

Monitoring the UN Convention on the Rights of Persons with Disability

Washington Group on Disability Statistics (WG)

The UN Convention on the Rights of Persons with Disabilities¹ (date of enforcement 3 May 2008) represents an international milestone by acknowledging the shift in attitudes and approaches to persons with disabilities that have been evolving over the past few decades. The Convention recognizes that disability results from the interaction between persons with impairments and the barriers (both attitudinal and environmental) that hinder their full and effective participation in society on an equal basis with others.

The Convention is intended as a human rights instrument with an explicit social development dimension. It recognizes the broad diversity among persons with disabilities and reaffirms that all persons with all types of disabilities should enjoy all human rights and fundamental freedoms. More specifically, included among the Convention's general principles are full and effective participation and inclusion in society, non-discrimination, accessibility and equality of opportunity for people with disabilities. The full text of the UN Convention on the Rights of Person's with Disabilities can be accessed at: <http://www.un.org/disabilities/documents/convention/convoptprot-e.pdf>.

The Washington Group on Disability Statistics (WG) is a United Nations (UN) City Group commissioned to improve the quality and international comparability of disability measurement in Censuses and surveys. Following that mandate, the WG has recently developed, tested and adopted a short set of questions on disability primarily for use on national Censuses and has embarked upon the task of developing extended measures of disability intended for use on surveys and survey modules.

Applicability of the Washington Group Questions to the UN Convention

The UN Convention acknowledges that disability represents a complex process and is not a single, static state. The WG chose to develop questions that would address a specific aspect of the disablement process, the issue of whether persons with disability participate to the same extent as persons without disabilities in activities such as education, employment or family/civic life, in other words, the equalization of opportunities; which, as mentioned above, is one of the general principles listed in Article 3 of the Convention and the focus of Article 5 (Equality and Non-discrimination). It is also particularly relevant to the collection of data for policy purposes outlined in Article 31 (Statistics and data collection) and will facilitate the monitoring of participation in cultural life, leisure, and recreation (Article 30), and work & employment (Article 27).

¹ United Nations Enable: Rights and Dignity of Persons with Disability, <http://www.un.org/disabilities/>

How to Use the WG Questions to Monitor the UN Convention

In order to address the equalization of opportunities for persons with disabilities it is necessary to identify persons who are at greater risk than the general population of experiencing limited participation in society. The recommended short set of questions will identify the **majority** of the population with difficulties in functioning in basic actions; difficulties that have the **potential** to limit independent living or social integration if appropriate accommodation is not made.

This indicator, coupled with other information collected through the Census or survey on complex activities, for example, employment, education, or family & social life, can then be used to compare the levels of participation in these complex activities between those with disability (as measured by difficulty in performing basic actions) and those without – and thereby assess equitable access to opportunities as mandated by the UN Convention. For example, data on difficulty in performing basic actions can be cross-classified with a measure of employment to identify the proportion of persons with and without disability who are employed. This is an assessment of the equality of employment opportunities. If policy interventions are initiated to enhance workplace accommodations, the effect on employment of persons with disability can be determined. In addition to employment, it will be important to collect data on a variety of forms of participation, such as education, housing, transportation, social and health services, in addition to aspects of family, cultural and social life. From a theoretical perspective, if opportunities have been optimized then participation should be equal between persons with and without disability. A trend analysis would also show improvements among those with disabilities over a period of time.

In addition to the short set, and given the determination of disability, further information could be collected on the mechanisms that facilitate or impede participation in complex activities, such as environmental and attitudinal barriers to equitable access.

Environmental barriers or facilitators can exist on several levels:

- **Micro-environment:** defined in terms of personal and technical assistance (that which follows the person wherever they go, for example wheelchair, glasses, or personal attendant)
- **Meso-environment:** refers to the environment beyond the person (accessibility is facilitated or hindered based on, for example, transportation infrastructure, service provision at the local level, or attitudes of others)
- **Macro-environment:** refers to affects on a regional, societal or national scale, such as policies, legislation, or general societal attitudes and practices

The WG Short Set of Questions on Disability for Censuses

The WG short set of questions was developed according to the Fundamental Principles of Official Statistics² and is consistent with the World Health Organization's International

² See *Statistical Commission, Report on the Special Session (11-15 April 1994)*, Economic and Social Council, Official Records, 1994, Supplement No.9, Series No. E/CN.3/1994/18, United Nations, New York, 1994, para.59.

