

Information possessed by people with disabilities in the Federal District on the Convention on the Rights of Persons with Disabilities

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Abstract

In order to achieve improved and more lasting development, which are at the core of the objective for the development of the Millennium for 2015 and beyond, we must free those people who live with disabilities and abolish the obstacles which deny them the possibilities of participating in their communities, receiving quality education, finding dignified jobs and making their voices heard.

Therefore, the World Health Organization and the World Bank have jointly produced information on disabilities which provide data destined to the creation of innovative policies and programs for improving the lives of people with disabilities and to facilitate the application of the United Nations Convention of the Rights of Persons with Disabilities, which entered into effect in May 2008.

This historical international agreement reinforced our conviction that disabilities are a priority in matters of human rights and development.

Keywords: convention, rights, protocol.



In 2001 Gilberto Rincón Gallardo led the Official Delegation from Mexico to the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance which took place in Durban, South Africa. Within this context the bill for the formulation by the United Nations of an International Convention on the Rights of Persons with Disabilities was presented and Mexico actively participated in its negotiations for five years until its approval by the United Nations General Assembly on December 13, 2006. It was opened for signature by all countries on March 30, 2007. Mexico ratified the Convention on January 17, 2008.

It is the first international agreement of the XXI century on human rights and also the first on the human rights of persons with disabilities. It is noteworthy to point out that it is the first with an optional protocol which allows for demanding its compliance, both personal and collective, directly by the secretary general of the UN (Esther, 2010). A year before its approval, the National Survey on Discrimination in Mexico, carried out in 2005 (Social, May 2005) gave us the first glimpse at the contrast between society's perception of the state of discrimination in the country and the perception held on the subject by persons in situations of vulnerability, including those persons with disabilities. 94.4% of the people with disabilities felt there was discrimination against them; 52.1% thought that their rights were not respected; 32.9% said that they had been the victim of discrimination during the previous year and 58.7% declared they felt they were rejected by society. In general, persons with disabilities said they had fewer liberties in decision making than the rest of the population.

Recently, in June 2011, the World Health Organization (WHO, 2011) presented the World Report on Disability, in which it indicates that there are more than one billion people in the world living with some form of disability, which is 15% of the world's population. In our country, it has been pointed out over and over again that we have no reliable statistics on the matter. Suffice it be remembered that in the General Census of Population and Housing of 2000, slightly fewer than two million people with some kind of disability were identified, which is less than 2% of the total population who answered the census.

The census carried out ten years later, identified 5,739,270 people with some form of physical or mental difficulty for the realization of everyday activities. Of these 385,385 were in the Federal District. The total represented 5.1% of the population of the country, but the figures are still lower than the indexes of prevalence of WHO.

It is important to clarify that strictly speaking, the data of the Census of Population and Housing of 2010 are not comparable in this field with the data from the XII General Census of Population and Housing 2000, since the conceptualization and content of the questions are different. The former, is based on the International Classification of Functioning, Disability and Health (ICF), while the later is based on the International Classification of Impairments, Disabilities and Handicaps (ICIDH). In order to progress with disseminating the new way of conceiving of and measuring disabilities, as well as the development of other specific statistical instruments on the subject, a commitment in terms of budget allotment is vital.



In the face of this reality, the government is promoting legislative, legal and administrative measures, as well as the social transformations necessary, by means of new laws, new institutions and adopting public policies to comply with the commitment of promoting said convention. Organizations made up of and working for people with disabilities confirm that recognition of the existence of discrimination is an essential step in consolidating democracy in Mexico.

Along this same line of thought, we should remember that the Code of Ethics of the International Federation of Social Workers (IFSW) and the International Association of Schools of Social Work (IASSW) point out in their definition of Social Work that Social Work "promotes social change, problem solving in human relationships and the empowerment and liberation of people to enhance well-being."

Through the use of theories on human behavior and social systems, Social Work intervenes in the points in which people interact with their surroundings. Therefore, in 2012 there was a proposal to carry out a study which allowed for identifying how much people with disabilities know about the content of the Convention on the Rights of Persons with Disabilities and the alternatives which are proposed directly involved in its application, to thus indicate their integration into society.

