

Inclusive equality and the human rights model of disability – 10 years jurisprudence of the United Nations Committee on the Rights of Persons with Disabilities

Introduction

I am delighted to be invited to deliver the Theo van Boven Lecture 2018 at Maastricht University. It is a great occasion to celebrate this year's International Day of Persons with Disabilities. It brings together scholars of the mainstream human rights field – such as Theo van Boven- and scholars from the specific field of disability human rights law – like me. For me it is also an opportunity to pay tribute to Theo van Boven, the first Human Rights Scholar within the United Nations who left a significant impression on me when I made my first trip to Geneva in 1988 as a member of the group of students whom Frank Newmann usually brought to the Subcommission on Prevention of Discrimination and Protection of Minorities. Frank Newman who was my human rights professor and mentor at UC Berkeley law school, introduced me to Theo van Boven that summer and his interventions at the Sub-Commission made me understand that human rights law can make a difference in this world. It was only after this trip to Geneva that I began seriously thinking about a career in human rights law.

Theo van Boven has predicted many developments within the fields of human rights law and often he was instrumental in creating these changes which resulted in better human rights law. I believe, the Convention on the Rights of Persons with Disabilities of 2006 proves that Theo van Boven's anticipations were mostly right. At least this is 100% true with respect to his forecast on the role of non-governmental organizations in international human rights standard setting as a prerequisite of democracy. The CRPD was drafted with a high degree of civil society participation. The international disability movement clearly left its foot-and wheelprints on the text of the treaty!

In my lecture I will address two points: First I will talk about the innovations the CRPD has brought in its first decade to the fields of human rights law and to the United Nations. Secondly I will focus on two concepts enshrined in the treaty: the human rights model of disability and the concept of inclusive equality.

1. CRPD innovations

The Convention on the Rights of Persons with Disabilities has been called the most modern and innovative human rights treaty of our time. Indeed the CRPD is a treaty of many 1sts:

When the Committee on the Rights of Persons with Disabilities celebrated the 10th anniversary of the Convention on the Rights of Persons with Disabilities (CRPD) in 2016 in Geneva, the CRPD had already gained 166 ratifications. Today two years later the number has risen to 177. With this speedy record, the CRPD is champion among United Nations' core human rights treaties. No other treaty has been ratified by such a large number of states in such a short time. There are other innovations the CRPD brings to international human rights law: It is the first human rights treaty to allow regional integration organizations, such as the EU, to become members (Art. 44 CRPD). The CRPD establishes a national monitoring mechanism which has a broader scope than the mechanism established by the Sub-Committee on Prevention of Torture. Article 33 CRPD demands that State Parties designate focal points and a governmental coordination mechanism for the implementation of the treaty and additionally establish an independent national monitoring mechanism. No other human rights treaty has a comparable emphasis on participation of people concerned, notably organizations of persons with disabilities. They need to be meaningfully involved in implementation and monitoring of the treaty (Art. 4 (3), 33 (3)). Further, the CRPD has 2 stand-alone articles on development and humanitarian action which bring a human rights based approach to this field. Article 32 emphasizes the importance of international cooperation for the realization of human rights and article 11 demands that state parties ensure the protection and safety of persons with disabilities in situations of risk. The CRPD is also the first human rights treaty to legally recognize the concept of multiple discrimination in article 6 on disabled women. Additionally, the CRPD extends the definition of discrimination in international law by including "denial of discrimination" as a form of discrimination (Art. 2).

Within its first ten years, the treaty has gained more public recognition than most of its sister treaties. Disability organizations around the world spread words on the new inclusive freedom and inclusive equality agenda that the CRPD brought to the table of human rights and disability policy. The motto of the drafting of the convention "nothing about us without us" became the guiding principle of future implementation steps. Both, at national and at international level, significant efforts are taken to include persons with disabilities as experts and their representative organizations in the implementation as well as monitoring process. Many states parties reports are drafted in consultation with disabled persons'

organizations, and the two international bodies of the treaty, the CRPD Committee and the annual States Parties Conference, include a high number of experts with disabilities. The State Party Conference on the CRPD does not only elect the independent experts of the treaty body, but always has a three day agenda full of substantial issues related to law and policy of the treaty, such as accessibility, legal capacity, gender discrimination or inclusive development.

