MONITORING HUMAN RIGHTS: A HOLISTIC APPROACH

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INTRODUCTION

Human rights are commonly understood as being those rights which are inherent to all human beings. Human rights apply equally to all peoples around the world, regardless of whom they are and where they live. They set up common minimum standards protected by international law. The modern concept of human rights, as recognized in the Vienna Declaration and Programme of Action further acknowledges that human rights are “indivisible and interdependent and interrelated.” Indeed, all human rights are of equal importance and all are equally essential for the dignity and worth of the person. In other words, no right can be really achieved if all the others are not similarly guaranteed.

Under international law, governments are obliged to provide human rights protection to all, but particularly to those who are the most vulnerable: women, children and minorities, including persons with disabilities. The international community, consisting not only of governments but also intergovernmental organizations, transnational corporations and the global civil society, is also called upon in its responsibility to promote and protect human rights and fundamental freedoms all over the world.

While it is important to formally establish “all rights to all peoples,” it is critical to ensure that every person is actually able to enjoy fundamental human rights. Some individuals in contemporary societies are less likely to be afforded ways to enjoy rights equally. Persons with disabilities, in particular, have historically been a disadvantaged group. In their daily lives many disabled people have faced (and continue to experience) marginalization, powerlessness, violence and harassment, and other forms of social oppression. Their bodily differences,

perceived as abnormalities and deficiencies, have set them apart as a distinct group in society, justifying and legitimizing their exclusionary and oppressive treatment.³ Despite being included in theory in the dispositions of existing human rights instruments, in practice people with disabilities have been denied the rights and fundamental freedoms enjoyed by all others. However, evidence on rights abuses and violations against disabled people has not been systematically gathered. Indeed, most approaches to document the lives of disabled people continue to rely on traditional, medically informed views of disability, and therefore emphasize their needs rather than rights. We need new methodologies of research, analysis, and reporting that are consistent with a human rights framework in the field of disability. Such methodologies are found in disability rights monitoring models.

In this chapter, I outline what is involved in disability rights monitoring and argue that this approach is crucial to advance the human rights of people with disabilities. I describe the monitoring system that has been developed by Disability Rights Promotion International (D.R.P.I.), an international project dedicated to monitoring disability rights worldwide, and provide examples from country pilot projects to illustrate the strands and outcomes of this initiative. First, however, I discuss how shifting understandings of disability have provided the fundamental basis for the emergence and development of disability rights monitoring models. In the context of the recently adopted UN Convention on the Rights of Persons with Disabilities (CRPD or Disability Convention), the chapter concludes with remarks about the potential uses and impacts of rights monitoring approaches.

FROM WELFARE TO RIGHTS – A “PARADIGM” SHIFT IN APPROACHES TO DISABILITY

The subordination and social oppression of disabled people briefly characterized above is better described by the individual model of disability, which until recently has dominated society and state responses to those with disabilities. Focusing solely on the individual deficits and “abnormalities” this approach has contributed to problematize the disabled person and turned disability into a private, personal issue.⁴