



A Human Future

VOLUME 10 ■ NUMBER 4 ■ WINTER 2011

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Steven Estey has written and spoken widely on disability as a human rights issue, including to the United Nations and Canadian parliamentary committees, and he has worked with NGOs, governments and multilateral agencies around the world for over two decades to advance the situation of people with disabilities. He chairs the International Development Committee of the Council of Canadians with Disabilities and works as a private consultant. He lives in Nova Scotia with his wife and son.

Overcoming Invisibility

An Interview with Steven Estey on the United Nations Convention on the Rights of Persons with Disabilities

In his capacity as a member of the Canadian delegation to the Ad Hoc Committee which drafted the United Nations Convention on the Rights of People with Disabilities (CRPD), Steven Estey enabled Canada to contribute very significantly to the Convention. Canada ratified the Convention on March 11, 2010. This interview looks at the promise of this ground-breaking document and invites us to help make it known.
— Beth Porter, ed.

Beth Porter: After the Convention was ratified, a committee of experts was created. Please speak about the work of this CRPD Committee.

Steve Estey: When a country ratifies a Convention they are obliged, within two years, to submit an initial report on how they are meeting their obligations under that Convention. The Committee is established by the Convention to review the reports—a multi-stage process. The Committee's "concluding observations" are not legally binding but carry significant moral authority. The Convention has been ratified by 85 countries, so there's a huge backlog of work. This is typical at the beginning for UN Human Rights committees, but also all the committees face enormous

I think that invisibility is the biggest barrier to participation.

challenges to working effectively given the resources they have.

How is Canada doing in terms of implementation of the Convention?

I think of the work of the CRPD in terms of decades, not of a few years. Social change is not something that happens overnight. But look at the situation of women in society today! A hundred years ago, women didn't vote, didn't work, didn't go out unescorted. In the late 1970s, the Women's Convention was ratified and there are vast changes in the way that women today engage in society. I think that the Women's Convention has been both the cause and effect of this. The CRPD will be the same.

We're in the very early days of implementation. I am not aware of cities or provinces yet that are seriously working on implementation. I was at a meeting in

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Winnipeg last March with ministers responsible for provincial disability issues. They had a useful day-long discussion, but it made clear for me that there's a long way to go in terms of getting the Convention into the psyche of the politicians and the bureaucrats who are ultimately responsible for disability policy and programming. When Canada decided to sign the Convention, the federal government negotiated on behalf of the country. There was only a little discussion with the provinces and there was no base of engagement. I think that the reporting process I mentioned earlier will be a key to forming this base. Because the Canadian government is responsible to file a report on how it's meeting its obligations under the Convention and our first report is due in Geneva in April of 2012, provincial and territorial governments are beginning to talk about the Convention.

I think the Convention is extraordinarily useful because of its breadth and because it offers a way to frame a discussion in positive rather than negative terms: "This is how we can do things," instead of "This is how things don't happen." This is a much more powerful and invigorating way to have a discussion. Historically, disability advocates have always talked about exclusion, about rights denied and lack of opportunity to participate. We as disability advocates also need to begin to use the language of the Convention in our discussions with politicians and community leaders. We need to refer to the articles of the Convention that pertain to what we're talking about. If we're talking about institutions, then Article 19 on the right to live in the community. If political engagement, Article 29. If equality before the law, Article 12.

We need to be beginning to use the language of the Convention in our day-to-day discussions.

Some Excerpts from the Convention

Article 9 – Accessibility

To enable persons with disabilities to live independently and participate fully in all aspects of life, States Parties shall take appropriate measures to ensure to persons with disabilities access, on an equal basis with others, to the physical environment, to transportation, to information and communications....

Article 19 – Living Independently and being included in the community

States Parties to this Convention recognize the equal right of all persons with disabilities to live in the community, with choices equal to others, and shall take effective and appropriate measures to facilitate full enjoyment by persons with disabilities of this right and their full inclusion and participation in the community, including by ensuring that:

- a. Persons with disabilities have the opportunity to choose their place of residence....
- b. Persons with disabilities have access to a range of in-home, residential and other community support services, including personal assistance necessary to support living and inclusion in the community, and to prevent isolation or segregation from the community.
- c. Community services and facilities for the general population are available on an equal basis to persons with disabilities and are responsive to their needs.

Article 24 – Education

...States Parties shall ensure an inclusive education system at all levels and life long learning...

What are the main attitudinal barriers to people with disabilities being able to participate fully in society?

This varies depending on your disability. I'm a person who is deaf. Participation is a challenge for me because of communication. I have lots to say if I can find a way to communicate with people. In terms of the overall



challenges to participation, a lot of it has to do with the expectation on the part of individuals and society in general, that people with disabilities don't have a lot to say. They often tend to remain on the sidelines because of their historical experience of not being asked their opinion. You get tired of having to force your voice into the discussion. I think that invisibility is the biggest barrier to participation. It's a barrier to participation in the UN Treaty system, to participation in small-town Nova Scotia or in Toronto, and in the daily lives of every one of the one billion disabled people on the planet, myself included. People just don't think about us if they don't come face to face with disability themselves. It's very easy to sweep it aside. I don't bear ill-will and I don't sense that there's ill-will on the part of society. There just is no reciprocal relationship.

