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## Research Guide



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**Agenda A : Protection of children in armed conflict areas (Six Grave Violation).****0. Committee Introduction**

The Third Committee of the United Nations General Assembly is the subordinate term for the UN General Assembly (UNGA). To begin with, UN General Assembly exercises a pivotal role in the UN and is one of the six principal organs created by UN charter. Consisted of 193 Member States of the United Nations, nations establish a forum where they cooperate and coordinate to solve the associated problems and draft resolutions accordingly. The UNGA fractionalizes its tasks into six main committees, each consisting of most disputed issues. The Third Committee was officially designated to focus on Social, Humanitarian and Cultural aspects. Although 'human rights' arena is not included in such terminology, human rights issues took a dominant proportion in this committee. Notably, it focuses on areas where reformations are urgently needed such as the gender equality, the empowerment of women, protection of children, indigenous issues and the treatment of refugees. The Committee also focalizes on critical social development arena that includes but are not limited to; youth, family, ageing, persons with disabilities, crime prevention, criminal justice and drug control. Ultimately, it pursues to achieve the promotion of fundamental freedoms, full dignity, and full respect of the right of self-determination.

**1. Background**

During conflict situations, when social systems break down, children are the most vulnerable and are likely to be targeted by armed forces and groups. The United Nations became conscious of this problem, and established the 'Special Representative for Children and Armed Conflict' in 1996. Along with this United Nations affiliated organization, the Security Council established a Monitoring and Reporting Mechanism (MRM) to monitor, document and report the situations of how children are treated in conflict areas in 2005.

The number of children living in conflict zones increased since the end of the cold war. The number increased until it reached 200 million in the early and mid-1990s. By the mid-1990s, the global society started paying attention to the seriousness of the problem, and discussions regarding the matter was conducted lively.

In armed conflicts, children's basic rights are infringed in various ways. More than 21,000 children were recruited by the government forces and non-state armed groups, over 10,000 children were killed or maimed, and over 900 cases of rape and other forms of sexual violence against boys and girls in the year 2017 alone.

For a concrete example, in Somalia, due to a civil war between the Somali government and the Al-Shabaab, a total of 931 children were killed and maimed, more than 2,000 soldiers were recruited, sexual violence affected 330 girls and 1 boy, attacks on 64 schools were verified, and 10 attacks on hospitals, and denial of humanitarian access also increased, as 37 cases has been identified.

Another example can be found in South Sudan. Fighting between the Sudan People's Liberation Army (SPLA) and its allies against the pro-Machar Sudan People's Liberation Army in Opposition (SPLA-IO) has been going on for more than 5 years. During the conflict, the United Nations identified 140 cases of recruitment and use of children, affecting 1,221 children, including 164 girls. Also, 54 cases of killing and maiming, sexual violence affecting 55 girls, attacks on 26 schools and 24 hospitals.

As you see on the examples, those children who currently live in conflict area have suffered human rights violations such as not only forced draft, labor, but also sexual violence. In addition, they are not allowed to get proper education because of the crisis situation in the nation. Children, who have to be protected on the preferential basis, are not properly protected (not even their safety). That is why International Organizations such as the United Nations, started to discuss regarding the issue, and take



actions on conflict zones.

The first debate regarding the problem of children and armed conflicts was held in 1998, in the UN Security Council. A year after the debate, the first resolution (Security Council Resolution 1261) on children and armed conflict was adopted. The resolution included the identification and condemnation of six grave violations against children in times of conflict.

## 2. Major Issues

### Database

Many endeavors have been made to establish databases to analyze the violations in children's rights by the United Nations, its' affiliated organizations and NGOs. The databases serve a role in realizing the adequate actions that should be done in order to protect children in conflict areas. An example of this database can be children Monitoring and Reporting Mechanism (MRM) has been established by the United Nations. However, despite those efforts, areas with insufficient data exists, due to severe conflicts making it hard to collect information. Concrete databases should be made even in areas with extreme conditions to realize the adequate aid for the children in conflicts.

