

2018 East Asia Disability Studies Forum
The Rights to Play for the Disabled People:
Disabled People's Participation in Cultural Life, Recreation, Leisure and Sport

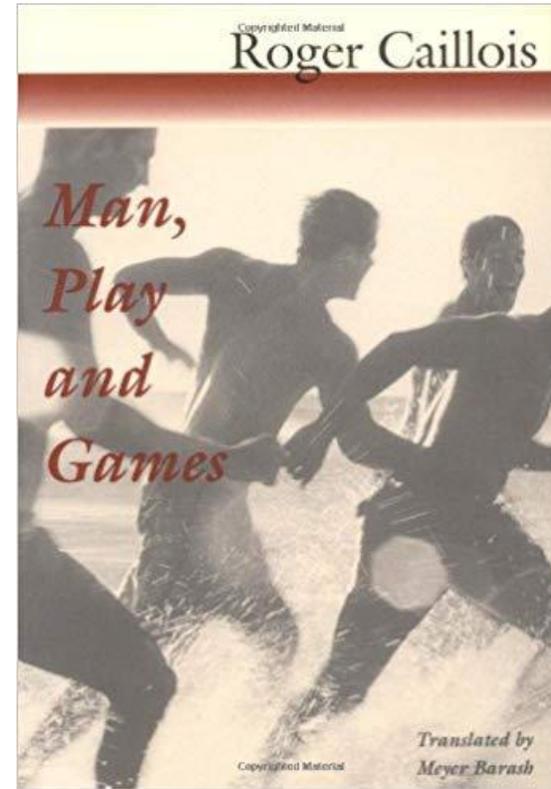
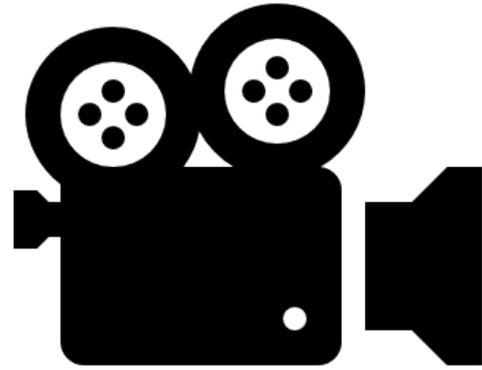
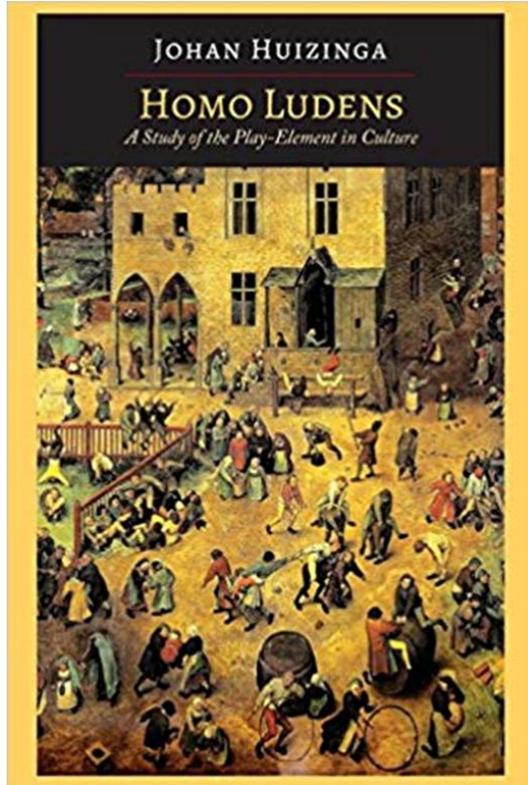
Session: Implementation and Challenges of CRPD article 30 in East Asia

*Article 30 of the CRPD, a luxury or meaning of life?
- Developments of right to cultural life, recreation, leisure
and sport in international human rights instruments*

