

# Our Rights - issue 29, January 2011



**The International Disability  
and Human Rights Network**

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## Convention

### Sign ups

#### **CRPD**

- 147 signatories
- 97 ratifications

#### **Optional Protocol**

- 90 signatories
- 60 ratifications

### New signatories/ratifications

The European Union ratified the Convention on 23-12-2010

### India to align disability law to match CRPD

At a seminar in New Delhi (January 14, 2011) on Rights of Persons with Disabilities in the Commonwealth, Mukul Wasnik, India's Social Justice and Empowerment Minister, admitted that existing disability legislation falls short of the provisions of UNCRPD. Because of this, he said a high-level committee of stakeholders, set up by the government, will draft new legislation.

Later, Purna Sen, the head of human rights at the Commonwealth Secretariat, said that among the recommendations from the six nations at the seminar were: increased ratification of the UN Convention, improved role and voice for disabled people in shaping initiatives, addressing areas of employment and education and strengthening of advocacy network.

Shuaib Chalklen, UN special rapporteur on disabilities, said two key areas of concern for disabled persons were access to employment and access to education and it was their attempt to improve the network among the countries that have adopted and ratified the UN Convention.

<http://www.deccanherald.com/content/129195/law-soon-replace-persons-disabilities.html>

## **UN report finds much international cooperation ignoring CRPD**

A draft report from the Office of the United Nations High Commissioner for Human Rights concludes that although there has been a significant amount of international cooperation to support national efforts to promote, protect and ensure the rights disabled people, there are some major problems outstanding. Among these are:

- International cooperation still focuses overwhelmingly on disability-specific projects and less on mainstreaming disability rights more widely into development.
- Many disability projects do not conform to the CRPD, in that they continue to follow a charity approach, promote segregation over inclusion or treat disabled people as a group without taking into account differences in gender or impairment.
- International cooperation has focused more on capacity-building, information sharing, training and development cooperation and less on other possible areas of cooperation such as research, technology transfer and humanitarian assistance.

<http://www2.ohchr.org/english/issues/disability/index.htm>

## **UK**

### **Ending DLA benefit for those in residential homes will be devastating**

The mobility component of disability living allowance (DLA) is paid to about 80,000 care home residents. This money allows people to visit friends and family, as well as take part in leisure pursuits or education.

The government is proposing to remove this benefit for those in institutional care, arguing that funding of transport costs should

be included in local authority contracts with care homes. This move will save £160m by 2015.

A report, Don't Limit Mobility, from a group of 27 charities, shows that in fact most local authorities do not fund these costs. Given the savage cuts being forced on these authorities there is little likelihood they will step in to replace DLA.

The report concludes that, '... removing the mobility component of DLA will significantly restrict the ability of those in residential care to play an active role in their local community, be independent and maintain relationships with family and friends.' And further, that, 'Limiting people's ability to do these things goes against the concepts of choice and independence, and goes against the principles of the government's personalisation agenda.'

A copy of the report can be downloaded at:

<http://www.mencap.org.uk/document.asp?id=20622>

**Editorial comment:** DAA agrees with David Brindle, writing in the Guardian, when he says this is perhaps the '... meanest and nastiest cut of all in the carnage that is sweeping through our public services.' The response to criticism of this measure from Maria Miller, minister for disabled people, is instructive of how the government is approaching the whole package of funding cuts. In the face of strong evidence of the negative effect the policy is likely to have on the lives of disabled people and that the reason (double funding) for making this particular cut is clearly wrong, she simply repeated it was being done "to remove overlaps in the payment of mobility support". She added helpfully, "It is not intended to lead to a loss of independence and we remain committed to promoting greater personalisation for disabled people."

<http://www.guardian.co.uk/society/joepublic/2011/jan/12/mobility-allowance-cut-disabled-meanest-of-all>

## Disabled people face massive fall in living standards



Stephanie Ash, NCODP trustee, demonstrating against budget cuts

A report commissioned by Norfolk Coalition of Disabled People (NCODP) found that due to cuts in benefits and local services the poorest 53% of disabled people in the county of Norfolk, around 100,000 people and their families, will see their living standards decline by a third over the next four years.

