

INCLUSION, HUMAN RIGHTS
AND INTERCULTURAL DIALOGUE

ABSTRACT

The World Freedom Movement of the Persons with Disabilities has developed a strategy to overcome the condition of discrimination and the lack of equal opportunities for the 650 million disabled people world-wide. Such condition, created by a discriminatory social treatment, has produced invisible citizens, limiting their participation to social life. The process of reconstructing an acknowledged social identity, by overcoming a negative vision and reformulating society rules in order to guarantee the full enjoyment of the human rights, is defined as social inclusion, and was acknowledged by the UN Convention on the rights of persons with disabilities. The condition of people with disabilities is similar to that of immigrants and the people viewed negatively by society: both conditions in fact, produce prejudice, social stigma, and continuous violations of human rights. The article studies the constitutive elements of the emancipation strategy of persons with disabilities, with particular focus on the concept of inclusion, while trying to apply to it themes of intercultural approach. Human diversity in Western countries is still evaluated according to a Greek approach, the syndrome of «Oi Barbaroi». In this framework the «different» must be integrated in a community before being accepted: he/she must change, adapt him/herself to the community rules and principles, denying his/her own original identity. The process of integration does not respect human rights. The process of inclusion implies a transformation of the relationship between those who are not, and those who are part of a community. Inclusion does not have real effectiveness without the participation of the excluded («nothing about us without us»). The process of inclusion must foresee the empowerment of the excluded persons. An inclusive society ought to transform rules and cultures towards the human diversity, offering full citizenship and respect of human rights.

In the last years the world freedom movement of people with disabilities has developed a thorough consideration on how to overcome the condition of discrimination and the lack of equal opportunities for 650 million disabled people world-wide. Such condition, created by a social treatment that has excluded them and branded them with a negative stigma, has produced a condition of invisible citizens, limiting their participation to social life. People with disabilities are considered incapable of living to the full, at all levels: social, economic and cultural level, in the society they live in¹.

The process of reconstructing a recognised social identity, by overcoming the negative social vision and reformulating society rules in order to guarantee equal conditions for the full enjoyment of the human rights for these people is defined as social inclusion. The United Nations has acknowledged such process and recently approved a Convention on the Rights of Persons with Disabilities².

For many reasons the condition of the persons with disabilities is similar to that of immigrants and people who are negatively viewed by society: both conditions in fact, produce prejudice, social stigma and negative attitudes that lead to continuous human rights violations. In fact, human rights violations are based on discriminatory treatment without justification. People who are historically loaded with socially undesirable connotations are branded by a stigma that often produces social disadvantage and burdens to individual and social relationships, with a problematic and often negative connotation that limits *de facto* their full access and participation in society.

The article will study the constitutive elements of the strategy of emancipation of persons with disabilities, especially focusing on the concept of inclusion and trying to apply it to themes of multi-orientation of culture.

The culture of human rights, founded at the end of the last WW with the Universal Declaration of Human Rights adopted by the UN in 1948, has progressively become a new paradigm on which to construct the relationships between human beings, populations and states. This new structure now permeates all international treaties, constituting a juridical foundation for both legal regional instruments, as well as national legislation and jurisprudence, day by day, becoming a concrete basis to evaluate and monitor policies and institutional systems to ensure that individual liberty and development of people's rights are respected.

In this profound transformation of the safeguarding of human rights even the world movement of persons with disabilities³ demand a new cultural basis for its own condition, no longer based on a medical model, that viewed the disabled as sick and handicapped, to whom only social protection and care should be guaranteed. The responsibility of the condition of being able to move in a world full of obstacles and barriers was in this way attributed to the condition of the person's health instead of recognising the responsibilities of society. Such model has been criticised by the associations of the disabled people and was substituted by a social model of disabilities that enhances human diversities – of race, gender, sexual orientation, culture, language, and psycho-physical condition – stating that the condition of disabilities does not derive from the subjective quality of the persons, but from the relationship between the characteristics of the persons and the modalities through which society organises the access and the enjoyment of rights, possessions and services. Therefore a person finds himself in a condition of disabilities not because he moves on a wheelchair, communicates with labial language, or finds his way with a guide dog, but because buildings are built with stairs, communication is only possible through oral language and finding one's way is only possible by using sight. The result of this Copernican revolution is that persons with disabilities suffer conditions of discrimination and lack of equal opportunities on the part of society and are subjected to continuous violation of human rights. In fact, in a society in which the technological applications render buses, trains and ships accessible, in which computer technologies allow a blind person to read and a deaf person to hear⁴, in which persons with disabilities can attend ordinary schools and carry out productive work, all other treatment is unjustified: every segregation in institutions or sheltered laboratories, every web site that does not comply to the WAI norms of accessibility⁵, every bus that disregards the non-ambulant and blind represent a violation of human rights.