The CRPD Committee, which was initially established in 2009 with 12 independent experts, had to be enlarged to 18 experts in 2011 after the 80th ratification of the Convention. The Committee meets in Geneva and since the beginning the vast majority of its experts have been disabled persons. This composition of treaty body experts brought new challenges to United Nations administration, since the organization had never paid much attention to accessibility issues. Ramps and lifts for wheelchairs had to be installed into UN headquarter buildings in Geneva and in New York, websites had to be made accessible for blind and visually impaired persons, sign language interpreters and captioning had to be provided. Travel rules had to be changed to allow independent experts travel with personal assistants. The CRPD Committee also contributed to green policy innovations by being the first treaty body to adopt a green bureau strategy, meaning that all documents were produced electronically and printing paper was abolished.

The Committee started with two meetings for 5 days each in 2009. Because of its high number of ratifications and the comparably short meeting time, the backlog of states parties reports review very soon reached seven years in 2012, which was called the highest among all treaty bodies. The meeting time was thus extended to currently 10 weeks in 2018 as a result of the treaty body strengthening process. When the 20th session closed in September 2018, the Committee had reviewed about 70 initial states parties reports. While it is commonly understood that disability only triggers economic social and cultural rights, the constructive dialogues with states parties focused on both sets of human rights. The freedom and equality agenda being as important as the values of solidarity, inclusion and social protection.

It has been repeatedly emphasized that the CRPD did not create new human rights but tailored the existing catalogue of international human rights to the context of disability. The right to freedom of expression in opinion as enshrined in article 21 is a good example of this tailoring. It copies the text of article 19 Universal Declaration of Human Rights on freedom of expression and opinion and adds to it disability specific aspects, such as the right to accessible information, the right to use sign language , to Braille and other modes and forms of a communication. Tailoring the existing catalogue of international human rights to the

context of disability additionally led to more interdependence and interrelatedness of both categories of human rights. Article 19 CRPD on living independently and being included in the community enshrines both, social and cultural rights as well as civil rights. The dialogues with states parties reflect this modern understanding of human rights. As it is common practice among treaty bodies, dialogues on initial states parties reports cover all rights enshrined in the treaty. Thus, the focus of the dialogues was rather broad during the first years. However, some issues can be identified as particularly challenging for states parties in the implementation of the CRPD. It is of no surprise that these topics are the same issues which had been major conflicts when the treaty was negotiated in the beginning of the Millennium. Among these are denial of legal capacity, institutionalization, segregation in education and employment and above all the human rights model of disability. The latter reflects a new understanding of disability in the convention as an issue of human rights rather than being merely an issue of medical rehabilitation and social welfare. The human rights model of disability negates the assumption that persons with disabilities need to be institutionalized or segregated from the rest of society because of their impairments. It further condemns the idea that impairment might limit a disabled person's right to legal capacity. It assumes that all disabled persons are rights holders and that human rights cannot be conditioned upon physical, mental or health status. The human rights model of disability has far-reaching implications for members states, and thus, they struggle with a number of articles in the treaty. Most challenging are article 12 on the right to be regarded as a person before the law, article 14 on the right to liberty and security, article 19 on independent living, and article 24 on inclusive education, to name but a few. Article 12 requires states parties abolish traditional guardianship and mental health laws which are based on a system of substituted decision-making and forced treatment as a last resort. In all its concluding observations, the Committee has emphasized that substituted decision-making needs to be replaced by supported decision-making based on the preferences and will of the disabled person. Article 14 prohibits impairment based detention and other forms of disability specific forms of deprivation of liberty. Again, many countries have legislation that legitimizes this practice which is commonly applied in mental-health settings and in the context of services for intellectually disabled persons. Article 19 provides that each and every disabled person, irrespective of his or her impairment, has the right to choose where and with whom to live in the community. It denounces institutional settings as a barrier to independent living and as a form of discrimination. The right to inclusive education as enshrined in article 24 is a particular challenge to those countries which

