**Marginalised Queenslanders Influencing Public Policy.**

**17th August, 2015.**

**Brisbane, Queensland.**

**‘*Putting the Human Back into Human Rights – Reflections on Voice and Choice***

***and the Added Value of A Bill of Rights’***

**Professor Gerard Quinn, Director, Centre for Disability Law & Policy,**

**National University of Ireland (Galway)[[1]](#footnote-1)**

**Visiting Professor, UNSW Law School, Sydney.**

**Gerard.quinn@nuigalway.ie**

[**www.nuigalway.ie/cdlp**](http://www.nuigalway.ie/cdlp)

**1. Introduction.**

**2. Voice and the Process-Based Perspectives on Change.**

**3. Voice as Emblematic of the Paradigm shift in the treaty.**

**4. The Social Scaffolding of Voice.**

**5. From Individual to Collective Voice.**

**6. Conclusions: Drawing some Strands Together.**

**1. Introduction.**

Thank you so much for the gracious invitation and lovely welcome. My wife and I and our three girls have spent the last three months in UNSW in Sydney and have thoroughly enjoyed the beauty and warm hospitality of your country. My stay is part of a longer sabbatical which devoted to the study of what is called the ‘civil death’ of persons with intellectual disabilities through outdated guardianship laws. Its hard to get more marginalized than having your voice taken away!

Its not my first encounter with Australia and disability law. I had to great honour of working with Rosemary Kayess, Andrew Byrnes, Ron McCallum and Graeme Innes in drafting and working on the UN treaty on disability. Australia has always punched above its weight internationally and its very heartening to see you so interesting in reform here at home where it really matters. Elegant international instruments remain dead letters unless you translate it into concrete lines of action here at home. And there can be few better ways of doing this than through your own Bill of Rights.

In the time available I want to talk about that treaty – its underlying vision and values especially about the voice of persons with disabilities. I do not want to do so as a lawyer but more as someone interesting in ideas – in new ways of framing disability and new ways of releasing the energy of 10% of our citizens. Today you are reflecting on brining that treaty – and others like it – home – through a Bill of Rights. I will reflect on that too.

I think it was Oliver Wendell Holmes – the great American jurist – who once wrote that the ‘law is just the external deposit of our communities values and morality.’ I’m with him. I’ve never taken the view that law, especially human rights law, is not only about the marginalized and dispossessed. Its really about all of us as a people – who we are, who we aspire to be and what kind of ordered community we can feel proud of and attached to. Every society has an instinct for justice and you can best see this in the kinds of charters of rights they proclaim and profess. These instruments contain our collective conscience.

When you parse the law what you get is a glimpse into our societies’ myth system – how it sees itself. Sometimes one can get seduced by the myths. It never ceases to amaze me just how tolerant our various political and cultural systems are to contradictions – often without even realizing there is a contradiction - between myth and reality. And of course no one likes to be forced to face a contradiction between myth and reality – which is an added brake on reform and change. One of the beneficial byproducts of Bill of Rights is that one is forced to face the contradictions – to name them as such and to commit to close the gap.

As we shall see, the UN treaty creates a new myth system – a new high ground that we all aspire to. It is strikingly powerful and inspiring. It forces all of us to look more deeply in the mirror to acknowledge contradictions between myths and reality - and to hopefully commit to narrowing the gap. To persons with disabilities it is our Magna Carta.

I want to focus in on what I like to call the central theme of **voice and choice** in the UN disability treaty – restoring power to people with disabilities over their own lives and impacting processes of change. Having your own voice and having it respected goes beyond the individual to include the collective.

This is why we are here today – to valorize the collective voice of persons with disabilities in the policy process and to find new ways to have impact – especially through a Bill of Rights. Let me explain the centrality of this in two ways.

First of all, at a very practical level, voice is central to any process of change. Otherwise we just continue to live at the level of myths oblivious to the reality. This **process-based** view of change is quite central to the core mission of the disability treaty which is not just to make explicit the gap between myth and reality but to narrow it. An indeed voice would be core to any new Bill of Rights here in Queensland.

Secondly, and at a more philosophical level, voice and choice goes to the heart of the disability treaty – it is **emblematic of the paradigm shift in the treaty**. Sometimes it is said that the treaty re-frames persons with disabilities as a ‘subject’ and not as an ‘object’ to be managed by others. Of course this begs a question – what does it really mean to be a human subject. To me this is a way of finally honouring the personhood of persons with disabilities. And personhood is all about centering persons in their own lives. It emanates outward from having voice in own’s own life, to having voice in the decisions and actions others make toward us (especially service providers) and, circling back to the process of change, to having collective voice in the policy-making process.

