



**Oral statement by Ms. Mariclaire Acosta
Member of the Board of Trustees of the Voluntary Fund for Technical
Cooperation in the Field of Human Rights (VFTC)¹**

26th Session of the Human Rights Council
Panel discussion on Technical Cooperation and the Rights of Persons with Disabilities
Item 10
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**President, Deputy High Commissioner,
Excellencies;
Distinguished panel members and participants,**

I would like to thank you on behalf of the Chair of the Board of Trustees² and to express our deep appreciation for the action taken by His Excellency Ambassador Thani Thongphakdi, ensuring alignment this year of the annual panel discussion with the Item 10 on technical cooperation in the agenda of the Council. We hope that this alignment continues in the future.

The theme of the panel discussion today has led the Board to reflect on the role of effective technical cooperation in ensuring better protection and promotion of the human rights of persons with disabilities. This area has seen a significant increase in demand for technical cooperation and advisory services, not only for supporting States in their obligations regarding the Convention on the Rights of Persons with Disabilities but also for the effective implementation of the CRPD on the ground.

The rapidly growing number of ratifications has certainly led to increased demand for assistance from OHCHR and from the Voluntary Fund for Technical Cooperation for assistance in reviewing the compliance of national legislation and policies with the CRPD, and for supporting appropriate national implementation and monitoring mechanisms. The Board, during its visits to OHCHR Field Presences, has availed itself of the opportunity to observe how such support is being provided on the

¹ In relation to the presentation of the Annual Report of the Chairperson of the Board of Trustees of the United Nations Voluntary Fund for Technical Cooperation in the Field of Human Rights, A/HRC/26/51 of 24 June 2014 at the Palais des Nations, Geneva, Switzerland.

² The Board's Chairpersonship rotates annually among its members. Ms. Acosta will take over the responsibility from Mr. Sidoti (current Chair) at the end of the month following the decision of the Board during its last session in Mexico City.



ground and to discuss challenges and opportunities with a variety of stakeholders. We are therefore grateful for the opportunity to contribute to and share some reflections with the Council in this panel discussion.

Distinguished participants,

Effective technical cooperation in the field of human rights should contribute to the enjoyment of human rights for all sections of the population, including persons with disabilities, and aim to focus on specific strategies to address specific demands for the full enjoyment of rights. The shift from a charity and welfare based approach to a rights based approach in this context is essential for achieving sustainable results.

The Board has observed that, when the three main foundational principles guiding the United Nations Common Understanding on the Human Rights Based Approach, namely participation, non-discrimination and accountability and the rule of law, are applied throughout the entire process, the opportunities for achieving tangible results are significantly higher. When these three principles are integrated in the design, implementation and evaluation of technical cooperation programmes, the enjoyment of human rights by vulnerable groups, including persons with disabilities, becomes more possible. Indeed these principles lie at the heart of the CRPD. Implementation of the CRPD is impossible without them.

Establishing or strengthening national frameworks and institutions to adequately ensure the enjoyment of human rights is a key component of any technical cooperation programme. It is as important for persons with disabilities as for other disadvantaged and marginalised groups of people. In this context, it is critical that challenges faced by persons with disabilities are specifically included in national human rights plans, in the work of national human rights institutions and in mechanisms to ensure access to justice. The human rights concerns of persons with disabilities should be addressed by mainstream human rights frameworks, mechanisms and institutions but, if mainstream frameworks, mechanisms and institutions fail to address their needs effectively for the full enjoyment of their rights, then specific frameworks and institutions (specialized bodies) will be required for persons with disabilities.



Let me describe a few examples of specific technical cooperation efforts being undertaken by field presences receiving support from the Fund which could be of interest to animate the discussions today.

In Niger, joint technical cooperation activities with the Office and UNDP focus on ensuring improved understanding among the general public of the national, regional and international norms protecting the rights of persons with disabilities. The collective of organizations defending the rights of persons with disabilities and the Niger Federation of Persons with Disabilities held awareness-raising activities on the rights of persons with disabilities, with support and in partnership with the Human Rights Adviser to the UNCT in the country and the Ministry of Justice, with funding from UNDP.

