the implementation and not mere objects. The final subchapter acknowledges that D&D INGOs are not only active in the majority world, but possibly also have a role in the minority world.

Activity Fields for D&D INGOs in the Implementation of the CRPD

In Chapter Five a pessimistic picture was painted about the impact of UN HR treaties specifically on participation and provision rights. This should not discourage D&D INGOs to invest themselves in the implementation process. First, because the impact of UN HR treaties is discouraging only if looking at the

global level. Looking at the local or national level many examples can be found, where civil society has successfully used an UN HR treaty to empower the respective right-holders or improve their situation (see for example Warner, 2010). Second, whenever the UN conventions are actually implemented in a specific country, it is because of a strong civil society, and particularly a strong NGO-sector (Heyns and Viljoens, 2001: p.522). Finally, all research participants agreed that D&D INGOs have a role in the implementation of the CRPD. In the following, an overview is given of the possible activity fields in the tasks distinguished in Chapter Four.

Implementing particular rights: Many D&D INGOs are supporting projects and programmes employing the CBR strategy. The recently published guidelines refer to CBR as the "practical strategy" to implement the CRPD (WHO, 2010: p.16). Research participants from D&D INGOs as well as some from international DPOs acknowledged the importance of CBR to implement the particular rights. The implementation of article 11, "... to ensure the protection and safety of persons with disabilities in situation of risk (...) [in] the occurrence of natural disasters" (United Nations, 2008: p.10), is another activity field where especially research

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participants from international DPOs welcome the involvement of D&D INGOs. Further, launching and maintaining specific services, who would help implement particular rights, such as orthopaedic workshops, were mentioned particularly by local partners of D&D INGOs.

Monitoring and evaluation: Research participants from D&D INGOs and their local partners are already having leading roles in country monitoring processes. They are setting up national monitoring structures and are part of national CRPD committees. One representative of a D&D INGO reminded though to take into consideration that a prominent role of some local partners in the monitoring process can put their work on the implementing side at risk. Therefore D&D INGOs are advised to work with national and international human rights NGOs to assure the monitoring and evaluation of governments, without risking to lose governments as partners.

Pressure: D&D INGOs are seen mainly responsible to put pressure on actors of international cooperation to implement article 32 (United Nations, 2008: p.24). Representatives of local partners were the ones most heavily insisting on this, because they themselves are not able to meet with these international

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Disseminating information: The pressure on actors to implement article 32 has to go with informing these actors on how to do it. But D&D INGOs have to disseminate information about the CRPD also to their local partners. They have to know the new context and should align their work with the CRPD. D&D INGOs should also translate the CRPD in the local languages of their project zones in order to help increase the awareness of human rights. Because "[t]he absence of a domestic human rights culture (...) limits the impact of the UN treaties in many societies" (Heyns and Viljoens, 2001: p.518).

Technical support: As already mentioned in Chapter Four, this is where D&D INGOs feel their biggest effort should go into. Since D&D INGOs have a long experience in majority world countries setting up specialized services for disabled people and rendering other services inclusive, they are strong partners for governments. But they are also requested to give technical support to DPOs on

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how to access information and how to exchange information with DPOs from other countries (*representative of international DPO*). Further they should share their knowledge about international cooperation with DPOs and train them in writing proposals and reporting to international donors.

Financial support: The role of D&D INGOs in this task was covered already exhaustively in Chapter Four. To resume D&D INGOs should support financially the processes to write parallel reports, different local or regional initiatives around the CRPD, the access to particular rights (for example through financing assistive devices, school fees and the like), and finally financial support should be given to DPOs in order to strengthen them organizationally.

There is unanimity among research participants that the article D&D INGOs should mainly concentrate themselves on is article 32 about international cooperation. Since international cooperation can be used to promote all types of rights, through concentrating on article 32 one still addresses all the articles (*representative of international DPO*) The strategy proposed by representatives of D&D INGOs to implement this article is advocating for 'disability mainstreaming'. To present and discuss

this strategy is not in the scope of this dissertation. For now it shall suffice to note that this strategy is based on ‘gender mainstreaming’, a strategy used since 1995 to achieve gender equality (Alston, 2006: p.125), and that a lot can be learned from its experiences. Miller and Albert (2006) draw eight lessons for ‘disability mainstreaming’ and conclude among other things that those working with this strategy must take the long view and not hoping for “quick victories” (pp.52-53).

