

Our Rights - issue 23, July 2010



The International Disability and Human Rights Network

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Contents

Convention

Sign ups (as of July 2, 2010)
Slovakia ratifies; Fiji signs
Calls for inclusion of disabled women and girls in UN development agenda.

UK

Threats of massive cuts in services for elderly and disabled people
Government targets disability benefits
Commission launches inquiry into disability-related harassment
Channel 4 to improve access
Disabled people launch Campaign against assisted suicide

International

Ghana: “Jobs not handouts” demand disabled people
Ghana: Disabled children excluded from school and used for ritual sacrifice
Ghana: Disabled people call for implementation of Disability Act
India: Court orders government to comply with 1995 Disability Act
Indonesia: Government access programme doesn't deliver
Indonesia: Fight to unshackle people with mental health problems
Japan: 70% of disabled people feel discriminated against
Pacific Rim - Disability Forum calls for inclusive Millennium Development Goals (MDGs)
Pakistan: Call for enforceable rights for disabled people
Somalia: Unending conflict brings rise in serious mental health problems
Somaliland: Needs of disabled children ignored
South Africa: Government accused of denying education to disabled children

USA: Support for disabled people face drastic cuts in California

USA: Court orders independent living move for people held in institutions

USA: Judge rules Florida must provide independent living support

USA: Update. National Council on Disability

USA: Father fights Do Not Resuscitate order on disabled child

USA: Renowned disability activist to join US State Department

Vietnam: National Disability Law enacted

Convention

Sign ups (as of July 2, 2010)

- 145 signatories to the Convention
- 89 signatories to the Optional Protocol
- 87 ratifications of the Convention
- 54 ratifications of the Optional Protocol

Slovakia ratifies; Fiji signs

Slovakia ratified the Convention and Optional Protocol on May 26, 2010. Fiji signed both on June 2nd, 2010.

Calls for inclusion of disabled women and girls in UN development agenda.

The meeting at the end of June of the United Nations Economic and Social Council brings together health and development ministers from around the world to assess progress on the UN development agenda. There will be particular emphasis on gender equality in international development assistance. Human Rights Watch (HRW) has called for the inclusion of disabled women and girls in the declaration to be adopted on July 1st.

Shantha Rau Barriga, researcher and advocate on disability rights at HRW, says, "Efforts to achieve the Millennium Development Goals - including those on poverty, education, HIV, and gender equality - will fall short unless governments and UN agencies include women and girls with disabilities in their programs, planning, and decision-making."

HRW also point out that what they are asking for is no more than what is demanded in the UNCRPD, particularly articles 6 and 32. The former concerns the need to consider disabled women and girls. The latter requires governments to ensure that international development programs are inclusive of and accessible to disabled people

<http://www.hrw.org/en/news/2010/06/28/un-include-disabilities-development-agenda>

UK

Threats of massive cuts in services for elderly and disabled people

Warwickshire County Council are considering plans to increase by up to ten times the cost of services for disabled and elderly people.

A council official said, "In the present economic climate, with the prospect of tighter budgets for years to come, the council must save tens of millions, for each of the next four years, to balance its books."

As an example of what to expect, it is estimated that daily rates for respite care would rise £4.13 to £51.80, day care charges from £5.55 to £25 and hourly rates for home care would go up from about £9 to £16.

The council claims that the poorest would be protected. Nonetheless, they are also considering lowering the threshold at which customers pay no charge. This would mean more people being liable to pay for services.

<http://www.coventrytelegraph.net/news/coventry-news/2010/06/18/services-for-oaps-and-disabled-could-rocket-by-up-to-ten-times-92746-26678832/2/>

Editorial comment: DAA has been warning for some time that disabled people in the UK and throughout the world would be paying a disproportionately heavy price for the global economic

crisis. This echoes the situation in California and other US states (see below), and is likely to be only one of the first of many such announcements in the UK. Interestingly, it comes at the same time as bonuses for bankers and company bosses are reported to be increasing once again.

The similar timing of these events provide a powerful, obscene example not only of social inequality, but also how the poor are made to pay for the excesses of the rich. The latter get bailouts, the former just get shut out.

