

**REGIONAL WORKSHOP  
ON  
PROMOTING THE RIGHTS OF  
PERSONS WITH DISABILITIES:  
TOWARDS A NEW UN CONVENTION**

**Munyonyo – Kampala, Uganda  
5-6 June 2003**

**FINAL DECLARATION**

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## **Introduction**

1. National Human Rights Institutions (NHRIs) from across Africa including those from Kenya, Niger, Malawi, Mauritius, Rwanda, South Africa, Tanzania, Uganda and Zambia, met in Munyonyo-Kampala, Uganda from 5-6 June 2003, to discuss the rights of persons with disabilities within existing hard and soft international instruments and a proposal to develop a comprehensive and integral United Nations Convention to promote and protect the rights of persons with disabilities.
2. Participation also included representatives from Government, Parliament and non-governmental organisations working in the field of human rights and disability.
3. The workshop participants expressed their gratitude to the Uganda Human Rights Commission for hosting and organising the workshop in partnership with, and the financial support of, the United Nations Office of the High Commissioner for Human Rights.
4. The Honourable Minister of State for Elderly and Disability Affairs, Florence Nayiga Sekabira, officially opened the workshop, with welcoming remarks made by Mrs. Margaret Sekaggya, Chairperson of the Uganda Human Rights Commission and Chairperson of the African Coordinating Group of National Institutions for the Promotion and Protection of Human Rights, and Mr. Orest Nowosad, Team Leader, National Institutions Team of the United Nations Office of the High Commissioner for Human Rights. The statements highlighted that disability is a human rights issue and in this regard national human rights institutions have a critical role in protecting and promoting the human rights and dignity of persons with disabilities and in the possible development of a proposed new United Nations Convention in this respect.
5. The workshop held five working sessions relating to various aspects of the rights of persons with disabilities. It considered, *inter alia*, the needs and challenges of persons with disabilities in Uganda; mainstreaming disability in a national and international context with a discussion of the hard and soft United Nations instruments relevant to disability and national compliance; country papers on the role of national institutions in promoting and protecting the rights of persons with disabilities including through legislative and administrative practices, monitoring and complaints procedures; “mainstreaming disability” – experiences of UN Conventions (hard instruments) and existing (soft) UN instruments relevant to disability; international monitoring mechanisms and complaints procedures; the nature and key

elements of the proposed new Convention on disability – perceptions of NHRIs and NGOs and coordinated groups work on this issue.

6. Participants recognised and acknowledged the links between the African Charter, NEPAD, the African Decade for Disabled Persons and the proposed Convention.
7. Based on the discussions the workshop participants adopted the following preliminary conclusions and recommendations to the Ad Hoc Committee. These are without prejudice to the more detailed positions that NHRIs may adopt, individually or jointly, as work on the new Convention proceeds.

### **Conclusions and Recommendations to the Ad Hoc Committee adopted by the Kampala Workshop**

The NHRIs present at the workshop from Africa:

8. Welcome the decision of the United Nations General Assembly to establish an Ad Hoc Committee to consider proposals for a comprehensive and integral international Convention to promote and protect the rights and dignity of persons with disabilities (the Convention).
9. Welcome the decision of the Ad Hoc Committee to specifically invite NHRIs to participate in their work and agree to respond positively to the invitation and make available suggestions and proposals to be considered in the development of the proposed Convention.
10. Request the United Nations and the Ad Hoc Committee to take the necessary measures to ensure the participation of persons with disabilities in their activities and ensure the widest possible participation of organisations of persons with disabilities.
11. Encourage inclusion of national human rights institutions as beneficiaries of the voluntary fund established by the General Assembly in resolution 57/229, to support the participation of national institutions from developing countries in the work of the Ad Hoc Committee.
12. Strongly affirm the need for the development of a comprehensive and integral Convention which is rights based.
13. Underline the importance that a new Convention be gender sensitive.
14. Stress that the Convention should build on international human rights norms and standards and social justice. It should be informed by the overarching principle that all persons with disabilities are entitled to the full benefit and enjoyment of all fundamental human rights and freedoms on the basis of equality, dignity and without discrimination.
15. Stress that the situation of all disability groups and the diverse conditions related to gender, race, colour, HIV/AIDS, age, ethnicity and other considerations must be

taken into account when elaborating the Convention and that multiple discrimination can occur.

16. Note the importance of addressing poverty alleviation as both a means to prevent disability and provide effective redress to persons with disabilities.
17. Equally underline the importance of assuring access to appropriate health care services as a means of prevention of disability and care and management of disability.
18. Encourage the establishment of national trust funds to assist in the promotion and protection of the rights of persons with disabilities.
19. Encourage the extension of international and regional cooperation in order to permit the full implementation of this Convention.
20. Propose that the following elements should be included in the proposed Convention.