Strategic Implications of the CRPD on D&D INGOs

D&D INGOs, as understood in this research, can be divided into three groups: There are DPOs in the minority world who have a branch doing work in disability and development (examples: NAD, SHIA). The second group would be INGOs who are exclusively working in development for disabled people in the majority world (examples: ADD International, Liliane Fonds). The majority of D&D INGOs are part of the third group, namely INGOs combining development work for disabled people with medical and other activities to prevent or cure primary impairments (examples: CBM, Handicap International). The findings of this study could have strategic implications for all types of D&D INGOs.

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The first finding to recall is the difference between prevention of primary impairment and working for the rights of disabled people or improving the quality of their life. These are two completely different fields of activity, and the D&D INGOs of the third group should analyze, if the two are not being mixed in the supported projects and in communications to the public. Such a mix up bears the danger on the project side to work with the same partners and advisors in both fields and possibly not achieving the results expected, because of missing capacity in one field. Another danger consists in perpetuating among the donor community a model of disability, which identifies the problem of disability in the individual and not in society, and therefore believes that treatments of the individual are the solution (Oliver, 1996: p.34). Finally, there is a problem of credibility, if an organization declares itself solely as NGO working for disabled people, but implements a big part of its fund to prevent primary impairment.

Many D&D INGOs see their mission in improving the 'quality of life' or the 'living conditions' of disabled people (see Appendix 3). Others define it more in terms of 'rights' and 'equal opportunities'. D&D INGOs should then analyze if the engagement in the implementation of the CRPD is the right way to accomplish their

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mission, and if yes, on which of the described tasks they should focus. The term 'quality of life' is not clearly defined by D&D INGOs. But I would assume that redressing social disadvantages (income poverty, deprivation and social exclusion) is in its effect almost equivalent to improving quality of life. As has been seen in Chapter Five, redressing social disadvantages through UN HR treaties or through a rights-based approach has yet to prove to be a successful strategy. The same may be said about 'improving quality of life' through UN HR treaties.

How D&D INGOs define the human rights-based approach (HRBA) for their work is relevant as well. As noted in Chapter Two, the HRBA can be defined as applying the norms and standards of the international human rights framework into the organization and its work, but also as working exclusively towards the implementation of the human rights framework (Ljungman, 2005: p.200). A D&D INGO claiming to work with a HRBA can therefore set the goal of working towards the implementation of the CRPD in its intervention countries and be active in all six tasks presented in Chapter Four. It would work towards the enjoyment of disabled people of all type of rights (provision, participation or protection) and obviously would not implement any prevention of

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impairment activities. On the other hand, a D&D INGO can also simply align all its work with the UN HR treaties. It would try to help people the same way as before, though not anymore because of a specific need identified, but because the beneficiaries have the right to this help. The mission would still be to improve the quality of life, only now through enabling people to access their rights and not anymore through covering needs. This D&D INGO could implement prevention of impairment activities, because these can also be justified within the international human rights framework, namely with “the right of everyone to the enjoyment of the highest attainable standard of physical and mental health” declared in the Covenant on Economic, Social and Cultural Rights (United Nations, 1966: p.4).