### Humanitarian rights violation

Children's rights are the most vulnerable in conflict areas. They are likely to be fringed by the armed forces. In 2016, about 357 million children were affected by conflicts. Because the matter of violation in children's rights had significant importance, the United Nations adopted a resolution on children and armed conflict, and condemned the six grave violations. The six grave violations include, killing or maiming of children; recruitment or use of children; rape and other forms of sexual violence against children, abduction of children, attacks against schools or hospitals, and denial of humanitarian access to children. Although the United Nations and its affiliated organizations put numerous efforts in resolving the grave violations, still 357 million children in 52 countries remain exposed to violence. The most serious problem lies in this. Despite the efforts made, the number of children exposed to violence is not heading down.

### Rehabilitation of child soldiers

The United Nations has introduced the Disarmament, demobilization and reintegration (DDR) process in 2006, which includes strategies in executing reintegration of children who were recruited by armed forces. Rehabilitation programs are being executed in areas where child soldiers are used. The programs target children who has been set free or ran away from the armed forces. However, although many organizations provide rehabilitation programs, there still are numerous number of children in the dead zone not receiving those programs. It is important to find a solution to this problem, as children who does not receive rehabilitation programs are likely to have hardships rejoining the society and are likely to be again recruited to the armed forces.

### Funding

The United Nations is bearing hardships, as funding for the children in conflict areas are in shortfall. This directly affect the aids provided to the children in conflict areas, which makes it hard for the United Nations and other NGOs to provide adequate protection. In 2017, the UNICEF mentioned the funding shortfalls that are threatening education for children in conflict and disaster areas. By 2017 July, only \$115 million out of \$932 million was raised for providing education in 2018. Since a large portion of United Nations' operations for children protection relies on funding, a means in raising funds must be found.



### 3. Previous Actions

The most astounding fact of children in armed conflicts is that the children are not considered as ‘bystander’s, but as the very ‘targets’ during wartime. During such era, children who are yet full-fledged to have self-determination and who are in need of parental supports, are constantly being subjected to violence and rape. This is because the absence of family unions leads them to suffer from poverty, and thus, leading to severe marginalization and exploitation. Thus, international society have cooperated to provide safety nets for children. Also, since six grave violations are most prominent from countries that are in a civil war or that are dominated by fraction of power groups that are illegitimate, they lack the strong institutional and legal framework, not to mention opaque information provided that conceals the violations. Therefore, international society have strived to recognize the grave violations from each country throughout numerous international agreements and field research.

The ‘Committee on the Rights of the Child’ in 1993 was the initiative to proceed the agenda, of which UNGA expressed concerns about ‘The grievous deterioration in the situation of children in many parts of the world as a result of armed conflicts’. Acknowledging the complexity of the problem, the Secretary-General had nominated Graca Machel, Mozambique’s Minister for Education that fights for the protection of Children’s rights, as an expertise to thoroughly investigate on the plight of children during armed conflicts, not to mention the analysis on child soldiers. Graca Machel’s Report on “The Impact of Armed Conflict on Children” was finalized in 1996. It raised awareness to the international society on the deliberate victimization of children, especially those of whom are impoverished and hold marginalized backgrounds such as the absence of companions. Recognizing the significance of the report, General Assembly adopted it in Resolution 51/77. However, merely ‘recognizing’ the problem is insufficient to fundamentally solve the issue. Thus, UNGA requested to appoint a Special Representative for Children and Armed Conflict in 1996 under the purpose of effectively monitoring each nation’s actions and gathering information about children’s problem.

Along with the active role of UNGA, UN Security Council has also largely contributed to the promotion of the rights of the children in armed conflicts. To begin with, UNSC has adopted its Resolution 1261 in 1999 that identified six grave violations on children. After several revisions, process, UNSC had contrived practical and effective action plans to call an end to halt the recruitment of children. Accordingly, ‘Monitoring and Reporting Mechanisms (MRM)’ on grave violations were created to monitor and document the violations on country-specific methods. The activation on the actualization of measures were pursued through annual report conducted by the Security Council Working group on Children and Armed Conflict. It plays a pivotal role in reviewing country reports from MRM and in making recommendation to better protect children. Currently, UNSC initiated “Children, Not Soldiers” campaign that specified four action plans as followed

- a. Issue military command orders prohibiting the recruitment and use of children
- b. Release all children identified in the ranks of security forces
- c. Ensure children’s reintegration into civilian life
- d. Criminalize the recruitment and use of children
- e. Integrate age-verification mechanisms in recruitment procedures.