This would answer the questions: 1. Do people with disabilities know the content of the Convention on the Rights of Persons with Disabilities? and 2. What do they propose in order to disseminate the contents of the convention among people with disabilities?

The general objectives which were set forth were to identify the percentage of information that people with disabilities in

the Federal District have on the Convention of the Rights of Persons with Disabilities (CONAPRED, 2007); to find out what changes they had noticed since the ratification of the convention; and to collect their proposals so that persons with disabilities learn about the contents and scope of the convention.

An exploratory¹ type study was developed with transversal design, using structured interviews based on the articles of the Convention of the Rights of Persons with Disabilities, which was given in institutions, organization and meeting places of people with disabilities in the Federal District, with a non probabilistic casual and incidental sample, of 50 subjects taking into account the criteria of the inclusion of persons with any type of disabilities and the criteria of the non-inclusion of persons who had no kind of disabilities.

The information which was obtained was analyzed statistically using measurements of central tendency and absolute and relative frequencies. A reference framework complying with the portrayal of the problem was elaborated, starting with a documental investigation, through bibliographic searches and searches in newspaper and periodical libraries and on-line references. The fieldwork took place during the months of July, August, September and October 2012, and based on the objectives set forth, an instrument which was modified three times was designed. In parallel coordination was established with various institutions: Sistema para el Desarrollo In-

tegral de la Familia del Distrito Federal (System for the Integral Development of the Family of the Federal District), Unidades Básicas de Rehabilitación (Basic Units of Rehabilitation), Centro Paralímpico Mexicano (Mexican Paralympic Center) and Agencias Laborales (Job Agencies), Centros de Atención Múltiple (Centers for Multiple Attention), among others in order to have access to persons with disabilities. Support was sought from speech therapists to aid in the interviews of people with hearing disabilities.

There was a section of the interview which included general information in order to identify the characteristics of those who made up the sample. When the objective of the study was explained, many people (52) said they had no knowledge of the convention and thus it was decided to recover twenty cases and identify their personal characteristics in order to infer whether there were significant differences with the later and those who said they did not know of the convention. The recovery was random, without predetermining a certain number of men or women. The general information of those who said they had no knowledge of the convention were 40% women and 60% men; 75% were between 25 and 55 years of age, and the largest percentage, 45%, had secondary education and 25% higher education; the majority had sensory disabilities; of these 55% had visual disabilities and 20% hearing disabilities. With respect to the origin of their disabilities, only 35% had acquired the disability. The characteristics which were identified did not constitute factors which would prevent their knowledge of the convention.

¹ Exploratory studies are aimed at presenting a general view of the phenomenon. They are used when the subject of the study has little recognition and has not been explored fully.

Among the general data of the people with disabilities, of those who said they knew of the convention, 80% were between 16 and 75 years old, although it is worth mentioning that 20% of the sample were under 16 years of age, and the decision was made to include them, interviewing the mothers of the minors (based on the fact that when minors do not have the ability to exercise their rights autonomously, parents may take charge of compliance with these); all have mental disabilities; over half, 56%, had physical disabilities; 48% were acquired disabilities; 74% had secondary, university or higher studies.

The Convention includes 50 articles and the Optional Protocol, 18 articles. All of the articles are of great importance, and as we pointed out, almost 20% of the sample acknowledged not having any knowledge of any of the articles.

The articles which were most unknown were articles 6, 10, 11, 12, 14, 34 and the first optional protocol. In these, in general terms, the following is stated

Article 6. Women with disabilities. In this article it is acknowledged that women and girls are subject to multiple forms of discrimination and there is a proposal to adopt measures to ensure the full and equal enjoyment by them of all human rights and fundamental freedoms. This article was unknown to 80% of the women and 96% of the men of the sample. It may be concluded that women do not have the knowledge necessary to demand compliance with this article, nor men in order to contribute to compliance and thus avoid this double "disability" to which women are subject.

Article 10. Right to life. This article affirms the inherent right to life of every human being on an equal basis with others. 72% had no knowledge of this article. They are unaware of the fact that in order to demand compliance with their rights, first life must exist and that they have historically suffered, as a group, the worst cruelties possible, including their elimination

Article 11. Situations of Risk and humanitarian emergencies. This article refers to decision making which assures the safety and protection of persons with disabilities in situations of risk, such as armed conflict, humanitarian emergencies and natural disasters. 56% of the women and 48% of the men were unaware of this article which directly affects their safety. It may be concluded that the security of people with disabilities is at risk if we take into account the different kinds of disabilities which require special treatment under conditions of risk.