have a dense system of special education schools which are incompatible with the right to inclusive education. The Committee has adopted a number of general comments in order to address these issues. General Comment No. 1 of 2012 interprets article 12 as not allowing any form of guardianship or interdiction or other forms of substituted decision-making. It further and in combination with its guidelines on the right to liberty and security (article 14) of 2015 clarifies that forced medical treatment and forced institutionalization are a violation of the CRPD.

The 2nd General Comment focuses on accessibility (art. 9) which according to some experts in the field is the heart of the convention together with its nondiscrimination clause of art. 5. In the context of disability, access to the built environment, to public transportation, and to information and communication is a precondition and essential for the realization of all human rights. While most states parties have accepted the importance of this provision, implementation rarely covers all three areas adequately.

General Comment No. 3, which was adopted in 2016, addresses human rights of disabled women and girls (art. 6). Meanwhile four more GCs have been adopted on inclusive education (art. 24) on independent living within the community (art.19, GC No 5), equality and non – discrimination (art.5, GC No 6) and meaningful participation (Art. 4 (3) and 33 (3), GC No 7).

10 years after the adoption of the Convention, the CRPD committee has adopted about 20 decisions in relation to individual complaints. Legal topics addressed range from treatment of disabled persons within criminal law systems and prisons (*Noble v. Australia*) over impairment based exclusion from the election process (*Bujdosó v. Hungary*) to inaccessible ATM machines at banks (*Nuysti et.al. v. Hungary*).

2. Inclusive Equality and the Human Rights Model of Disability

General Comment No 6, which is my topic today, introduces the inclusive equality model as a novelty to international human rights law. GC No 6 interprets the equality and non- discrimination provision of article 5 CRPD. General Comments, as you know, are usually drafted by a working group of the Committee in charge of that specific treaty and the public with all stake holders – governments, civil society organisations, academics, UN agencies and mandate holders – are all invited to contribute to this process via written submissions and on a General Day of Discussion. In the drafting of GC No 6 on article 5 CRPD on equality and non – discrimination all these stake holders took part. We received more than 70 submissions and the Day of General Discussion was held

in Geneva in August. Based on the debates within the Committee, on the submissions received, and based on the Day of General Discussion the General Comment, No 6 was adopted in March 2018 at the 19th Session of the Committee. Another important inspiration to the Committee was the dissertation of Andrea Broderick on article 5 CRPD which she wrote at the University of Maastricht under the supervision of Lisa Waddington and Fons Coomans. It is high time to thank Andrea for this impressive background work for General Comment No 6!!!

The 19page document contains 8 sections which can be divided into three main parts. The introductory part gives an overview of the development of international disability equality law, the models of disability and equality and the legal character of non-discrimination and equality. The main part elaborates on the normative content of all four subparagraphs of article 5 and obligations of State parties in regard to this, as well as on the relation between article 5 and other articles of the Convention. The final part gives guidelines for implementing article 5 at national level.

Inclusive equality as a new equality concept

Inclusive equality is introduced as a new term in General Comment No 6 in order to introduce a new concept of equality which goes beyond formal and substantive equality models. The term itself was not invented by the Committee, it has been used in literature before. For instance Sally Witcher has coined the term “inclusive equality” with regard to social policy theory and Colleen Shephard has elaborated on inclusive equality in the context of education rights.