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Outline

- Developments of rights to cultural life, recreation, leisure and sport in international human rights instruments
 - From 1948 Universal Declaration of Human Rights
 - To 2017 Initial Taiwan CRPD Concluding Observations

2006 CRPD Article 30-Participation in cultural life, recreation, leisure and sport

- 1. States Parties recognize **the right of persons with disabilities to take part** on an equal basis with others **in cultural life**, and shall take all appropriate measures to ensure that persons with disabilities:
 - (a) Enjoy access to cultural materials in accessible formats;
 - (b) Enjoy access to television programmes, films, theatre and other cultural activities, in accessible formats;
 - (c) Enjoy access to places for cultural performances or services, such as theatres, museums, cinemas, libraries and tourism services, and, as far as possible, enjoy access to monuments and sites of national cultural importance.
- 2. States Parties shall take appropriate measures to enable persons with disabilities **to have the opportunity to develop and utilize their creative, artistic and intellectual potential**, not only for their own benefit, but also for the enrichment of society.
- 3. States Parties shall take all appropriate steps, in accordance with international law, to ensure **that laws protecting intellectual property rights do not constitute an unreasonable or discriminatory barrier to access** by persons with disabilities to cultural materials.
- 4. Persons with disabilities shall be entitled, on an equal basis with others, to recognition and support of their **specific cultural and linguistic identity**, including sign languages and deaf culture.

2006 CRPD Article 30-Participation in cultural life, recreation, leisure and sport

- 5. With a view to **enabling persons with disabilities to participate on an equal basis with others in recreational, leisure and sporting activities**, States Parties shall take appropriate measures:
 - (a) To encourage and promote the participation, to the fullest extent possible, of persons with disabilities **in mainstream sporting activities** at all levels;
 - (b) To ensure that persons with disabilities have an opportunity to organize, develop and participate in **disability-specific sporting and recreational activities** and, to this end, encourage the provision, on an equal basis with others, of appropriate instruction, training and resources;
 - (c) To ensure that **persons with disabilities have access to sporting, recreational and tourism venues**;
 - (d) To ensure that **children with disabilities have equal access with other children to participation in play, recreation and leisure and sporting activities**, including those activities in the school system;
 - (e) To ensure that persons with disabilities have access to services from those involved in the organization of recreational, tourism, leisure and sporting activities.

1948 Universal Declaration of Human Rights (2018 is 70th anniversary)

- Article 27.
- (1) Everyone has the **right freely to participate in the cultural life of the community, to enjoy the arts** and to share in scientific advancement and its benefits.



1966 International Covenant on Economic, Social and Cultural Rights

- Article 15
- 1. The States Parties to the present Covenant recognize the **right of everyone:**
 - (a) **To take part in cultural life;**
 - (b) To enjoy the benefits of scientific progress and its applications;
 - (c) To benefit from the protection of the moral and material interests resulting from any scientific, literary or artistic production of which he is the author.

1978 UNESCO International Charter of Physical Education and Sport

- the practice of physical education and **sport is a fundamental right for all**".



1979 Convention on the Elimination of Discrimination Against Women

- Article 13
- States Parties shall take all appropriate measures to eliminate discrimination against women in other areas of economic and social life in order to ensure, on a basis of equality of men and women, the same rights, in particular:
 - (a) The right to family benefits;
 - (b) The right to bank loans, mortgages and other forms of financial credit;
 - (c) **The right to participate in recreational activities, sports and all aspects of cultural life.**

1982 World Programme of Action concerning Disabled Persons

- 4. Equalization of opportunities
 - **(f) Recreation**
 - 134. Member States should ensure that disabled persons have the same opportunities for recreational activities as other citizens. This involves the possibility of using **restaurants, cinemas, theatres, libraries, etc., as well as holiday resorts, sport arenas, hotels, beaches and other places for recreation.** Member States should take action to remove all obstacles to this effect. Tourist authorities, travel agencies, hotels, voluntary organizations and others involved in organizing recreational activities or travel opportunities should offer their services to all and **not discriminate against disabled persons.** This involves, for instance, incorporating information on accessibility into their regular information to the public.