In Sudan, specific attention has been brought to the situation of children with disabilities, with efforts aimed at contributing to the creation of a safe, accessible and appropriate academic environment that promotes and respects the rights of children with disabilities.

In Sierra Leone, technical support in drafting or reviewing policy and legislation as well as in establishing specific bodies for the protection of the rights of persons with disabilities was provided through the Human Rights Component of the UN Integrated Mission in Sierra Leone. These activities are now being followed-up and supported by the current Human Rights Adviser deployed to the UNCT. The disabilities Act constitutes an important step towards elimination of discrimination against persons with disabilities and the facilitation of their participation and inclusion in society.

In Uganda, the Office jointly with specialized civil society organizations provided technical support to the Ministry of Health for the review of the Mental Health Treatment Act for compliance with existing international human rights standards.

In Paraguay, an inter-institutional mechanism to follow-up on the recommendations of the human rights mechanisms including the Committee on the Rights of Persons with Disabilities has been established with support from the Human



Rights Adviser. Assistance is also being provided to the National Secretariat for the Human Rights of People with Disabilities (SENADIS) in the design of a human rights based policy on disabilities and in the development of indicators to assess progress in the enjoyment of these rights.

Similar efforts are also being supported in Honduras, for example to the Ministry of Internal Affairs and Population in the drafting of a National Policy Strategic Plan.

Experience over recent years has also shown the critical importance of adequately integrating the disability perspective while elaborating national development plans. For example, OHCHR has been working with authorities in the State of Palestine in producing a guidance document on the integration of human rights in Palestinian Development Plans. The guidance document outlines concrete targets and interventions ensuring the rights of persons with disabilities, including the right to education, social security and work.

Experience in providing support on the actual implementation of the provisions of the Convention reveals that, to deal thoroughly with its technical complexities, multifaceted expertise and partnerships are required.

In Moldova, for example, the Human Rights Adviser provided support to the government and civil society counterparts in developing a Law on Social Inclusion of Persons with Disabilities, which, for the first time, sets out rights to equal legal capacity and reasonable accommodation for persons with disabilities. Technical support is also being provided to various national counterparts including key ministries for the review of domestic legislation and policies under Article 12 of the Convention, which requires states parties to move from substituted decision-making to assisted decision making systems.

In Papua New Guinea, OHCHR provides technical support to the Department of Community Development and other relevant governmental bodies on the implementation and domestication of the Convention.

Palestine**should be understood in compliance with United Nations General Assembly resolution 67/19



The Board appreciates the role that OHCHR Regional Offices have played developing and strengthening their expertise in this area of work and providing guidance to other OHCHR presences which receive support from the Fund. In Europe, the OHCHR Regional Office in Brussels has been a pioneer in identifying common ground between the Convention on the Rights of Persons with Disabilities and the Convention on the Rights of the Child – namely the issue of independent living for persons with disabilities and the issue of alternative care of children. Through this initiative, the Office contributed to important policy changes at the level of European Union including policy documents guiding the use of European Union Structural Funds and its regulations. Strengthening the technical capacities of the OHCHR regional offices in this critical area of expertise with regular budget allocation could have important beneficial effects on other offices and in individual States..

Distinguished participants,

The Board is committed to ensuring that VFTC funds contribute to the empowerment of persons with disabilities. Therefore we expect those field presences receiving support from the Fund to have a specific focus on the human rights needs of persons with disabilities. The Board will continue to allocate funds to encourage ratification of the CRPD; assist States and civil society to develop and submit periodic country reports to human rights mechanisms including treaty bodies and UPR on the implementation of the Convention and to provide advice to all relevant actors on the effective implementation of the Convention. The Board will continue encouraging systematization and sharing of good practices as well as the development of and support to specific projects addressing the full enjoyment of the human rights of persons with disabilities.

I would like to reiterate the Board's commitment to an increased interaction with the Human Rights Council in encouraging a deeper understanding of the effective technical cooperation required from States and international agencies.

I thank you.

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