

# Our Rights - issue 28, December 2010



The International Disability  
and Human Rights Network

Please visit <http://www.daa.org.uk/> to leave comments, or email us at [info@daa.org.uk](mailto:info@daa.org.uk) with your news stories.

This newsletter can be also be downloaded from the DAA website as text (RTF) and PDF versions.



**Season's Greetings FROM ALL OF US at DAA**  
**We WISH YOU ALL a HAPPY, PROSPEROUS AND FULLY INCLUSIVE New Year**



## CONTENTS

<b>Convention</b> .....	3
Sign ups.....	3
Optional Protocol.....	3
New ratifications .....	3
CRPD is basis for court to order legal rights for woman with learning difficulties .....	3
EU could now sign CRPD .....	4
<b>UK</b> .....	4
Murderer of disabled man given life sentence.....	4
Hertfordshire police raise awareness of disability hate crime .	5
Mother murders autistic son by forcing him to drink bleach....	6
Disabled girl excluded from school as a "health and safety risk" .....	7
Euthanasia bill rejected by Scottish parliamentary committee	7
‘Assisted dying’ inquiry funded by supporters of euthanasia ..	8
What budget cuts will mean for DPOs.....	9
Government scrap equality duty = bad news for disabled people and other marginalised groups .....	9
Review of benefits test finds major flaws .....	10
Reformed DLA to be based on harsh eligibility criteria .....	11
Disabled people continue to miss out on the basics of a full, inclusive life .....	13
Independent Living Fund to be scrapped .....	14
<b>International</b> .....	15
China: Disabled people enslaved in sweatshops .....	15
India: "Avevan, Nivedan, Danadan. First we ask, then we write, then we fight." The battle for inclusive education .....	16
India: Disabled women face major barriers to employment. .	17
International: Major human rights journal devotes entire issue to disability and displacement .....	18
International/UK: OECD calls for reform to sickness and disability benefit systems .....	18
International: Disability hate crime recorded in very few countries .....	20
USA: Photo history of disability movement on show in Chicago .....	24

## Convention

### Sign ups

#### CRPD

- 147 signatories
- 96 ratifications

#### Optional Protocol

- 90 signatories
- 60 ratifications

### New ratifications

Saint Vincent and the Grenadines ratified the CRPD and Optional Protocol on October 29<sup>th</sup>, 2010. Turkmenistan ratified the Optional Protocol on November 10<sup>th</sup>.

### **CRPD is basis for court to order legal rights for woman with learning difficulties**

The District Court in a Czech town Cheb ordered full restoration of legal-capacity of a woman with learning difficulties so that she could live independently.

It is the first time that a Czech court based its decision on the concept of supported decision-making, using the authority of Article 12 of the UN Convention which says that “states shall recognize that persons with disabilities enjoy legal capacity on an equal basis with others in all aspects of life.”

As can happen in the Czech Republic, the district attorney appealed against the decision, thus preventing it from entering into legal force. However, this case demonstrated that courts in the Czech Republic can base their rulings on the UN Convention and thus help disabled people to live free and independent lives.

[http://www.inclusion-europe.org/einclude/index.php?option=com\\_content&task=view&id=662&Itemid=30](http://www.inclusion-europe.org/einclude/index.php?option=com_content&task=view&id=662&Itemid=30)

## **EU could now sign CRPD**

Only 16 of the EU's 26 member states have ratified the CRPD. Up to now this has prevented the EU itself from becoming the first regional body to accede to the Convention.

Earlier this year, the vice president of the Commission, said, "If the code of conduct between the EU and its Member States is adopted in the coming months, the European Union will deposit the Convention at the United Nations during the Belgian Presidency."

On December 2, 2010, the Member States finally agreed the code of conduct concerning the CRPD. This clears the way for signing and ratifying the Convention and making its provisions binding law for the whole of the EU.

"The disability movement wants the EU to join the UN Convention immediately," said Yannis Vardakastanis, president of the European Disability Forum. "There are no more legal barriers to prevent the EU from going ahead. This will represent a major policy shift toward enforcing human rights obligations and putting disability on top of the human rights agenda."

[http://www.edf-feph.org/Page\\_Generale.asp?DocID=13855&thebloc=25857](http://www.edf-feph.org/Page_Generale.asp?DocID=13855&thebloc=25857)

## **UK**

### **Murderer of disabled man given life sentence**

23-year-old Martin Mather, from Rhyl, in Wales, admitted murdering Philip Holmes, 56, a disabled man, in his flat last April. He was sentenced to life in prison and told he would serve a minimum of 17 years before he can be considered for parole.



