

Our Rights - issue 20, March 2010



The International Disability and Human Rights Network

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Convention

- **Sign ups (As of March 2010)**

- 144 signatories to the Convention
- 88 signatories to the Optional Protocol
- 82 ratifications of the Convention
- 51 ratifications of the Optional Protocol

- **Four more countries ratify CRPD**

On February 4th, Ukraine became the 79th country to ratify the Convention. Two weeks later France joined the list. Both countries also ratified the Optional Protocol. Latvia ratified on March 1st and Canada on the 15th.

Because of the new ratifications the Committee on the Rights of Persons with Disabilities will increase from 12 to 18 members in 2011.

<http://www.un.org/disabilities/>

- **Making it work – making sure it works**

A report from the office of the UN High Commissioner for Human Rights on the implementation and monitoring of the CRPD was a main topic for discussion on March 5th, during the 13th Session of the UN Human Rights Council.

Among many recommendations it was stressed that although ‘...implementation is the responsibility of government, protection, promotion and monitoring requires the leadership of national

entities...persons with disabilities and their representative organizations need to take part in the monitoring process, as well as in any other decision-making processes that concerns them.'

Another important point made in the report is that because the CRPD endorses a shift from a medical to a social understanding of disability, this needs to be reflected in the departments/ministries tasked with overall implementation. For example, ministries of health or special education departments should be avoided and ministries responsible for justice and human rights preferred.

<http://www2.ohchr.org/english/bodies/hrcouncil/docs/13session/A-HRC-13-29.pdf>

Editorial comment: This important document is essential reading for DPOs, as it sets out a structure for monitoring the CRPD that places disabled people and our organizations at the centre of the process.

Disability was also discussed at the session on sexual violence against children. In addition, there was a side event on Article 32, concerning disability and development. For full details see: <http://www.internationaldisabilityalliance.org/advocacy-work/human-rights-council/human-rights-council-sessions/regular-sessions/13th-session-march-2010/>

- **UN sets up expert group on disabled people in Haiti and Chile**

Article 11 of the Convention on the Rights of Persons with Disabilities states that governments must take all necessary steps to ensure the protection and safety of disabled people following natural disasters.

Accordingly, on March 6th, the UN Committee on the Convention announced the creation of a working group to assess the situation of the disabled people in Haiti, as well as those in Chile, following the earthquakes that have recently hit these countries.

<http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=9873&LangID=E%22%3Eannouncement>

- **EU rats out on ratification of Convention**

In November 2009 we reported that European Union had ratified the CRPD. This now seems to have been something of an illusion. For the Convention to be ratified, the instrument must be deposited with the UN. This has not been done. Although the EU has previously ratified international treaties without waiting for all its member states to do so, this time they have decided the Convention will only be fully ratified and, therefore, binding across Europe, when each member country has ratified the treaty.

Only 13 of the 27 countries have so far ratified the treaty. Officials say it could take years for the remaining countries do so. This means that while disabled people in the states that have ratified can enjoy some of the rights granted under the Convention, when it is question of EU law these rights will not apply. This is disgraceful and a major disappointment for the 65 million disabled people in the EU.

<http://www.europeanvoice.com/article/imported/a-great-advance-stopped-in-its-tracks/67178.aspx>

Editorial Comment: We would hope that the failure of the EU to ratify the CRPD will spark a European-wide campaign to convince the Council of the European Union to proceed without waiting for each country to ratify the Convention. At the same time, DPOs and their allies throughout the EU must work together to make sure that all member states ratify. As shown below, most countries signed three years ago. They have had more than enough time to move to ratification.

According to the UN Enable website,
<http://www.un.org/disabilities/countries.asp?navid=12&pid=166>
the following countries have **not** ratified the CRPD.