For many years now the UN and other international organisations have been dealing with the rights of persons with disabilities⁶. Awareness of the process of social exclusion that persons with disabilities live within the whole world has led to the first important document by the UN, the *Standard Rules for Equal Opportunities of Persons with Disabilities* (from this moment on

Rules), adopted by the UN General Assembly on 20 December 1993 (Resolution 48/96)⁷.

The Rules present the guidelines for social change that should allow all citizens, without exception, to take part in an equal way to social life. They serve as an international instrument and as a control mechanism to guarantee the respect of human and civil rights, their application and their effectiveness. The Rules have progressively become an international standard accepted by many countries. In fact, they call for great political and practical commitment because equal opportunities for persons with disabilities become real. Indeed, the starting point of social disadvantages to which these persons are subjected is the lack of equal opportunities. The definition provided by Rules will prove useful in the following speech to grasp the meaning of «realisation of equal opportunities»:

24. To realize «equal opportunities» means that different societies and environments as well as services, activities, information and documentation must be made accessible to all, especially to persons with disabilities.

25. The equality of rights principle implicates that the needs of each person, and all individuals are of equal importance. Such needs must become the foundation in planning a society, and all resources invested in such direction must assure the same opportunity to each individual.

26. Persons with disabilities are members of society and have the right to stay within their community. They should receive the support they need within ordinary structures for education, health, commitment and welfare services.

27. When persons with disabilities acquire equal rights, they should have equal duties and once these rights have been acquired, society should broaden its expectations towards persons with disabilities. As part of the equal opportunity process, we should see to it that persons with disabilities take on their full responsibility as members of society.

The lack of equal opportunities is evident, and derives from a society that did not take human diversity into consideration, and from the consequent social treatment it produced in time. Useful concepts to bear in mind pertaining to our discussion are that the attainment of equal opportunities is a process (the equalisation of opportunities) that reformulates the social role and the participation of the excluded person from one side, and this process requires a similar commitment on the part of society for it to recognise the excluded person as holder of equal rights.

To the first element, a second element, social attitude, must be added. Linked to it is a vicious circle of cause and effect which deems differential treatment justified, that only in these last few years was identified as discrimination. In fact, how do we define segregation in special places only on the basis of disability? Is it legitimate to lock up half a million people with disabilities in 2500 mega institutions throughout the 25 European Community member countries only because a disability was treated in such a way for centuries? Or still, how can attending special classes or special schools for 56% of the children with disabilities in EU countries not be considered discrimination, when an Italian inclusive school experience has shown that it is practicable, educationally useful, and culturally beneficial for all, with 99.9% of children with disabilities attending ordinary classes within the general education system? Discrimination is addressed by the recent UN Convention on the Rights of Persons with Disabilities, and is based on Article 5 (equality and non-discrimination). It says:

1. The State Parties recognize that all persons are equal under the law and are entitled without any discrimination to the equal protection and equal benefit of the law.
2. The State Parties shall prohibit any kind of discrimination on the basis of disability and guarantee to persons with disabilities equal and effective legal protection against discrimination on all grounds.
3. In order to promote equality and to eliminate discrimination State Parties shall take all appropriate steps to ensure that reasonable accommodation is provided.
4. Specific measures which are necessary to accelerate or achieve de facto the equality of persons with disabilities shall not be considered discrimination under the terms of the present Convention.