1982 World Programme of Action concerning Disabled Persons

- **(g) Culture**

- 135. Member States should ensure that disabled persons have the opportunity to utilize their creative, artistic and intellectual potential to the full, not only for their own benefit but also for the enrichment of the community. To this end, access to cultural activities should be ensured. If necessary, special arrangements should be made to meet the needs of individuals with mental or sensory impairments. These could include communication aids for the deaf, literature in braille and/or cassettes for the visually impaired and reading material adapted to the individual's mental capacity. The domain of cultural activities includes dance, music, literature, theatre and plastic arts.

1982 World Programme of Action concerning Disabled Persons

- **(i) Sports**

- 137. The importance of sports for disabled persons is becoming increasingly recognized. Member States should therefore encourage all forms of sports activities of disabled persons, inter alia, through the provision of adequate facilities and the proper organization of these activities.

1989 Convention the Rights of Child

- Article 31
- 1. States Parties recognize the right of the child to rest and leisure, to engage in play and recreational activities appropriate to the age of the child and to participate freely in cultural life and the arts.
- 2. States Parties shall respect and promote the **right of the child to participate fully in cultural and artistic life and shall encourage the provision of appropriate and equal opportunities for cultural, artistic, recreational and leisure activity.**

1990 International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families

- Article 45
- 1. Members of the families of migrant workers shall, in the State of employment, enjoy equality of treatment with nationals of that State in relation to:
 - **(d) Access to and participation in cultural life.**
- 3. States of employment shall endeavour to facilitate for the children of migrant workers the teaching of **their mother tongue and culture** and, in this regard, States of origin shall collaborate whenever appropriate.

1993 Standard Rules on the Equalization of Opportunities for Persons with Disabilities

- **Rule 10. Culture**

- **States will ensure that persons with disabilities are integrated into and can participate in cultural activities on an equal basis.**

- 1. States should ensure that persons with disabilities have the opportunity to utilize their creative, artistic and intellectual potential, not only for their own benefit, but also for the enrichment of their community, be they in urban or rural areas. Examples of such activities are dance, music, literature, theatre, plastic arts, painting and sculpture. Particularly in developing countries, emphasis should be placed on traditional and contemporary art forms, such as puppetry, recitation and story telling.
- 2. States should promote the accessibility to and availability of places for cultural performances and services, such as theatres, museums, cinemas and libraries, to persons with disabilities.
- 3. States should initiate the development and use of special technical arrangements to make literature, films and theatre accessible to persons with disabilities.

1993 Standard Rules on the Equalization of Opportunities for Persons with Disabilities

- **Rule 11. Recreation and sports**
- **States will take measures to ensure that persons with disabilities have equal opportunities for recreation and sports.**
- 1. States should initiate measures to make places for recreation and sports, hotels, beaches, sports arenas, gym halls, etc., accessible to persons with disabilities. Such measures should encompass support for staff in recreation and sports programmes, including projects to develop methods of accessibility, and participation, information and training programmes.
- 2. Tourist authorities, travel agencies, hotels, voluntary organizations and others involved in organizing recreational activities or travel opportunities should offer their services to all, taking into account the special needs of persons with disabilities. Suitable training should be provided to assist that process.

1993 Standard Rules on the Equalization of Opportunities for Persons with Disabilities

- 3. Sports organizations should be encouraged to develop opportunities for participation by persons with disabilities in sports activities. In some cases, accessibility measures could be enough to open up opportunities for participation. In other cases, special arrangements or special games would be needed. States should support the participation of persons with disabilities in national and international events.
- 4. Persons with disabilities participating in sports activities should have access to instruction and training of the same quality as other participants.
- 5. Organizers of sports and recreation should consult with organizations of persons with disabilities when developing their services for persons with disabilities.