GC No 6 describes the concept inclusive equality as

“a new model of equality developed throughout the Convention. It embraces a substantive model of equality and extends and elaborates on the content of equality in: (a) a fair redistributive dimension to address socioeconomic disadvantages; (b) a recognition dimension to combat stigma, stereotyping, prejudice and violence and to recognize the dignity of human beings and their intersectionality; (c) a participative dimension to reaffirm the social nature of people as members of social groups and the full recognition of humanity through inclusion in society; and (d) an accommodating dimension to make space for difference as a matter of human dignity.“

These four dimensions are almost identical with the components of the transformative model of equality developed by Sandra Fredman and her research team. And indeed the Committee was significantly inspired by their written submissions to the Committee in this regard. The term “transformative equality” was, however, not chosen because it was felt that it could be misunderstood by State parties. The term “transformation” does not direct the way in which society has to be

transformed. Transformation means structural change relating to the systems of our societies. However, structural changes may lead to the realisation of rights or to a denial of rights. This is the lesson learned from “structural adjustment programs” which was the central component of development policy introduced by the UN financial institutions in the 1980s and is used now most prominently by the EU as a response to the 2008 financial crisis. As Rodwan Abhourab and David Cingranelli have shown in their landmark publication “Human Rights and Structural Adjustment” these policies usually undermined economic, social and cultural rights in developing countries, led to more civil conflicts and more repression of human rights. The Committee felt that the term “transformative equality” could be misunderstood as allowing “structural change” in terms of legitimizing austerity measures. Three years earlier, the Committee undertook an inquiry procedure with regards to welfare reforms in the UK which had a disproportionate impact on disabled people. The reforms have been justified in the context of austerity measures to achieve fiscal and budgetary policy consolidation. The Committee’s report on the inquiry which was published in 2016 found there was reliable evidence that the threshold of grave or systematic violations of the rights of persons with disabilities had been met. The results of the report were discussed in the dialogue with the Government of the UK on its initial State Party report in 2017. In its Concluding Observations, the Committee expressed concern about, the impact of austerity measures and anti-poverty initiatives introduced as a consequence of the financial crisis in 2008/09, the negative impact on the standard of living for persons with disabilities of, among others, the reductions in social support, unemployment allowance, the insufficient social protection and support. Having just concluded an inquiry with major focus on austerity measures, the Committee felt that the term “transformative equality” might be misunderstood. To be clear, Sandra Fredman never wrote about transformative equality as a concept which could be misinterpreted as legitimizing structural adjustment measures of this sort. However, the Committee had ample opportunity to realize how often terms of the Convention are misunderstood. During its first decade it reviewed more than 70 State Party reports and the dialogues revealed for example that the term “reasonable accommodation” is often misunderstood as a demand on housing policy and not as a non-discrimination duty as enshrined in art. 2 CRPD. Thus, it was felt that inclusive equality would be a more appropriate term.

Now, how and where does the GC No 6 elaborate on the difference between inclusive equality and other equality models and the four dimensions mentioned earlier?

The difference between inclusive and other equality concepts is addressed in paragraph 10:

“Equalization of opportunities, as a general principle of the Convention under article 3, marks a significant development from a formal model of equality to a substantive model of equality. Formal equality seeks to combat direct discrimination by treating persons in a similar situation similarly. It may help to combat negative stereotyping and prejudices, but it cannot offer solutions for the “dilemma of difference”, as it does not consider and embrace differences among human beings. Substantive equality, by contrast, seeks to address structural and indirect discrimination and takes into account power relations. It acknowledges that the “dilemma of difference” entails both ignoring and acknowledging differences among human beings in order to achieve equality.”

Thus, inclusive equality is to be distinguished from formal and substantive equality. The former has been developed by scholars of feminist legal theory, like Catherine McKinnon, as a critique to formal equality. Inclusive equality, it may be argued is the result of legal feminist and disability studies, since it builds on both discourses.

Inclusive equality goes beyond substantive equality in that it encapsulates the four dimensions mentioned earlier, to which I shall now return.