To conclude, the UNGA and UNSC had contributed largely to construct the Action Plans on solving the six violations on children in armed conflicts. However, the countries ought to acknowledge the fact that the war is ongoing. Thus, thorough investigation and periodic reports as well as its actualization measures ought to be developed in depth. Ultimately, international humanitarian law, international human rights law must be respected, special regard to children who often have no means to defend themselves against abuses



#### 4. Possible Actions & Solution

As the international society highlights the importance of the issue, fundamental and practical issues that can be operated by international organizations have to be came out. Since the status quo is getting serious, not only the treaties and conventions, but “real” action has to be conducted. According to the report, those children are displaced in the area without any protection, and education. International society must call out the humanitarian aids, and fundamental protection for the children who are currently lived in armed conflict zone.

##### Measures to improve children protection

First of all, in order to ensure children’s protection, member states’ unification is inevitable. Agreements among member state who suffered with armed conflict within International Organizations’ standard. The agreements should include the elimination of illegal draft which let nations make children soldiers. Under cooperation with regional and subregional organizations, United Nations have to implement peace keeping operation on children with continuous monitoring, and reporting system by establishing shelter inside the area. The situation, however, will not be concluded until the war ends, so ceasefire conventions under UN’s mediation are must be conducted first.

##### Primary Education

Due to the war situation, children are not getting proper education, currently. Primary education, however, is the key right for children. According to the Article 26 of Universal Declaration of Human rights, *"Everyone has the right to education. Education shall be free, at least in the elementary and fundamental stages. Elementary education shall be compulsory. Technical and professional education shall be made generally available and higher education shall be equally accessible to all on the basis of merit. Education shall be directed to the full development of the human personality and to the strengthening of respect for human rights and fundamental freedoms. It shall promote understanding, tolerance and friendship among all nations, racial or religious groups, and shall further the activities of the United Nations for the maintenance of peace. Parents have a prior right to choose the kind of education that shall be given to their children."* That is, not only for the rebuilding of the nations, but also for the protection of children’s basic right, education should be given to the children even in severe situation. By cooperating with UNICEF, international society is able to make education programs inside the nation within the shelter. The overall education programmes will be made by UNICEF, and the other supports such as seeking proper labor, funds, and buildings should be operated by UN or other International organizations.

##### Funding and Humanitarian Aid

In order to implement those programs and systems, funding is needed among the donor communities. Not only food, buildings, but also other additional humanitarian aid such as medical support, long-term money supports should be accompanied. Relative organizations such as FAO, WHO can make an action to it.

#### 5. Definition of Key Terms

##### Six Grave Violations

During war, when society has broken down, children are incredibly vulnerable and are unfortunately targeted in the most sinister ways by armed forces and groups.

The UN wanted to highlight, monitor, and increase protection of children in these dire circumstances, so the 'Special Representative for Children and Armed Conflict' was created in 1996.

A few years later, the six grave violations were created, which covered the core areas of how children suffer during times of war and help raise awareness of those who are committing horrific acts against children. The six are written below:



1. Killing or maiming of children

The act of murdering or cutting limbs off children, making them disabled

2. Recruitment or use of child soldiers

The act of making children join the military and forcing them to participate in conflicts in any way, including infantry, porters, sex slaves etc.

3. Rape and other forms of sexual violence against children

The act of forcing children to become subject of rape, sexual slaves, and forcing marriage/pregnancy. Not only girls, but also boys can become subjects of sexual violence

4. Abduction of children

The act of capturing children against their will, and subjecting them to abuse and exploitation. Many children who are abducted are likely to become subjects of other grave violations.

5. Attacks against schools or hospitals.

Schools and hospitals are representative examples of places that should be protected no matter what. However, armed forces often attack those facilities and use them as military buildings.

6. Denial of humanitarian access to children

The act of denying humanitarian access to children is blocking humanitarian aid from helping those who are need help. The humanitarian aids include water, food, and basic medical supplies

**Rehabilitation**

Reintegrating children who participated in battles as child soldiers back to their families and to the society. Procedure of rehabilitating children soldiers include education, psychological, physical support programs conducted by governments, UN, and NGOs. Rehabilitation programs for child soldiers aim to provide adequate education and support programs, so they can get a job, and recover from the remaining damages of conflicts.