**Philip Holmes**

Detective Chief Inspector John Hanson said: "He showed a callous disregard for Phillip and whilst in police custody showed no remorse whatsoever for his actions. ...In interviews with police after his arrest, Mr Mather also made disparaging remarks about Philip Holmes that displayed hostility toward his disability."

<http://www.bbc.co.uk/news/uk-wales-11755954>

### **Hertfordshire police raise awareness of disability hate crime**

As part of their anti-bullying week, police in Hertfordshire have highlighted hate crime against disabled people. They have also reminded people how to report incidents and encouraged witnesses and victims to contact them.

As reporting crimes to police could be considered daunting, the police have put measures in place to make this process easier. Especially designed disability hate crime reporting forms can be obtained at a number of centres throughout the county.

Inspector Ian Tycer, the Constabulary's champion for tackling hate

crime, said: "It is understandable that many disability hate crimes still go un-reported as victims may feel awkward or embarrassed talking to police face to face. We hope that through the alternative reporting methods available more victims will be encouraged to come forward so perpetrators can be brought to justice."

[http://www.herts.police.uk/crimedatabase/site/content.php?article\\_id=9315](http://www.herts.police.uk/crimedatabase/site/content.php?article_id=9315)

## **Mother murders autistic son by forcing him to drink bleach**

Satpal Kaur-Singh poured a cup of bleach down her 12-year-old son Ajit's throat after a meeting with social services. She then tried to kill herself.



She had been told that they had applied for an interim care order because of concerns about her skills as a parent.

In a suicide note she wrote that she and her son had been 'scrutinised and hounded by social services'.

### **Ajit Kaur-Singh**

She told doctors at the hospital that, "Today I just couldn't take any more. I looked after him for 12 years. This shouldn't have happened to him. They shouldn't have been taking away my child."

Since Ajit's death, his mother has been seen by two psychiatrists. One said she has a post-traumatic stress disorder and one that she has a paranoid personality disorder.

At court on November 16<sup>th</sup>, she admitted manslaughter on the grounds of diminished responsibility. Sentence was adjourned until December 13<sup>th</sup> for further reports on the state of her mental health.

<http://www.telegraph.co.uk/news/uknews/crime/8134315/Mother-kills-autistic-son-by-forcing-him-to-drink-bleach.html>

## **Disabled girl excluded from school as a "health and safety risk"**

Eleven-year old Idayah Miller was told she couldn't enter the elite Harris Academy in Crystal Palace because her wheelchair would restrict the movement of other children in the crowded corridors.

The head teacher added that she would also suffer low self-esteem because her "academic ability is quite low" and the school is "a high pressure, high performing academy" where she would struggle to keep up with her friends.

Her father said: "Idayah is like an ordinary child, she is cheerful and quite witty. Like any parent, I want the best for her in this life."

Mr Miller has appealed against Harris's decision not to accept his daughter. His case will be heard by an independent panel at the beginning of December.

[http://www.streathamguardian.co.uk/news/8670892.Disabled\\_girl\\_health\\_and\\_safety\\_risk\\_says\\_school/](http://www.streathamguardian.co.uk/news/8670892.Disabled_girl_health_and_safety_risk_says_school/)

**Editorial comment:** This appalling case seems to confirm the Alliance for Inclusive Education's (ALFIE) concern that academy schools might discriminate disabled students. DAA will follow this case and provide an update next month.

<http://www.allfie.org.uk/docs/briefings/Allfie%20Briefing%20No.18.doc>

## **Euthanasia bill rejected by Scottish parliamentary committee**

A committee of the Scottish Parliament has recommended that Margo MacDonald's End of Life Assistance Bill, be thrown out. (See Our Rights - issue 26, October 2010).

MacDonald's bill would allow people whose lives become intolerable through a progressive degenerative condition, a trauma or terminal illness to seek a doctor's help in dying.

Committee convener Ross Finnie said: "Fundamentally, the committee wrestled with the bill's premise that it would help maintain an individual's dignity and autonomy as they move towards the end of their life."

There was also a strong view that individual choice had to be considered within the context of society as a whole.

