

Our Rights - issue 26, October 2010



The International Disability and Human Rights Network

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Convention

Sign ups

CRPD

147 signatories

94 ratifications

Optional Protocol

90 signatories

58 ratifications

More signings and ratifications

On September 7th, 2010, Senegal ratified the CRPD. Armenia ratified on September 22nd. Nigeria ratified both the CRPD and the Optional Protocol on the 24th and three days later Greece signed the Protocol.

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

UK

Disabled people must chose eating or heating

Disabled people are twice as likely as non-disabled people to go without heating, food, clothes and leisure activities because of a lack of money. This is why the Liberal Democrat manifesto commitment to extend winter fuel payments (now made to people over 60) to the 1.3 million disabled people with serious impairments was so vitally important. However, going into coalition with the Tories has seen that promise drowned in the tsunami of budget cuts.

This could be a life or death issue for disabled people, many of whom are home for long periods each day, and consequently need central heating to keep warm. For example, according to the National Pensioners Convention, last winter, more than 36,700 pensioners died of cold-related illnesses.

<http://www.independent.co.uk/money/spend-save/severely-disabled-people-must-make-heatoreat-choice-2083208.html>

Cuts to local spending not as tough as reported says Lib Dem MP

Andrew Stunel MP, Parliamentary Under Secretary of State for Communities and Local Government, said, “What has happened so far shouldn’t lead many local authorities to cut. We’ve asked them to slash their budgets by a maximum of 3.5%, no more, and any local authority that goes beyond that percentile should suffer for that.”

He also told party members that the government has been left with “no choice” but to cut down on spending but that it won’t be as disastrous for local communities as has been previously reported.

<http://www.disabilitynow.org.uk/latest-news2/lib-dem-minister-warns-against-local-care-cuts>

Government says leaked memo on disability benefits cuts ‘out of date’

A leaked document, dated from June, appears to suggest that ministers had had reached an agreement to cut disability benefits by £2.5bn.

The chief secretary of the Treasury wouldn’t comment on the document, but said, ‘We are looking for significant savings in the welfare system. Savings that are fair; savings that encourage people to get out to work.’

Richard Hawkes, chief executive of the disability charity Scope, said: ‘The government’s promise to ensure fairness in the budget cuts is undermined by the revelation of its plans to cut £2.5bn of support to disabled people.’

<http://www.guardian.co.uk/politics/2010/sep/13/welfare-cuts-danny-alexander>

Disabled people lead protest against the Tory cuts



On October 3rd, outside the Conservative Party Conference, disabled people headed up a march, together with trade unions and other groups, to demonstrate against the proposed budget cuts.

Disabled people said that the welfare cuts proposed by the coalition, will hit them hardest. This is because the cuts comprise a lethal cocktail - a sharp fall in housing benefit, the closure of the Independent Living Fund, reductions in benefits and the end of many essential local services.

<http://disabledpeopleprotest.wordpress.com/2010/10/04/174/>

Some councils make deep cuts to services for disabled children

The Council for Disabled Children says that some local councils are already stopping services for disabled children at short notice, before they know about the funding available from central government.

The services affected include clubs, respite for families and funding for needed support staff.

Christine Lenehan, director of the Council, says that short

breaks - providing somewhere for children to go for an afternoon once a month or so - can be the difference that allows families to keep going.

But she says local authorities in some areas are considering cutting up to 75% of short breaks, as part of their planning for anticipated spending cuts.

Shadow Education Secretary Ed Balls said: 'This is a really worrying report, which suggests local authorities are assuming the worst will happen in the spending review and already cutting back on much-needed services to the most vulnerable children in our community.'

<http://www.bbc.co.uk/news/education-11289711>

Disability bodies under threat

A number of important government-funded organisations that deal with disability issues are named in a leaked hit list of bodies to be abolished or have their funds cut.

The Disabled Persons Transport Advisory Council (DPTAC), The Disability Living Allowance/Attendance Allowance Advisory Board, The General Social Care Council and the Disability Employment Advisory Committee are among a list of 177 bodies earmarked for closure in a leaked Cabinet Office document. The Equality and Human Rights Commission (EHRC) and the Independent Living Fund (ILF) also are targeted.

Rich Watts, director of Essex Coalition of Disabled People said: "If the government was serious about wanting to get disabled people back into work, then it seems counter-intuitive that they're cutting precisely those bodies that are intended to do that."