Both of the cases described above are hypothetical and were caricaturized for the clearer understanding of the differences inside the HRBA. This should give D&D INGOs the possibility to position themselves in this range and analyze the implications of such a position. There is also a position outside of this range: If a D&D INGO adopts a materialist interpretation of the social model, it would not content itself to improve the quality of life of disabled people, nor to enable them to enjoy their rights, but it would try to

abolish disability entirely. It would have to work towards changing the underlying system of oppression of disabled people (Sheldon, 2005: pp.123-125). One possibility to do this may be to educate disabled and non-disabled people in critical consciousness to become 'radicals' in the sense of Paulo Freire (2005):

The radical is a Subject to the degree that he perceives historical contradictions in increasingly critical fashion; however, he does not consider himself the proprietor of history. And while he recognizes that it is impossible to stop or to anticipate history without penalty, he is no mere spectator of the historical process. On the contrary, he knows that as a Subject he can and ought, together with other Subjects, to participate creatively in that process by discerning transformations in order to aid and accelerate them (pp.9-10).

D&D INGOs on Tap, not on Top

There is not a big difference between the self-defined role of D&D INGOs and the role ascribed to them by International DPOs, despite the antagonism that could be expected between organizations of disabled people (International DPOs) and organizations for disabled people (D&D INGOs) (Shakespeare,

2006: p.153). All research participants agreed in principle that DPOs should have the lead in the implementation of the CRPD, and that D&D INGOs should be "on tap, not on top" (DAA, 2008: p.6). However, this seems not always to be the case on the ground:

Sometimes [in countries of the majority world], because of the weak capacity of DPOs, the international disability NGOs instead of allocating resources to make the DPOs stronger, they have somehow taken over their role and have become the interlocutor of the government (*representative of international DPO*).

Even though he goes on to say that this is a general statement and some are doing it better than others, it is still concerning that a D&D INGO, instead of helping disabled people to have a voice, would rather chose to be this voice. D&D INGOs have no political legitimacy to represent disabled people.

Among research participants also the representativeness of national and international DPOs is questioned. It is felt that the minority world is overrepresented in the international DPOs, perpetuating views and models incompatible with the situation in the majority world (*representative of D&D INGO*). During this

research it was also observed that a small association of young Deaf people could not get a representation in the respective national DPO. And findings from majority world countries (for example: Yeo and Bolton, 2008: pp.90-91) suggest that Spivak's (2004) concern may also apply to disabled people and DPOs in the majority world: Rights are demanded by representatives of and urban middle-class, out of touch with the disenfranchised groups these rights are demanded for (p.527).

That there are power hierarchies inside DPOs as well as in the international disability movement has been documented before (i.e. about the male dominance [cf. Price, 2011: pp.6-7]). The question for D&D INGOs is where to position themselves in the face of these. To by-pass national and international DPOs when struggling for the rights of disabled persons is in my opinion the wrong way. Rather D&D INGOs should concentrate on forming and strengthening local DPOs through technical and financial support and assure that they are represented in national DPOs. This would help to strengthen the whole international disability movement bottom-up.

The Role of D&D INGOs in the Minority World

Having their headquarters in the minority world and raising funds for their work there through communications and appeals to donors, gives D&D INGOs also a role in the implementation of the CRPD in the minority world. Apart of the important work towards implementing article 32, research participants did not mention a role in the official implementation process in minority world countries. D&D INGOs should rather apply the CRPD internally, where research participants see still a lot to do regarding hiring practices, governances structures and especially the messages sent to the donors and the wider public. It affects the credibility of an organisation if in the majority world it works towards empowering disabled people, but in the minority world portrays them in a disempowering way. There is a need to apply article 8 about awareness-raising (United Nations, 2008: pp.8-9) to employees, board members and the donor community.

While everyone included in this research agreed that D&D INGOs have a role in the implementation of the CRPD, there is no agreement on the exact nature of this role. But D&D INGOs are not only responsible towards the beneficiaries of their projects in

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the majority world, but also accountable to their donors. They have to invest their funds according to their mission statements. In this chapter a background was given for D&D INGOs to be able to align their involvement in the implementation of the CRPD with their mission statements, or, on the contrary, align their mission statements with the CRPD.

7. Conclusion

The objectives of this investigation were to give non-experts of human rights an understanding about what implementing the CRPD means, to draw a framework for D&D INGOs active in the implementation, to assess the implications of the CRPD on the work of D&D INGOs, and to give interesting insights on the international human rights framework in general. Following three research questions, these objectives have been met, as shall be presented in the summary of the findings. This summary will be done following each research question. Finally, the limits of this research will be discussed.