The **first dimension**, is the fair redistributive dimension to address socioeconomic disadvantages. The General Comment addresses the issue in two aspects; in relation to poverty (art. 28) and in relation to specific measures under article 5 (4). As regards to article 28 on adequate standard of living and social protection the General Comment No 6 reads:

“poverty is both a compounding factor and the result of multiple discrimination. Failure to implement the right of persons with disabilities to an adequate standard of living for themselves and their families is contrary to the objectives of the Convention. This failure is particularly worrying with regard to persons with disabilities living in extreme poverty or destitution. To reach an adequate standard of living comparable to others, persons with disabilities typically have additional expenses. This represents a particular disadvantage for children or older women with disabilities who live in extreme poverty and destitution. States parties should take effective measures to enable persons with disabilities to cover the additional expenses linked to disability. States parties are required to take immediate steps to provide persons with disabilities living in extreme poverty and destitution with a core minimum in terms of adequate food, clothing and housing”

In Article 5 (4) the Convention refers to specific measures as “necessary to accelerate or achieve de facto equality of persons with disabilities”, which shall not be considered discrimination under the terms of the Convention. The General Comment No 6 describes these measures as positive or affirmative measures similar to special measures mentioned in article 4 CEDAW or article 1 (4) CERD. These measures are described as adopting or maintaining certain advantages in favor of an underrepresented or marginalized group. They are usually temporary in nature, although in some instances permanent specific measures are required, depending on context and circumstances, including by virtue of a particular impairment or the structural barriers of society. Examples of specific measures include outreach and support programmes, allocation and/or reallocation of resources, targeted recruitment, hiring and promotion, quota systems, advancement and empowerment measures, as well as respite care and technological aids.”

Turning now to the **second** dimension, the **dimension** to combat stigma, stereotyping, prejudice and violence and to recognize the dignity of human beings and their intersectionality, General Comment No 6 on inclusive equality entails at least nine paragraphs which relate to this dimension. It starts out by reminding readers that the term “dignity” appears in the Convention more often than in any other United Nations human rights convention. The CRPD has of course two articles which most obviously relate to this second dimension, in article 8 on awareness raising and in article 16 on freedom from violence, exploitation and abuse. As regards awareness raising, the General Comment reminds Member States, that:

“Discrimination cannot be combated without awareness-raising among all sectors of government and society. Thus, any non-discrimination and equality measure must be accompanied by adequate awareness-raising measures and measures to change or abolish compounded pejorative disability stereotypes and negative attitudes. In addition, violence, harmful practices and prejudices must be tackled by awareness-raising campaigns. States parties should undertake measures to encourage, inter alia, the media to portray persons with disabilities in a manner consistent with the purpose of the Convention and to modify harmful views of persons with disabilities, such as those that portray them unrealistically as being dangerous to themselves and others, or sufferers and dependent objects of care without autonomy who are economically unproductive and social burdens to society”

In relation to article 16 and other provisions, the General Comment outlines disability – specific forms of violence, such as restraint or corrective disability treatment and it emphasizes intersectional violence,

such as sexual violence, abuse and exploitation. Harassment and other forms of violence, such as hate-crimes, are included in the definition of discrimination.

Intersectional discrimination is defined and addressed in several places of the General Comment. Being the first international human rights treaty specifically recognizing multiple discrimination in relation to disabled women, the respective provision, Art. 6, has been interpreted by several General Comments. Both GC no 3 and Gc No 6 define intersectionality and emphasize the importance on training and awareness raising on this complex appearance of discrimination.

Specific measures undertaken with the best intent to help disabled people are well known practices of de facto discrimination. This is why it is emphasized that “specific measures adopted by States parties under article 5 (4) of the Convention must be consistent with all its principles and provisions. In particular, they must not result in perpetuation of isolation, segregation, stereotyping, stigmatization or otherwise discrimination against persons with disabilities. Thus, States parties must consult closely with and actively involve representative organizations of persons with disabilities when they adopt specific measures.”