<http://www.coventrytelegraph.net/news/coventry-news/2010/06/18/services-for-oaps-and-disabled-could-rocket-by-up-to-ten-times-92746-26678832/>

Government targets disability benefits

The Coalition Government is taking a hard line on cutting spending on incapacity benefit (IB)/Employment and Support Allowance (ESA). These benefits are for sick and disabled people between 18 and 65 who because of ill health or impairments are unable to work. 2.6 million people receive IB or ESA.

The chancellor, George Osborne, said that efforts to take more of those on incapacity benefit off welfare will form a significant part of plans to cut the deficit, saying: "It's a choice we all face. It is not a choice we can duck."

It has also been suggested that the government is considering whether the new system can be operated by a private company.

As we reported in our April edition, the previous government's similar effort to cut back incapacity benefit, led to disabled and seriously ill people being deemed fit for work. This included people with advanced Parkinson's Disease, Multiple Sclerosis, with severe mental illness and those awaiting open heart surgery.

<http://www.guardian.co.uk/politics/2010/jun/28/welfare-incapacity-benefit-claimants-assessment>

Editorial comment:

First, in reply to George Osborne: Having your income slashed is clearly not something you are going to face. On the other hand, it is something disabled people will not be able to duck. If some of us could actually 'duck', then we would probably be considered fit to work!

More seriously, this is another piece of a ruthless strategy being set in place to rescue the country from the excesses of the rogue financial sector. Along with cuts to IB, there will be tougher tests for Disability Living Allowance (DLA), a freeze on grants from the Independent Living Fund (ILF) and massive cuts to spending on social services. The latter provides most of the funding for the individual budgets that allow disabled and older people to live independently in the community.

These moves will bring untold hardship to a great many disabled people, already the poorest group in the country. To make matters worse, there is virtually no political party who can challenge the government's plans. Except for cuts to DLA, the new government is simply taking off from where the Labour government left off in their financial attack on disabled people. The backbench Labour MPs who tried to stave off the worst excesses of their government no longer have any political leverage. Liberal Democrats, who previously could be counted on to support the living standards of disabled people, have been politically neutered within the Coalition.

The next few years promise to be an extremely tough time for disabled people in the UK and, as we have shown in other articles, for disabled people throughout the world.

<http://www.guardian.co.uk/politics/2010/jun/28/welfare-incapacity-benefit-claimants-assessment>

Commission launches inquiry into disability-related harassment

The Equality and Human Rights Commission will be holding an inquiry into how public bodies and public transport providers are fulfilling their legal obligations to prevent disabled people from being harassed. Organizations found failing in their duties could face enforcement action.

Every working day at least one person on average appears in court charged with a crime against a disabled person, nearly half of which involve violence. Evidence already gathered by the Commission suggests that many more incidents of targeted violence or hostility go unreported or are not dealt with properly by social housing bodies, social services teams, crime prevention units, public transport and other public bodies in Britain.

Mike Smith, lead Commissioner for the Inquiry, said, "By highlighting the failures as well as learning from examples of good practice, the Commission's Inquiry will help public bodies try to ensure that future tragedies are prevented and transform the way that the people of Britain value and respect disabled people."

The first wave of evidence will be collected until Friday 10 September 2010. It can be given directly to the Commission via its website, email and helpline.

Thirteen evidence gathering events have already been organised and more are in the pipeline. These will be held around Britain in the next three months and will be publicised locally.

<http://www.equalityhumanrights.com/media-centre/2010/june/commission-calls-in-evidence-on-disability-related-harassment-in-britain/>

Channel 4 to improve access

In a letter to DAA, the chief executive of Channel 4 has let us know about their plans to make programmes more broadly accessible.

Starting this July they will move to provide subtitling on Channel 4, More 4, Film 4 and +1 channels. They plan to have 100% coverage by January 2011.

They have also made a commitment to double to 20% the availability of audio description on all their channels by the beginning of 2011.

Finally, Channel 4, as the host broadcaster for the 2012 Paralympic Games, will begin airing a number of documentaries from August this year. The first will be a ten-part series introducing members of the team and giving the background to the Paralympics. Other programmes are also planned.