[http://www.bbc.co.uk/news/uk-scotland-11781981#story\\_continues\\_1](http://www.bbc.co.uk/news/uk-scotland-11781981#story_continues_1)

### **‘Assisted dying’ inquiry funded by supporters of euthanasia**

Former Lord Chancellor Lord Falconer, will chair an unofficial commission that will consider what system, if any, should exist to allow people to be helped to die and whether changes in the law should be introduced.

The commission is funded by the author Terry Pratchett, a fervent proponent of euthanasia, and overseen by Dignity in Dying (formerly the Voluntary Euthanasia Society), a group campaigning for its legalisation.

Falconer insisted, "We will evaluate all the evidence we hear on a fair basis – judge us at the end by the quality of our report."

However, Richard Hawkes, chief executive Scope, said, "When it is funded by supporters of legalising assisted suicide, and without a formal remit from government, we would question how independent this commission really can be."

<http://www.guardian.co.uk/society/2010/nov/30/assisted-dying-inquiry-promises-fairness>

Writing in the Daily Telegraph, George Pitcher points out that, "This ‘Commission’ is nothing more than a lobby group for death-on-demand disguised as an inquiry." Besides the obvious interest of its sponsors, Falconer himself tried but failed to introduce an amendment to legislation in the House of Lords in 2009 that would have made euthanasia lawful. Pitcher

concludes, “ ... this is a mischievous and cynical attempt to re-write a proper House of Lords inquiry that exposed all the flaws and dangers of assisted-suicide legislation in 2004/2005.”

<http://blogs.telegraph.co.uk/news/georgepitcher/100065831/lord-falconer-launches-his-sham-commission-on-assisted-dying-tomorrow-he-will-call-it-independent-yeah-right/>

## **What budget cuts will mean for DPOs**

Disability Lib has produced a short, informative report on the impact of the budget cuts on the UK's DPOs. It offers a summary of what has happened, the positive and negative effects and guidance on what DPOs can do to survive in a rapidly changing political and economic climate.

[http://www.disabilitylib.org.uk/images/stories/PDFs\\_2009/Comprehensive\\_Spending\\_Review\\_and\\_DPOs\\_2.doc](http://www.disabilitylib.org.uk/images/stories/PDFs_2009/Comprehensive_Spending_Review_and_DPOs_2.doc)

They have also launched a survey so as to get a more accurate picture of what is happening to DPOs.

<http://www.surveymonkey.com/s/J6Q2T29>

## **Government scrap equality duty = bad news for disabled people and other marginalised groups**

The Home Secretary, Teresa May, has announced that the government will remove the socioeconomic duty, due to come into force from April 2011, from the Equality Act. The duty, a key part of the Act, would have required all public bodies to assess whether their policies were addressing inequalities for many groups, including disabled people.

In her speech, in which she characterised the duty as “ridiculous” and “socialism in one clause”, she said the government favoured a greater focus on “fairness” rather than “equality”. She argued that many people felt alienated by the equality agenda.

Liane Venner, head of equalities at Unison, said that while the duty had been a small, light-touch measure, it had marked a new recognition that public bodies had a responsibility to see how they could reduce income-related inequalities.

Another important issue, at least for the government's cuts agenda, is that "fairness" is a much vaguer and less legally enforceable concept than equality.

<http://www.guardian.co.uk/commentisfree/2010/nov/17/theresa-may-scraps-equality-for-fairness>  
<http://www.guardian.co.uk/society/2010/nov/17/theresa-may-scraps-legal-requirement-inequality?intcmp=239>

**Editorial comment:** This crass, cynical move is a clear attempt to make it difficult to hold government and statutory bodies to account for the impact of their spending plans at a time of massive cuts to public services. Because of this local authorities, for example, will be able to spend their money without having to consider how it effects the equality of the most disadvantaged groups – especially disabled people who are the poorest of the poor.

### **Review of benefits test finds major flaws**

An independent review, chaired by Professor Malcolm Harrington, an occupational health specialist, has found the Work Capability Assessment (WCA), the test that decides whether someone will receive Jobseekers Allowance (JSA) or Employment and Support Allowance (ESA), is not fit for purpose.

This is because questionnaires are "lengthy" and sometimes difficult or impossible to fill in. Crude medical reports are being rubber stamped by staff in job centres, rather than being used as part of a fuller, more rounded assessment. Furthermore, the process is not working for people with fluctuating conditions because it relies on stock questions such as whether a claimant can do a particular physical activity.