What does 'Implementing the CRPD' mean and who is involved?

'Implementing the CRPD' means first that the CRPD is integrated into the respective national legislation and is applied by the justice system. It means as well that the population knows and understands the CRPD, but most importantly it means transforming the rights described in the CRPD into reality. Six tasks have been found to be important for the implementation: Implementing the particular rights, monitoring and evaluation, pressure, disseminating information, technical support and

financial support. All actors of society have an important role to play in the implementation of the CRPD, however, there are some actors more important for specific tasks as others. Since it is the government ratifying the CRPD, it is also the government, who is responsible for implementing the particular rights and to finance national programmes to this end. The government is also responsible for presenting regular reports about the implementation to an international CRPD committee. The latter is in charge of monitoring and evaluating the progresses and to emit concluding observations that should help governments to improve. For this committee to be able to assess the situation in a specific country, the local civil society (in the case of the CRPD local DPOs) has an important role. History has shown that without the civil society putting pressure on governments to present a report and to implement the concluding observations, UN HR treaties are missing the desired impact. Besides, civil society is also called to write parallel reports to the state reports, which give the committee a better picture about the real situation on the ground. Because civil society actors are often not aware of their rights and the role they have in the implementation, and because local DPOs mostly miss the technical and financial resources to accomplish their role, international DPOs and D&D INGOs have an important

role to play as well. They have to inform the local DPOs about the CRPD and their role in it, and give them technical and financial support.

Can Social Disadvantages be redressed by Implementing the CRPD?

To be able to answer this question, the term 'social disadvantages' was first defined. In the context of the CRPD the origin of social disadvantages are attitudinal and environmental barriers, and the nature of these disadvantages are income poverty, deprivation and social exclusion. The articles in the CRPD that are mainly addressing these issues, can be classified as 'provision' and 'participation' rights. A review over the impact of UN HR treaties in the past indicates that whenever rights described in these treaties were implemented, they were mostly 'protection' rights, the third type of rights. This is not surprising, when considering that there is a strong political resistance based on the beliefs of economic liberalism (including inside human rights activists) against 'provision' and 'participation' rights. There is also resistance from materialist (disability) scholars against tackling the social disadvantages through a rights-based approach. Their main criticism is first that the origin of social

disadvantages is the current mode of production and not attitudes and prejudices, and second that rights are individualistic and therefore threaten collective action. Though it may be possible then to improve the situation of disabled people regarding social disadvantages through the CRPD occasionally, the underlying causes of the oppression of disabled people is left untouched.

What is the Role of D&D INGOs in the Implementation of the CRPD?

D&D INGOs can play a role in all the six tasks of the implementation. Through their projects they contribute to implementing the particular rights, and they help as well governments in the implementation with their technical expertise. They can finance and write parallel reports and disseminate information about the implementation of the CRPD. D&D INGOs are in some cases part of the national pressure groups to push the ratification, implementation or monitoring process ahead. It is then up to the respective D&D INGO to decide upon its role, but there are two aspects to consider: The first aspect is the mission the D&D INGO has given itself and promised its donors to fulfill. The engagement of a D&D INGO in the implementing process of the CRPD has to be weighed against its mission statement. As

seen in Chapter Six, there is a difference between aligning its work with the CRPD and investing itself completely in the implementation process. The latter is incongruent with the mission statement of most of the D&D INGOs. The second aspect is the relation towards DPOs. The CRPD is clear about the fact that disabled people and their representative organizations should have a leading role in implementation and monitoring of the CRPD. For a D&D INGO to compete with national and international DPOs on the lead in the implementation is therefore contradictory to the CRPD. It would be better to enable DPOs to take the lead and then work together with them. Hypothetically there is also a third aspect, namely if a D&D INGO would adopt a materialist interpretation of the social model. In this case there is no role for this D&D INGO in the implementation of the CRPD, but the D&D INGO would instead concentrate its work towards changing the underlying system of oppression.