**6. Affiliated Document & Organizations**

1. Security council resolution 1261 (1999)

S/RES/1261

Written under the agenda of “The rights of the child”, resolution 1999 first condemned the six grave violations in conflict areas, promoted the plight of children in conflict areas, and requested international cooperation to participate in protecting children.

2. Office of the Special Representative of the Secretary-General for Children and Armed Conflict

Founded in 1997 by the General assembly, the office works to strengthen the protection of children affected by armed conflicts, raise awareness, and promote the plight of children affected by conflicts. The office also endeavors to cooperate with the international society to improve children protection. As an affiliated organization of the United Nations, the office reports annually reports to the general assembly about remaining challenges and results of yearly operations.

3. UNICEF

UNICEF is the United Nations Children’s Fund. Founded in 1946 to help the children in after-war



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Europe, UNICEF has continued to promote and protect children's rights and their wellbeing. Since UNICEF is an affiliated organization of the United Nations, UNICEF cooperates with the United Nations assemblies and other global partners

#### 4. Save the Children

Save the Children is a NGO which is active in 120 countries, working to aid every child through programs that focuses on health, education, protection and disease relief. The NGO works to aid the children in need by funding, and acknowledges the situations of children in need by conducting campaigns around the world. Also, the organization writes reports about the status quo of children in need. The reports include topics regarding children in conflicts, six grave violations.

#### 5. Children and armed conflict Report of the Secretary-General A/72/865-S/2018/465

The Children and armed conflict Report of the Secretary-General is a report which analyzes the current situation of the children related to armed conflicts. The report includes an overview situation of the world and concrete information of each country's situation of children in conflict areas.

### 7. Critical Questions to Consider

How can we raise funds to provide aids for children in need?

- How can we reduce the number of child soldiers?
- Why are the armed forces using children as assets?
- How can we reunite children separated from their family?
- How can we stop the abduction of children?
- How can we increase the rate of attending schools of children in conflict areas??

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## Agenda B : Promoting the rights of persons with disabilities and strengthening the mainstreaming of disability

### 0. Committee Introduction

The Third Committee of the United Nations General Assembly is the subordinate term for the UN General Assembly (UNGA). To begin with, UN General Assembly exercises a pivotal role in the UN and is one of the six principal organs created by UN charter. Consisted of 193 Member States of the United Nations, nations establish a forum where they cooperate and coordinate to solve the associated problems and draft resolutions accordingly. The UNGA fractionalizes its tasks into six main committees, each consisting of most disputed issues. The Third Committee was officially designated to focus on Social, Humanitarian and Cultural aspects. Although 'human rights' arena is not included in such terminology, human rights issues took a dominant proportion in this committee. Notably, it focuses on areas where reformations are urgently needed such as the gender equality, the empowerment of women, protection of children, indigenous issues and the treatment of refugees. The Committee also focalizes on critical social development arena that includes but are not limited to; youth, family, ageing, persons with disabilities, crime prevention, criminal justice and drug control. Ultimately, it pursues to achieve the promotion of fundamental freedoms, full dignity, and full respect of the right of self-determination.

### 1. Background

“Everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind, such as race, color, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.”

Quoting the Article 2 of the Universal Declaration of Human Rights, it is an undeniable fact that every human being holds the right to enjoy full dignity, and thus, are worthy of respect. The notion of freedom must not be hindered by socioeconomic factors, nor should there be classification of inferiority/superiority among the individuals. In this sense, persons with disabilities, as one of the components of the society, deserve the right to receive full respect of its dignity and freedom. However, actualization of such doctrine is doubtful. Currently, 15 percent of the world's population comprises of persons with disabilities, of which a significant portion of 80 percent lies in the developing countries. They are the world's largest minority, and are prone to marginalization and segregation within the society. Notably, they face hardships on a day-to-day basis, some even unable to wake up from the bed on their own. Thus, assistance measures on individual basis is prerequisite to reduce the gap between the disabled and non-disabled groups.