The review has recommended the introduction of mental health specialists in medical assessment centres, reducing reliance on the medical reports and giving more power to Jobcentre staff, improving communications and the level of support provided to those who undergo a WCA and ensuring the medical assessment is transparent.

<http://www.disabilitynow.org.uk/latest-news2/work-test-not-fit-for-purpose>

The full report can be downloaded from:  
<http://www.dwp.gov.uk/docs/wca-review-2010.pdf>.

**Editorial comment:** Harrington's report confirms what disabled people have been saying well before the WCA was brought in (2008) by the previous Labour government. His findings also back up those of the Citizens Advice Bureau, that in March, 2010, found that the use of the WCA was resulting in, "People with serious illnesses and disabilities who could not reasonably be expected to work are being found fit for work."

Although Harrington's report has been accepted by the Minister for Employment, Chris Grayling, it remains to be seen how and when the recommendations will be implemented.

See DAA report at:  
<http://www.daa.org.uk/index.php?mact=Blogs,cntnt01,showentry,0&cntnt01entryid=130&cntnt01returnid=98>

## **Reformed DLA to be based on harsh eligibility criteria**

The government has issued a consultation together with a Green Paper detailing its plans for scrapping Disability Living Allowance (DLA) and replacing it with a more restrictive benefit, Personal Independence Payment (PIP). Like the current DLA, this will be a non-means-testing, non-taxable benefit intended to cover the additional costs of dealing with impairment and disability.

The changes are designed to implement proposals in the Budget to reform the assessment system for DLA, in order to reduce expenditure and the number of claimants by 20%.

The reforms will be introduced for new and existing claimants of working age from 2013 and could be extended to children or pensioners.

The proposals include tightening eligibility so that:

- Claimants will have to have had an impairment or health condition for six months, not three, as at present.
- A wider range of aids and adaptations will be taken into account in the assessment process, meaning that people who can get about in wheelchairs may be ineligible.
- There will no longer be automatic entitlements for people with specific health conditions.
- All claimants will be assessed by a healthcare professional approved by the Department for Work and Pensions.

The Minister for Disabled People says that "...we need to ensure that the benefit reflects the needs of disabled people today, rather than in the 1990s. It is time that we had a disability benefit which is easier for individuals to understand and provides clear criteria and consistent awards."

However, there are concerns that up to 360,000 disabled people (20% of those now receiving DLA) will lose out and that the new system will be extremely bureaucratic, costly and make life more difficult for disabled people and their families.

Furthermore, as Richard Watts, of the Essex Coalition of Disabled People, has observed, "There's no evidence of widespread fraud and no evidence to back up claims that the benefit acts as a barrier to work."

<http://www.communitycare.co.uk/Articles/2010/12/08/115956/wheelchair-users-may-miss-out-in-benefits-shake-up.htm>

<http://www.guardian.co.uk/society/2010/dec/06/disabled-benefit-medical-checks>

<http://www.disabilityalliance.org/dlatest3.htm>

For details of the government's proposals and to take part in the consultation (closing date February 14, 2011) see:

<http://www.dwp.gov.uk/consultations/2010/dla-reform.shtml>

**Editorial comment:** This latest assault on disabled people is being dressed up as making things simpler and better for us. If you believe that you would believe war is peace, love is hate, etc. Pure George Orwell. The truth is that the government wants to cut expenditure on DLA by 20%. All the rest is little more than verbal flack.

### **Disabled people continue to miss out on the basics of a full, inclusive life**

Interim results from the first official survey since 1997 of the lives of disabled people shows they are almost twice as likely as non-disabled people to be unemployed or not be able to afford holiday or repay debts.

The [Life Opportunities Survey](#) asked 18,000 people about the "social barriers" they faced in eight key areas of life and found many disabled people in Britain are living socially isolated, cash-strapped lives and struggling to participate in normal activities.

Large numbers of disabled people suffered from so much "anxiety and lack of confidence" that they struggled to survive day by day.

12% of disabled people experienced difficulty "accessing rooms within their home or difficulty getting in or out of their home" compared with 1% of non-disabled people.

Campaigners said that these figures called into question the government's benefits strategy, as the "barriers" to participating in everyday life remained too high for disabled people.