I am using the UN disability treaty just as an example. I think it has something useful to say about the value and use of a Bill of Rights.

**2. Voice and the Importance of Process-Based Perspectives on Change.**

Let me start with a process-based way of looking at the UN disability treaty – indeed most charters of rights.

Basically, to me at least, there are two ways of conceptualizing the underlying ‘problematic’ in the context of disability (indeed age for that matter) that the treaty seeks to reverse. One is to see and try to end discriminatory practice relative to the various substantive provisions in the treaty dealing, e.g., with employment or education. Now that's important especially to the lawyer who wishes to use the instrument as a battering ram to eliminate bad laws and practices. You might call this the substantive view. It adds to the armory of the orthodox lawyer in challenging outdated laws. By painting a new high ground it inspires civil society groups to agitate for change.

But its not enough. Let me suggest to you another way of looking on this treaty – indeed most such treaties. From this ‘process-based perspective’ the key problematic in the field of disability is not so much the bad laws and policies (we all have them) but the underlying political system and culture that continually produces these bad laws and policies in the first place. No amount of victory in the Courts to overturn bad laws will succeed in reversing this dynamic unless something extra is done.

A key reason why the system reproduces itself and continually makes mistakes has to do with the absence of persons with disabilities and an appreciation of their lived experiences and voices from the process. Unless we tackle the invisibility of people with disabilities in the policy-making process the whole system is inclined to repeat itself over time. I suspect this is why there is such a high degree of exhaustion and burnout in many NGOs.

The drafters of the treaty knew this. They knew that unless the process of change at home in our countries is changed nothing much will happen. That is why so much emphasis is placed in the treaty on what I call the process-based perspective on change. Change happens (or does not happen) close to you where it matters most – in Brisbane or Tweed Heads, not in Geneva or New York. The treaty drafters knew that. So in addition to an international supervisory mechanism a new emphasis was placed in the treaty in opening windows on the domestic process of change into which the fresh breeze of the treaty could be injected.

That's why so much emphasis was placed on getting a positive triangulation of change going between Government, human rights commissions/ombudsmen and civil society groups. So, Article 33 calls for joined-up-Government, the active inclusion of persons with disabilities and their representative organization in the formulation and review of policy, and a reality-check in the shape of active engagement of independent entitles like national human rights commissions, ombudsman and discrimination commissions.

I have said before that this is the engine room in the treaty. Each country and culture has its own theory of change – its own challenges. If, and this is a big if, we can get this triangulation of change going then we don’t have to rely on what the UN says out there in the ether – we can take responsibility for tailoring UN norms to reality at home to bring about the maximum change. In a way a Bill of Rights would amount o a translational ladder – translating the majestic generalities of international treaties into language that makes sense at home.

The emphasis on process in the treaty explains why voice is so important. Reversing episodic bad laws and policies is not enough. A qualitatively different kind of process of change is needed with the active involvement of this directly affected. Some colleagues in Belgium call this the ‘co-production of policy’ between Government and civil society. These policy-makers see themselves as policy-takers from those directly affected. Indeed, some go so far as to say that no policy should ever to be set for marginalized groups without the policy-makers undergoing what is called ‘professional empathy placements‘ in the communities most directly affected. British Columbia is a good example. Imagine how many mistakes would have been avoided if we all did this.

So voice is instrumentally important in changing the nature of the policy-making and decision-making process. If you are interested in change – and we all are – then it is inconceivable that the treaty will be a success without fundamentally changing the way policies and decisions are reached. But there is an even deeper reason why the central theme of ‘voice’ is important.

**3. Voice as Emblematic of the Paradigm shift in the treaty.**

To get at the deeper – non-instrumental – reason why voice is so critical then you might you ask, why have people with disabilities been invisible in policy making and review processes that directly affect themselves?

There are some reasons that are peculiar to persons with disabilities. Much time is spent simply navigating life and especially bureaucracy. There is a formidably high opportunity cost to engagement. Not everyone has the time or the resources and capacities to engage directly in the policy process. Of course this cost is not felt equally by all disability groups. Some, like the physically disabled, have long been engaged in the process of change – which explains the emphasis in previous rounds of change on a philosophy of equal opportunities. Others have had less impact but are beginning around the world to find their individual and collective voice – this includes especially self-advocates in the sphere of intellectual disability. None have had the kind of impact commensurate with their numbers.