Disabled people launch Campaign against assisted suicide

On June 3rd, disabled people from across the UK met in London to launch the Not Dead Yet UK campaign to ensure legislation prohibiting assisted suicide and euthanasia remains in place.

A charter has been drawn up and sent all members of Parliament asking for their support. The charter's key points include:

- A recognition that disabled and terminally ill people should have the same legal protection as everyone else
- A commitment to support disabled and terminally ill constituents to access the health, social and other services that they need
- A commitment to oppose any change to the current law, which makes assisted suicide illegal.

Campaigners point out that some people view disabled people's lives as not worth living, contrary to the view of many disabled people themselves. High profile cases of disabled people who want the law changed to make assisted suicide easier are the exception rather than the rule, they say.

Baroness Jane Campbell of Surbiton, convenor for Not Dead Yet UK, pointed out, "There have been two attempts to legalise assisted dying in the past four years, with further discussions taking place in the Scottish parliament now. We face a bleak situation if calls for assisted suicide to be lawful are renewed whilst vital services are being withdrawn or denied."

For more details on the campaign and to sign the charter, go to: www.theresistancecampaign.org.uk.

International

Ghana: “Jobs not handouts” demand disabled people

Adongo Ato Jacob, youth President of the Ghana Association of the Blind, called on members of the public not to show mere sympathy but to provide jobs for disabled people, particularly those who have been trained in various fields.

He also maintained the country’s disability law stipulates that every department should have a desk for disabled people. However, he says this law has been ignored.

<http://news.myjoyonline.com/news/201006/47187.asp>

Ghana: Disabled children excluded from school and used for ritual sacrifice

A report soon to be released by the Network of Journalists for the Promotion of the Rights of Persons with Disabilities in Africa, Ghana Chapter alleges that disabled children in remote rural areas are being prevented from going to school and in some cases being used as traditional/spiritual sacrifices.

Seth Kwaku Addi, president of the Network, said that, “Ghanaians (will) be shocked to hear that these gross human-rights abuses are happening quietly in the country when the network finally releases its finding to the Ghana Federation of the Disabled (GFD) in the middle of June 2010.”

<http://news.myjoyonline.com/news/201006/47036.asp>

Ghana: Disabled people call for implementation of Disability Act

The Ghana Federation of the Disabled (GFD) has called on the government to implement the 2006 Disability Act and ratify the UN Convention. As the former was passed on June 23rd, 2006,

the GFD also wants the date to be officially recognised as the National Day of Disability (NDD).

<http://news.myjoyonline.com/features/201006/48105.asp>

India: Court orders government to comply with 1995 Disability Act

The 1995 Disability Act created a three per cent quota for disabled people in government employment. The Bombay High Court today said if by June 30th the government did not fill all the existing vacancies in the posts reserved for disabled people, it would consider freezing all recruitment.

Furthermore, the Court ordered that the identification of new posts for disabled people must be completed by the end of July.

The judges said, "Authorities must be sensitive to the requirements of disabled people. They don't need your sympathy, but give them work."

<http://www.disabilityindia.com/html/news.html#fjhc>

Indonesia: Government access programme doesn't deliver

Ten years after the government promised to increase public facilities for disabled people very little has been achieved. In June, disabled activists gathered in Jakarta both to celebrate and lament the National Public Accessibility Movement (GAUN).

Agum Gurmelar, the former transport minister who first launched GAUN, said it was sad that "Only a fraction of [GAUN's] goals have been achieved." He also claimed that it and several of the country's laws that are supposed to protect disabled people's rights were little more than token gestures and in practical terms little had been or was being done.

<http://www.thejakartapost.com/news/2010/06/05/govt-access-program-falls-short-disabled-people.html>

Editorial comment: The situation in Indonesia is all too common in many countries. Getting rights legislation and agreements, whether national or international, is only a first step. As many of us know, the real battle comes when we have to fight to get the 'nice' words off the paper and into real world. Even when this has happened, we mustn't assume that our human rights victories will not be overturned. This is especially true now, when governments may find it convenient to argue that in light of the global economic crisis, human rights for disabled people are an expensive and, therefore, a dispensable luxury.