Despite of the past actions, acknowledging persons with disabilities as active members of the economic, social, political activities in the society are not yet close to a 'zero barrier'. For instance, in terms of the health care accessibility, WHO/World Bank World report on disability illustrated that half of disabled people cannot afford health care, compared to a third of non-disabled people. Putting one-dimensional 'medical care' aside, actualization of measures that support the independence of disabilities is yet to be completed. To elaborate, OECD statistical data showed that employment rate of people with disabilities were 44% whereas non-disabled people were 75%, meaning that there still exists a substantial social participation gap. Also, data from four South African countries turned out that only 26% to 55% of disabled people were receiving medical rehabilitation, while only 17% to 37% were provided the assistive devices such as wheelchairs and prostheses. The fundamental cause of such persisting gap between disabled and non-disabled lies in the stubborn negative social perception and the indifference towards disabled groups within the society.

Persons with disabilities are susceptible to the prejudice and classification of the general public that designate one as 'inferior', mostly due to the retardation of specific body functions. Consequently, they are much more exposed to the violence or rape, and are unlikely to receive individualized education and treatment. The clear consequences of such insufficient social safety net provision are the 'extreme poverty' of the persons with disabilities. However, the world must not overlook the fact that disabled people possess insights, ability



and capacity to alter and contribute to national socioeconomic development.

Moreover, the problem of persons with disabilities is correlated with the status quo. For instance, the issue of ‘ageing society’ is the most prominent cause of increasing financial burdens to the non-disabled groups that support persons with disabilities. Also, persons with disabilities themselves cannot bear an excruciating pain combined with complications such as diabetes as they age.

To conclude, disability issue is not a disparate, “their” issues, but is “our” issues that the international society ought to put much more attention on. The word “mainstreaming”, is not about the development of medical technology to ‘cure’ the disabled groups, but is about the reformation of society’s perception that must focus on accommodating and accepting the disability as one of the categories in ‘diversity’, rather than viewing them as a ‘problem’ that has to be solved. Thus, every nation is required to contrive a universal design to promote full and effective participation of disabled groups within the society, and to solve social psycho-physical barriers thereby crafting an innovative strategic plans.

## 2. Major issues

### 1) Timeline of Medical model and Social Model

The fundamental inquiry for the agenda B begins with the question of whether the concept of ‘disability’ lies within the person itself or within the social context. The treatment towards the disabilities differs according to how the society answer to such question. With regards, throughout the history, two main models have been constructed. Prior to the 1930s, disabled groups were categorized into what is called a ‘medical model’. Medical model defines disabled person merely in the aspect of illness or health condition. The logic behind is that the disabled persons are ‘socially incompetent’ because they are physically impaired. It also ignores their cognitive abilities and potential contributions to the development of the society. For instance, in 1935, Dr Alexis Carrel had won a Nobel Prize for publishing the book ‘Man the Unknown’ that insisted the removal of mentally ill through euthanasia. As such, medical model permits the arbitrary systemic control of the disabilities and justifies their exclusion from the society.

Recognizing the paternalistic features of medical model and its lack of respect on self –determination of disabilities, ‘Human rights Model’ was established with the spirit of Universal Declaration of Human Rights in 1948. It emphasizes the inalienable rights of all human beings irrespective of the disabilities. Accordingly, in 1983, ‘Social Model’ was constructed under the purpose of accommodating them as an aspect of diversity. It focuses on providing a ‘space’ for disabilities in the society, regarding the disability as the attribute of the society rather than their bodies. To put it simply, the term ‘disability’ itself is set by the language of the society. They are being ‘disabled’ once they enter into the frame of the society and constantly get exposed to physical barriers such as climbing up the stairs or a socializing with people. Thus, social model emphasizes the responsibility of the society and the breakdown of prejudice towards the persons with disabilities. However, medical model and social model are not dichotomous, but require a balanced approach of the two concepts. Therefore, countries ought to strive to contrive well-organized ‘bio-psycho-social model’.

### 2) Calling the need for the provision of aid towards developing countries

Under such purpose, solving poverty issues in the developing countries is essential. This is because the lack of resources and inadequate food provision due to low income status causes the malnutrition, ultimately leading to micronutrient deficiency as well as developmental disability. However, despite of the dire situation they face, disabled groups have been receiving limited attention from foreign aid agencies and donors. Thus, full inclusion of disabilities into the foreign aid programme and the implementation of disability-specific policies ought to be contrived.