Turning to the third dimension, the **participative dimension**, GC No 6 reaffirms the social nature of disabled people as members of social groups and the full recognition of humanity through inclusion in society in various parts of the document. Participation of disabled persons via individuals or representative organizations is demanded in relation to research on disability discrimination and equality rights as well as with respect to access to justice. In addition to these explicit references to collective participation of disabled persons, the CRPD’s equality concept has a clear group reference in two of its provisions and further, in its legal concepts of accessibility and reasonable accommodation. The most prominent provisions are Art. 4(3) and art 33(3) CRPD, both of which demand that disabled people and their representative organizations shall be meaningfully involved in the implementation and the monitoring of the Convention. These provisions are the codification of the slogan “Nothing about us without us” which was the mantra during the negotiation process of the treaty. During the first decade of the life of the Convention the Committee has seen that most State parties take note of these participation obligations, but that they often misunderstand their dimension and scope. Therefore the Committee has adopted General Comment No 7 on the participation of persons with disabilities, including children with disabilities, through their representative organizations, in the implementation and monitoring of the Convention very recently at its 20th Session in September 2018. The GC No 7 gives guidance on what meaningful participation should look like.

The participative dimension of the inclusive equality concept is further comprised in the legal concepts of accessibility and reasonable accommodation. Accessibility and reasonable accommodation are both prerequisites and basic elements of equality rights. Removing barriers in the built environment, in communication and information systems, in public transportation and other services is of paramount importance to combating disability based exclusion from society. Adapting the environment to the individual disabled persons by providing reasonable accommodation is part of anti-discrimination duties under Art. 5 of the Convention. While both duties may result in the same measures, their legal character is quite different. Whereas accessibility obligations are group oriented, reasonable accommodation duties are individual oriented. Accessibility duties thus need to be laid down in general regulations that need to be negotiated with representative organisations, such as the World Blind Union or the World Federation of the DeafBlind or Women Enabled International. Obligations in relation to reasonable accommodation need to be negotiated with the disabled individual. The scope and limits of these duties depend very much on the context of the situation. The Committee has explained both legal concepts in General Comment No 2 on Art. 9 and now again in General Comment No 6 on Art. 5 CRPD. The group oriented legal character of accessibility acknowledges that disabled persons are members of social groups and these groups need to participate in negotiating inclusive equality. The social group may be determined by the kind of impairment or by other factors, such as age, gender or sexual orientation and gender identity. It would, however, not be enough to merely acknowledge disabled persons as members of social groups. Full recognition of disabled persons as part of humanity further demands respect for their individual human dignity. In the context of impairment, respect for autonomy of choice in relation to how to cope with one's impairment is significant. One blind person may choose to use a guide dog, another blind person may want to rely on a white cane only. One person with mobility impairment may choose to use a wheelchair, the other disabled individual may want to use crutches and braces. No representative organization has the mandate to overrule these personal choices. As a result, accessibility standards may help to negotiate reasonable accommodation duties, however they must not narrowly prescribe them.

This would conflict with the fourth inclusive equality dimension, the accommodating **dimension** to make space for difference as a matter of human dignity. General Comment No 6 describes and analyses this dimension at length. The obligation to provide reasonable accommodation is distinguished from the concept of disproportionate or undue burden, from specific measures and individual support as well as

from procedural accommodations and accessibility. It further elaborates precisely on the steps which have to be taken in the process of negotiating reasonable accommodation.

Inclusive equality and models of disability

Thus, inclusive equality goes beyond substantive and formal equality models. It is a new equality model which corresponds with a new model of disability, which is called the human rights model of disability. General Comment No 6 describes this new model of disability as follows:

“The human rights model of disability recognizes that disability is a social construct and impairments must not be taken as a legitimate ground for the denial or restriction of human rights. It acknowledges that disability is one of several layers of identity. Hence, disability laws and policies must take the diversity of persons with disabilities into account. It also recognizes that human rights are interdependent, interrelated and indivisible.”