Living in conditions lacking equal opportunities, accepted by society and being subjected to discriminatory treatment deemed legitimate, has produced a dual effect: on the one hand persons with disabilities have become invisible citizens in the domain of policies and in social actions, and on the other hand they have had to face social exclusion that, until recently were regarded as socially justified. The condition of disability is in this way inscribed in a vicious circle becoming the cause and effect of poverty. The latter, in the way modern society still treats persons with disabilities, in turn produces social exclusion, limitations in the access to rights,

obstacles and barriers in the enjoyment of spaces, goods and services, creating social impoverishment in the recognition of their rights and impoverishment in the capacity and opportunity to have access and participate in the decisions of society. This condition of discriminatory treatment then produces economic poverty, since persons with disabilities are subjected to higher costs to have access to their rights, goods and services, and therefore lack equal opportunities of other persons. Circumstances are further aggravated by the fact that instead of adding together the two processes they multiply themselves, increasing exponentially the two forms of poverty.

In the last few years, the movement of persons with disabilities started to refuse the solutions for social integration, and has opted for more radical ones like social inclusion. In fact, it is a process that, given a community with pre-established rules and principles on which to construct a civil and cultural existence together, allows people who are not part of a community to partake in it. The essential condition of integration is that new arrivals must accept the principles defined prior to their entry. Obviously, those who do enter the society must adapt if they want to be accepted, even if this were to damage their essential needs. Imagine people with disabilities integrated in a society that continues to build barriers and obstacles, to segregate children with disabilities in special classes, and lock them up in institutions as they are regarded by society as inept beings? It would be a nightmare, as it has been for centuries, and still is in a great part of the UN states. Therefore, the objective of the international movement is inclusion: to have all persons included in society, with the same power and the same guarantee to participate, as all other members of the community. In other words, so that their active presence can serve to rewrite part of the rules and principles of that particular society, and introduce new values and principles that guarantee their full social participation.

To better clarify this concept the definition of social inclusion presented at the UN *Ad Hoc* Committee discussion on the Convention used by the organisations of persons with disabilities is worth reading:

Inclusion is a right based on the full participation of persons with disabilities in all fields of life, on the basis of equality in a relationship with others, without discrimination, respecting the dignity and giving more

value to human diversity, through appropriate interventions, overcoming obstacles and prejudice, support based on mainstreaming, in order to live in local communities.

Inclusion is therefore a right/process that intervenes to rewrite the rules of society that excludes and strikes persons from the points of view of: social stigma, impoverishment of stricken persons branded by negative diversity, refusing dialogue. If exclusion is based on a simple action: refusing equal conditions, denying belonging by applying different treatment without justification, and the cancelling of another as person holder of human rights; inclusion is a hard process of growth and awareness, of rewriting principles, regaining the dignity of those who are excluded, and taking into consideration the new needs of restoration and a balanced empowerment within a society.

Within the process of inclusion, excluded persons must play a particular role. In fact, if the course of inclusion is a recognition of new rights, values and principles, it cannot take place without having those same people who are subjected to conditions of exclusion. In other words, inclusion is effective only with the direct participation of the excluded and discriminated people. And to enable the latter to take part in this process consciously and directly it is necessary to remove the poverty and social impoverishment experienced by these people within the society that excludes them. From here stem two mindful actions that touch the social and individual sphere: the first is the introduction of policies of mainstreaming with regard to excluded persons to replace the needs and new rights of ordinary policies within the policies of the whole society; the second is the activation of instruments geared towards individual empowerment to remove conditions of social and personal impoverishment.

Another essential element of the inclusion process is linked to economic and social development. According to current acceptance – prevalently liberalist – development produces social costs that often correspond to the processes of exclusion that we have analysed. Poverty and marginalisation often accompany development. The liberal theory does not include part of society⁸, and leaves the burden of human rights violations produced and the ones it produces in the background. In the last few years, the movement of persons with disabilities has been questioning itself on

the concept of inclusive development: are the factors that create exclusion, poverty and mortification of the human resources «sustainable development»? Is social inclusion really a burden, or does it represent a form of possible and practicable development⁹?

The last, but not secondary element in the process of inclusion is the acknowledgement and social legitimisation of the new constitutive element of inclusive society. It allows inclusion within the human diversities, admitting in a society even new diversity which loses the negative connotation of diversity to become ordinary diversity. In fact, the notion of diversity is based on an undue projection which assigns the description of different to those who do not belong to that particular society. But in actual fact, can there be a human being that is the same as another human being? Evidently what is enacted is the historical and social construction of that diversity, recognised as such because it is expunged from ordinary diversity.