The Cabinet Office would not comment on the leaked document.

<http://www.disabilitynow.org.uk/latest-news2/disability-bodies-set-to-be-abolished>

Woman loses Foreign Office posting because of being deaf

While in Warsaw, Jane Cordell, as head of the embassy's political section, led a number of initiatives on disability rights in Poland, earning a nomination for a Presidential Order of Merit medal. Now her appointment as Deputy Ambassador to Kazakhstan has been withdrawn by officials who ruled that her deafness makes it too expensive to send her abroad.

With the support of the Equality and Human Rights Commission, she is taking a case for disability discrimination to an employment tribunal.

She said: 'I am bringing this case because sadly it is the only available way to get clarity on my future FCO career. A diplomat needs overseas experience; I would expect to be able to get this. I am doing this for myself and other staff at the Foreign Office whose disabilities require significant support.'

The Foreign Office, which has 228 staff registered as disabled with 52 working abroad, imposes a £10,000 ceiling on help for disabled employees and only funds extra assistance on a case-by-case basis.

<http://www.independent.co.uk/news/uk/politics/diplomat-denied-foreign-post-due-to-her-deafness-2078434.html>

Phone companies disenfranchising disabled people

A survey by Ofcom (the regulator for the UK communications industry) shows mobile phone companies are failing disabled consumers.

The report found that, once prompted, only 75% of consumers are given information on services for disabled people. This figure is down from 91% when the survey was last conducted in 2006.

UK operators have been urged by Ofcom to do more to publicise services available to disabled customers and to set out a plan of action to make these improvements.

Ofcom also claimed it would "consider taking enforcement action if necessary, which could result in a fine of up to 10% of turnover for those failing to meet their obligations".

<http://www.guardian.co.uk/money/2010/oct/05/phone-providers-disenfranchising-disabled>

Writer advocates infanticide of disabled children

Virginia Ironside, columnist and writer, speaking on a BBC religious affairs programme on Sunday (Oct.5th), said: : 'If a baby's going to be born severely disabled or totally unwanted, surely an abortion is the act of a loving mother.'

She added: 'If I were the mother of a suffering child - I mean a deeply suffering child - I would be the first to want to put a pillow over its face....'

Ironside said she recognised that disabled people could lead active and fulfilling lives, but there were millions of disabled and unwanted children around the world who were left suffering in institutions.

Clair Lewis, a prominent disability campaigner accused Ironside of using physical suffering as an excuse for advocating eugenics, through the abortion of disabled children. She said: 'The problems that disabled people face will not be fixed by killing off unborn children.'

<http://www.dailymail.co.uk/news/article-1317400/Virginia-Ironside-sparks-BBC-outrage-Id-suffocate-child-end-suffering.html>

Editorial comment: Although horrendous, Ironside's views remind us that eugenics, in this case advocating the elimination of disabled people, is still very much alive. Her statement echoes that of Peter Singer, notorious for his championing the infanticide of disabled newborns.

While many of us in the worldwide disability movement are campaigning for the recognition of our human rights for full

social inclusion, here we have someone claiming that disabled people should not have the most fundamental right, the right to life. Ironside, like Peter Singer and other eugenicists, have either forgotten or reject the first article of the Universal Declaration of Human Rights, which says: "All human beings are born free and equal in dignity and rights." Alternatively, it may simply be that they don't consider us to be human beings!

It is also important to remember that the Nazi genocide began with the systematic murder of disabled children, branded as "useless eaters" and of having lives "unworthy of life". Like Ironside, the Nazis claimed that their deaths, by lethal injection, starvation or the gas chamber, were merciful.

Protest against Scottish assisted suicide Bill

Members of Inclusion Scotland say Margo Macdonald's End of Life Bill, that would make it legal for doctors to assist those who wish to die, discriminates against disabled people and contradicts the independent living agenda. They were protesting outside on September 27th, as evidence about the bill was being heard inside the parliament.

MacDonald said, "The bill has nothing whatsoever to do with disabled people, and I think it is absolutely disgraceful that such vulnerable people should have been used here today."

However, campaigners against the measure claimed that disabled people needed to be supported to live, not helped to die.

