

International Expert Meeting

The right of persons with disabilities to social protection

May 20th and 21st, Berlin

Draft Concept Note

I. Overview

The United Nations Special Rapporteur on the rights of persons with disabilities, Catalina Devandas, in cooperation with the United Nations Research Institute for Social Development (UNRISD) and with German support is carrying out an expert meeting on the right to social protection of persons with disabilities. The purpose of the meeting is to seek input for a report on the right to persons with disabilities' right to social protection. The report will be presented to the United Nations General Assembly at the 70th session in October 2015.

II. Context

Social protection is a key element of inclusive societies. It plays an important role in realizing the rights of persons with disabilities of all ages: providing them with an adequate standard of living, a basic level of income security; thus reducing levels of poverty and vulnerability. Moreover, mainstream and/or specific social protection schemes concerning persons with disabilities can play a major role in promoting their independence and inclusion by meeting their specific needs and supporting their social participation in a non-discriminatory manner. These social protection measures may include poverty reduction schemes, cash transfer programmes, social and health insurance, public work programmes, housing programmes, disability pensions and mobility grants.

Social protection must accommodate the needs of persons with disabilities and embrace a right-based approach. Traditional disability-related social welfare schemes have narrowly focused on poverty, rather than taking into account specific challenges faced by persons with disabilities; regarding active participation in education, and access health and employment. Indeed, previous methods of addressing benefits for persons with disabilities have shown limited progress in overcoming the deeply-rooted social structures and practices that hinder the opportunities of persons with disabilities. Consequently, social protection needs to move beyond traditional welfare approaches to intervention systems that promote active citizenship, social inclusion and community participation while avoiding paternalism and dependence.

The right of persons with disabilities to social protection is recognized by the 1948 Universal Declaration of Human Rights (UDHR), the 1966 International Covenant on Economic, Social and Cultural Rights (ICESCR) and, more specifically, the 2006 UN Convention on the Rights of Persons with Disabilities (CRPD). Article 28 of the CRPD in particular recognizes the right of persons with disabilities to an adequate standard of living and to social protection, ensuring the enjoyment of both rights without discrimination on the basis of ability. Therefore, States parties should take appropriate measures to ensure that they receive equal access to mainstream social protection programmes and services –including basic services, social security systems, poverty reduction programmes and housing programmes– but also specific programmes and services for disability-related needs and expenses.

Furthermore, in 2012, the International Labour Organization (ILO) adopted the Social Protection Floors Recommendation (No 202), which has recognized the importance of national social protection floors to provide basic social security guarantees to all persons, including persons with disabilities, across the life cycle. Priority areas of attention are poverty, vulnerability, and social exclusion. Currently, some high-income countries are contracting their social security systems after the global financial and economic crisis. These measures taken by the state have a compounded effect, disproportionately impacting persons with disabilities. This contrasts with measures taken by many middle and low-income countries, which are strengthening their social protection systems and adopting a number of social protection programmes and counter cyclical measures in order to reduce poverty, exclusion and inequality especially among vulnerable populations.

III. Background

The Human Rights Council (HRC) established the mandate of the Special Rapporteur on the rights of persons with disabilities in its resolution 26/20. This mandate includes, inter alia, developing a regular dialogue and consulting with States and other relevant stakeholders to identify, exchange and promote good practices relating to the realization of the rights of persons with disabilities; gathering, requesting, receiving and exchanging information and communications from and with states and other relevant stakeholder; and making concrete recommendations on how to better promote and protect the rights of persons with disabilities, including on how to contribute to the realization of internationally agreed development goals for persons with disabilities and promote development that is inclusive and accessible. In addition, the HRC has requested that the Special Rapporteur provides annual reports to both the HRC and the General Assembly, starting with the former's 28th session; in accessible formats and according to their respective programmes of work.

In her first report to the HRC, presented at the 28th session, the Special Rapporteur expressed that, given the broad scope of the mandate and the fact that it is subject to the availability of resources for its implementation, she will mainly focus on three complementary, mutually reinforcing areas of concern, which in her view present the most urgent challenges for the enjoyment of human rights by persons with disabilities (A/HRC/28/58, para. 33). One of these clusters is combating poverty, in which she will address the root causes of poverty among persons with disabilities, in particular by supporting the development and implementation of social protection systems that are inclusive of persons with disabilities.

Following this report, the Special Rapporteur has highlighted the importance of the right of persons with disabilities to social protection in several meetings, including the annual debate on the rights of persons with disabilities held at the 28th regular session of the Human Rights Council; the expert meeting on inclusive social protection for persons with disabilities, organized jointly by ILO and International Disability Alliance (IDA); and the Friedrich-Ebert-Stiftung roundtable discussion on social protection floors and the transition to social justice.

In this regard, the Special Rapporteur on the rights of person with disabilities is convening this expert meeting to bring together all relevant stakeholders to request their viewpoints on the gaps in the implementation of the right of persons with disabilities to social protection, as well as best practices for meeting the challenges in ensuring this right.

IV. Objectives

The purpose of this meeting is to discover the views of all relevant stakeholders to assist the Special Rapporteur in preparing the report on the rights of person with disabilities to social protection. To this effect, this consultation aims to bring together diverse group of stakeholders, including policy makers, practitioners and researchers, to achieve the following objectives:

- To exchange views on the scope and realization of persons with disabilities' right to social protection;
- To explore best practices, opportunities for cooperation and promising approaches for social protection systems to be more inclusive of persons with disabilities;
- To delineate the role for special programs geared for people with disabilities and their families, as well as making general social protection programs more inclusive, and to explore the best options for coordinating such programs; and,
- To discuss states' challenges and opportunities in ensuring persons with disabilities' active enjoyment of the right to social protection.

The results of the consultation will be included in the Special Rapporteur's report on the right to social protection of persons with disabilities produced for the United Nations' General Assembly. The purpose of the report will be to identify gaps and challenges in the coverage provided by existing legal and policy frameworks; and will include policy recommendations to states, provide a framework for monitoring states' compliance with human rights obligations, and will constitute a practical advocacy tool for civil society organisations. As with all Special Rapporteur reports, the document will be translated into the six UN official languages including Arabic, Chinese and Russian; and will be widely disseminated among member states.

V. Methodology

This expert meeting on the right of persons with disabilities to social protection has been conceived as a strategy for dialogue and collaboration among states, DPOs, NGOs, NHRIs and other key actors. Therefore, the session will bring together a small group of experts from civil society, governments, UN agencies and academia working in diverse fields. It will provide them with an opportunity to give experience-based input about the challenges and opportunities in designing and implementing social protection systems involving persons with disabilities. This input will help the Special Rapporteur decide the direction and content of the report.

To maximize discussion, the meeting will have a round table format. Each session will be introduced by brief opening remarks or informal presentations of fewer than ten minutes that will initiate debate. The primary aim will be to gather your views and recommendations on the key issues that the Special Rapporteur's report should include, including recommendations to states. To facilitate the discussion, we have identified some of the questions we would like the meeting to address. These are indicative and should not prevent you from raising different issues.