But frankly, most of the explanation for the lack of presence of voice lies beyond disability and in the relative invisibility of many different marginalized groups. This is a shared experience. It is striking to me how one can re-construct the history of exclusion in terms of the near invisibility or ‘civil death’ of many groups in society. What intrigues me is the ascription of ‘civil death’ – a stripping away of rights and privileges normally associated with being a human – or what we call legal personhood. Mostly this was rationalized with respect to naked self-interest as in the case of slavery. But sometimes it was rationalized by a view that the relevant group or class was somehow lacking in ‘moral considerability’ (which is code word for they are not real people or are lesser people – which is the same) and inferior. Its not for nothing that Himmler labeled persons with intellectual disabilities as ‘human animals.’

Over time our eyes have ben opened to the reality that these groups are not at all morally inferior. And the history of law reform has been a history of returning to these groups over time the full indicia of personhood. This is true in the fields of race and gender – maybe less true in the context of children and persons with disabilities.

So personhood – and by direct implication the authentic voice of the person - is a big deal to us – and helps to animate the UN disability treaty.

Pause here for a moment. Most UN treaties spent little of no time identifying the groups who were protected. We know what or who a child is, or a women or a person of colour. Most of the time was spent elaborating rights to be ascribed to the members of the group. So the core question of who counts could be avoided.

Well, it couldn’t be avoided in the context of disability. We could say on the ground of race of gender that the supposed differences were in fact either non-existent or immaterial. What about disability since it seems to indicate a lacking – it seems to point to an absence of something that helps define us as humans! In a way the drafters of the treaty were just as much interested in what it means to be a human being regardless of disability as they were interested in expounding certain rights.

I and others have argued that the UN disability treaty puts the human back into human rights. It steers far away from deficits-based policy making. Rather, it brings to the surface long dormant debates about whether there is an essence of being human and, if so, what is it. John Maynard Keynes warned against slavish devotion to old ideas or relics from the past. These long encrusted assumptions about what it means to be human could not remain unexamined when drafting the disability treaty. The old way of looking at humanity was betrayed even in the opening words of the Universal Declaration of Human Rights which stipulates that “all human beings are born free and equal in dignity and rights. They are endowed with reason…” Whats going on here? Almost imperceptibly the whole human rights edifice is set to rest on the assumption that there is a common essence to humanity and that it revolves around cognitive ability – our capacity to rationally apprehend the world and make our life choices accordingly.

Incidentally, this raises very profound boundary issues. Is cognitive ability really the essence of what it means to be human? What if an individual fails to meet a minimum threshold of cognitive ability – are they less of a human – less of a person? What of other animal species that can exceed the threshold – are they not legal persons too? That is the core premise of several lawsuits being brought on behalf of caged animals in US State courts. And what about the boundary between ‘regular’ humans and super-humans in the near future who will have their cognitive capacities significantly enhanced by technology – are they less human or more (post) human? Who or what are they?

Whats my main point? My point is just to demonstrate that the drafters bumped up against these assumptions about human essentialism and cognitive capacity in particular. I believe you can extrapolate from the treaty a very different kind of approach. I think it is fair to say that the treaty rejects human essentialism – the idea that there is one single trait that defines what it means to be human and that therefore serves to differentiate between different (lesser) humans. How could it not be? The very word dis-ability draws attention to a deficit – to a lacking. But the treaty could not be based on an idea of lesser standards of rights for lesser people.

Rather, it seeks to universalize disability as an inherent part of the human condition – something we are all likely to encounter in our own lives especially as we age. This is actually hard to get as we often use language that describes disability as the ‘other’ - not as ‘us.’

So to me – looking at the treaty for the moment as a non-lawyer – it goes deeper than the usual ‘equal opportunities’ agenda which has to do about opening doors that have remained closed for to long. And it goes beyond the traditional social rights agenda of underpinning equal opportunities with material resources to take advantage of these opportunities. At its most fundamental, it steers us away from essentialist views of what it means to be human.

It achieves this most obviously in the field of intellectual disability. And this is exactly where the person’s voice has been either invisible, or assumed or controlled by others. And this is the one field where Governments in every corner of the world have difficulty. Close readers of the text will have noticed that the treaty purports to restore voice to persons with disabilities and to lift the cloak of guardianship.