The approach model on the condition of persons with disabilities studied in the first part of this article gained broad consent from the European Commission as witnessed by the documents, actions, programmes and directives¹⁰. The strategy of progressive inclusion of persons with disabilities in community policies is based on policies of mainstreaming, on non-discriminatory legislations, on the removal of obstacles and barriers and on the full social participation in decision-making through permanent collaboration with the European Disability Forum, an organisation that unites 27 national councils and 60 European organisations of persons with disabilities and their families¹¹. This model therefore has already entered communal policies, becoming a marker of good practice and appropriate policies as exemplified by the policies on: access to transport and the new technologies, non-discrimination in employment, equal opportunities for women and young people, etc.

What still seems to require improvement in European matters of social inclusion is the question of the principles of the culture of social inclusion which is based on the recognition of rights and values applied to the substantial flow of immigrants within particular cultures. If today European public opinion has difficulty in accepting citizens from the European Community itself (let us consider for example the acknowledgement of freedom of movement of Polish, Romanian or Bulgarian citizens within Community borders) it is not only a question of economics.

Europeans, like all the Westerns, endowed with a past cultural heritage fail to comprehend human diversity and the different cultures related to it.

Meanwhile a first preliminary consideration is that nature operates on the basis of diversity. Let us think for example about reproductive natural mechanisms: it is a proven fact that the first living beings reproduced themselves by parthenogenesis. This solution of a living being reproducing itself on the basis of its own DNA could not be advanced since it produced a progressive genetic impoverishment of future generations. Hence springs nature's choice to reproduce itself by bringing together two different beings: a man and a woman. The complexity of the DNA then generated the complex solutions of combinations possible, broadening the range of the concept of human diversity. In fact, diversity belongs to us; to the planet earth, the mineral world, to the world of plants, animals and humans. The progressive development of animals and plant speciation developed a richness of plant and animal species (of which we are part), made of individual characteristics which always correspond to a rich phenotype of many characteristics that enhance its unique existence¹². Such considerations can also be used in cultural debate and dialogue. The osmosis of culture rooted in geographic contexts and in different politics, sometimes caused by war, other times a product of immigration, or of exchanges and commerce has enriched everyone extraordinarily; a fact that is rarely acknowledged. Unfortunately, it is important to highlight that while there are specific commitments internationally with regard to the protection of plant and animal species as is the case with the Rio de Janeiro Declaration¹³, none exist in recognition of the richness of human diversity.

Actually, human diversity is inscribed in a context in which economic and social power, political and cultural conflicts, and prejudice arising from decisive historical treatment have produced a different approach, based on the construction of obstacles and barriers and on discriminatory and pre-constituted behaviour.

The cultural reading of human diversity that society bases itself on can be summed by what I like to define as the «*Oi Barbaroi*» syndrome. The name derives from classical Greek culture and is the word that designated all other populations other than Greeks. All human diversity throughout history was evaluated by adopting of socially and culturally parameters of accepted models defined as

«normal». Normality was the society to which one belongs, therefore «my» race and «my» culture. «Other», designated a different population, person, culture and behaviour from the society which one lives in, making the «other» a potential stranger, a barbarous enemy, a person to be afraid of since full of negative characteristics. Such characteristics were then introjected into common sense, to become a generalised behaviour of a determined community.

A stereotype vision then became everyday culture, influencing discriminatory behaviour and justice, forgone and legitimised by common sense.

The traditional approach to this cultural vision of the problem is that the «different» must be integrated in the Community prior to being accepted. In other words, the individual must change, become reliable, adapt to the rules and principles of the Community. Said in a different way, the individual must recognise the rules of the «welcoming» community, denying one's original identity. But in actual fact, acceptance is only possible in determined conditions and is based on an unequal relationship.

The integration process, underlined many times, is not the respectable result of the human rights of these persons because their individuality and condition is not taken into consideration by society that continues considering them unacceptable, if not carriers of diversities incompatible to them.

The only possibility is in fact, to eliminate the socially dangerous and undesirable characteristics by submitting them to the untouchable social rules of their «hosts» that is, those who tolerate their presence as long as the former accept to subordinate social roles and social behaviour that is aligned to the norm and distort their condition of diversity, standardising themselves to the accepted social model. In other words, adapt.