All research participants agreed that D&D INGOs have an important role specifically regarding the article 11 about emergency response, and article 32 about international cooperation. This is where they have the most expertise as well as access to international actors. Another important task of D&D

INGOs is to apply the CRPD to its internal structure and to the communications with donors. This would contribute to the efforts of DPOs towards the implementation of the CRPD in minority world countries.

Limits of this Research

This research investigated a very large subject within challenging time limits. Many of the issues involved are only touched shortly and it was not possible to enter into details. Important discussions, such as about power hierarchies and male dominance inside DPOs (Price, 2011: pp.6-7), perceived dominance of the minority world inside the disability movement, the adversity between D&D INGOs and DPOs (Shakespeare, 2006: pp.153ff.), which would all have given more depth to the analysis, could not be touched specifically. To further investigate the strategy of 'disability mainstreaming' would also have enriched this dissertation. And finally, the data collected through interviews, would allow for much more detailed discussion on some subjects. Since this research had some specific objectives, the focus was on meeting these objectives and not to lose myself into details. Hopefully, this research will help employees of D&D INGOs to better understand the implementation of the CRPD and to take strategic decisions

about the own involvement in this process. But more importantly, I hope these decisions will have a positive impact on the lives of disabled people in the majority world.

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APPENDIX A: Interview Questions

Interview questions D&D INGOs

What does 'implementation of the CRPD' mean to you?

What is the role of your D&D INGO in the implementation of the CRPD (locally, regionally, globally)?

What does your D&D INGO already do in regard of the implementation of the CRPD?

What should it be doing in the future?

What is the role of your local partners in the implementation of the CRPD?

What is the role of other INGOs?

Interview questions West African NGOs/DPOs

What does 'implementation of the CRPD' mean to you?

What is the role of your local partners in the implementation of the CRPD?

What is the role of other INGOs?

Interview questions international DPOs

What does "implementation of the CRPD" means to you?

Who are the stakeholders involved in the implementation of the CRPD?

Who are not stakeholders yet, but should be?

Do you know any INGO involved in the implementation of the CRPD? What should their role be in the implementation of the CRPD?

Do you know examples where a positive effect of the CRPD was already felt? Could the CRPD also have negative effects?

How could the CRPD help to redress the social disadvantages people with disability experience worldwide?

What is your opinion on the influence of the Committee and its monitoring on the implementation of the CRPD in a specific country?

What is still needed to implement the CRPD as you would imagine it?

What is the role of your organization in the implementation of the CRPD?

APPENDIX B: Informed Consent Form

Formulaire de consentement informé pour participants de la formation Internationale sur le Handicap et le Développement Inclusif, qui sont invités à participer à une investigation sur le thème 'le rôle des INGOs dans l'implémentation de la CRPD'

Investigateur: Matthias Leicht-Miranda
Université de Leeds, Angleterre
pour l'obtention du titre de Master in Disability Studies

Informations

Introduction

Je suis Matthias Leicht-Miranda. Je suis en train de terminer un Master à l'université de Leeds, Angleterre sur le sujet de Disability Studies. J'aimerais approfondir les connaissances sur le rôle des ONGs internationales dans l'implémentation de la Convention des Droits des personnes handicapées.

But de l'investigation

Le but de cette investigation est de savoir qu'est-ce que les ONGs internationales font déjà pour faire progresser l'implémentation de la CRPD, qu'est-ce qu'ils pourraient faire de plus ou de mieux, et finalement si l'implémentation de la CRPD est un facteur positif dans la quête d'égaliser les conditions de vie de personnes handicapées et non handicapées.

Type d'investigation

Cette investigation inclura une observation du Module 5 de la formation. Une discussion en groupe qui sera enregistrée, et le remplissage d'une analyse des parties prenantes dans l'implémentation de la CRPD.

Sélection des participants

Comme participant/e de cette formation faisant partie ou d'une ONG internationale ou d'une ONG locale travaillant sur le sujet du handicap, vous êtes une experte/un expert sur mon sujet d'investigation et j'aimerais pouvoir profiter de vos connaissances et opinions.