Pause on this for a moment. Guardianship assumes that, at least with respect to certain decisions, the dis-ability of cognitive impairment makes it unsafe to leave the relevant decisions to the individual. Some protective cloak is required to ensure that others are charged with the task of making decisions in one’s best interests. There is nothing wrong with the impulse to protect *per se*. But it is odd that protection would be achieved by taking one’ core rights away. The treaty sets a new default in the context of decision-making frailty (which we all have to some degree). That new default places an emphasis on support – on new ways of exploring the ‘self’ behind the mask of disability – of revealing his or her life preferences – big and small.

Protection hasn’t gone away. But it is re-situated within an approach that proactively tries to unzip the soul behind the body – the mind behind the physical appearance. Many pilot projects are underway around the world (and are especially impressive in South Australia) pioneering the new art and science of revealing the person. Of course there are dangers and of course ways will have to be found to mitigate those dangers. But the key point is that not even severe cognitive disability is now seen as something that detracts from personhood.

Build on this for a moment. It has clear implications for the interaction with others – with those who, so far, have directed lives. A re-balancing act is underway in many parts of the world. It really has to do with re-centering people over their own lives. And this, in turn, has everything to do with revealing voice and with respecting the voice of persons with disabilities.

**4. The Social Scaffolding of Voice.**

I digress for a moment. Now here is an interesting and fruitful contradiction. On the one hand this sounds like a classical libertarian agenda – get off my back – allow me to do things my own way, I have a right to be wrong, to make my own mistakes, etc. And yet here is another place the treaty innovates. We all know or intuit that our rights, our freedoms and our own life-choices are intimately linked to those of others. We all know or intuit that no matter how much we talk about the noble pursuit of rugged individualism that the architecture of our choice is always determined by those around us. In short, we all know or intuit that our personhood is primarily shared with others especially those who are in close relationship with us and not just experienced in isolation.

To me, the disability treaty comes the closest of all the treaties to acknowledging our inter-subjective or social existences. Indeed, one might go so far as to say that our very identities are a function of the social networks to which we belong. If these networks are bare or skin deep then this is bound to have an effect on our sense of self.

Why do I say this? I say it because it helps make sense of two of the most foundational rights in the treaty – the right to be and live in the community and the right to make one’s own decisions about how to interact with others in the community. They both rest on a combined concept of individual autonomy with a strategy for social inclusion.

The support idea that characterizes and distinguishes the new approach to legal capacity is not really about services or new services. Its really about connecting a person back to social networks and supports that occur naturally in the community. Of course it begs questions about whether one can intentionally stitch that together or back together for people and whether community in reality matches community in theory. And it especially begs a question about the danger of contriving (rather than genuinely supporting) the self. Leaving these admittedly important questions to one side for the moment, the point about the switch in the treaty is that is sees persons with disabilities – even those with severe intellectual disabilities – as becoming persons in social interaction with ‘others.’ Thus it is hard to disentangle the libertarian agenda of giving power back to people from the social inclusion agenda or allowing people to become people in association with others.

Likewise, the right to live independently and be included in the community (Article19) similarly draws on a combination of the libertarian individualism and social inclusion. I have often said that this right is not primarily about bricks and mortar – although bricks and mortar are indispensible. Its really about the social geography of the person – positioning people to become people, to enhance their sense of self and their competence and confidence to be in the world as equal citizens. Just look at the text. It starts with the classic libertarian right to choose where I want to live, with whom and on what basis. Obviously this does not give an ironclad right to live wherever I want to – otherwise I would move right now to live in Cremorne Point! But it re-centers me – as against others – in making these decisions within whatever constraints exist. It proceeds to assert a right to community-based supports including person assistance.

Read between the lines. It is not calling for more services. It is shouting out for a different model of services – one that genuinely underpins and helps to advance the individual’s life goals. So, if the long overdue reform of legal capacity regimes is the first and most fundamental place where voice is restored, community living is the second – and all the more so with respect to entities, services and others that touch our lives. This is important because unresponsive services cramp our self of self and generate a self-fulfilling prophesy of dependency and learned passivity. We are all struggling around the world to build a completely new model of service delivery. Our own President in Ireland is on record as saying we need a new language and we need in particular to consign words like ‘needs’ and ‘services’ to the past. Instead we need to think in the language of equal and active citizenship and to re-configure services to underpin and not undermine it. Easier said than done – especially as there is tension between market-based and non-market based approaches. The Western social model is clearly in transition – A Bill of Rights should steer it in the right direction.