Indonesia: Fight to unshackle people with mental health problems



Restraint on person with mental health needs

Especially in rural areas of Indonesia, crude physical restraint is often being used on people with mental health needs. This has led to many being chained or put in wooden stocks for long periods. This is known as "pasung" and is said to affect up to 15,000 people in the country. The result has been to worsen both their mental and physical health, some being left unable to stand or walk.

Hervita Diatri, a psychiatrist at the University of Indonesia's medical school, says this practice is a result of families being, "Hopeless because they don't have the money to bring their family to the mental health services... hopeless because of

scarcity of the services." This, he says, "Is a human rights violation problem...".

There are now efforts being made trying to eliminate this practice, with a mental health training programme for doctors and nurses in the easternmost province of Aceh.

According to Syarifah Yessi Hedyati, coordinator of trauma counselling in Aceh, "It is better to treat these mental health patients in their communities, not in the mental health hospital. This helps to decrease stigma, gives support to the family and to the community."

<http://www.irinnews.org/Report.aspx?Reportid=89333>

Japan: 70% of disabled people feel discriminated against

A white paper from the Cabinet Office, says 68% of those surveyed said they have experienced discrimination or biased treatment because they were disabled. □ □

Japan is still considering whether to ratify the UN Convention.

<http://www.japantoday.com/category/national/view/7-out-of-10-people-with-disabilities-feel-discriminated-against>

Pacific Rim - Disability Forum calls for inclusive Millennium Development Goals (MDGs)

In April, government representatives, DPOs, NGOs and others from the region* met at the 3rd Pacific Rim International Forum on the Rights of Persons with Disabilities in Honolulu. Their main concern was the invisibility of disability and disabled people in the current Millennium Development Goals.

To address this problem, on May 25th the Forum issued a ten point declaration calling on the UN and the international community to take specific steps towards achieving substantial progress in mainstreaming disability into all aspects of the on-going Millennium Development Goal processes.

* The Pacific Rim refers to the countries and cities located around the edge of the Pacific Ocean.

http://en.wikipedia.org/wiki/Pacific_Rim

For the full declaration:

<http://www.un.org/disabilities/default.asp?id=1534>

For further information on disability and the MDGs:

<http://www.un.org/disabilities/default.asp?id=1470>

Pakistan: Call for enforceable rights for disabled people

Participants at a seminar in Lahore on the rights of disabled children, organised by the AGHS Child Rights Unit, demanded legislation to incorporate the rights of disabled people into the fundamental rights of a citizen. Hina Jillani, the director of AGHS, said: “The state can avoid implementing principles of policy on the pretext of financial scarcity, but once the rights of disabled persons become a part of the fundamental rights, it will be binding on the state to ensure its implementation.”

Speaking about provision made for disabled children, Dr Khalid Jamil, head the Mayo Hospital Rehabilitation of Disabled Persons, highlighted the “dubious” role of a few non-governmental organisations, “...which market special children and sell them as a commodity. □ The NGO sector is making a lot of money out of the whole venture.” He added that accessibility, financial support and free education are the tools to bring special children into the mainstream.

<http://www.disabilitynewsasia.com/home-mainmenu-1/343-conference-in-pakistan-organized-by-aghs-discusses-rights-for-people-with-disabilities.html>

Somalia: Unending conflict brings rise in serious mental health problems

Prolonged conflict in Somalia, especially in and around the capital, Mogadishu, has contributed to an alarming increase in

the number of people with acute mental health conditions, according to health officials.

Abdiaziz Mohamed Warsame, the only practising psychiatrist in Mogadishu, has said that most city residents had been displaced more than a dozen times, with some experiencing horrific violence against themselves, family or friends. "Very few people can go through this kind of trauma for 20 years and come out unscathed," he said.

Abdirahman Ali Awale, the director and founder of three psychiatric facilities in Mogadishu, said he set up the facilities after "seeing the number of people with mental disorders on our streets was increasing by the day".

Besides a woeful lack of the most basic resources, Awale said one of the main problems was lack of awareness among Somalis that mental health problems can be treated successfully. He said there was a great deal of stigma attached to mental health issues but "most of our patients, if they receive timely and appropriate treatment, will recover".