Bulgaria - signed 27-9-2007

Cyprus – signed 30-3-2007

Estonia – signed 25-9-2007

Finland – signed 30-3-2007

France – signed 30-3-2007

Greece – signed 30-3-2007

Ireland – signed 30-3-2007

Latvia – signed 18-7-2008

Luxembourg – signed 30-3-2007

Malta – signed 30-3-2007
Netherlands – signed 30-3-2007
Poland – signed 30-3-2007
Romania – signed 26-9-2007
Slovakia – signed 26-9-2007

[Since this was written France (18-2-2010) and Latvia (1-3-2010) has ratified the CRPD.]

- **Disability Rights Fund calls for proposals from DPOs to support UN Convention**

The Disability Rights Fund (DRF) today (February 15th) announced its first 2010 grants round, “Moving Rights Forward.” Grantmaking in this round will be targeted at DPOs in Mexico, Ukraine, selected states in India, as well as Indonesia.

The broad objective of the Fund, which was officially launched in March 2008, is to empower DPOs in the developing world and Eastern Europe/former Soviet Union to participate in ratification, implementation and monitoring of the CPRD.

Applicants from eligible countries may apply as: a) single organizations or partnerships for 12-month Small Grants and/or b) national DPO-led coalitions for 24-month National Coalition Grants. Grants to single organizations will range from USD 5,000 to 20,000 and will support efforts to build CRPD skills and to develop rights-based advocacy and monitoring on the CRPD. Grants to national DPO-led coalitions will range from USD 30,000 to 50,000 per year (60,000 – 100,000 over 24 months) and will support advocacy toward ratification of the CRPD, passage of specific legislation to accord with the CRPD, or the production of alternative/parallel reports.

For full details go to: <http://www.disabilityrightsfund.org/grant.html>. The deadline for Small Grants applications is March 29, 2010. The deadline for National Coalition Grants applications is April 12, 2010.

UK

- **Prime Minister speaks out against assisted suicide**

The British Prime Minister, Gordon Brown, became one of the highest profile people to reject the idea of changing the law to allow ‘assisted suicide’. In an article in the Daily Telegraph, he wrote, ‘... death as an option and an entitlement, via whatever bureaucratic processes a change in the law might devise, would fundamentally change the way we think about mortality. The risk of pressures – however subtle – on the frail and the vulnerable, who may feel their existences burdensome to others, cannot ever be entirely excluded...’.

<http://www.telegraph.co.uk/news/newstoppers/politics/gordon-brown/7304308/Gordon-Brown-We-must-resist-the-call-to-legalise-assisted-suicide.html>

Editorial comment: Legalised euthanasia/assisted suicide poses one of the most serious threats to the lives of disabled people. The Not Dead Yet UK group, made up of disabled people and their allies, is campaigning against the increasingly vocal ‘right-to-die’ movement. They write:

‘We believe individual disabled people’s suicidal cries for help come from a lack of proper practical, emotional and medical support needed to live dignified lives, rather than from the ‘suffering’ they experience as a result of a medical condition. Such loss of hope – which forces some to see death as their only option – is easily misinterpreted in a society that continues to see and treat disabled people as second class citizens. Individuals risk being easily exploited by the ‘right-to-die’ movement or, worse, by family, friends and health care professionals. Their attitude is not compassionate – it is prejudiced and disablist.

We oppose policies that single out individuals for legalised killing based on their medical condition or prognosis. This includes helping people to die whether by killing them, or by withdrawal or withholding of treatment, in the name of compassion and mercy.’

<http://www.notdeadyetuk.org/about.php>

- **Life and Death Matters: Disability Rights and Incapacity**

A conference will be held on March 29th at the London Metropolitan University on the legal implications of end-of-life issues, including assisted suicide and non-treatment.

Although the entry charge is rather dear (£65/£25 concession) those concerned with the human rights of disabled and older people will find the event extremely informative.