Participation volontaire

Votre participation dans cette investigation est volontaire. Vous pouvez choisir de ne pas participer. Pour ce qui concerne mon observation du Module 5 ça signifierai concrètement que je ne prendrai pas note de vos commentaires.

Procédures

J'inviterais quelques participants et facilitateurs à participer dans une discussion en groupe mercredi ou jeudi après le programme officiel de la formation. Les deux groupes seront constitués de 4 à 5 personnes chacun. Facilitateurs et participants ne feront pas partie du même group. Les discussions seront enregistrées digitalement.

A part des discussion en groupe, je distribuerai à chaque participant un formulaire d'analyse des parties prenants (comme connu des planifications de projets selon le modèle PCM) à remplir volontairement. Ceci me permettra de placer les INGOs dans le réseau de toutes les parties prenantes dans l'implémentation de la CRPD.

Duration

La discussion en groupe durera entre 45 minutes et une heure et demie chacune.

Confidentialité

Toutes information obtenu sera traité anonyme. Si des citations ou de références seront faites dans le travail écrit, je parlerai de "participants d'une capacitation d'une ONG Internationale en Afrique" faisant différence entre "participant d'une ONG locale" et "participant d'une ONG internationale". L'enregistrement digitale sera détruit dès que les dates sont mis en écrit, et ce protocole sera déjà anonyme.

Partager les résultats

Les résultats de l'investigation seront partager avec vous à partir de mi-juillet. Vous serez encore une fois invité à donner votre opinion sur les résultats. Le travail final sera distribué à partir de Novembre. Si le travail est assez bien écrit il sera publié sur des sites internet (comme: <http://www.leeds.ac.uk/disability-studies/archiveuk/index.html>) et possiblement dans une revue scientifique (comme Disability & Society).

Droit de refuse

Vous n'êtes pas obligés à participer à l'investigation et vous avez le droit de retirer parties ou tous ce que vous avez dit durant une discussion en groupe ou le Module 5.

Certificat de consentement

J'ai été invité à participer dans une investigation sur le rôle des INGOs dans l'implémentation de la CRPD.

J'ai lu les informations ou ils me sont été lu. J'ai eu la possibilité de demander des questions concernant l'investigation et toutes les questions ont été répondu de manière satisfaisante. Je donne mon consentement de participer à l'investigation.

Nom du Participant _____

Signature du Participant _____

Date _____

Investigateur

Je confirme que le participant à eu l'opportunité de demander des questions et que j'ai répondu à toutes questions correctement et selon mes capacités. Je confirme que le participant n'a pas été forcé à donner son consentement.

Une copie de ce formulaire à été donné au participant.

Nom de l'investigateur _____

Signature _____

Date _____

APPENDIX C: Vision and Mission Statements of D&D INGOs

ADD International

(www.add.org.uk/) Accessed 11.07.2011

Our vision is of a world where disabled people can enjoy their rights and participate in society as fully as they choose.

Our mission is to support disabled people in Africa and Asia to challenge disability discrimination.

Our objectives are to:

- support organisations of disabled people in Africa and Asia to become strong and effective
- support disabled peoples' organisations to influence policy and attitudes
- influence development organisations, relief agencies and donors to include the needs of disabled people in all their poverty reduction work.

AIFO

(www.aifo.it/english/gen/mission.htm) Accessed 11.07.2011

AIFO has chosen to focus its activities in supporting leprosy affected persons and persons with disabilities through integrated development projects, with particular attention towards the poorest and vulnerable groups of persons, in a spirit of partnership.

At the same time AIFO promotes activities of development education in Europe, for a better understanding of causes underlying poverty and under-development and for a just North-South relationship.

The Atlas Alliance

(www.atlas-alliansen.no/English/What-we-do) Accessed 11.07.2011

The Atlas Alliance is the umbrella organisation for the development work of disabled people's organisations (DPOs) and patient's organisations in Norway. We work for better living conditions for people with disabilities in the South and we fight tuberculosis.

