

Human rights of persons with disabilities vis-a-vis international scenario

¹ Dr. Jetling Yellosa, ² P Krishna Reddy

¹ B. Com, LL.M., Ph.D. Head, Department of Law, Telangana University, Nizamabad, Telangana, India

² B.Com. LL.M., Doctoral Fellow, in Department of Law, Kakatiya University, Warangal, Telangana, India

Abstract

Human rights are rights inherent to all human beings, whatever our nationality, place of residence, sex, national or ethnic origin, colour, religion, language, or any other status. We are all equally entitled to have human rights without any sort discrimination. The Illustrated Oxford Dictionary of English language provides that disability means physical incapacity, either congenital or caused by injury, disease, etc. especially when limiting a person's ability to work. Though it is giving comprehensive meaning but a disability is stage which curtails all round progress of the human beings.

The disability is a complex phenomenon, reflecting an interaction between features of a person's body and features of the society in which he or she lives. The United Nations estimates that there are 100 million persons with disabilities in the world today. The majority of persons with disabilities live in less developed countries where people lack access to essential services such as health care. The disable persons are prone to discrimination in all fields of their life.

In the international sphere awakening for better protection of disabilities has started very lately but the United Nation General Assembly. To create awareness of the flight of disables the General Assembly proclaimed 1981 as the International Year of Disabled Persons and subsequently enacted number of conventions to protect their inalienable human rights.

Our paper deals with what is meant by disability, demographic composition of disables in the world, the stapes initiated by the United Nations Organisation and other international bodies for curtailment of their suffrages etc. The inter relationship between the human rights and disabilities.

Keywords: disability, comprehensive, less developed countries, prone, proclaim, inalienable rights, Conventions, ratifications, protection

Introduction

The human being is one of the precious creature in the universe. Till today the scientific experiments have found that he or she is most intelligent being and there is no competitor available to him. It is also fact that existence of human being is visible in the in planet earth not in any place. Modern humans (*Homo sapiens*, primarily *Homo sapiens sapiens* are the only extant members of the subtribe Hominina, a branch of the tribe Hominini belonging to the family of great apes. They are characterized by erect posture and bipedal locomotion; high manual dexterity and heavy tool use compared to other animals; and a general trend toward larger, more complex brains and societies^[1].

It is to be noted that human beings are not fully equal in status or positions as well as in physical features. Some of human beings born or may become with some disability characters. Such disabilities may be permanent or temporary in nature.

Meaning and Definition

The Illustrated Oxford Dictionary of English language provides that disability means physical incapacity, either congenital or caused by injury, disease, etc. especially when limiting a person's ability to work^[2]. Though it is giving comprehensive meaning but a disability is stage which curtails all round progress of the human beings. A disability may be physical, cognitive, mental, sensory, emotional, and

developmental or some combination of these.

As per the World Health Organisation, Disabilities is an umbrella term, covering impairments, activity limitations, and participation restrictions. An impairment is a problem in body function or structure; an activity limitation is a difficulty encountered by an individual in executing a task or action; while a participation restriction is a problem experienced by an individual in involvement in life situations. Disability is thus not just a health problem. It is a complex phenomenon, reflecting the interaction between features of a person's body and features of the society in which he or she lives^[3].

The United Nations Convention on the Rights of Persons 2006 which defines disability as including "those who have long-term physical, mental, intellectual or sensory impairments which in interaction with various barriers may hinder their full and effective participation in society on an equal basis with others.

International Estimates on Disabilities

The United Nations^[4] estimates that there are 100 million persons with disabilities in the world today. This number is increasing every year due to factors such as war and destruction, unhealthy living conditions, or the absence of knowledge about disability, its causes, prevention and treatment.

The majority of persons with disabilities live in less developed

countries where people lack access to essential services such as health care. Moreover, there exists a clear relationship between poverty and disability. The risk of impairment is greater for a family that lives in poverty, while and at the same time, a disabled family member places higher demands on the family's resources.