For further details see:

<http://www.londonmet.ac.uk/depts/lqir/casep/news-and-events/life-and-death-matters.cfm>

- **BBC programme on disability hate crime**

On February 15th, Panorama showed an excellent half-hour documentary on disability hate crime. It was researched and presented by Simon Green, a wheelchair user. The programme shows in hard-edged detail what DAA has been reporting on for many years.

<http://www.youtube.com/watch?v=ywuRqNyB2TE>

- **Disabled man hounded to death by young thugs**



Photo of David Askew

David Askew, a 64-year-old from Greater Manchester with learning difficulties, had been bullied for years by local youths. The last confrontation on March 11th led to David dying from a heart

attack outside his house.

Neighbours complained that the police had not done enough to protect David and his family. However, David's mother thanked the police and said, 'They have done as much as anyone could do.'

This incident is another in a long line of serious hate crimes against disabled people in the UK. The most recent and infamous was that of Fiona Pilkington and her daughter, Francessca.

(<http://www.daa.org.uk/index.php?mact=Blogs,cntnt01,showentry,0&cntnt01entryid=57&cntnt01returnid=98>)

David's death came on the same day as the Chief Inspector of Constabulary warned police forces that they were failing to address the impact of anti-social behaviour on communities. More than half of the 43 forces in England and Wales could not automatically identify repeat victims, leaving officers in ignorance of some of the most vulnerable people who need help.

A brief survey found officers did not turn up to almost one in four anti-social behaviour complaints. It was also found 20% of repeat victims classed themselves as disabled.

<http://www.independent.co.uk/news/uk/crime/a-human-tragedy-a-national-scandal-1920089.html>

- **Dishonest charity poster reinforces negative stereotype**



Muscular Dystrophy Poster

Disability rights activists have argued that the new Muscular Dystrophy (MD) Campaign poster recalls the outdated, negative images of disabled people. The poster shows Bradley Addison, a young boy with Duchene Muscular Dystrophy, in a wheelchair with the caption, "he'd love to walk away from this poster too".

Andy Crooks, who has MD, said: “My initial reaction was one of disbelief. It’s dumbfounding that such negative imagery would be used to go back to the old stereotype of wheelchair users being people to pity.”

MD Campaign chief executive Phillip O’Neill said. “Nobody would want his or her child not to walk. Fighting it on a medical front is important to us but so is fighting it on a social front. We’re all in this together. We rely on funding from the public and are extremely proud of the adverts.”

<http://www.disabilitynow.org.uk/latest-news2/md-poster-condemned-by-rights-activists>

Editorial comment: This insensitive, ignorant, mendacious, retrograde move from the MD Campaign ignores all the progress made over the last twenty years by disabled people in our fight for images that show us as vibrant individuals in the world.

This picture obviously does not suit the MD Campaign or its ad agency hired guns. No, they prefer an image of disability as an isolated young boy trapped on his own in a wheelchair in a black and white world, all the colour and joy washed out. And then the caption - “he’d love to walk away from this poster too” - finishes off the bleak message of utter desolation.

What makes this a more cynical lie is that Bradley, a vital, lively, imaginative child, as the pictures below show, actually lives in a very inclusive and very technicolor world. For example, when he was five he drew a summer playground design for a gift card sold through Tesco. Is this a grim child abandoned in an ad man’s limbo? Is this the miserable ‘wheelchair-bound cripple’ depicted in the poster? Hardly. Especially as over the photo of Bradley and his mom, the headline reads ‘My special boy still leads a normal life’.

Surely the MD Campaign can do its work without such dishonest and harmful representation of the people they claim to be helping.



Bradley and his mum, Sarah

http://www.muscular-dystrophy.org/about/press_office/press_releases/1144_gift_card_design_makes_bradley_youngest_ever_tesco_designer-on_sale_nationwide_now

<http://www.express.co.uk/features/view/154494>

International

- **Africa: East African Community sets out revolutionary proposals for mainstreaming disability**

The first East African Community (EAC) conference on disability was held in Kampala, Uganda, at the end of February. The meeting brought together representatives of DPOs, professionals, political leaders, policy makers and members of civil society to discuss, debate and recommend how partner states and the EAC can best address the challenges confronting disabled people. The outcome was a raft of wide-ranging resolutions drawn up to mainstream disability issues in all partner states.