In comparing cases relating to people of different cultures, we can see that they are treated much the same way as persons with disabilities. The first approach, in relation to the arrival of immigrants, is significantly different for those who are inside society and those who want to become a part of it: their isolation in collection centres brutally underlines their non-belonging to society. The segregation in closed places and «others», where only those who possess the socially accepted characteristics live, serves to control that these people's intrinsic diversity does not contaminate society.

The underlying language, culture and religious diversity is not needed to recognise their culture, nor to attribute to them the evident entitlement of human rights. Diversity instead is simply viewed as a problematic otherness that excludes any kind of reciprocity that could put the members of the hosting community in the same condition as those requesting inclusion. Social stigma affects otherness by excluding them from access to rights, social relations and experiences in the same places as the whole community that should welcome them. Thus they are forced to find their own places to preserve their personal identity (as with festivities), to construct physical settlements and personal spaces (as with immigrant quarters), and seek social customs in which they do not lose their cultural identity (as with Islamic schools for example).

At the same time, members excluded from access to a society experience live a social and individual impoverishment, and social non-recognition. An immigrant becomes a sort of pariah, whose citizenship rights are not acknowledged, who roams like an invisible citizen, cleaning the windshields of cars at the traffic lights, running illegal stalls, begging for charity on street corners.

Inclusion process implies a transformation between the relationship of those who are not there (or who are not accepted) and those who are a part of the community. Such a transformation views the excluded part as the protagonist of the transformation since that individual faces discrimination and has no equal opportunities. The inclusion process is not really effective without the participation of the excluded. The slogan of the movement of persons with disabilities is: «nothing about us without us», which sums up this value, a universal value applicable to all human beings. The inclusion process must guarantee the participation of excluded people so they experience a condition of equal respect compared to members of the community, social recognition and participation to the decision-making process with regard to social rules and actions adopted to obtain non-discrimination and equalisation of opportunities. Here the shortage of solutions available for immigrants is illustrated: useful solutions can be rapid citizenship, the organisation of representative associations, the participation of collective decision-making, and the practical development of cultural mediation.

At the end of the inclusion process, society has transformed rules, the culture and approaches towards diversity as represented

by the attainment of full citizenship and the total respect of a person's human rights.

Unquestionably the process has a few prerequisites: firstly, the actors must be conscious of the fact that they are involved in the process of inclusion. A useful example could be the inclusion instrument/model adopted by the World Health Organisation for Rehabilitation for Disabled People at the community level. The Community-Based Rehabilitation (CBR), offers health services in developing countries and is based on the involvement of the community as player, capable of confronting and solving problems of discrimination and lack of equal opportunities through community effort, community resources, the solidarity between people, and the conscious and specific activation of intervention services to established groups of people (tribe, village, community, etc.). A multi-sectorial approach is important. Starting with ILO, UNESCO and WHO¹⁴, the CBR definition is:

a strategy inside the development of the community for rehabilitation, equalization of opportunities and social integration of all disabled persons, their families and community, and the appropriate health, educational, training and social services.

This CBR approach is multi-sectorial and includes the assistance of government and non-government services to the community. ILO-UNESCO-WHO's CBR approach states the phrase «inside community development» as intended by the United Nations¹⁵ strategy recommendations:

the use [in integrated programmes]¹⁶, of approach and techniques that rely on local community as an action unit and that they make an effort to combine external assistance with the efforts and local organized self-determination, and that in a correspondent form try to stimulate the initiative and the local leadership as a primary instrument of change.

The CBR-based programmes must coordinate the services offered at the local level. Community members rarely understand the different roles and specialisation involved in assisting the persons with disabilities. The tendency is to look only at the problems of disability and create only a single direction of assistance. with focus on where to go (identifying a range of traditional actions, frequently based on presumed needs) and

classify with a specific «problem» (assigning a percentage of impairment), instead of understanding what a totality satisfying life means for a member of the community with disabilities.

Finally, I wish to highlight that the WHO is revising the definition of CBR. In the latest discussion, the fact that the CBR is a local development instrument based on the safeguarding of the human rights of its community members was set out¹⁷.

It is evident that the CBR example has relevant methodology that places emphasis on content rather than formal aspects. Such implications, involving many interventions that address people who live the phenomena of social exclusion, can be extremely useful to favour the construction of intercultural society.