<http://www.irinnews.org/Report.aspx?ReportId=89352>

Somaliland: Needs of disabled children ignored

During a ceremony on June 16th, marking the Day of the African Child, Ali Jama Hassan, of the Disability Action Network (DAN), the largest NGO working with disabled children, claimed that the needs of disabled children in the country were being completely ignored.

"The basic services they need for social and economic inclusion are not yet available...An immediate action is required to mainstream development programmes aimed at them," Hassan said.

He went on to add that, "The physical environment [access to buildings such as schools and hospitals], attitudes of people and lack of public awareness and sensitization are the real barriers to the development of these children and not their impairments."

<http://www.irinnews.org/Report.aspx?Reportid=89514>

South Africa: Government accused of denying education to disabled children

The Western Cape Forum for Intellectual Disability (WCFID) has gone to court against the national and provincial governments after 10 years of failed negotiations to end the underfunding of education for disabled children. □ □

Although the government does subsidise special care centres, it gives less than to other children's centres, despite disabled children's needs being greater. The WCFID felt there was a widespread misconception that these children had little or no educational needs or potential.

Government opposed the application on the basis that all children were allowed to attend appropriate schools and therefore disabled children's rights were not violated. Furthermore, the state had to weigh up its responsibilities as it had budgetary constraints, and sometimes limitations of rights were justified.

The court case remains to be resolved.

http://www.iol.co.za/index.php?set_id=1&click_id=105&art_id=nw20100614224521499C770147

USA: Support for disabled people face drastic cuts in California

Disability programmes in California are being slashed to cope with the state's massive financial deficit. Benefit payments were reduced last year and dental coverage was eliminated. The governor's current budget plan would eliminate in-home support services.

At the end of May, the California Foundation for Independent Living Centers (CFILC) claimed that the proposed cuts would

violate Federal law that guarantees disabled people the right to independent living. In the Olmstead case, the United States Supreme Court ruled that states cannot force disabled people into institutional settings if they choose home and community-based placements. The court also held that the ADA (Americans with Disabilities Act) imposes an affirmative “integration mandate” to require the provision of services in the most integrated setting possible.

The state then appealed the court’s decision. On June 15th Disability Rights California (DRC) was in the Circuit Court of Appeals to argue why the state should not make cuts to independent living support. Outside the court dozens of disabled and elderly people demonstrated in support of DRC.

The final outcome may not be known for some months.

<http://www.cfilc.org/site/apps/nlnet/content2.aspx?c=fnJFKLNnFmG&b=5200009&ct=8410497http://www.disabilityrightsca.org/>

Editorial comment: As we reported in our March issue and above in the case of the UK, this is but one example of how throughout the world the costs of the global financial crisis are being shifted onto the backs of disabled people.

In California because providing home services is not mandatory under Medicaide, and closing institutions is politically more difficult, more and more disabled people face the prospect of not being able to live independently in their own homes.

However, disabled people in California and elsewhere are fighting back. We can not let governments anywhere – and make no mistake this is going to be a battle we are going to have to fight throughout the world – use the excuse of budget deficits to overturn the gains the disability movement has made. We must work together to defend our rights to live dignified, independent lives.

<http://www.patriciaebauer.com/2010/05/20/home-services-disappear-29606/>

USA: Court orders independent living move for people held in institutions

A federal appeals court has ruled that New York State must comply with a lower court's order to begin immediately transferring thousands of people with mental health problems in New York City out of large, institutional group homes and into their own homes and apartments, where they will continue to receive specialized treatment and services.

Last September, a United States District Court found that the state had violated the Americans With Disabilities Act by keeping approximately 4,300 people isolated from the outside world in warehouse-like conditions in more than two dozen privately run adult homes.

Maggie McQuillar, a resident of one of the homes, said, "I'm a senior citizen with a disability, but... I'd be better off in a studio or one-bedroom. Once you get here, you sort of get stuck here."

<http://www.nytimes.com/2010/06/25/nyregion/25adult.html>

USA: Judge rules Florida must provide independent living support

Michele Haddad had been told that community services would only be available if she was willing to enter a nursing home for 60 days. However, on June 23rd, a U.S. District Court in Jacksonville, Florida, citing the Americans with Disabilities Act's (ADA) integration mandate as set forth in a precedent-setting court case (*Olmstead v. L.C.*), ruled that the state must provide services to enable her to remain in her home.