Among the many proposed measures were: the setting up of national disability councils, mainstreaming disability in all budgets and development projects, appointing disability advocates in every ministry, formulating an EAC disability law, establishing a regional disability development fund, getting partner states to ratify the CRPD as a regional bloc and holding a development partners' conference involving disabled people.

The foregoing summary does scant justice to the breadth of ambition of those who attended the meeting. The report from the Kampala Conference merits a close reading for all those interested in building a robust process of disability inclusion.

http://news.eac.int/index.php?option=com_content&view=article&id=186:pwds-conference-ends&catid=48:eac-latest&Itemid=69

- **Bosnia and Herzegovina: Disabled people on hunger strike**

In Banja Luka, Republic of Srpska in Bosnia and Herzegovina, disabled employees in the Institute for Dystrophics are on hunger strike over job losses and the threat of bankruptcy. If the latter were to happen the disabled residents would be left without employment or a place to live.

The Institute opened in 1989 to provide accommodation and employment for people with muscular dystrophy who were alone, lived in inaccessible places or with older parents. The 23 disabled people have said that they will not give up their demands for the return of their colleagues and, in order to protect their rights, the involvement of two disabled people in the bankruptcy proceedings.

The European Network on Independent Living (ENIL) is asking for people to contact their MEP in support of the hunger strikers.

For more information:

http://www.enil.eu/enil/index.php?option=com_mamblog&Itemid=113

- **Canada: Disabled people zoned out of cities and towns**

In towns and cities all across Ontario, disabled people are targeted by zoning restrictions that limit their ability to find housing with support services. The by-laws are supposed to regulate land use, yet disabled people are shut out by zoning laws that explicitly limit the number of people needing support services from living in residential neighbourhoods. For example, zoning by-laws in one city allow no more than 36 people with learning difficulties ("mentally handicapped people" as the press put it) to be housed in group homes within the entire municipality.

On February 23rd, The Human Rights Legal Support Centre will launch human rights applications against four municipalities on behalf of four disabled people.

<http://www.newswire.ca/en/releases/archive/February2010/19/c3138.html>

- **Europe: EU calls for ending institutionalisation of disabled children**

At the beginning of February, the EU Committee of Ministers released a strongly-worded recommendation calling for disabled children to be cared for in families and in the community instead of long-term residential institutions. This is backed up by reference to number of agreements and conventions to which the EU is party, including the UN Convention on Rights of the Child and CRPD.

The recommendation states that member states must ‘...ensure that children with disabilities are able to exercise the same rights as other children.’ Furthermore, that ‘the state has a responsibility to support families so that they can bring up their disabled child at home....’.

There are also detailed guidelines laid down as how to manage the process of deinstitutionalisation. As part of this, they want to see disabled children fully mainstreamed into society, including social life, education, health etc.

[https://wcd.coe.int/ViewDoc.jsp?Ref=CM/Rec\(2010\)2&Language=anEnglish&Ver=original&BackColorInternet=C3C3C3&BackColorIntranet=EDB021&BackColorLogged=F5D383](https://wcd.coe.int/ViewDoc.jsp?Ref=CM/Rec(2010)2&Language=anEnglish&Ver=original&BackColorInternet=C3C3C3&BackColorIntranet=EDB021&BackColorLogged=F5D383)

- **Ireland: Complaints mount about abuse of disabled people in residential care**

More than 500 complaints have been made over the last two and a half years over the abuse of and indifferent care provided to disabled children and adults in institutional care in Ireland.