<http://www.odi.gov.uk/disability-statistics-and-research/life-opportunities-survey.php>

**Editorial comment:** These official findings come after a series of proposed cuts to disability benefits and harsh reductions in local authority spending on social support. Furthermore, this week the government set out its programme for making DLA more restrictive, with the target of reducing spending by 20% (See above)

All this demonstrates that the Prime Minister's 'Big Society' is unlikely to include most disabled people. Instead we are looking at more poverty, more isolation, more acute stress for families and a sharp fall in living standards. The government's only answer to this, for disabled people and other marginalised groups, is to hope local communities and charities, both also facing losses of income, step into the breach. And so, despite the rhetoric about greater 'independence' and 'choice', we are going back to the 19<sup>th</sup> century when disabled people were forced to rely on the capricious goodwill of 'those more fortunate'. So it is back to 'Charity not Rights'.

### **Independent Living Fund to be scrapped**

The Independent Living Fund (ILF), that tops up local authority money allowing more than 21,000 disabled people with high support needs to live independently, was closed to new applicants in June, 2010. The government has just announced that the ILF is to be abolished. They say that responsibility "...for the social care support needs of all disabled people [is] to be delivered equitably as part of Local Authorities' broader independent living strategies in line with local priorities and local accountability."

Current recipients will be protected during this Parliament, that is to 2015, if the Coalition Government lasts. A consultation will take place next year on how to continue to support existing users. There is no mention of supporting any new users.

[http://www.dodsmonitoring.com/downloads/WMS/WMS\\_2010/December\\_13\\_2010/WMS\\_15\\_DWP.doc](http://www.dodsmonitoring.com/downloads/WMS/WMS_2010/December_13_2010/WMS_15_DWP.doc)

**Editorial comment:** This is chilling news, especially coming on the same day the government announced a 8.9% cut in local authority grants for the coming year. Further reductions will be

imposed in subsequent years. The government doesn't even attempt to offer a way forward. Instead it just says that, "Local authorities already have a statutory responsibility to provide social care support to its residents and as part of this responsibility, local authorities will need to consider the requirements of clients who may otherwise have received an additional ILF package." In other words, "it's not our problem."

## International

### China: Disabled people enslaved in sweatshops



**An enslaved disabled person in a building materials factory**

A man in southwest Sichuan Province has been arrested for allegedly selling 11 laborers, including eight with learning difficulties or mental health problems, to a sweatshop in the northwest Xinjiang Uyghur Autonomous Region.

The workers have been confined to the factory for at least three years without being paid or given any protective uniforms or equipment. They were forced to live in shabby conditions, not given showers for years and fed the same food as the boss' dogs.

Cases involving people with mental health problems or learning difficulties being sold and used as forced laborers have been reported throughout the country.

In 2006, police in Zhengzhou, Henan Province, arrested Zhou Jinghuan, a local woman, who was found to be selling around 1,000 beggars and disabled people a year to be used as forced labor in brick factories or mines.

<http://china.globaltimes.cn/society/2010-12/601404.html>

## **India: "Avevan, Nivedan, Danadan. First we ask, then we write, then we fight." The battle for inclusive education**



**A poster from a campaign for inclusive education by the NGO Arushi, based in Bhopal**

Disabled children in India rarely progress beyond primary education, with school enrolment less than 10% in many areas. This reinforces social alienation and leads to very limited employment opportunities and greater poverty.

Because of this and the government's lacklustre efforts on disability, an advocacy movement (MPVN) has sprung up in Madhya Pradesh, central India, fighting for better provision for disabled people and the universal right of all children to attend school.

This focus on inclusive education is part of a shift towards adopting the social model of disability. Previously, most disabled people were cared for in special homes or special schools with a focus on medical and palliative support. The new approach is

set out by a disabled volunteer who explains: "It's not my wheelchair but the stairs in my school that disable me."

Anand, a visually impaired university student and a regional leader of MPVN, says, "For the last 60 years we've relied on others to fight our battles, and look how far that's got us. We need to empower disabled people themselves to fight for their own rights."

A recent example of this new tack was when 150 members of MPVN went to a local government official with a 10-point plan for improved access, including inclusive education. When the official refused to meet them, they declared a sit-down protest outside his offices, and announced a hunger strike until he came to take the plan. The story made national news, putting the inadequacies of government provision in the spotlight. It also helped to reshape social perceptions of disabled people as active participants in society rather than passive recipients of charity.

<http://www.guardian.co.uk/journalismcompetition/disabled-children-education-india>

Also see: <http://www.indiatogether.org/2010/feb/hlt-uncrpd.htm>

## **India: Disabled women face major barriers to employment**

A report, 'Employment Rights of Disabled Women in India' carried out by the Society for Disability and Rehabilitation of the National Commission for Women (NCW) has found that disabled women are largely excluded from paid work not because of their impairments, but due to social and practical barriers.