<http://news.stv.tv/politics/199887-protest-while-msps-discuss-proposed-assisted-suicide-bill/>

Editorial comment: Margo MacDonald's remarks that her proposed Bill has nothing to do with disabled people and that 'such vulnerable people' were being 'used' essentially as lobby fodder, shows a frightening combination of ignorance and condescension. Ignorance because it is the fear and loathing of being ill or disabled that is such a powerful driving force spurring on the euthanasia lobby and condescension because of her assumption that we disabled people are 'obviously' unable to think for ourselves.

Perhaps she is annoyed by the growing number of us who can recognise that proposals to legalise euthanasia both diminish the value of and pose a real threat to our lives.

Update on murder of disabled boy

As we reported in May, Yvonne Freaney, 48, had been arrested for the murder of her 11-year-old disabled son, Glen. She said she did it because no one else would look after him.

In court she has accepted she killed him, but denied murder.

A manslaughter charge is expected to be formally put to Freaney when she next appears in court in November.

In the meantime, the judge has sent her to a secure mental unit.

<http://www.dailymail.co.uk/news/article-1311606/Yvonne-Freaney-admits-strangling-disabled-son-Glen.html>



Glen Freaney

Original story:

http://www.daa.org.uk/index.php?mact=Blogs,cntnt01,showentry_0&cntnt01entryid=159&cntnt01returnid=98

International

Croatia: Disabled people imprisoned as deinstitutionalisation fails

Human Rights Watch has just released a report entitled, "Once You Enter, You Never Leave". This is a searing indictment of the failure of the state to free disabled people from institutions in the country.

Although the government has promised to move people out of

institutions and support them in the community, rather than shrinking, institutional provision is increasing. It is also clear from many reports that these places are hotbeds of systematic human rights abuse.

Between 70 and 100 percent of residents of some institutions for persons with intellectual or mental impairments are put there without their consent or the opportunity to challenge the decision. Furthermore, once they are admitted most remain there for the rest of their lives.

All this has happened despite the fact that Croatia has ratified the CRPD that says disabled people should have the right to live as equal citizens within the community. The apparent refusal to close institutions also goes against a 2006 agreement with the European Commission to end the practice of institutional segregation.

The responsibility for this sorry state of affairs lies primarily with Ministry of Health and Social Welfare, which has yet to create a plan for deinstitutionalisation, let alone take concrete steps to move disabled people into community-based support programmes.

Croatia is not alone in letting down disabled people in this way. The former Yugoslav republics of Serbia, Bosnia and Kosovo have also faced similar criticism from the UN Human Rights Council.

<http://www.hrw.org/en/reports/2010/09/23/once-you-enter-you-never-leave-0>

Haiti: Earthquake brings new services for disabled people

Although aid is supposed to be only for those injured, many Haitians who were disabled before the January quake are taking advantage of the services now on offer.

Kate Gerry, physical therapist with Handicap International says, 'There are [funding constraints] and then there's also the ethics - that there are people who really need [help]. Who cares how they lost their limbs?'

According to Gerard Oriol, founder of J'aime Haiti, the disaster worsened conditions for disabled people but at the same time brought international attention to the disabled community's situation. This in turn is a chance to highlight how stigma attached to physical impairment has long hampered disabled people's development.

'Generally one thinks of a handicap (sic) as a medical problem, but in fact it's more of a social problem', Oriol says. 'If we could eliminate the social and cultural barriers, there's no reason a handicapped person couldn't integrate into society.'

http://article.wn.com/view/2010/09/15/HAITI_Emergency_sheds_light_on_needs_of_prequake_disabled/

India: Disabled child beaten at special school

Parents of a 15-year-old boy with Down's Syndrome have claimed that at his South Mumbai school he had been tied and gagged with a handkerchief and even forced to eat chilies. □□ Subsequently, it is alleged he was beaten by a teacher.

The police and school say the complaints have been resolved with the parents. However, the boy's father said, '□ Instead of taking any action, the principal expelled my child. He has been studying in the school for the last 10 years. He is now scared of going back to school.'

http://www.dnaindia.com/mumbai/report_teacher-thrashes-special-student_1428825

International: International Week of the Deaf

International Week of the Deaf is celebrated from 20 to 26 September 2010 throughout the world by individuals and national associations of the Deaf. This year, the World Federation of the Deaf has encouraged its national members to focus on Deaf Education, which continues to be one of the most contested issues in the history of Deaf people.

To support this cause, World Federation of the Deaf is calling individuals to sign an online petition, New Era Document, which rejects the resolutions of the 1880 Milan Congress that banned the use of sign language from educational programmes for deaf children.