CBM International

(www.cbm.org/CBM_vision_and_mission-250311.php) Accessed 11.07.2011

CBM is an international Christian disability and development organisation whose primary purpose is to improve the quality of life of the world's poorest persons with disabilities and those at risk of disability.

CBM works in the most disadvantaged societies, irrespective of race, gender or religion. CBM seeks to:

- Reduce the prevalence of diseases which cause impairments.
- Minimise the conditions which lead to disability.
- Promote equal opportunities for economic empowerment, livelihood security, and full inclusion in all aspects of society for persons with disabilities.

Foundation Dark & Light

(www.darkandlight.eu/Content/3/4/Vision_and_mission.html) Accessed 11.07.2011

Vision

We believe that persons with a disability, like every other person, have the right to live a life with dignity.

Mission

Our mission is dedicated to eliminating avoidable blindness and improving the quality of life of people with disabilities in the poorest and least served communities in developing countries.

DPOD

(www.disability.dk/) Accessed 11.07.2011

The overall goal of the DPOD Mini-programme is to improve the opportunities for persons with disabilities in the developing countries so that they can implement and achieve their rights as human beings. Thus the focus of the Mini-programme is both development and building of strong organisations of persons with disabilities in developing countries as well as lobbying and advocating in relation to governments in developing countries in order to make them comply with the human rights for persons with disabilities.

Handicap International

(www.handicap-international.fr/en/discover-hi/index.html)
Accessed 11.07.2011

Handicap International is an independent international solidarity organisation which works in situations of poverty or exclusion, conflict and natural disasters.

Working alongside people with disabilities and people in vulnerable situations, the association takes action and speaks out in order to meet their

essential needs and improve their living conditions. Handicap International is committed to campaigning to ensure their dignity is preserved and their fundamental rights upheld.

Leonard Cheshire International

(www.lcint.org/?lid=1975) Accessed 11.07.2011

Our Vision A society in which every disabled person can enjoy their rights and has the opportunity to fulfil their potential

Our Mission To enable disabled people to improve their quality of life and to campaign for the removal of the barriers which hinder them

Light for the World Alliance

(www.light-for-the-world.org/) Accessed 11.07.2011

Our mission LIGHT FOR THE WORLD is dedicated to ensuring the rights of persons with disabilities in developing countries, without discrimination of gender, ethnicity, social group or religion.

LIGHT FOR THE WORLD provides access to treatment and rehabilitation for persons with disabilities by supporting local partner organisations. We also commit ourselves to the task of creating new opportunities for persons with disabilities, to increase mobility with the help of devices, to start initiatives that will provide education and income, and to support people with disabilities to exercise their rights.

In addition, LIGHT FOR THE WORLD is committed to raising awareness of the situation of persons with disabilities within their family, communities and national contexts, as well as within the wider development agenda. This is an important basis for social inclusion and for the autonomy and selfdetermination of persons with disabilities.

Lilliane Fonds

(www.lilianefonds.nl/de-organisatie/achtergrond/missie.html) Accessed 11.07.2011

Missie van het Liliane Fonds is eraan bijdragen, dat de levenskwaliteit van kinderen en jongeren met een handicap in ontwikkelingslanden verbetert en dat ze, nu en later als volwassenen, meetellen en meedoen in de samenleving. In het verlengde hiervan maakt het Liliane Fonds zich er sterk voor, dat zij hun rechten kunnen uitoefenen, zoals die onder meer zijn vastgelegd in het Verdrag voor de Rechten van het Kind (Verenigde Naties, 20 november 1989) en het Verdrag voor de Rechten van Mensen met een Handicap (Verenigde Naties, 13 december 2006). Voor een kind met een handicap is revalidatie geen gunst maar een [fundamenteel recht](#).

Sight Savers

(www.sightsavers.org/) Accessed 11.07.2011

We are an international charity which works with partners to eliminate avoidable blindness and promote equality of opportunity for disabled people in the developing world.