The way the Convention came about is a great metaphor for this: for thirty years disabled people around the world were saying, Hey, we need a Convention that talks about our rights. The UN said, No you don't. You're covered by all the other Conventions—on women, economic, social, cultural rights... Disabled people were saying, If so, where are

we in the reporting process? How are we being talked to and about? In the late 1990s, a study of Convention reports from nearly 200 countries found that almost none of these reports made any reference to disability. So, yes, disabled people have the same rights but they are effectively invisible in that system.

How can we raise the consciousness of society about this problem?

Article 8 of the Convention is actually about awareness-raising. This happens by interaction. I do a lot of this, speaking about the Convention to groups. I try to get people talking about it. I am encouraging Rick Hansen to talk about the Convention at a big conference in Vancouver next May because the media attention could help get the Convention into people's thinking. I met with the L'Arche board of directors last year as part of the public education I do. L'Arche can help change society. The Harvard Project on Disabilities has created a series of materials specifically for people with intellectual disabilities. If people with intellectual disabilities speak up about the Convention, talking about the human side, about their lives and rights as people with disabilities, that's powerful!

Lots of my work is international, and I think that



Rebecca Beayni

Rebecca Beayni leads an active life in the arts and in community service. Together with some friends and family members she travelled to New York City to present her story in the form of a short video to the United Nations caucus developing the Convention on Rights for Persons with Disabilities. Her presentation influenced others' perceptions of the needs, rights and contributions of people who have disabilities such as she has. Rebecca often performs as a member of a dance troupe that includes other people who have intellectual and physical disabilities, and she is a frequent presenter to school children. Rebecca's story is influencing policies around power of attorney and guardianship in Canada. Together with the Canadian Association for Community Living and other organizations, Rebecca and her family are encouraging a policy of "supported decision making" that includes the person with a disability. Rebecca's website is: www.rebeccabeayni.com

Rebecca Beayni in front of the United Nations building, New York City



the Convention takes on a more profound level of urgency when you look beyond Canada. Yes, Canada has problems, but the reality of disabled people in developing countries is much less tenable. L'Arche is active in so many countries around the world. I have visited India, and I know about L'Arche there. The situation of disabled people in India is so vastly different than it is here. Part of the beauty of the Convention is that it opens doors to discussions in places where people with disabilities are beggars on the street and that's the best that they could ever hope for. We need to get beyond the stereotypes everywhere; we need to see people for who they are.

How does the Convention address stereotyping?

For me, the Convention is all about respect, and this means getting past the stereotypes. There is probably a stereotypical image of some people with intellectual disabilities as being happy, but people with intellectual disabilities may be happy sometimes and may be frustrated and pissed off sometimes. Friends who use wheelchairs tell me people shout at them because they think they can't hear. The Convention is about realizing that disabled people are exactly the same as able-bodied people. We have a certain characteristic, be it Down Syndrome, deafness, blindness, whatever, but it's just a characteristic and makes me no less human. It's about respect and participation and being totally involved in society, and it's about the fact that there are a billion disabled people, according to the UN, and they have just as much right to participate in society, to go to church, to go to school, to have a job, as does

everybody else. I think we are in a time in our society where we're beginning to realize that. The Convention is a real marker for this awareness. ■

For Your Information

Links

- [United Nations Convention on the Rights of Persons with Disabilities](#)
 - [Toolkit for the implementation of the CRPD](#)
 - [UN Enable](#)
 - [Harvard resource: This resource in Plain Language teaches people with intellectual disabilities about the Convention and gives them a toolkit to become self-advocates.](#)
 - [Council of Canadians with Disabilities](#)
 - [Council of Canadians with Disabilities and the CRPD](#)
 - [Disability Rights Promotion International \(DRPI\)](#)
 - [Link to the Canada site of DRPI](#)
 - [Equitas International Centre for Human Rights Education](#)
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- [New book to watch for, to be published by Fernwood in February, 2012: *About Canada: Disability Rights*, by Deborah Stienstra, professor of disability studies at the University of Manitoba. ISBN 9781552664629 \[pb\].](#)
 – *“Stienstra contends that achieving disability rights is possible... through universal design, disability supports, social and economic supports and belonging—in short, through foundational social transformation of Canadian society.”*

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The L'Arche movement was founded by Jean Vanier, in France in 1964. Today there are 137 communities of L'Arche on six continents, 29 in Canada. In L'Arche, people with intellectual disabilities and those who come to assist them share life together.

A Human Future is offered as a contribution to the Canadian conversation about values and the fostering of a society where everyone belongs and can make a contribution.