Mark Harrison, chief executive of NCODP, said: "This report charts how disabled people are being scapegoated for a crisis which we had no part in creating:

"My message to Norfolk councillors is that these proposals are both discriminatory and disproportionate. If we are truly 'in this together' and you are working in the interests of Norfolk citizens then you must tell the Coalition Government that it is not possible to implement their cuts."

[http://www.edp24.co.uk/news/don\\_t\\_implement\\_discriminatory\\_cuts\\_disabled\\_charity\\_urges\\_council\\_1\\_769892](http://www.edp24.co.uk/news/don_t_implement_discriminatory_cuts_disabled_charity_urges_council_1_769892)

For the full report, as well as supporting material and videos, see: <http://www.ncodp.org.uk/news-and-events/news/report-cuts-slash-living-standards-disabled-people-norfolk>  
<http://www.campaignagainstcuts.org.uk/>

**Editorial comment:** This is first detailed quantitative study that has considered the likely impact of changes to national benefits and taxation together with cuts to local support services. Furthermore, although it looks only at what is happening in Norfolk, it is likely that the same situation will be found throughout the country as all local authorities are forced to reduce spending. If this happens, then between 5 to 6 million disabled people and their families will face a disastrous fall in their already precarious living standards.

### **Resurgence of protest by disabled people**

Some of the most vulnerable groups the government said it would always safeguard are seeing that they have become the primary targets for spending cuts. Faced with the loss of benefits, housing and services, they are finding their voice in the protests.

For example, the new year's message from The Broken Of Britain (see link below) disabled people's campaign highlights "the misery" that the coalition government has heaped on disabled people in just six months through its benefits policies, but concludes that 2011 will show that "David Cameron and Iain Duncan Smith have picked the wrong fight" as grassroots protests escalate.

An increasing number of disabled people and their organizations are also joining trade union and student protests against cuts.

<http://www.guardian.co.uk/society/joepublic/2011/jan/05/vulnerable-hidden-protesting-voice-anti-coalition>

<http://thebrokenofbritain.blogspot.com/2011/01/new-years-message-from-broken-of.html>

## **Half a million wrongly denied disability benefits**

Using official statistics, a survey has found that over the last 15 years up to 500,000 people were wrongly refused incapacity benefit.

- The government will shortly receive the results of two pilot studies of its new, and widely criticised, tests for incapacity benefit, intended to be adopted in April. It will begin processing the 2.2 million people on incapacity benefit at a possible rate of 10,000 a week.
- Campaigners are concerned historic errors in the system revealed today, will continue to wrongly disallow substantial numbers.

The Labour backbencher Jon Cruddas has called for a pause in this particular aspect of the government's crackdown. He said, "Economic crisis encourages a search for scapegoats among the poor and dispossessed. A punitive welfare system is a consequence."

<http://www.guardian.co.uk/politics/2011/jan/03/incapacity-benefit-compass-survey-dwp>

## **International**

### **Africa: Disabled people not included in HIV/AIDS outreach**

The stigma disabled people face makes them both a high-risk and difficult-to-reach group with respect to AIDS. In the developing world, disabled people are more likely to be illiterate and to face poverty than non-disabled people, they are often denied access to education, and discriminated against. They also face exclusion from AIDS education.

Nora Groce, Principal Investigator for the HIV/AIDS and



Disability Survey, published by Yale University and the World Bank, said that one of the main reasons for this lack of outreach has been that "it was erroneously assumed that people with disabilities are not sexually active and therefore not at risk for AIDS." Groce stressed that not only is this untrue, in fact people who are disabled are also at significantly increased risk for sexual abuse.

One of the most important factors to overcome when reaching out to disabled people are negative cultural attitudes. James Aniyamuzaala, Human Rights programme coordinator for the Youth with Physical Disability Development Forum in Kampala, Uganda said, "We find that some parents hide children with disabilities at the back of houses because they don't want the community to see that they have a child with disabilities, they are ashamed, their neighbors might think God has cursed that family."

<http://allafrica.com/stories/201101170309.html>

### **Austria: Mass grave of Nazi disabled euthanasia victims discovered**

In Hall, a town in the Austrian Tyrol, a mass grave containing 220 suspected victims of Nazi Germany's euthanasia programme have been found in the grounds of a psychiatric hospital.