At the moment there are few protections for people in this situation, as there are no official standards laid down and no formal inspection regime. Proposals to bring in both were rejected last year because of the financial crisis. However, the minister with responsibility for disability has promised that new powers would be brought in by the end of the year to protect disabled children in residential care.

<http://www.irishtimes.com/newspaper/frontpage/2010/0202/1224263582703.html>

Editorial comment: Although better regulation is to be welcomed, it is no substitute for liberating people from segregated institutions. There is ample evidence that no matter how 'enlightened' the care, such places all too often systematically strip people of their humanity and human rights. It would be hoped that the Irish government would respond positively to the EU's recommendation outlined above, and begin a programme of deinstitutionalisation.

- **Italy: Politicians denounce abusive Facebook page on children with Down Syndrome**

Politicians and Internet activists in Italy have denounced a page on Facebook that calls for children with Down Syndrome to be used for target practice.

Police were trying to track down who set up the page, which features a photo of a baby with Down Syndrome and the word "idiot" superimposed on it.

Equality Minister Mara Carfagna, promised legal action against those responsible for the page, denouncing it as "unacceptable and dangerous."

http://www.abs-cbnnews.com/technology/02/22/10/outrage-italy-over-anti-down-syndrome-facebook-page?utm_source=twitterfeed&utm_medium=twitter

Editorial comment: Unfortunately, this is only one of many internet sites that denigrate disabled people and represent us as targets of hate, ridicule and voyeurism. The only good thing to say about this otherwise terrible story is that finally politicians are speaking out and the police are going after the perpetrators of this obscene and cowardly form of disability hate crime.

- **Japan: Disabled people excluded from apartments**

In Yonago, in the prefecture of Tottori, a manager of a prefectural apartment complex refused tenancies to three people because they were disabled. This was done even though disabled and elderly people, as well as other 'vulnerable' groups, are supposed to be given priority when prefectural housing is allocated. Following a request from the manager, an official provided information on 25 people initially selected to enter the apartments. □ Eventually the three entered other apartment complexes and the manager was fired. The 25 received an official apology and were told that those involved lacked awareness of human rights.

In <http://www.disabilitynewsasia.com/home-mainmenu-1/147-japanese-prefectural-government-refused-to-rent-apartments-to-people-with-disabilities-.html>

Russia: Uproar at journalist's call to kill disabled babies

Aleksandr Nikonov, a journalist writing for the tabloid Speed-Info, has had an article published entitled, "Finish Them Off, So They Don't Suffer". He argues that parents should have the right to euthanase disabled newborns. In terms that echo those used by Peter Singer, the Australian bioethicist, he calls "postnatal abortion" an act of mercy.

Mothers of disabled children have got together to protest these views. One said, , "The opinion expressed by the author is not unique; statistics show that one-fourth of Russians share similar views. Complete strangers come up to me in the street and tell me

that I'm depraved and deserve my fate. Doctors and social workers refuse to do their jobs, just because my child is severely disabled."

The Russian Union of Journalists has ruled that his article bordered on extremism and asked "Speed-Info" to publish a rebuttal by two of the mothers.

Despite the grief caused to disabled people and their families, Nikonov's article has already had the unintended positive effect of prompting a rare discussion on the plight of disabled people in Russia.

http://www.rferl.org/content/In_Russia_Call_For_Postnatal_Abortion_Sparks_Furor_Among_Parents_Of_Disabled/1952215.html

- **Tanzania: Rumours have negative impact on disabled beggars**

Rumours have been circulating in Dar es Salaam that a woman was bewitched by a disabled beggar. It was claimed that she grew hairs as she was trying to give him money. He then demanded to be kissed for the hairs to vanish. She obliged and, although, it is not known if the hairs vanished, soon after both she and the beggar certainly did. Of course, they may have never existed in the first place.

Disabled people in the capital, many of whom with no alternative but to beg for a living, have complained that because of this unsubstantiated event people have been shunning them. One of them said that he was facing difficulties in boarding a ferry as people were now looking at him suspiciously.