The “human rights model” of disability is a term which the Committee initially used interchangeably with “social model of disability”. More recently however, the Committee has replaced the social model with the human rights model of disability. Elsewhere I have elaborated on how the human rights model of disability builds on but goes beyond the social model of disability.

In my view the three models of equality discussed here correspond with three models of disability. Inclusive equality parallels the human rights model of disability, substantive equality matches the social model of disability and formal equality is consistent with the medical model of disability.

Inclusive equality relates to the human rights model because both models are holistic models which address structural and power related disadvantages and oppression. Inclusive Equality and the human rights model of disability, both, recognize social and individual identities and take into account different dimensions of equality and discrimination. Substantive equality matches the social model of disability, because both are based on the assumption that equality and disability are social constructs which need to be analyzed from the viewpoint of human variety and human contingency.

Formal equality relates to the medical model of disability because both concepts are reductionist. The medical model of disability reduces disabled persons to their impairments and formal equality only tackles direct discrimination. Formal equality may even be utilized to legitimize discrimination. Impairment is then simply taken as a legitimate and objective reason for denying disabled persons the right to inclusive

education, or the right to vote, or the right to sign a contract or the right to marry. The medical model of disability makes formal equality look just.

Conclusion

The impact the CRPD had within its first 10 years is rather impressive. Other treaty bodies have adopted disability to their agenda and responded to the CRPD committee's jurisprudence. While not all treaty bodies agree with the committee's revolutionary views, in particular with regard to legal capacity and freedom from detention, regional human rights institutions, such as the European Court of Human Rights, have taken significant steps to reflect the committee's jurisprudence in their case law. Many states parties have started legal reforms with regard to mental-health laws and guardianship, others revised election laws, or introduced new antidiscrimination legislation which include "denial of reasonable accommodations" as a form of discrimination. Charter-based bodies such as the Human Rights Council have established a task force on accessibility in order to ensure that its meetings and documents become more accessible to the disability community. Annually, the Human Rights Council organizes an interactive debate on the rights of persons with disabilities. In 2014, Catalina Devandas Aguilar (Costa Rica) became the first Special Rapporteur on the rights of persons with disabilities following Human Rights Council resolution 26/20 establishing the new special procedures mandate. Meanwhile other mandate holders on disability issues, such persons with albinism, or a special envoy on accessibility have been appointed by the Secretary General. There is even an inter-agency support group for the CRPD which now comprises more than 40 UN organizations and programs. On top of this and to our great surprise Secretary General Antonio Guterres announced the development of a System Wide Action and Accountability Plan on Disability for the United Nations at the 11th Conference of State Parties in June 2018. This will bring the topic of disability to an even higher level within the United Nations.

It is my hope that the legal concepts developed by the Committee, such as the new concept of inclusive equality are widely applied and not restricted to disability human rights law. In some countries, like Germany, we see a tendency to save the term "inclusion" for persons with disabilities, whereas the term "integration" is reserved to other oppressed and excluded groups, such as refugees or migrants. It would be contrary to the harmonization of international human rights law as well as to the mainstreaming of disability into human rights law if the concepts developed by the CRPD Committee were not taken up and discussed by human rights scholars working in other fields. Thus, I hope, the concept

of inclusive equality is taken up by the other treaty bodies as well as by academic literature.

I would like to finish on a personal note. My mandate as a chair and as a member of the CRPD Committee comes to an end on 31st December 2018. I have served as a member for 8 years and the workload was unimaginable high. I would not have made it if I weren't supported by students of Maastricht University Master programme "Globalization and Law" who attended my Disability Human Rights Law Clinics. I wish to thank Lisa Waddington and Fons Coomans for giving me the opportunity to do that.