The barriers include lack of proper access and education, as well as employers' reluctance to hire disabled people. As a result, many disabled people live in poverty and are often reduced to begging on the streets.

In India, 75% of disabled persons live in rural areas, about 50% are illiterate and only 34 per cent are employed in some or other way.

<http://www.hindu.com/2010/12/06/stories/2010120665691000.htm>

## **International: Major human rights journal devotes entire issue to disability and displacement**

The July issue of the **Forced Migration Review** is given over almost completely to disability and displaced people. The 44 short articles

show why disabled people who are displaced need particular consideration and highlight some of the initiatives taken (locally and at the global level) to change thinking and practices so that their vulnerability is recognised, their voices heard – and responses made inclusive.

The journal is free and can be downloaded from:

<http://www.fmreview.org/disability/>

## **International/UK: OECD calls for reform to sickness and disability benefit systems**

The Organisation for Economic Co-operation and Development (OECD) has issued a report calling for governments to reform their sickness and disability benefits regimes so as to help

people get back to work and reduce the burden on public finances.



Disability benefits represent 10% of public social spending in most OECD countries. This is equal to 2% of GDP and twice the cost that unemployment benefits were before the current economic crisis. Also, once people move onto

disability benefit, they almost never leave it for a job, the report says.

Mental health issues are becoming the main cause of people claiming disability benefit. One-third of all new disability benefit claims over the past 15 years have been due to a mental health condition, rising to 70% among people aged 20-34.

The best way to help people with health problems or disability avoid poverty, according to the OECD, is to strengthen the financial incentives to work: reforming the tax and benefit system so that they can do paid work and still receive some benefits.

On the situation in the UK, the report shows that 7% of Britons of working age receive disability benefit, above the OECD average of 5.7%. It also says it is an "extremely worrying fact" that among 20- to 34- year-olds, rates for disability payments are around 2% in most countries, but 4% in the UK. Furthermore, mental health problems have replaced physical causes for long-term sickness payments.

Professor Malcolm Harrington, the occupational health specialist tasked with improving the government's medical assessments, has told ministers that "people do not attempt to get benefits by pretending they are mentally ill".

The OECD praised the coalition government for continuing where the last government left off in undertaking [welfare](#) reform. In many cases, it was being bolder, said the report, by testing claimants and simplifying the benefits system and also by paying private firms to place people back in work.

More information is available at [www.oecd.org/els/disability](http://www.oecd.org/els/disability), including short studies of disability benefits systems in, the US, Canada, UK, Norway, Sweden, Switzerland, Finland, Denmark, Australia, New Zealand, Ireland and the Netherlands.

[http://www.oecd.org/document/33/0,3343,en\\_21571361\\_44315\\_115\\_46493857\\_1\\_1\\_1\\_1,00.html](http://www.oecd.org/document/33/0,3343,en_21571361_44315_115_46493857_1_1_1_1,00.html)

<http://www.guardian.co.uk/society/2010/nov/24/young-british-claim-disability-benefits>

**Editorial comment:** The OECD's approach seems to preclude any serious consideration of the deeply ingrained discrimination that most disabled people face when looking for a job. There is then the little matter of the very high levels of unemployment and the fact that budget cuts are bound to make it more difficult for everyone to find work in most OECD member countries.

With respect to what is happening in the UK, as the OECD says, the coalition government's policies are very much in tune with their suggestions. However, judging on the information currently available, either they have not read the fine print or they don't feel it is important that government's policies are punitive rather than positively helpful. For example, their headline claim for reform is wanting to cut disability benefit by 20%, when it is admitted that fraud accounts for only 0.05% of claims. Furthermore, the medical test for disability benefit is extremely harsh and poorly administered, with almost 50% of decisions being overturned on appeal. The Independent Living Fund, a lifeline for many disabled people, has been frozen for new claimants and this will make it hard to fund the support needed to hold down a job. Other cuts to such things as social care and housing benefit will also have a negative impact on the ability of disabled people to access the support needed to go out to work.

### **International: Disability hate crime recorded in very few countries**

A report on hate crime for 2009, from the Organization for Security and Co-operation in Europe (OSCE), shows that only eleven of its 56 members record data on disability-related incidents. Of the eleven, but three – Belgium, Germany and the UK – made a return on this issue in 2009.