Nazi Germany launched its euthanasia project in 1939 in an attempt to rid the so-called Master Race of those deemed "unworthy of life". An estimated 275,000 disabled men, women and children were systematically murdered under the programme.

Doctors, midwives and nurses throughout the Third Reich were compelled to inform the authorities of all newborn children displaying the symptoms of severe impairments or hereditary diseases.

It had been previously assumed that Schloss Hartheim – a psychiatric clinic near Linz where 30,000 patients were

murdered – was the only hospital in Austria to practise euthanasia.

Officials were shocked by the discovery. Tyrol's governor, Günther Platter, said he was "deeply shaken" and pledged to set up a commission of experts to investigate. "There can be no cover-up. This dark chapter in our history must now be thoroughly examined,"

<http://www.independent.co.uk/news/world/europe/suspected-victims-of-nazi-euthanasia-found-in-austria-2176117.html>

For more information on the Nazi euthanasia programme, see: <http://www.jewishvirtuallibrary.org/jsource/Holocaust/disabled.html>

### **Australia: Parents wanted euthanasia for drowned disabled child**



Pablo Comas, Maia and Samantha Razniak

An inquest in New South Wales is investigating whether Maia Comas, a two-year-old disabled girl who drowned in a pool at her home in 2007, was the victim of a "deliberate act" or an accident.

The child's parents, Pablo Comas and Samantha Razniak, described themselves to social workers as "happy and beautiful people" living an "idyllic" lifestyle. But they were also distressed by their daughter's impairment and had asked whether euthanasia was "legally possible".

As they explored the possibility of foster care arrangements, admitting the girl's condition was "dragging us down", Maia was found dead in an inflatable pool.

<http://www.dailytelegraph.com.au/news/tragic-toddler-better-off-dead/story-e6freuy9-1225985197134>  
<http://www.theaustralian.com.au/news/nation/nsw-coroner-lifts-suppression-order-on-parents-of-girl-who-drowned-in-inflatable-pool/story-e6frg6nf-1225986235843>

### **Canada: Monitoring the human rights of disabled people**

Disability Rights Promotion International Canada (D.R.P.I. Canada) has recently (November 2010) produced survey of human rights and disability in St. Johns, Newfoundland and Labrador.

The main findings were :

- Reports of denials and violations of human rights were in general more prevalent than reports of people being able to access and exercise their rights.
- In the area of work, women reported experiences of exclusion while more men reported facing discrimination.
- One third of the interviewees (31%) reported or took legal action when faced with disability-based discrimination. This outcome indicates that this group is well aware of their rights and is ready to take action when needed.

<http://www.yorku.ca/drpi/CanadaFactStJohnsEn.html>

D.R.P.I.'s website has links to similar projects carried out in seven other countries.

<http://www.yorku.ca/drpi/index.html>

### **Ireland: Direct payments best choice for disabled people**

Giving disabled people the money to buy their own care (direct payments) would be cheaper and more effective than giving

money to charities according to a report commissioned by the Irish government.

The state pays about €1.5 billion for residential and day services in the disability sector each year. Much of this goes to voluntary service providers. However, only 20% of users were satisfied with what they received.

“People should be able to choose their services rather than ‘fit’ into what a provider offers,” said one unnamed voluntary service provider, quoted in the report. Another said: “[We need] a campaign to change the national culture from [being] charity-based to seeing people with disability as equal citizens.”

Another key theme among disabled people was a strong desire to be listened to and consulted by staff and service providers. “Families and some staff should treat us like adults and listen to what we want for ourselves,” said one service user.

<http://www.irishtimes.com/newspaper/health/2011/0111/1224287231754.html>

### **Israel: Employers say disabled people can't adapt to work**

A report published by Kiryat Ono Academic College says that, after ultra-Orthodox men and Arabs, employers in Israel believe disabled people are the least employable. The report, compiled from questionnaires answered by employers, found that people with mental health problems were viewed in the most negative light by employers, followed by people with learning difficulties and then physical impairments.

<http://www.haaretz.com/news/national/employers-believe-disabled-people-least-hirable-report-finds-1.335210>

### **Kenya: Still a long way to go for disabled women**

A ministry of gender and social development was set up two years ago and is beginning to address issues for disabled women in Kenya. Esther Murugi, the former Minister, has called

for a census of disabled people as the first step to mainstream the issue of disability in the country.