This is a call upon all nations and people of the world to remember history and ensure that educational programmes accept and respect all languages, including sign languages, and all forms of communication. The New Era Document was first presented and signed by hundreds of people in the 21st International Congress on the Education of the Deaf (ICED) in Vancouver, Canada in July 2010.

To sign the petition, please visit: www.petitions24.com/wfd
<<https://posti.infonetti.fi/exchweb/bin/redirect.asp?URL=http://www.petitions24.com/wfd>>

Editorial comment: It only took 130 years to overturn this pernicious resolution, responsible for holding back the educational and employment opportunities of Deaf people. In fact, it was not until the 1970s that sign language began to revive. In the mid-1970s the Deaf Rights movements began to gain momentum, Britain's National Union of the Deaf (NUD) was formed and a growing number of Deaf activists campaigned for rights to sign language, education and Deaf identity.

For an excellent account of the Milan Congress, its impact and the battle to have sign language recognised, see:
<http://www.milan1880.com/milan1880history/thelegacy.html>

International: Stevie Wonder demands access for people with visual impairments

In a speech, interspersed with snatches of song, to the World Intellectual Property Organisation (WIPO) in Geneva, Stevie Wonder, singer and UN Messenger for Peace, called for unified copyright rules that would improve audiobook access for visually impaired people.



Stevie Wonder

He pointed out that 300 million people "live in the dark" and want to "read their way into light". "There are people", he said, "...who are locked into this kind of prison because information is not available to them."

The singer threatened to "write a song about what you didn't do" if the WIPO failed to rethink the licensing framework. On the other hand, he said, if they enacted a solution within the next 12 months, "I'll come back and do an incredible celebration concert."

http://www.washingtonpost.com/wp-dyn/content/article/2010/09/20/AR2010092001454.html?wprss=rss_artsandliving/entertainmentnews

Editorial comment: As we have reported in this year's January, May and August editions, the battle to free up information for people with visual impairment has been going on for over many years. Hopes for an agreement have been continually dashed, mainly because of opposition from the US and Europe. Although we would very much like to see and hear a celebration concert, the WIPO's track record suggests that, unfortunately, we may have to do with a single Stevie Wonder song.

Nepal: “Psychiatric patients ...are treated like animals.”

In an extremely disturbing report, Jagannath Lamichhane , a global mental health rights activist based in Kathmandu, claims that people with mental health problems face inhuman treatment whether in institutions or the wider society.

Describing the psychiatric hospital in Patan, Nepal, he says it is “...a place to store socially discarded people. The inpatient ward smells of urine, the toilets stink, and the bedclothes look as if they have not been cleaned for months.”

He points out that although Nepal has ratified the CRPD, this has meant nothing for people with mental health problems. Almost no money is allocated for their care, few NGOs address their human rights, the government doesn't recognise these rights at all and “There is a popular belief that their condition is the result of bad karma.”

<http://www.guardian.co.uk/commentisfree/2010/oct/07/mental-health-provision-nepal>

Syria/USA: New superhero created by young disabled people



In August, 12 disabled young people from the States met with their counterparts in Damascus. The aim was to come up with ideas for a new comic book superhero.

The result was the Silver Scorpion, a Muslim boy who loses his

legs in a landmine accident and learns about the day-to-day reality of his impairment while also learning to use his newfound power, to control metal with his mind, to fight for social inclusion, equity and justice.

The meeting was the idea of Jay T. Snyder, a comic book collector who heads HBJ Investments LLC and whose non-profit organization, the Open Hands Initiative, financed the project.

Hamza Jaka, 18, of Fontana, Wisconsin, who is co-chair of Kids as Self-Advocates which promotes the rights of young disabled people, said the visit to Syria "was great" because it was people-to-people, "not politicians flying in and blustering."

According to Sharad Devarajan, co-founder and CEO of Liquid Comics, whose company is now turning the young people's ideas into pictures and a story for the first comic, their imagination was quite amazing and very distinctive.

Devarajan said it was noteworthy that none of the young people wanted the hero's power to be something that cured their impairment. "They were empowered by their own disabilities, and they should not be seen as a source of weakness," he said.

It is planned to launch the first comic book in early November in both Arabic and English.