<http://allafrica.com/stories/201002240658.html>

Editorial comment: This is an amusing story but highlights two not so amusing issues for disabled people – extreme poverty and superstition.

Throughout the world, in both developing and developed countries, disabled people tend to be the poorest of the poor. For example, in the UK it is estimated that up to 70% of homeless people, who often beg on the streets, have mental health problems.

Superstitions about disabled people over the centuries have led to us being murdered at birth, being burned as witches and being seen as punishment for the sins of our parents or our own sins in a previous life. One of the most outrageous and unsettling effects of superstition about disabled people was witnessed just last year in Burundi and Tanzania. In a three-month period 60 people with albinism were killed because it was believed that their body parts would bring people good luck in business.

Both issues were well captured by Hamis Ngomella, one of the 170,000 people living with albinism in Tanzania and chairperson of Pwani Albino society. He has said, "Disability is simply our own invention - the hardship, things difficult to understand. It is a socio-political issue rather than a matter of health."

http://www.mind.org.uk/help/social_factors/statistics_6_the_social_context_of_mental_distress#links

<http://www.ifrc.org/docs/news/09/09060801/>

- **USA: Hate crime murder of young woman with learning difficulties**

Laura Cummings, a 23-year old with learning difficulties from North Collins, New York, was tortured and then murdered, allegedly by her mother and half brother. They will now stand trial after being indicted by a grand jury.

It has been claimed that despite numerous complaints to Protective Services over the years, nothing had been done. The district attorney said, 'There were a lot of people who knew what was going on and said nothing, and that is a sad commentary on the human condition'. He went on to say that he would be prosecuting what occurred as a hate crime because it was motivated by Laura's impairment. 'If these allegations are true', he said, 'one wonders if either one of them even considered Laura to be a human being.'

<http://www.buffalonews.com/2010/02/26/970986/mother-son-indicted-in-hate-crime.html>

- **USA: State budget cuts hit services for disabled people**

The chief executive of the American Association of People with Disabilities, said that of all the budget cuts hitting services for disabled people throughout the US, South Carolina is the most extreme example.

To help deal with a \$560 million budget deficit, lawmakers are considering cutting all services for nearly 26,000 disabled people. This would mean that the state would support but 4,800 in group homes or institutions, the only type of care the federal government requires the state to provide.

The impact of disabled people in South Carolina will be devastating, especially with respect to independent living and basic health care. Adaptations that allow people to stay in their homes will not be funded, day care centers will close and about 50% of the state's Medicaid recipients would lose prescription coverage.

Disability advocates claim that other states have raised taxes to deal with similar problems, but that is unlikely in South Carolina, a heavily Republican state where tax increases are not considered a viable option.

<http://www.ohio.com/lifestyle/health/86249547.html>

Editorial comment: Yet another example of how the financial crisis, caused by the greed of the rich, is being paid for by the suffering of the poor. Or as the words of the old song would have it:

It's the same the whole world over,
It's the poor wot gets the blame;
It's the rich wot gets the pleasure,
Ain't it all a blooming shame.

- **USA: “Disabled children are God’s punishment for having an abortion.”**

Bob Marshall, a Republican state delegate in Virginia, has said, “The number of children who are born subsequent to a first abortion with handicaps has increased dramatically. Why? Because when you abort the first born of any, nature takes its vengeance on the subsequent children.”

He went on to say, “In the Old Testament, the first born of every being, animal and man, was dedicated to the Lord. There’s a special punishment Christians would suggest.”

Marshall made his comment on February 22nd at a press conference to oppose state funding for planned parenthood.

<http://www.wtop.com/?nid=25&sid=1894168>

Editorial comment : So now you know. We disabled people need not fight for our human rights, because we represent a punishment for sin. Therefore, we must blame those who campaigned for a woman’s right to choose, we must blame the politicians who supported changing the law and, of course, we must blame our mothers!