### 3) Reformation of social perceptions on persons with disabilities: focusing on education methodology

Also, reformation of social perception into ‘accommodation’ is an essential task the nations ought to



cooperate and solve. Issues regarding equal employment opportunities is a prerequisite to 'mainstream' the disabilities, since it is directly related to the economic independence and the full respect of their dignity. In order to actualize such goal, establishing a stable yet high-quality education must be preceded. Under the education, there are dilemmas regarding whether the countries ought to pursue individualized or universal education. The principle of universal education is to blend and expose persons with disabilities into the same educational environment as the non-disabled groups. It aims to eliminate the creation of social barriers in the first place thereby constantly promoting the cooperation of disabled and non-disabled children. Meanwhile, negative social perceptions that categorize the disabilities as 'barriers', including school executives and parents, claim for the separation of educational environment. Also, due to the lack of human resource in training the primary school teachers or supplying adequate supporting devices, the actualization of 'complete' universal education is doubtful.

Thus, in order to promote the full and effective participation of the persons with disabilities, understanding the disability issues in the aspect of the aging society, poverty and gender, ought to be prioritized. One-dimensional medical cares are no longer an effective solution. Rather, the international society ought to pursue a multidimensional approach to achieve enhancement of disability's civil rights and equalization of opportunities.

### 3. Previous Actions

#### 1) General Overview

Regarding the promotion of the rights of the disabilities, previous actions are compartmentalized into international agreements, practical measures and civil rights movements. To begin with, miscellaneous international agreements were made under the purpose of recognizing disabilities as full-fledged participants in the society. In 1975, an era when disabilities started to quest for their rights around the world, Declaration on the Rights of Disabled Persons was established, followed by Declaration on the Rights of Mentally Retarded Persons in 1971.

Notwithstanding the developments, as it was an initial stage, there were loopholes in the implementation process. For instance, WHO was condemned for its biomedical approach in which it published International Classification of Impairments, Disability and handicaps(ICIDH) in 1980. Thus, the principle of "Nothing About Us Without Us" emerged, in which it emphasized the role of disabilities in implementing disability laws and policies. At the same time, United Nations Voluntary Fund on Disability was constructed. Moreover, General Assembly took a leading role in the disability issue, with the initiative of adoption of the World Program of Action Concerning Disabled Persons in 1982. This Action stressed out global strategy in preventing, rehabilitating and equalizing the opportunities of persons with disabilities. Consecutively in 1993, United nations set out Standard Rules on the Equalization of Opportunities for Persons with Disabilities. Although it was nonbinding, it provided a normative framework for governments to include disabilities on equal terms within the society.

Agreements, only when actualized, is effective and powerful. However, according to Gerard Quinn&Theresia Degener's "Human Rights and Disability: The Current Use and Future Potential of United Nations Human Rights Instruments in the Context of Disability"(2002), pointed out the limits and inactivity in the actualization of agreement, as well as incomplete enjoyment of human rights of persons with disabilities. In this sense, UN Convention on the Rights of Persons with Disabilities illustrate the specified and detailed application of Human Rights Arena in terms of persons with disabilities. It sets out obligation of states, promoting full and effective participation of persons with disabilities within the society, respecting their dignity and autonomy. Additionally, Optional Protocol grants the Committee on the Rights of Persons with Disabilities to monitor and solve disabilities' complaints of all sorts of violations of the Convention.

#### 2) Deinstitutionalized Movements



As there had been international society's movement, deinstitutionalized movements had also been active since 1980s. Civil rights Movements had effectively contributed to the modification and the enactment of disability laws. The most notable example would be The American with Disabilities Act(ADA) in 1990. It is targeted to prohibit discrimination of people with disabilities in many aspects of public life. Such movement was apparent in other countries, to name a few, Australia's Disability Discrimination Act and Sweden's "From patient to Citizen" national action plan. Australia's Disability Discrimination Act for instance, are incorporated with Human Rights and Equally Opportunity Commission which is the High Court(HREOC) of Australia. The two institutions had a significant impact on the reformation of all aspects in goods and services such as electronic banking and telecommunication. For instance, adhering to a HREOC inquiry, the banking industries were obliged to adopt industry accessibility standards on internet and phone banking and automatic teller machines. The role of DDA were acknowledged by numerous disabled groups, notably by Blind Citizens Australia, of which it stated DDA as "A mechanism to get services to change entrenched practices".