Article 12. Equal recognition before the law. In this article it is affirmed that the "states parties to the convention should take all appropriate and effective measures to ensure that equal rights of persons with disabilities to own or inherit property, control their own financial affairs and to have equal access to bank loans" and mortgages. 36% of the women and 56% of the men, being unaware of these provisions, put their property security at risk as well as their legal status. It may be concluded that almost half of the members of the sample do not have the conditions necessary to demand respect for their legal status and property security.

Article 14. Liberty and security of person. The right to liberty and security of person and the right to not be deprived of their liberty unlawfully or arbitrarily are ensured in this article. 56% of the women and 44% of the men were unaware of the existence of this article. Health and liberty are the two most valued aspects of human beings, and due to the characteristics of people with disabilities it is fundamental that this right is exercised, especially in cases of mental disabilities. It may be concluded that the liberty and security of person of half of the sample studied is at risk by not knowing the content of this article.

Article 34. Committee on the Rights of Persons with Disabilities. This article talks about the composition of said committee of independent experts and the way in which periodic reports on measures adopted by the states parties for complying with their obligations shall be treated. 76% of the women and 68% of the men were unaware that the States were held accountable for the unrestricted application of the convention. It may be concluded that the majority would not be in any condition to carry out and follow up compliance with the convention.

Optional Protocol, Article 1. Article 1 "recognizes the competence of the Committee on the Rights of Persons with Disabilities to receive and consider communications from or on behalf of individuals or groups of individuals subject to its jurisdiction who claim to be victims of a violation." 48% of the women and 52% of the men are unaware of the existence of this important resource for preventing their becoming victims of a violation of their rights.

A very important aspect was to identify whether the men and women of the sample have perceived any change since the convention came into effect on May 3, 2008. 70% of the sample have perceived no changes and only 32% of the women and 28% of the men answered that they had. When asked about the changes they observed, the largest percentage mentioned economic support and educational aspects are not in and of themselves effects of the convention.

Conclusions

Never before in any previous agreement of the system of human rights of the UN had there been such broad regulations included in the optional protocol with mechanisms for explicit follow-up, in the application and evaluation of the results.

The mechanisms for surveillance include long term rendering of accounts for States parties to the convention to comply with their commitments and obligations in the face of the International Committee of the UN, who will guide them in presenting reports and once these have been studied, shall present observations and recommendations to the States parties.

The Committee may then carry out investigation of the complaints which are presented, putting international pressure on the States parties which they generally do not wish to receive.

The initial report presented by our country, explicitly points out legislative, institutional advances and advances in public policies which have been adopted at the national level without underestimating their scope. It is set forth that Mexico is hoping the recommendations of the Committee, following their analysis of the report, con-



tribute concretely to reinforcing government programs. It is worth mentioning that in some states of the country progress is limited. We must remember that they are free and sovereign, having their own constitutions and congresses which must approve of changes proposed by the federal government.

In Mexico, the laws which were integrated within this framework were the Ley General para la Inclusión de las Personas con Discapacidad (General Law for the Inclusion of Persons with Disabilities), la Ley para la Integración al desarrollo de las Personas con Discapacidad del Distrito Federal (The Law for the Integration to the Development of Persons with Disabilities of the Federal District) and the Reglamento de la ley para la Inclusión de las Personas con Discapacidad (Regulation of the Law for the Inclusion of Persons with Disabilities). The fundamental principle for

complying with the Convention is the Ley General para la inclusión de las Personas con discapacidad (General Law for the Inclusion of Persons with Disabilities) published in the Diario Oficial de la Federación (Daily Gazette of the Federation) on May 30, 2011, which took effect on June 1 of the same year.

Proposal

Campaigns for disseminating information in all of the languages spoken in Mexico should be implemented, using all means of communication in order to make known the Convention on the Rights of Persons with Disabilities, as well as the various laws which have been approved in our country within its framework and which would jointly have enormous benefits. The distribution of information and copies of the convention by organizations of and for Persons with disabilities, including copies in Braille, should be carried out.

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