<http://gulfnews.com/news/world/usa/new-muslim-comic-superhero-on-the-way-1.687889>

UN: Report calls for inclusion of people with mental health problems in development programmes

The World Health Organization (WHO) has just published (September 16th) a report calling on governments, civil society and aid agencies to confront the "enormous challenge" of helping the millions of people in developing countries with mental and psychosocial impairments.

The report notes that due to widely held misconceptions about the causes and nature of mental health conditions, people with these conditions are subjected to high levels of stigma and

discrimination. They also experience high levels of poverty and physical and sexual abuse, as well as often facing restrictions in the exercise of their political and civil rights.

Because of these issues, the report says people with mental health problems must be included in all development initiatives, mental health services should be increased and social and disability benefits provided. Finally, the people themselves must be part of designing development programmes.

In the forward to the report, Elena Chávez, President, ALAMO (a mental health service user organization) in Lima, Peru, writes:

‘This report is an important resource for the implementation of the CRPD. It will support beneficial interventions in our countries to reduce our poverty, promote respect for our dignity and right to legal capacity, guarantee us the exercise of our human, economic and social rights and provide us with the same opportunities that are provided to others in the community.’

http://www.who.int/mental_health/policy/mhtargeting/en/index.html

USA: Employment programs fail to assist disabled people

A study carried out by the University of Kansas has found that two major federal government programs, designed to help disabled people find jobs, are not working.

“The biggest problem is that these are one-size-fits-all programs,” said one of the researchers. Because of this disabled people are getting lost in the system.

This is a serious problem as 63% of disabled people in the USA are without jobs.

Researchers found that disabled people in these programs have extremely low self-esteem, and ‘...the staff at the [employment] center is not well-prepared to address their particular needs. That response reinforces their feelings of disempowerment — that the system is not really there to help them.’

<http://www.physorg.com/news203181839.html>

USA: People with learning difficulties abused in California prisons

Nine years ago a federal judge ordered California to protect inmates with learning difficulties in state prisons. Last July, the state asked that the decree be lifted. However, the judge refused saying that these prisoners are still being, 'verbally, physically and sexually assaulted, exploited and discriminated against.' They also receive little help from staff.

For example, prison employees fail to monitor the inmates, remind them to shower or to escort them in areas where they are likely to be attacked, the judge said. One prisoner lost 35 pounds in five months because his cellmate was stealing his food, but guards laughed at him when he asked them to accompany him to the canteen.

The judge has demanded officials submit a new compliance plan by December.

<http://www.sfgate.com/cgi-bin/article.cgi?f=/c/a/2010/09/17/BA551FF96G.DTL>

See DAA report on the execution of people with learning difficulties.

<http://www.daa.org.uk/index.php?mact=Blogs,cntnt01,showentry,0&cntnt01entryid=248&cntnt01returnid=98>

USA: Executing people with learning difficulties

On September 9th, Holly Wood, an African-American with learning difficulties, was executed in Alabama, for the 1993 murder of his former girlfriend. His appeal, that he has 'a mental disability', had been turned down by the US Supreme Court, despite a 2002 Court ruling that executing 'mentally disabled' people is unconstitutional. The reason being that the criteria for what constitutes mental disability has been left to the individual states, many of which have been excessively restrictive in defining what it means.



Holly Wood(executed)



Teresa Lewis (executed)

On September 23rd, Virginia executed Teresa Lewis, a 40-year-old woman with learning difficulties. She was the first woman executed in the state for nearly 100 years.

Lewis pleaded guilty to hiring two men to kill her husband and stepson in 2002 in order to collect an insurance policy. One of the men said he devised the plan himself because he needed money and manipulated Lewis, "an easy target", into participating. Besides her learning disability, Lewis also has 'dependent personality disorder', an impairment associated with difficulty in understanding and making decisions, low self esteem and impulsivity.

- <http://www.thedailybeast.com/blogs-and-stories/2010-09-08/holly-wood-death-rows-mentally-retarded-inmate/full/>
- <http://www.commondreams.org/newswire/2010/09/07-7>

Editorial Comment:

State murder, whether by stoning, beheading or the more seemingly humane and clinical lethal injection, is an appalling enough human rights abuse, but what has happened in Alabama and in Virginia is disgraceful in a country that sets itself up as a bastion of civilization.

Of course, the imprisoning and execution of people with learning difficulties and/or mental health problems is a world-wide phenomenon. In the USA, the latter group makes up 56 percent of state prisoners, 45 percent of federal prisoners and 64 percent of jail prisoners.