Moreover, India has been playing an active role within developing nations, in which it strives to create infrastructures. The Government of India enacted three legislations that established legal framework as followed

- a. Persons With Disability Act, 1995, mainly aims to achieve the full and effective participation of persons with disabilities
- b. National Trust for Welfare of Persons with Autism, Cerebral Palsy, Mental Retardation and Multiple Disability Act, 1999, provides legal guardianship and establishes principles that promote disabilities' independency
- c. Rehabilitation Council of India Act, 1992, focuses on enhancing the manpower for providing rehabilitation services

Followed by such legislature were the construction of infrastructures such as National Institute for Empowerment of Persons with Multiple Disabilities.

Notably, there were disability movements that called for the voting rights of the disabilities and the full accessibility to political system. Ultimately, Supreme Court passed the law that mandated all polling stations to construct ramps, engrave braille numbers by ballot buttons on Electronic Voting Machines, have separate queues for disabled people, and implement electoral staff training policy to understand and respect the needs of the disabled group. Such deinstitutionalized movements had significant impact on providing the equal opportunity for disabilities in India. Also, in the aspect of international institutionalized level, India is pertaining to several agreements, namely the Declaration on the Full Participation and Equality of People with Disabilities in the Asia Pacific Region, Biwako Millenium Framework for action towards an inclusive, barrier free and rights based society and many others.

To conclude, comprehensive analysis on both the institutionalized and deinstitutionalized movements is important to grasp the overall flow of the issues regarding persons with disabilities.

#### 4. Possible Actions & Solutions

As aforementioned above, the world already acknowledges the urgent need to solve the disability issues. Accordingly, international society has reached agreements and contrived practical measures that showed prominent results. However, the number of countries that adopt and revise the fundamentals into practical policies are small. The attributable cause of such gap is explained in the absence of universal design for disabilities and lack of stable funding system.

To begin with, the term 'disability' must be organized into a universal term that is independent of variables such as nationality, gender and age. For instance, within the *International Classification of Functioning, Disability and Heath(ICF)*, disability is recognized through full inclusion of three categories; impairments, activity restrictions and participation restrictions. Notwithstanding such principle, many countries



opt to define 'disabled' in a vague or limited manner. For instance, it includes only the 'impairment' category, implying the negligence of social discrimination the disabilities encounter within the participation restrictions category. Also, since not all 'disabled' are included, medical care systems are applied ineffectively. Such tendency is most prominent in the developing countries where the precise statistical data on the number of disabled groups are impossible to measure due to the narrowly defined range of the persons with disabilities. Along with the comprehensive definition and appropriate surveys done in countries, reducing physical barriers thereby recommending nations to construct entrance-accessible facilities within the countries is prerequisite. For instance, Brazil had integrated public transport system of which all expresses are obligated to have ramps or lifts. Also, 'parataxis vans' allow disabled people from stations to their homes.

Moreover, multi-sectoral approach under the purpose of achieving equality of opportunity and full accessibility ought to be set as the core principle in the coordination process. For further elaboration, 'Equality of opportunity' is derived from the provision of assistance services regarding physical environment, transportation, information and communication technologies to the persons with disabilities. Most importantly, nations must focus on constructing policies that promote economic independence of the persons of disabilities through rehabilitation programme. In order to accomplish the 'Full accessibility', international society must cooperate to ensure that each and every person with disabilities, regardless of the nationality, receive equal treatment. The most optimal tool to reach such goal would be through 'development aid', of which transfers the technology and provides financial assistance to build infrastructures within the developing countries. Currently, Australia, Germany, Italy, Japan, New Zealand, Norway, Sweden, the United Kingdom and the United States have taken a major role in the aid. Countries ought to cooperate to expand the range of foreign aid and contrive effective incentive system to promote the bigger contribution of the developed countries. To add, the establishment of the monitoring system that supervises the act of the beneficiaries of financial assistance is rudimentary to deter the further corruption.