2013 Marrakesh Treaty to Facilitate Access to Published Works for Persons Who Are Blind, Visually Impaired or Otherwise Print Disabled Treaty

- Ratifications
 - Mongolia (2015)
 - South Korea (2015)
 - Japan (2018)
- Signature
 - China (2013)

2014 Initial Concluding Observations for South Korea

- 57. The Committee is concerned that the State party has not ratified the **Marrakesh Treaty** to Facilitate Access to Published Works for Persons Who Are Blind, Visually Impaired, or Otherwise Print Disabled, which allows access to published material to blind persons, persons with visual impairments or persons with other difficulties in having access to printed materials.
- 58. The Committee encourages the State party to adopt all appropriate measures to ratify and implement the Marrakesh Treaty as soon as possible.
- Republic of Korea (CRPD/C/KOR/CO/1)

2017 Initial Review of Taiwan by the International Review Committee

- 74. The IRC is concerned about:
- (a) **The absence of programmes and projects with budgets to promote participation of persons with disabilities in sport;**
- (b) **The small number of digital books available**, making it difficult for persons who are blind, visually impaired and otherwise print disabled, to have access to published materials;
- (c) **The discriminatory regulations and practices** at both national and local levels by parks, amusements centers and sports centers discriminating on the basis of disability, including against those with psychosocial and intellectual disabilities with respect to their admission and participation; and

2017 Initial Review of Taiwan by the International Review Committee

- 75. The IRC recommends that the State:
- (a) **Revise the National Sport Act** in compliance with the CRPD in order to promote the participation of persons with disabilities in sport and establish programmes and projects promoting the participation of persons with disabilities in sport;
- (b) Promote publications in accessible formats in line with the **Marrakesh Treaty to Facilitate Access to Published Works for Persons Who Are Blind, Visually Impaired or Otherwise Print Disabled**, administered by the World Intellectual Property Organization (WIPO);
- (c) **Eradicate discriminatory regulations and practices** at both national and local levels by parks, amusement centers and sports centers rejecting persons with disabilities, including persons with intellectual and psychosocial disabilities, by strengthening relevant acts including the People with Disabilities Rights Protection Act and the Civil Code; and
- (d) **Develop playgrounds based on universal design to allow children with disabilities to participate in leisure and recreation.**

Concluding Observations on Article 30

- Haiti, Nepal, Oman, Russian Federation, Seychelles, Slovenia, Sudan, Luxembourg, Montenegro, Morocco, Panama, United Kingdom of Great Britain and Northern Ireland, Armenia, Bosnia and Herzegovina, Cyprus, Honduras, Iran (Islamic Republic of), Jordan, Republic of Moldova, Bolivia, Colombia, Guatemala, Italy, United Arab Emirates, Lithuania, Portugal, Serbia, Slovakia, Thailand, Uganda, Brazil, European Union, Gabon, Kenya, Mauritius, Qatar, Ukraine, Cook Islands, Croatia, Czech Republic, Dominican Republic, Germany, Turkmenistan, New Zealand, Denmark, Republic of Korea, Belgium, Ecuador, Mexico, Sweden, Azerbaijan, Costa Rica, El Salvador
- There are no recommendations on Latvia, Canada, Ethiopia, Uruguay, Chile, Mongolia, Australia, Austria, Paraguay, Argentina, China, Hungary, Peru, Spain and Tunisia.

In Closing

- Respect for difference (General Principle: art. 4)
 - Art Brut: Inclusive or exclusive?
 - Art brut is a French term that translates as 'raw art', invented by the French artist Jean Dubuffet to describe art such as graffiti or naïve art which is made outside the academic tradition of fine art (Tate Modern)
- How do we value “cultural life, recreation, leisure and sport” in our life? When we stop considering them as “luxury”, we will be making an important step for inclusion.

多謝

- 감사합니다
- 謝謝
- 唔該
- ありがとうございます。
- Thank you very much!