Furthermore, since 1984, 60 people with learning difficulties and mental health problems have been executed in the country. For more information about learning difficulties and the death penalty in the USA, see:

<http://www.deathpenaltyinfo.org/intellectual-disability-and-death-penalty>

USA: Leader of Autism Network International tells it like it is



Ari Ne'eman is the first person recognised with autism to be appointed to a Presidential advisory body, in this case the National Council on Disability. As we have reported previously, his appointment was initially blocked in the Senate. The suspicion is that this was instigated by some parents of autistic children and/or parent-controlled organisations. The latter are focused primarily on finding the causes of and a cure for autism, not on the quality of life and human rights issues that Ne'eman and his colleagues champion.

As one can see from first interview since his appointment, Ari is a powerful and outspoken advocate for the human rights of people in the emerging neuro-diversity movement. Below we give a few selected quotations and strongly recommend reading the full interview and/or listening to him on YouTube. Both are passionate, informed and extremely impressive. Some of the posted comments on what he has to say are also of interest in showing the entrenched resistance the movement is facing.

Ari Ne'eman speaking to Wired.com

“We need to stop making autism advocacy about trying to create a world where there aren't any autistic people, and start building one in which autistic people have the rights and support they deserve.”

“Groups like Autism Speaks (run primarily by parents of people with autism) have taken tremendous amounts of money out of local communities, but haven't included the people they claim to be serving in their decision-making structure. Promoting fear of autism and pity for autistic people may be good for their bottom line, but it actually hurts us in our efforts to have the kind of lives we deserve to have.”

“Many of the bad things that autistic people struggle with are things that happen to us, rather than things that are bad about being autistic.”

“The goals of the neurodiversity movement coincide with the goals of the broader disability and civil rights movements. We have a lot of solidarity between us. When a hold was put on my nomination last spring, I was grateful to have the support of groups like the American Association of People with Disabilities and the Leadership Conference on Civil and Human Rights.”

“Instead of trying to make autistic people normal, society should be asking us what we need to be happy.”

<http://www.wired.com/wiredscience/2010/10/exclusive-ari-neeman-qa/all/1>

Also hear Ari's November 2009 interview on YouTube:

<http://www.youtube.com/watch?v=wwp2IL7rFrM>

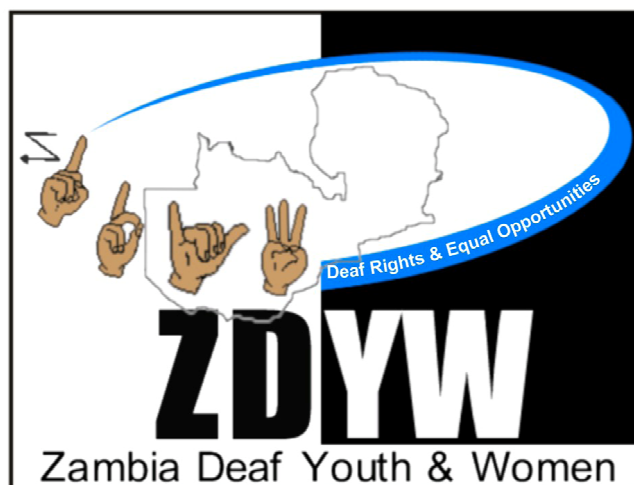
<http://www.youtube.com/watch?v=Bel5CzD0uIQ&feature=related>

<http://www.youtube.com/watch?v=JPiZoWQCRJ4&feature=related>

<http://www.youtube.com/watch?v=SwMYsbaH8HQ&feature=related>

<http://www.youtube.com/watch?v=vTyzZB0ojg4&feature=related>

Zambia: Deaf rights for women and young people



Zambia Deaf Youth and Women (ZDYW) was setup in 2009. Its mission is to advocate for the rights and equalization of opportunities for the Deaf Youth and Women.

Its vision is of, “A society that guarantees full participation and equality for its Deaf and hard of hearing youth and women living in Zambian communities”

The work of the ZDYW is vital, as it is estimated that over 16000 Zambians are deaf or hard of hearing and they are one of the most marginalised groups in society, especially in low-income countries like Zambia.

The ZDYW is an excellent example of best practice with respect to self-advocacy and campaigning for human rights.

<http://www.lifeprint.com/asl101/topics/zambia.htm>