Accordingly, implementation of 'Community Based Rehabilitation(CBR)' system that delivers rehabilitation services in countries with limited resources is critical. For instance, in Chamarajinager India that lacks basic sanitation facilities access, Indian government provided funding of constructing the toilet. The involvement of local non-governmental organization that assisted people with disabilities as well as their families to construct accessible toilets and organized street plays and wall paintings to raise awareness about hygiene and importance of proper sanitation, contributed immensely to the improvement of sanitary environment in that region.

Along with the 'rehabilitation', reformation of social perceptions must be actualized through full inclusion of all children with disabilities in terms of the education. There are three purposes as followed: First, in the aspect of educational purpose, inclusive education develops ways of teaching that respond to individual differences. Second, in social aspect, such education alters attitude towards those who are 'different' by education children altogether. Lastly, in the economic terms, it is less costly than setting up complex system of different types of schools in different groups. However, in practice, flexible measures within inclusive education ought to be implemented. For instance, World Federation of the Deaf calls out for using sign language during the class while World Federation of the Blind calls out for the distribution of braille books.

Last but not least, providing equal job opportunities will break circular links between disability and poverty. Recognizing the fact that the disabled groups have insight, ability and capacity to alter and contribute to socioeconomic development, countries ought to create space for disabled groups to develop their potential and to empower their abilities through education. Within such discussion, 'double-discrimination' issue is considered. The most conspicuous 'double discrimination' is the gender issue. For instance, the analysis of World Health Survey results for 51 countries gives employment rates of 52.8% for men with disability and 19.6% for women with disability, compared with 64.9% for non-disabled men, and 29.9% for non-disabled women. Thus, countries ought to cooperate to set a systemized laws and regulations, tailored interventions, vocational rehabilitation and training, self-employment and microfinance, social protection policies. Recommending the enactment of Disability Discrimination Act in all countries, especially on developing countries, where they lack stubborn legal framework that protect their civil rights, must establish such law that provides safety net for disabled groups.



## 5. Definition of Key Terms

Disability: *International Classification of Functioning, Disability and Health (ICF)* defines disability as difficulties encountered in any or all three areas of functioning as followed:

- (1) Impairments – Specific decrements in body function or alternations in body structures that include, but are not limited to, quadriplegia or blindness
- (2) Activity limitations – Difficulties in executing activities that include, but are not limited to, walking or eating
- (3) Participation restrictions – Problems with involvement in any area of life, specifically the discrimination that includes, but is not limited to, employment or access to transportation

## 6. Affiliated Organizations and Documents

UN General Assembly had adopted a resolution on 13 December 2006, Convention on the Rights of Persons with disabilities (A/RES/61/106), which is the most universal doctrine of the disability issues. Also, the periodical reports synthesized by the World Health Organization and World bank, notably 'World Report on Disability (2011)' illustrate the overall trend of the disability issues in various aspects. World Health Assembly had also adopted 'Disability, including prevention, management and rehabilitation (RES/58.23)', that specifies the probable measures that nations ought to take in promoting rehabilitation process. Moreover, International Disability Alliance strives to solve disability discrimination issue thereby opening up 'UK Global Disability Summit'. Also, in order to clarify and interpret the vague terms in the Convention On the Rights of Persons With Disabilities, 'Understanding The UN Convention On The Rights Of Persons With Disabilities, Marianne Schulze (July 2010)' was published. Lastly, the most fundamental framework which is International Classification of Functioning, Disability and Health (ICF), established a common standard and a current definition for the disabled group.

## 7. Critical Questions

1. Why does the significant portion of persons with disabilities lie in the developing countries? How can the international society contrive measures to solve such inherent gap?
2. How can the international society construct the universal design for the persons with disabilities that includes, but are not limited to: the equalization of employment opportunities, inclusive yet flexible education model, reformation of social perceptions?
3. How will the international society unlock the opaque and inaccessible survey environment in the developing countries that deter the precise analysis on the number of the disabilities and individualized measures needed? (Highly recommended to focus on the establishment of common standard of the term 'disability', indirect economic restraints on developing countries in the aspect of not providing development aid under certain conditions in which developing countries are reluctant to comply with)
4. What is the non-governmental organization's role in this issue? Are there any organizations that ought to be incorporated to solve disability issues?

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