Mishi Juma, a disabled community leader from the Coast region, says, "People living with disability face all sorts of discrimination. We are discriminated against at job interviews and in schools. Everyday is a battle to remain positive in the face of a world that is too bent on dismissing those among us that do not meet the standard of what is normal."

This is despite the fact that Kenya is one of the few countries in Africa with a Disability Act already in place and the government has committed itself to set up a multi million-dollar fund to address problems faced by disabled people.

But some feel not enough has been done. For example, Kanini Mugambi, an aspiring politician from Eastern Kenya, comments, "I have been dismissed even before being given an opportunity to speak my mind - firstly for just being a woman and then for being a woman who is not physically fit."

There are also real concerns about social attitudes towards disabled people and what this means for their confidence and place in society.

"This is because it is the same society that hides children born with disability from the world, denying them an opportunity to grow together with other children. And by the time they are exposed to society, the culture shock is too overwhelming for them," explains Hamisa Zaja, chairperson of disabled groups in the Coast region.

<http://allafrica.com/stories/201101070238.html>

### **USA: Sharp rise in employment disability discrimination claims**

The Equal Employment Opportunity Commission reports that charges of disability discrimination rose by about 17 percent last year to 25,165 claims.

The spike in disability claims began in the months after Congress approved changes to the Americans with Disabilities Act in 2009. The changes made it easier for people with treatable conditions like epilepsy, cancer or mental illness to claim they are disabled.

The unemployment rate for disabled workers is 14.3 percent, compared with 8.9 percent for non-disabled people, according to the most recent Labor Department figures. That disparity could be another reason for the high number of disability bias charges, said Robin Shaffert, senior director of corporate social responsibility for the American Association of People with Disabilities.

[http://news.yahoo.com/s/ap/20110111/ap\\_on\\_go\\_ot/us\\_job\\_discrimination](http://news.yahoo.com/s/ap/20110111/ap_on_go_ot/us_job_discrimination)

## USA: Sexual assaults on disabled women in care home



Photo-fit pictures of suspects in sexual assault case

Police in Los Angeles arrested a suspect believed to be one of four men shown in a video apparently sexually assaulting disabled women in a care home and other places in about 2007.

Bert Hicks, 41, another suspect is in state prison. He is alleged to have taken a disabled woman to Las Vegas, married her and then brought her back to the care facility, where she was

repeatedly sexually assaulted by other men.

13 DVDs mailed by an anonymous tipster to the sheriff last March contain more than 100 hours of video of at least 10 men apparently sexually assaulting at least eight severely disabled women in a care home and several other locations.

"I've seen a lot of terrible, terrible imagery in my assignment,' said Detective Ron Anderson, "this is among the most heinous I've ever seen. ... What I saw was just these poor people lying there being victimized in the most terrible way I've ever seen."

Only four of the men could be identified from the DVDs, but with two in custody the police are hoping to get information on the remaining six. Only one of the victims has been traced so far.

<http://edition.cnn.com/2011/CRIME/01/09/california.rape.disabled/index.html?iref=mpstoryview>

[http://www.dailynews.com/news/ci\\_17076568](http://www.dailynews.com/news/ci_17076568)

### **USA: Shootings in Tucson fuel fear about 'danger' from people with mental health problems**

Once Jared Lee Loughner had been identified as the alleged shooter of Gabrielle Giffords and others at her meeting in Tucson, much of the media concluded that, as he was supposed to have "paranoid schizophrenia", there was no need to look at much else. Isn't this the kind of thing people like that do?

In fact it isn't. You are three times more likely to be killed by lightning than murdered by someone with a serious mental health problem. Furthermore, there is no evidence that the latter group poses any greater threat of violence than any other group.

'The fact that mental illness is so often used to explain violent acts despite evidence to the contrary, almost certainly flows from how such cases are handled in the media. Numerous studies show that crimes by people with psychiatric problems

are over-reported, usually with gross inaccuracies that give a false impression of risk. With this constant misrepresentation, it's not surprising that the public sees mental illness as an easy explanation for heartbreaking events.'

<http://www.slate.com/id/2280619>

