

Submission to the Independent Expert on the effects of foreign debt and other related international financial obligations of States on the full enjoyment of all human rights, particularly economic, social and cultural rights: human rights impact assessment of economic reform policies

Summary

Fiscal consolidation policies can have a particularly severe impact on the rights of persons with disabilities, as a number of recent reports illustrate. This submission recommends that a disability rights perspective be built into all human rights impact assessments of economic reform policies, and that persons with disabilities should be empowered to participate meaningfully in carrying out such assessments.

While this submission focusses on disability, many of its recommendations are also likely to apply to other groups 'in situation of vulnerability'.

Reports and materials on human rights impacts of fiscal consolidation policies

The following publications illustrate the severe impact that fiscal consolidation policies can have on the rights of persons with disabilities:

- UN Committee on the Rights of Persons with Disabilities, 2016, *Report of the Inquiry Concerning the United Kingdom of Great Britain and Northern Ireland carried out by the Committee under Article 6 of the Optional Protocol to the Convention*: <http://www.ohchr.org/EN/HRBodies/CRPD/Pages/InquiryProcedure.aspx>
- Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, and on the right to non-discrimination in this context; the Special Rapporteur on the rights of persons with disabilities; the Special Rapporteur on extreme poverty and human rights; and the Special Rapporteur on the right to food, 2016, *open letter to the UK Government*: [https://spdb.ohchr.org/hrdb/33rd/Public - AL_GBR_08.04.16 \(1.2016\).pdf](https://spdb.ohchr.org/hrdb/33rd/Public - AL_GBR_08.04.16 (1.2016).pdf)
- European Foundation Center, 2012, *Assessing the impact of European governments' austerity plans on the rights of people with disabilities*: http://www.enil.eu/wp-content/uploads/2012/12/Austerity-European-Report_FINAL.pdf

Proposals in relation to the content and structure of the guidelines / guidance

This submission's over-arching recommendation is that the guidelines should **take into account the differential human rights impact of economic reform policies on persons with disabilities**. More specifically:

1. This submission does not seek to recommend any one methodology, tool, or set of indicators for use in analysing the human rights impact of economic reform policies – that lies within the expertise of other organisations. But, whichever methodology is used, this submission recommends that **a disability 'lens' should be built in**. The below table illustrates how this might work for one well-established methodology, the Center for Economic and Social Research (CESR)'s OPERA Framework,¹ building on suggestions made by CESR within the Framework itself.

Step in the OPERA Framework	Elements within this step	Considerations for making the assessment is disability-sensitive
Outcomes	<ul style="list-style-type: none">• Measure levels of the enjoyment of the right	Where available, gather disability-disaggregated data. ² In the absence of disability-disaggregated data, use qualitative evidence such as research reports as a proxy. The absence of disability-disaggregated data is a warning sign that there may be gaps in policy efforts to realise the rights of persons with disabilities.

¹ http://www.cesr.org/sites/default/files/the.opera_framework.pdf

² The methodology used to disaggregate the data should also be reviewed for reliability. For more information, please consult the Stakeholder Group of Persons with Disabilities on Sustainable Development.

Policy efforts	<ul style="list-style-type: none"> • Identify legal and policy commitments • Examine policy content and implementation • Analyse policy processes 	<ul style="list-style-type: none"> • Consider whether there are laws and policies to respect, protect and fulfil the rights of persons with disabilities. • Examine policy content and implementation through review of disaggregated data (where available), through analysis of relevant documentary evidence (e.g. recent reports by the Committee on the Rights of Persons with Disabilities), and through consultation with representative organisations of persons with disabilities. • Analyse the extent to which persons with disabilities, in their diversity,³ have participated in the design, implementation and monitoring of policies and programmes.
Resources	<ul style="list-style-type: none"> • Evaluate planned and actual resource expenditures • Evaluate resource generation • Analyse relevant policy processes 	<ul style="list-style-type: none"> • Analyse available data on resource expenditure for persons with disabilities – but be aware that such data often has gaps,⁴ and so should be supplemented by information requests to ministries, and consultation with representative organisations of persons with disabilities. • Include consideration of the distributional impact on persons with disabilities in all incidence analysis of resource expenditure and resource generation. • Analyse the extent to which persons with disabilities, in their diversity, have participated in the design, implementation and monitoring of budgets and other fiscal policies.
Assessment	<ul style="list-style-type: none"> • Identify contextual factors that limit the enjoyment of the right • Understand the state's constraints • Determine state compliance 	Explicitly assess the extent to which persons with disabilities are able to enjoy economic and social rights – and the various barriers (national context or external constraints) that prevent them from doing so.

2. This submission also recommends that persons with disabilities should be empowered to **participate meaningfully in all human rights impact assessments of economic reform policies**. This should include capacity building (provided by an independent expert), and adjustments to ensure that the assessment process is fully accessible to people with different impairment types⁵ and with different identities (e.g. women with disabilities, indigenous people with disabilities).

In this spirit, the **Independent Expert is encouraged to engage persons with disabilities, and their representative organisations, as he prepares his forthcoming report** on human rights impact assessments.

Background

This submission was made by Polly Meeks, acting in a personal capacity. Polly is one of the focal points for the Financing for Development working group within the Stakeholder Group of Persons with Disabilities for

³ E.g. including women with disabilities, people with all different impairment types

⁴ For example, while budgets may often disaggregate data on social security payments for persons with disabilities, the picture is incomplete unless budgets also explicitly state whether budgets in all other sectors include allocations to ensure the full enjoyment of rights by persons with disabilities (e.g. in the education sector, are there allocations for the costs of inclusive education, such as suitable training for teachers, or the provision of assistants for children with deaf-blindness?).

⁵ Including marginalised impairment types such as psychosocial disability, intellectual disability, albinism and deaf-blindness.

Sustainable Development.⁶ This submission benefitted from input by members of the Group, but the views expressed are solely those of the author.

⁶ <https://sustainabledevelopment.un.org/majorgroups/personswithdisabilities>