What am I saying so far? Well, there is a very interesting and healthy tension between libertarian conceptions of the person and social conceptions of the person in the disability treaty. We can all see how social inclusion in its many forms enhances one’s see of ‘self’ – ones own individual self-conception. We can all see how social support enables us to navigate life and make our own decisions. We can all see how positioning in the community enables us to grow and emerge as persons with our own identities.

And, most crucially, in the process we can all see how the voice of the person becomes so central. And we can all see this shift rolling back decades if not more of others – no matter how well intended – having charge or effective charge of our lives. This is a process and not an overnight phenomenon. But it does mean that new lines are being drawn even with respect to those who are the closest to the person (i.e., families).

**5. From Individual to Collective Voice.**

All well and good one might say. But what if life chances remain highly circumscribed? Its no use having decision-making power if there are no decisions to be made. Naturally that's where we weave forward from rights such as the right to make own’s own decision to the right to be central in decisions of other entities that touch my our lives like service providers to a more broader based equal opportunities strategy – especially in education and employment – and a social model to provides support for the new freedom. This takes time – but it is happening in most parts of the world.

And here we also move from a conception of voice in our own lives and in service provision to collective voice in the policy-making process.

A caveat before we proceed. To me at least, the right to be heard and included in collective decision making processes does not equate into a right to determine or dictate the result. Sometimes that looks like that's what some NGOs interpret the right to exert collective voice to mean. But reflect on that for a moment. It would look strange indeed if we interpreted the right to make one’s collective voice heard if, say, farmers or mine owners, could dictate Government policy. We don’t allow that form of democratic ‘capture’ to others – we should not claim it for ourselves. To govern is to choose. The basic problem is that the range of choices facing policy-makers in the past has been unduly limited and the implications of choosing one way or another were never adequately gamed out to the obvious detriment of people who were absent at the table.

This new-found opportunity to collectively engage curiously means the NGOs themselves have to change. In the past, NGOs negotiated for better financial or programme deals from Government for their protectorate. Now they tend to invoke Articles of the UN disability treaty to demand change in existing laws and policies since reality seldom matches the ideal of the treaty. I would argue that the logic of the treaty requires NGOs to go one step further. Governments generally know ‘whats wrong.’ But they are generally starved of ideas about how to change. What they need are new ways of framing problems and issues, new models of reform that stand a chance of working and policy and legislative blueprints. I have argued elsewhere that NGOs have to now step up into being ‘policy entrepreneurs’ – people who focus as much on the concrete outlines of possible solutions as on expounding on what is ‘wrong’ in the system. There is, of course, always room for the NGO that just exposes wrongdoing or egregious gaps between what ought to be and what actually is. But we also need a new breed of NGO that comes forward with practicable plans for change. That will require new kinds of alliances with people who know the public policy space and know how to make an argument that sticks – and already one can see this happening around the world.

Interestingly, this aspect of collective voice is central in the disability treaty. It gives visibility to the collective voice of persons with disabilities and might be considered a natural development of the prior agenda of restoring voice to persons with disabilities in their own lives. It was no doubt emblazoned in the treaty because of the successful presence of persons with disabilities and their representative organizations during the treaty drafting process itself.

It is exemplified by Article 4.3. which is to the effect that States shall not develop and implement policies (as well as decisions) that affect persons with disabilities without actively involving and closely consulting persons with disabilities and their representative organizations. I personally don’t see how this can be advanced without some sort of national action plan involving all, to take stock, to set goals and the monitor accordingly. To me this should be a core part of any new Bill of Rights – giving all affected groups enhanced visibility in the policy-making process.

So the slogan ‘nothing about us without us’ is no longer just that – a slogan – it is now a legal obligation incumbent on States that ratify the treaty. And so I return to an earlier theme of this speech – it is that the process-based rights in the convention are just as important if not more important than the substantive rights themselves.

Furthermore, Article 33 – the one that demands a local architecture of change in the shape of joined-up government, involvement of independent national human rights institutions and civil society groups – also reflects this emphasis on transforming the process of change.

So even if there were not a specific right in the treaty on political participation (and there is in Article 29) one could easily extrapolate from it three layers of thinking about voice:

(1) voice in one’s own life,

(2) voice with respect to entities that touch one’s life and

(3) collective voice to change the rules of the game.

