Contextual Bases for Integrating Universal Design into the U.N. Convention on Persons with Disabilities

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There are times when disparate groups working over time on separate agendas compile a set of ideas that, when connected, illuminate a path to action.   This is one of those times for design in relation to disability. The development of a U.N. Convention on the Human Rights of Persons with Disabilities offers an ideal opportunity to build a case for inclusive or universal design responsive to the realities of the twenty-first century. There is no need to invent anything out of whole cloth but rather to weave available elements together in a new way to reveal action steps and clarify work that is yet to be done.

We propose that the most recent and progressive trends in the U.N.'s consideration of the rights of people with disabilities emphasize inclusion, integration and a view that difference in ability is an ordinary and predictable human experience. Earlier views of accessible design were based in perceptions that the problem or limitation resided in the individual. Universal design responds to the perspective that inclusive solutions should not only eliminate barriers for some but also enhance experience for everyone.

Given that the new Convention is being developed at a time when the overwhelming majority of people with disabilities live in the *developing* and *least developed* nations [terms from *Report on the World Social Situation 2003*, U.N.] that are also projected to be the locus of development for the century, it is reasonable to frame issues of design in terms of the social aspects of sustainable development.

A set of U.N. documents provide support and context for universal design as the preferred design framework for the goals of the Convention on the Human Rights of People with Disabilities:

The Copenhagen Declaration on Social Development (1995) introduced the term 'people-centred sustainable development.' The Declaration included numerous reference to people with disabilities and acknowledges that people with disabilities are one in ten of the globe's population. It also notes the comparability to older people who may also be vulnerable to social exclusion, poverty and marginalization. The Declaration commits to principles and goals emphasizing full participation by all and stresses integration and accessibility.

Its action plan states "…that society acknowledges and responds to the consequences of disability by securing the legal rights of the individual and by making physical and social environments accessible." [26(i)] It also includes access to technology in the action plan. "Recognize that the new information technologies and new approaches to access to and use of technologies by people living in poverty can help in fulfilling social development goals; and therefore recognize the need to facilitate access to such technologies." [26(r)] In a section on action steps at the national level, it commits to "ensure equal educational opportunities at all levels for children, youth and adults with disabilities, in integrated settings, taking full account of individual differences and situations."[Commitment 6, (f)]

Repeatedly, the Cophenhagen Declaration on Social Development speaks to the priority of ensuring access for adults and children with disabilities to the physical and technological environments as a condition of equality. Though the word 'design' appears thirty-two times in the Declaration, there is no mention of design in relation to accessibility. Its stated goals, which would be valuable as performance measures, are clear but need design guidelines to achieve them.

The Declaration does point to a strategy. The international portion of the action plan calls for sharing knowledge and resources across states. A reasonable option is for developed nations to share decades of experience with accessible design not as a formula for other nations to adopt but as an information tool useful to developing nations in creating design guidelines. The Declaration also calls for international financial institutions to support the objectives of the Declaration and integrate them into their policies and programs. It would be a sound step to generate a multi-pronged implementation strategy to promote universal design as an natural support to the goals of social sustainability, generate opportunities for exchanges between the developed and developing nations and urge the international financial institutions to exert their power to be catalysts of change by tying requirements for accessibility to the banks' investment in physical and technological infrastructure.

The World Health Organization's new International Classification of Functioning, Disability and Health (2002) offers another support for embracing inclusive or universal design. The 2002 system departs sharply from previous iterations in a number of ways. It recognizes that disability is not the rare experience of a few but a mainstream experience of the majority at least for some part of life. The new ICF applies to all people. The ICF recognizes that the person's interaction with the social and physical environment – the contextual factors – will determine the degree of limitation an individual experiences. It espouses a principle of parity between mental and physical health conditions, diminishing the medical model's emphasis on etiology. And, perhaps most dramatically in the context of design, it stresses that our goal should be to identify environmental *facilitators* and not just the removal of environmental barriers.

The Madrid International Plan of Action on Ageing (2002) of UN-Habitat also goes beyond barrier removal or basic accessibility in defining accessibility in homes, cities and public transportation for older people, especially those with disabilities. Rather, it emphasizes Priority Direction III: *ensuring enabling and supporting environments*. It speaks not only to the importance of supporting inclusive participation by all in decisions that will effect them but also designing inclusive environments including homes, cities, public transit and information and communication technology.

Human Rights and Disability, published by the UN in 2002 and authored by Gerard Quinn and Theresia Degener et al considers the six existing human rights treaties in order to clarify their relevance to disability, to assess how they work in practice in relation to people with disabilities and to provide options for the future. It does not directly address issues of design but stresses concepts fundamental to ensuring human rights for people with disabilities. The authors stress that the human rights perspective views people with disabilities as subjects with rights and not as objects with problems. Rather, the problems lie outside of the person and should be addressed by examining the economic and social processes that can accommodate differences. Design is a social process that should be considered as an important means of accommodating variation in human ability. When design fails, it's a social impediment that exacerbates the experience of disability. When design succeeds, it

minimizes the experience of disability and has the potential of being a social support for independence, autonomy and participation.

What are the implications for action relative to design in the context of the Convention on the Human Rights of People with Disabilities? There is ample support from the last decade of relevant U.N. documents to argue for inclusive/universal design as a core element of the Convention. There is a pattern of evolution about design for diversity of ability in nations around the world that offers a well developed framework of universal design. Those nations have moved from barrier-free to accessible to universal/inclusive design with an understanding that some people may need the individually tailored support of assistive technology. Universal design offers a practical framework than complements a clear U.N. position on comprehensive inclusion as central to social sustainability. It is also reasonable to assume that a floor of minimum design standards with the force of law and a structure for education and enforcement would benefit most states as a reliable first step.