



Right to Development for Disabled People:

A Sri Lankan case study

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Sarah Safra Pallak Lebbe (2007/M.Hr/5)

Faculty of Graduate Studies, University of Colombo, 19 January 2010

Abstract

Disabled people are often found among "*the poorest of the poor*" and in a developing country like Sri Lanka, disabled people face discrimination at every level of society. Poverty is both a cause and consequence of disability and a majority of disabled people find their impairment affects their chances of going to school, working for a living, enjoying family life, and participating as equals in social life. In the past, disabled people suffered from a relative "*invisibility*" on the human rights and development agenda of countries, and tended to be viewed as "*objects*" of protection, treatment and assistance rather than "*subjects of rights*". When addressing disability, there has tended to be a charity based approach and often as a result, disabled people were not given the opportunity to shape their own lives.

Therefore, historically, disabled people were excluded from mainstream society and development. This research has attempted to study the relationship between human rights, disability and right to development and has sought to establish a linkage between these various aspects. This is particularly important because without access to development, disabled people's rights may not be fully realised and without fully promoting rights of disabled people, it is impossible to achieve development goals, since disabled people are also a part of the society. Even though disabled people of this country are also citizens of Sri Lanka, the question arises as to how many disabled people have access to their basic rights and have the opportunity to participate in development on an equal basis. As there is a new United Nations Convention on the Rights of Persons with Disabilities (UNCRPD) adopted by the United Nations in 2006 and signed by Sri Lanka in 2007, it is, important to study the role of the Sri Lankan state and analyse how disabled people's rights are considered in its laws and policies as undertaken through ratification of the various international treaties including the Bill of Rights.

Through primary and secondary research, this study will analyse these treaties, laws and policies as well as development and relief programmes in the context of Sri Lankan development framework.

There is an increasing recognition that development goals the United Nations Millennium Development Goals (MDGs) can not be met feasibly without bringing disabled people into the mainstream development process. Disability Mainstreaming is recognised at international level through the UNCRPD and various donors accept that disability must be addressed as a cross-cutting issue in all levels of development practice. Therefore, actions of relief and development actors, including of donor agencies, international and national non-governmental organisations, will be analysed to see whether they are focussed on mainstreaming disability in the work at the international level and in Sri Lanka. This research will have a particular on a focus on the impact of the relief and reconstruction response of the 2004 Tsunami on disabled people, using this as a case study on disability mainstreaming in relief/development work in Sri Lanka.

Sri Lanka has been negatively impacted by both the Tsunami and the conflict, and therefore the impact on disabled people has been detrimental, without their meaningful participation in or benefits from relief, reconstruction and development efforts by development actors, both government and non-government. This is largely due to the invisibility of disabled people on the relief and development agenda, with disability seen as a '*specialist*' issue and therefore, most services being provided by disability focused organisations were often not linked to mainstream development and human rights actors. However, there are increasing efforts made by the government to include programmes on disabled people and there are many commendable programmes which address disabled people's needs.

The research findings show that, with regard to law and policy documents in Sri Lanka, there are no comprehensive policy documents or legislation for the protection of rights of disabled people since the Promotion of the Rights of Persons with Disabilities Act of 1996 does not include a comprehensive set of rights. Sri Lanka, however, has scope for improving this situation through implementation of the National Policy on Disability 2006 and the Draft Disability Bill 2004, which is in the process of being translated into law. Also, there is a need to revise the Draft Disability Bill since the Bill does not emphasise some of the more crucial civil and political rights.

The findings of the research shows that though disability is gradually being discussed at the national development agenda, disabled people are still categorised as a separate group of “*vulnerable individuals*” and their needs and rights were not considered in the mainstream development. Therefore, it can be concluded that the right to development for disabled people is not currently being realised in Sri Lanka. Given below are some of the recommendations made in the research:

Inclusion – which ensures disabled people will improve their visibility in society.

Participation – through which disabled people will ensure that their voices are heard.

Access – to information, communication systems and the built environment are crucial

Quality - disabled people deserve a greater quality of services to lead an independent life.

Laws and policies – need to be holistic and ensure full realisation of disabled people’s rights.

Coordination and awareness – in order to ensure full inclusion, participation and access