The correct estimates of worldwide and country-wide numbers of individuals with disabilities are problematic matter. The varying approaches taken to defining disability notwithstanding, demographers agree that the world population of individuals with disabilities is very large. For example, in 2004, the World Health Organization estimated a world population of 6.5 billion people, of those nearly 100 million people were estimated to be moderately or severely disabled. In the United States, Americans with disabilities constitute the third-largest minority after persons of Hispanic origin and African Americans. According to the U.S. Bureau of the Census, as of 2004, there were some 32 million disabled adults aged 18 or over in the United States, plus another 5 million children and youth under age 18. If we were to add impairments—or limitations that fall short of being disabilities, the census estimates put the figure at 51 million. It is fact to note that nearly eight million men in Europe returned from the World War I permanently disabled by injury or disease.

After more than thirty years of war in Afghanistan, there are more than one million disabled people living in Afghanistan as it is gained notorious distinction of the highest incidences of people with disabilities in the world. An estimated 80,000 Afghans have lost limbs, mainly as a result of landmines and still conditions are far from better in Afghanistan, Iraq and some of African countries.

In the international sphere awakening for better protection of disabilities has started very lately but the United Nation General Assembly to create awareness of the flight of disabled persons proclaimed 1981 as the International Year of Disabled Persons. In tune with this in 1982, the United Nation General Assembly adopted the World Programme of Action concerning Disabled Persons and taken out number of measures for the welfare of them. Again in 1993 the United Nations General Assembly adopted the United Nations Standard Rules on the Equalization of Opportunities for Persons with Disabilities.

Further to put pressure on respective governments to take proper steps with regard to disabled persons in 2000 the world NGO Summit on Disability held at Beijing, China and adopted the Beijing Declaration 2000 and called for a higher standard of living, equal participation and the elimination of discriminatory attitudes and practices against the disabled persons around the world.

Convention on rights of persons with disabilities

On December 13, 2006, the United Nations formally agreed on the Convention on the Rights of Persons with Disabilities, the first human rights treaty of the 21st century, to protect and enhance the rights and opportunities of the disabled people. The Convention is came into force from 3rd May, 2008. As of now One Hundred three of the One Hundred Fifty Seven national signatories have ratified the Convention. The convention bases upon following eight guiding those are 1.

Respect for inherent dignity, individual autonomy including the freedom to make one's own choices, and independence of persons, 2. Non-discrimination, 3. Full and effective participation and inclusion in society, 4. Respect for difference and acceptance of persons with disabilities as part of human diversity and humanity, 5. Equality of opportunity, 6. Accessibility, 7. Equality between men and women and respect for the evolving capacities of children with disabilities and respect for the right of children with disabilities to preserve their identities^[5].

The countries those signed the convention are required to adopt national laws, and remove old ones, so that persons with disabilities will, for example, have equal rights to education, employment, and cultural life; to the right to own and inherit property; to not be discriminated against in marriage, etc.; to not be unwilling subjects in medical experiments.

The Convention under Article 34^[6] has provided is a body of human rights experts tasked with monitoring the implementation of the Convention. Initially it was consisted of twelve independent human rights experts, with half elected for a two-year term and half elected for four-years. Thereafter members will be elected for four-year terms, with half the members elected every two years. As the Convention has achieved 80 ratifications, the Committee will be expanded to 18 members^[7].

Conclusions and Suggestions

The United Nations after framing of the above convention is not paying much interest in implementation of the convention my member countries. the above convention is ratified by 103 countries as of now still, the majority of countries have not made any efforts of making any domestic laws in their sphere. The United Nations should pay much concentration and put pressure on member countries to ratify and make domestic laws with regard to rights of disabilities in their spheres. If the member countries fail to make domestic laws then the United Nations will resort to diplomatic, political, economic pressures for early framing of their domestic laws. Otherwise mere passing of the Convention does not serve its goal and it is now high time to make transformation of law in to the municipal law to reap the benefits.

References

1. <https://en.wikipedia.org/wiki/Human>
2. Dorling Kindersley, London, Oxford University Press Osford, Edition 2008 P.230
3. Disabilities. World Health Organization. Retrieved 2016-10-28
4. www.hrea.org
5. http://en.wikipedia.org/wiki/Convention_on_the_Rights_of_Persons_with_Disabilities
6. Convention on the Rights of Persons with Disabilities, Article 34.