Classification of Functioning, Disability, and Health (ICF³). These questions were developed for administration using Census methodology and testing has shown that they produce internationally comparable data.

The questions cover six core functional domains or basic actions: seeing, hearing, walking, cognition, self care, and communication. The short question set reads as follows:

The next questions ask about difficulties you may have doing certain activities because of a HEALTH PROBLEM.

1. Do you have difficulty seeing, even if wearing glasses?⁴
2. Do you have difficulty hearing, even if using a hearing aid?⁴
3. Do you have difficulty walking or climbing steps?
4. Do you have difficulty remembering or concentrating?
5. Do you have difficulty (with self-care such as) washing all over or dressing?
6. Using your usual (customary) language, do you have difficulty communicating, (for example understanding or being understood by others)?

Each question has four response categories: (1) No, no difficulty, (2) Yes, some difficulty, (3) Yes, a lot of difficulty and (4) Cannot do it at all. The severity scale is used in the response categories in order to capture the full spectrum of difficulty in functioning from mild to severe.

The focus on measuring functioning in core domains is in contrast to approaches that are based on impairments or deviations or loss in various bodily structures. A more detailed discussion of the conceptual framework and data collection objectives of the WG can be found in the Washington Group Position Paper: Proposed Purpose of an Internationally Comparable General Disability Measure (WG3.6), available online at: http://www.cdc.gov/nchs/washington_group/wg_meeting3.htm#papers.

Standardized Approach to Monitoring the Convention

Ratification and endorsement of the UN Convention on the Rights of Persons with Disability are the initial steps to establishing awareness and compliance at the national level. The United Nations has also requested that means be sought to develop a set of indicators intended to monitor the implementation of the Convention. This proposal falls within the scope of activities of the Washington Group on Disability Statistics (WG). The same tools (short set and extended questions) developed as measures of equalization of opportunity under the aegis of the WG would service equally to monitor the UN Convention.

The WG short set of six questions, when incorporated in Censuses or surveys, can provide baseline information that can fulfill the requirements for monitoring. Efforts are

³ *International Classification of Functioning, Disability and Health* (World Health Organization, Geneva, 2001)

⁴ The inclusion of assistive devices was considered for two domains only, seeing and hearing, as limitations in these domains can often be overcome with the use of glasses or hearing aids.

also underway to expand upon the short set by incorporating additional domains of functioning both in terms of basic actions (upper body, learning, and affect); and developing standardized complex activity domains (getting along with others, major life activities like employment and education, and participation in society). In addition more detailed information is sought on the impact of environmental factors at all levels (micro, meso, and macro), as well as other allied information on age at onset, duration, impact and cause of basic action/complex activity limitations.

By standardizing these questions it will be possible to provide comparable data cross-nationally for populations living in a variety of cultures with varying economic resources; comparable data that can be used to assess a country's compliance with the UN Convention and, over time, their improvement in meeting the requirements set out under the Convention. To this end, the current set of six questions can provide crucial information necessary to the task of monitoring the Convention.

Summary

We are proposing that the assessment of equalization of opportunity, employing general disability measures developed by the WG, is a suitable and meaningful approach to monitoring the UN Convention on the Rights of Persons with Disabilities. Equalization of opportunities was chosen as the guiding purpose in the development of the WG approach to measuring disability and it meets the criteria of relevance and feasibility of implementation internationally. It is important to recognize that the general disability measure developed by the WG to assess equalization of opportunities may not suit other purposes, nor will it provide a comprehensive assessment of disability.

However, by coupling responses to questions that focus on one's ability to function in basic actions with information collected on the complex activity limitations, in particular access to employment and education, involvement in family and cultural life, it will be possible to assess the degree to which people with disabilities are afforded the same rights and access as people without disabilities.