One case was reported in Belgium and 26 in Germany. England and Wales were by far the most assiduous, with police reporting 1,476 crimes motivated by bias against disabled people and 576 prosecutions.

[http://www.osce.org/odihr/item\\_11\\_47692.html](http://www.osce.org/odihr/item_11_47692.html)

**Editorial comment:** It is extremely worrying that so few countries are concerned to record hate crime against disabled people. England, Wales and the USA stand out as exceptional, but even here it is recognised that the real extent of these crimes are probably underreported. The failure internationally to understand and deal with disability hate crime is a disgrace and a clear abrogation of duties under the CRPD, ratified by most countries in the OSCE. For example, Article 17 mandates that ‘Every person with disabilities has a right to respect for his or her physical and mental integrity on an equal basis with other’ and Article 31 calls on states to collect relevant statistics on disability so as, ‘to formulate and implement policies to give effect to the present Convention.’



## **International: Disability Rights Fund makes grants to 66 DPOs**

The Boston-based Disability Rights Fund (DRF) has announced that, in its second round of funding for 2010, \$1.3 million has been gifted to 66 disabled persons' organizations in 11 countries.

DRF supports the human rights advocacy of DPOs in the Global South and Eastern Europe/former Soviet Union, utilizing the framework of the CRPD.

This round of grants have been awarded to DPOs in Bangladesh, Ecuador, Ghana, Nicaragua, Peru, Uganda, and the Pacific Island countries of the Federated States of Micronesia, Fiji, Papua New Guinea, Tuvalu, the Solomon Islands and Vanuatu.

Grants are contributing to:

- Creating national awareness on the rights of disabled women through empowering grassroots organizations led by women in Bangladesh;
- Using the CRPD to promote the rights and inclusion of marginalized disabled people, such as persons who are Deafblind in Uganda and Nicaragua;
- Strengthening the capacity of DPO alliances to advocate for CRPD ratification, as well as improved legislative frameworks.

<http://www.disabilityrightsfund.org/node/1>

**Abandoned & Disappeared**  
*Mexico's Segregation and Abuse  
of Children and Adults with Disabilities*



**Disability Rights International**  
[www.disabilityrightsintl.org](http://www.disabilityrightsintl.org)

## **Mexico: Disabled adults and children locked up and abused in institutions**

Disability Rights International (DRI) and the Comisión Mexicana de Defensa y Promoción de los Derechos Humanos (CMDPDH) have just (November 30, 2010) released a shocking report that describes the disappearances of children from Mexican institutions and a broad range of atrocious

conditions and mistreatment faced by disabled children and adults in public and private facilities. The report clearly shows how Mexico is violating the CRPD despite championing and helping to write it.

For example, investigators found disabled people left permanently in filthy conditions, some of whom were tied into beds and wheelchairs. Lobotomies (psychosurgery) are being performed without consent. Some people are detained for their lifetime simply because they are disabled.

"When you are diagnosed with a mental illness in Mexico you can be locked up and have all your rights taken away. We are treated like sub-humans," says José Ángel Valencia Orozco, a mental health system user who was formerly detained in an institution. "The new Disability Rights Convention promises that we can be part of society like other people, and that is all we are asking for."

<http://www.disabilityrightsintl.org/>

The appalling conditions in these Mexican institutions can be seen in a video report from ABC News.

<http://abcnews.go.com/Health/mexican-psychiatric-institution-hell/story?id=12267276>

## USA: Photo history of disability movement on show in Chicago



More than 25 years of the work of ADAPT, the militant arm of the disability rights movement in the US, is chronicled in a photo exhibition the opens this week at Chicago's Center for Independent Living.



Tom Olin

All the photographs are by Tom Olin, who has captured many of the most important moments in the movement's history.

Curator Riva Lehrer says of Olin's work, "There's something about the way he sees that he retains the strength in every single person that he depicts that, you know, you see this a lot of vulnerability and a lot of risk in this room, yet everyone sort of has this veracity and dignity. And I think it's because besides just his strength as a photographer, that he's so deeply steeped in what all this means is that there's never a moment where he's

coming for the outside and manipulating this for unfortunate reasons.”

For an excellent account of ADAPT and powerful photos of their demos, see the video at:

[http://abclocal.go.com/wls/story?section=news/disability\\_issues&id=7796636](http://abclocal.go.com/wls/story?section=news/disability_issues&id=7796636)