Usefully, the European Union’s Fundamental Rights Agency in Vienna has produced a set of indicators on ‘the right to political participation for persons with disabilities’ (2014). In line with UN guidance from 2013 they are divided between Structural Indicators (the openness of the law toward political participation), Process Indicators (how people with disabilities are actually engaged) and Outcome Indicators (measuring levels of engagement). I assume it is the second set that interest you today. As to the first – which largely has to do with the removal of legal barriers to be involved – you might also consult the International Foundation on Election Systems (IFES) excellent 2015 publication: *‘Equal Access – how to include persons with disabilities in elections and political processes.’*

The EU FRA Process-based Indicators include such things as involvement of persons with disabilities in the political process, the consultation of persons with disabilities in the development of laws and policies, a commitment on the part of political parties to provide information in accessible formats, the availability of guidelines on how to vote, etc. The analysis – which dates to 2014 – shows that in nearly half of EU countries the right of NGOs to engage in the policy process is prescribed by law. In Sweden the participation of persons with disabilities and their representative organizations is set under the Constitution. In Cyprus the main federation of disability NGOs is described as a social partner of the State. Estonia has a Good Engagement Code of Practice which enjoins Government to engage with NGOs directly affected by a planned law. Spain has a National Council on Disability which combines NGOs and Government Departments to ensure collaboration on policy development.

Interestingly, the EU FRA reported a higher than average commitment to political engagement (and not just on disability issues) amongst citizens with disabilities – provided an enabling environment existed. This is a big proviso. This gives the lie to the assumption that people with disabilities just want to engage for their own selfish or narrow ends. This analysis is echoed in a landmark essay by Lisa Shur and Meera Adya in the Social Science Quarterly 2013 entitled *‘Sidelined or Mainstreamed? Political Participation and Attitudes of People with Disabilities in the United States.’* The authors conclude that

 “while people with disabilities huge made tremendous political gains over the past few decades…evidence indicates that they are now yet equal participants in the American political system, raising concerns that they remain marginalized and their interests are often neglected by politicians and elected officials.” [pp. 811-812].

In 2011 the Council of Europe’s Committee of Ministers adopted a landmark Recommendation (basically policy guidance to its Member States) on ‘the participation of persons with disabilities into political and public life.’ It is worth studying in the round. I just call attention to the section dealing with (**6). Including persons with disabilities in decision-making processes**

It reads:

Member states should engage in close consultation with and actively involve persons with disabilities and their representative organisations in developing, implementing and monitoring legislation, policies and programmes which affect their participation in political and public life and, more generally, life in society.

They should take appropriate capacity-building and financial measures with a view to making sure that organisations of persons with disabilities (DPOs) have the capacity to fully participate and contribute to the conduct of public affairs. Public authorities and DPOs should aim at having a constructive relationship based on mutual trust.

Has all of this been done? I doubt it. But at least there is official recognition of the critical importance of the collective voice of persons with disabilities.

**6. Drawing some Strands Together.**

So let me conclude by drawing a few strands together.

You are here today discussion stepping up the policy engagement of persons with disabilities in Queensland and on the broader question of a Bill of Rights for Queensland.

 This is at one with the emphasis in the UN Disability treaty on getting our processes of change right – on inserting the authentic voice of persons with disabilities into the at process.

The paradigm shift of the treaty – treating people as subjects and not as objects and respecting their personhood – means taking their voice seriously. I have said this is a cloth that connects together reform to allow people have a voice in their own lives, reform that enables them exert voice against entities that touch their lives like service providers and reform tat enables them to aggregate their voices to have impact in the policy process.

Of course the path to change is not easy. You will have problems dealing with the representivity of certain groups, with enabling lesser heard voices to be heard, with ensuring that alliances are built and sustained between different impairment groups to avoid being divided and conquered. That's why you are here today.

The UN disability treaty is a gigantic mirror that forces society and Governments alike to take a good look at themselves. Although it is grounded on disability it is actually not about disability. Its about a theory of justice to which everyone can subscribe that happens to be based on disability. My own intuition tells me that you will not succeed in getting a Bill of Rights by emphasizing its instrumental value to oppressed or segregated groups. You need to make the claim for a Bill of Rights based on the intuition that it gives expression to a collective sense of identity and justice, that it has benefits for all and not just the oppressed and that it helps to underpin and not undermine the democratic fabric of society.

1. This paper is dedicated to the fond memory of Frank Mulcahy, RIP, who gave voice to millions of Europeans with disabilities. [↑](#footnote-ref-1)