In the path towards inclusion what is essential is a reformulation of the concept of *empowerment*. Traditionally linked to a liberal idea of social responsibility of the action of inclusion – each person defends himself; the state does not interfere with the free market – but the acceptance we refer to involves a significant twist: the state's task is to include everyone in the decision- and development-making process, and at the same time must offer everyone the opportunity to develop individual ability and awareness. It therefore means to develop a social and individual empowerment, this mix is determined by the level of social inclusion that the society guarantees and by the level of skills and awareness of each single person.

The world we live in, with globalised and standardised processes that sometimes combine to become destructive for human diversity, must be corrected by putting concrete persons and human beings at the centre of the decisions. Open, globally accessible, flexible and inclusive societies, based on the respect and enhancement of human values and social diversity are those whose objective is in fact the improvement of everyone's quality of life. This cultural, political and social message to society is offered by persons with disabilities: if all human diversity is safeguarded and improved, the respect of human rights will be guaranteed and societies, based on economic and social development, will be constructed with a better quality of life for its members.

¹ R. Barbuto, V. Ferrarese, G. Griffo, E. Napolitano and G. Spinuso, *Peer Counselling. From Victims of History to Protagonists of Life*, [Lamezia Terme], Comunità Edizioni, 2006.

² The Convention was approved by the General Assembly of the United Nations on 13 December 2006.

³ The term «persons with disabilities» is the universally accepted term on an international level (see the UN *Ad Hoc* Committee debate about the Convention on the Rights of Persons with Disabilities). For an explanation of the use of the term see *Le buone prassi nell'uso delle parole: le parole sono pietre*, in *Le idee vincenti. Esempi di buone prassi nello sviluppo della cultura imprenditoriale e dell'accoglienza*, Pesaro, progetto *Equal* Albergo via dei matti numero zero, [2005].

⁴ We think computer vocal synthesis allows written language to be transformed into spoken language and software through which a display allows spoken speech to be transferred into written language.

⁵ Web Access Initiative (WAI) are international norms on web site accessibility.

⁶ An examination of this course can be found in G. Griffo, *I diritti umani per le persone con disabilità*, in «Pace diritti umani/Peace Human Rights», n. 3, September-December 2005, pp. 7-31.

⁷ The text on the Standard Rules is available from the UN web-site: www.un.org/esa/socdev/enable/dissre00.htm.

⁸ See the illuminating text of Martha Nussbaum on the inadequacy of the liberalist theory to include and safeguard persons with disability: M. Nussbaum, *Giustizia sociale e dignità umana*, Bologna, il Mulino, 2002.

⁹ See the definition of «inclusive development» proposed by Rosangela Barman Bieler of the équipe Disability and Inclusive Development of the Latin American Region and Caribbean of the World Bank, Washington, 2005.

¹⁰ All the references to European policies are listed in the article by G. Griffo, *I diritti umani per le persone con disabilità*, cit.

¹¹ See at www.edf-feph.org.

¹² A. Jacquard, *Eloge de la différence. La génétique et les hommes*, Paris, Editions du Seuil, 1978.

¹³ The Rio Declaration is available at www.solidea.org/Arce/ambiente/dichiaraz.htm.

¹⁴ Community-Based Rehabilitation for and with People with Disabilities, 1994 Joint Position Paper, International Labour Organisation (ILO), United Nations Educational, Scientific and Cultural Organisation (UNESCO) and World Health Organisation (WHO). An effective synthesis on the CBR can be found at www.unescap.org/decade/cbr.htm. Other informations can be found on the AIFO web-site, an Italian NGO that works in the field of development cooperation, particularly attentive to CBR (www.aifo.it).

¹⁵ See the UN E/CN 5/291 document. Compare The Alma Ata Declaration on Primary Health Care approved during the International Conference on Primary Health Care, Alma Ata, URSS, 6-12 September 1978, that establishes the involvement of the beneficiaries within health care (Article IV: «Persons have the right and duty to individually and collectively take part in the planning and realization of the health care they need»).

¹⁶ Report of the Multi-Lateral Programmes of Human Developments, March 2004, realised by UNPD, IFAD, ILO, WHO, UNOPS, S.I., UNOPS and Cooperazione italiana, S.d.

¹⁷ The WHO started a discussion on the up-dating of the CBR, during an International Meeting in Helsinki (May 2003) and a second seminar in Geneva (November 2004) that redefined the CBR concept of the CBR; see at www.who.int.