### ***A Preamble***

21. A Preamble to the Convention should:

- stress the need for a comprehensive rights based Convention;
- recognise the value and applicability of existing international human rights instruments (both hard and soft) to disability and in particular the United Nations Standard Rules of Equalization of Opportunities for People with Disabilities, and the African Charter on Human and Peoples' Rights (art. 18(4)), and their link to the Convention; and
- recognise the impact of dual or multiple discrimination faced by individuals such as, women, children, refugees, minorities or persons with multiple disabilities or other status.

### ***Objectives***

22. The objectives of the Convention should:

- recognise that as all rights are indivisible and interdependent persons with disabilities are entitled to the full range of civil, political, economic, social and cultural rights;
- recognise the progressive realisation of certain rights;
- ensure that the principles of non-discrimination and equal opportunity apply to persons with disabilities – the achievement of equality must be the common thread in the Convention;
- acknowledge that the lack of provision of reasonable accommodation and/or positive actions to eliminate barriers to full participation is a form of discrimination; and
- promote international and regional cooperation to support national efforts.

## ***Definitions***

23. With regard to the definition of ‘disability’ the Convention should:

- Provide a minimum standard upon which states may build upon but not weaken;
- Include a definition which is premised on an understanding that disability is a social construct based on the context resulting from discrimination, prejudice and exclusion; and
- Be inclusive covering *inter alia* physical, sensory, intellectual, psychiatric and multiple disabilities. Disability can be permanent, temporary, episodic and perceived.

24. With regard to the definition of ‘discrimination’ the Convention should:

- address all forms of discrimination including direct, indirect, hidden and systemic discrimination;
- recognise that equality of opportunity requires that any relevant restrictions or limitations caused directly or indirectly by a disability should be remedied by appropriate modifications, adjustments or assistance; and
- require affirmative action, reasonable accommodation or ‘special measures’ to provide barrier free access in all spheres for full participation and to provide enabling environments, where necessary, in order to achieve equality of opportunity and treatment. Such action or measures should not be regarded as discrimination.

## ***Scope***

25. The Convention shall apply both to public and private spheres and institutions.

26. While taking into account cultural and social differences between States, such differences must not permit practices which can lead to disability, or discrimination against persons with disabilities.

27. The Convention should ensure that disability issues are incorporated into all economic policies and plans.

## ***State Party Obligations***

28. The Convention should place a positive obligation on State Parties to take legislative, programmatic and policy actions to achieve the Convention’s objectives.

29. The Convention should recognise the responsibility of State Parties to ensure a barrier free society through the establishment of an effective enabling environment.

30. The Convention should recognize the vulnerability of persons with disabilities in situations of crisis such as conflict and natural disasters.

### ***Specific Articles***

31. Respecting the interdependence and indivisibility of rights the Convention should embrace the full range of civil, political, economic, social and cultural rights in existing international human rights instruments including *inter alia*:
  - Access to accessible information;
  - Access to inclusive and special needs education;
  - Access to health care services;
  - Access to employment opportunities;
  - Access to justice and due process; and
  - Freedom from sexual harassment and abuse.
32. The Convention should contain specific articles dealing with specialised areas and issues relating to civil, political, economic, social and cultural rights that, by the very nature of the context of disability, require codification.
33. The Convention should, in the spirit of article 25 of the International Covenant on Civil and Political Rights, provide for the participation of persons with disability in the conduct of public affairs and in the political process.
34. The Convention should encourage the undertaking of effective research relating to the rights of persons with disabilities.

### ***Monitoring***

35. The Convention should have an effective monitoring mechanism which includes the possibility of conducting inquiries into systemic violations.
36. The Convention should support the establishment of effective national monitoring mechanisms with due respect to the *Principles Relating to the Status of National Institutions* (the Paris Principles).
37. Any expert committee established under the Convention should include persons with disabilities.

## **Appendix – Additional Conclusions and Recommendations**

The workshop also made the following conclusions and recommendations:

38. NHRIs should inform their governments about the importance of developing a comprehensive and integral rights based Convention and recommend that they actively support its development.
39. NHRIs should raise awareness within their respective societies about the importance of developing the proposed Convention while, at the same time, ensuring the implementation of existing international and regional human rights standards relating to the rights of persons with disabilities.
40. NHRIs should consult with persons with disabilities, disabled peoples' organisations, and relevant non-governmental organisations about the development of the proposed Convention.
41. NHRIs should continue to participate actively in the development of the proposed Convention.
42. NHRIs should establish and strengthen a disability rights component in their work, including their complaint handling procedures, with appropriate representation of persons with disabilities in their institutions.
43. NHRIs should include in human rights plans of action components relating to, or develop specific plans of action regarding, the rights of persons with disability.
44. NHRIs should engage in the development of monitoring indicators (showing impact of and access of persons with disabilities to NEPAD initiatives) and participation in the monitoring and evaluation processes.
45. NHRIs welcome the proposal to establish an informal network of NHRIs' disability focal points.

Adopted Munyono-Kampala, Uganda  
6 June 2003