Thomas E. Perez, Assistant Attorney General for the Civil Rights Division, said, "By supporting Ms. Haddad in this case, we seek to ensure that individuals with disabilities can receive services in the most integrated setting appropriate, where they can participate in their communities, interact with individuals who do not have disabilities, and make their own day to day choices."

<http://www.prnewswire.com/news-releases/judge-orders-state-of-florida-to-provide-community-services-to-jacksonville-woman-at-risk-of-institutionalization-97095219.html>

Editorial comment: The two reports above provide hope for disabled people's battles throughout the USA against cuts to funding of independent living.

USA: Update. National Council on Disability

In our May issue of Our Rights, we reported that Ari Ne'eman, founder of the he Autistic Self-Advocacy Network, had his nomination to sit on National Council on Disability held up in the US Senate. It had been suggested this happened because some parents of children with autism, especially the National Autistic Association, objected to Ne'eman's belief that autism should not be cured, but instead should be accepted and accommodated.

The final list of new members has just been announced and, fortunately, Ari has been included. Furthermore, six of the eight new members are disabled people.

<http://www.disabilityscoop.com/2010/06/22/neeman-confirmation/9133/>

http://news.yahoo.com/s/usnw/20100624/pl_usnw/DC26125

USA: Father fights Do Not Resuscitate order on disabled child

A DNR (Do Not Resuscitate) order was issued on Jack Frost's 8 year old disabled child, without his input or permission. He has been fighting for months both to have the DNR revoked and raise awareness of the issue more generally.

Frost maintains that a DNR in his son's case is totally unnecessary as he has only been hospitalized once. However,

according to Frost, his ex-wife (and the custodial parent) sees things differently and believes a DNR is needed.

Diane Coleman, President of Not Dead Yet, based in Rochester, NY, has written in support of Frost, drawing attention to the dangers of DNRs, especially on children. She said, "Children with disabilities deserve the equal protection of the law, and equal access to the same health care treatments that non-disabled children have a right to expect. "

Coleman went on to say, "Children have tremendous capacity to recover from adverse medical conditions and, with or without disabilities enjoy life... My parents were told that I would die by the age of twelve due to my neuromuscular disability, but here I am at age 56, still working full time."

<http://www.examiner.com/x-14537-Albany-CPS-and-Family-Court-Examiner~y2010m6d14-Dad-stages-protest-in-Glens-Falls-over-DNR-order-issued-on-his-disabled-son-without-his-permission>

USA: Renowned disability activist to join US State Department

Judy Heumann, a well-known international disability rights advocate, has been appointed Special Advisor for International Disability Rights at the U.S. Department of State.

Between 2002 – 2006, Judy was the Advisor on Disability and Development for the World Bank. She served as President Clinton's Assistant Secretary for the Office of Special Education and Rehabilitative Services from 1993 -2001. She was a cofounder of both the World Institute on Disability and the Berkeley Center for Independent Living.

Editorial comment: DAA is extremely pleased to hear of Judy's appointment. She will be a strong voice for the ratification of the UN Convention by the US. Her experience of disability and development will also help move disability more firmly into the mainstream of US aid policy.

We warmly congratulate Judy and wish her well in her new and

challenging job.

http://www.usicd.org/detail/news.cfm?news_id=174&id=92

Vietnam: National Disability Law enacted

National Assembly of Vietnam has passed the first comprehensive national law guaranteeing the rights of disabled people. The new law mandates equal participation in society through accommodation and access to health care, rehabilitation, education, employment, vocational training, cultural services, sports and entertainment, transportation, public places, and information technology. It is said to be in line with the UN Convention.

The National Disability Law is the culmination of an intensive effort of more than a decade to develop a legal framework for an inclusive society. The Vietnamese government is set to begin work this summer to develop a regulatory framework and implementation guidance for the new law.

<http://www.prnewswire.com/news-releases/vietnam-enacted-the-first-disability-law-96888484.html>

