

Our Rights - issue 24, September 2010



The International Disability and Human Rights Network

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Convention

Sign ups (as of September 5, 2010)

- 146 signatories to the Convention
- 89 signatories to the Optional Protocol
- 90 ratifications of the Convention
- 57 ratifications of the Protocol

Senior UN official urges all Member States to ratify CRPD

Under-Secretary-General for Economic and Social Affairs, Sha Zukang told a meeting of States Parties to the CRPD (Sept. 1st) that a key challenge to the convention's full implementation is the fact that fewer than half of all Member States have ratified it.

Another key challenge was that, 'We, the international community, need to ensure that in humanitarian operations, these persons receive prioritized access to aid. Reconstruction efforts should include accessible buildings and transportation systems,' he said.

Navi Pillay, the UN High Commissioner for Human Rights, in a statement read out at the meeting, said that in the many recent humanitarian crises, 'Regrettably, human rights considerations are often neglected ... and their relevance questioned as an immediate priority in the planning and implementation of relief operations. It must not be so'

<http://www.un.org/apps/news/story.asp?NewsID=35800>

Editorial comment: Although 146 countries have signed the CRPD, only 90 have ratified. Perhaps some states wanted to look good without having to make a real commitment. However, it is also clear that many countries who have ratified the Convention have done little to implement it.

This is exactly what Human Rights Watch (HRW) has observed and have demanded action instead of rhetoric. Shantha Rau Barriga, from the organisation, has said, 'If governments are serious about their commitment to people with disabilities, they need to turn the laws and policies on paper into meaningful programs and services on the ground.'

... Efforts will fall short unless governments include people with disabilities in planning for these programs and monitoring them.'

<http://www.hrw.org/en/news/2010/08/31/un-replace-rhetoric-action-disability-rights>

UK

Legal challenge launched against budget cuts

The Fawcett Society, which campaigns for equality between women and men in the UK, has started legal proceedings against the government over the emergency budget. They say that there has been no equality impact assessment, as required by law.

Furthermore, as the Institute for Fiscal Studies (IFS) budget analysis has shown, women, disabled people and ethnic minorities will bare a substantially disproportionate burden under the coalition government's proposals.

The Treasury has rejected the IFS findings, claiming they are selective.

<http://www.guardian.co.uk/business/2010/aug/27/legal-threats-to-budget-cuts#history-link-box>

<http://www.guardian.co.uk/uk/2010/aug/25/poor-families-bear-brunt-of-austerity-drive>

<http://www.daa.org.uk/index.php?mact=Blogs,cntnt01,showentry,0&cntnt01entryid=224&cntnt01returnid=98>

Budget cuts put disabled people at risk of losing their homes

A cut in mortgage payment support, involving a loss of £1,300 annually for every £100,000 borrowed, could result in 64,000 disabled people losing their homes.

Around 59,000 disabled people use the benefit to help them pay their mortgages. A further 5,000 people have used the state payments to

secure niche mortgages to pay for shared ownership homes provided by housing associations.

David Orr, chief executive of the National Housing Federation, said, "The government says that it will try to protect the most vulnerable as it makes spending cuts, but this policy will hit thousands of people with disabilities, cutting off many from the prospect of owning their own home."

In many cases the decision to curb the payments from October will strip from the most vulnerable people a chance of leading an independent life.

<http://www.guardian.co.uk/society/2010/aug/09/mortgage-benefit-cuts-disabled-housing>

Cuts threaten travel for disabled and elderly people

Transport for All campaigns for a fully accessible, reliable and affordable transport network. It is extremely concerned about reports that cuts are planned of over 7,400 hours of ticket office staffing every week. This they say will have a disastrous impact on the freedom and independence of disabled and older Londoners.

Many disabled people simply cannot use automatic ticket machines, and without a staffed ticket office, will effectively be barred from the tube.

The presence of station staff is also crucial in making people feel safe.

Every day, tube staff support disabled and elderly people to buy tickets, advise on routes, manage stairs and escalators and to board trains. Lack of staff is a particularly serious concern during service disruptions and emergencies.

<http://www.guardian.co.uk/uk/2010/aug/30/travel-cuts-disabled-older-people>

DPO campaigns against cuts

The Norfolk Coalition of Disabled People (NCODP), representing over 40 DPOs and 400 individual members, is mounting a campaign against the proposed budget cuts that threaten to slash a wide range of benefits and services for disabled people and their families.

Mark Harrison, chief executive of NCODP, said: "The government's dramatic attack on benefits and allowances, alongside the cuts to social and health care, will have a serious effect on a large part of Norfolk's population."

In order to fight the budget cuts NCODP members will hold demonstrations and directly lobby the county's Members of Parliament at their surgeries, held to hear the concerns of constituents.

The Equality and Human Rights Commission has also been approached to investigate if disabled people are being discriminated against by the cuts.

Furthermore, the group is calling for the creation of the post of secretary of state for disabled people to give them a voice at cabinet level.

<http://www.eveningnews24.co.uk/content/eveningnews24/norwich-news/story.aspx?brand=ENOnline&category=News&tBrand=ENOnline&tCategory=xNews&itemid=NOED29%20Aug%202010%2014%3A35%3A22%3A670>

For more details on the campaign see: <http://www.ncodp.org.uk/news-and-events/news/norfolks-disability-community-fights-against-government-cuts-services-financial-lifelines>

Threat to DPOs shown by closure of major organizations in Northamptonshire

The Disabled People's Alliance Northamptonshire (DPAN), which has been run by and championed the rights of disabled people for 16 years, is to close after it lost two major contracts. One has been taken over by a national company not run by disabled people and the other

by The Disability Resource Centre, a user-led group from Bedfordshire.

Stephen Lee Hodgkins, Director of Disability Lib, the alliance of organisations that supports DPOs to develop their capacity, says what has happened in Northamptonshire reflected the fact that the situation was worsening for DPOs throughout the country.

He said: 'This is contrary to government policy, and shortsighted by the Northamptonshire authorities. While the personalisation agenda creates opportunities for growth in user-led services of disabled people, commissioning often overlooks the added value DPOs bring, as I believe to be the case for DPAN.'

'Unfortunately DPOs can't sit back and think they're going to be safe as public sector cuts loom. They need to make sure that they have strategies and know who are their competitors and allies.'

Mick Dillon, DRC's chief executive and a wheelchair-user, said that DRC was 'user-led at every level of the organisation'. Furthermore, the new CIL had established a board of service-users to 'act as our watchdog'.

A council spokeswoman said the new CIL would, 'bring both improved services and a wider range of services than ever before for disabled people in the county, while local disabled people, carers and those who support disabled people would have a direct involvement in how the service was run.'

John Smith, DPAN's coordinator, said '...many other user-led organisations that were winning contracts to run CILs were not DPOs, with many controlled by carers and other people '...with an interest in disability....The old CILs came from the grassroots. Disabled people developed them and now local authorities are saying they want carers in their CILs. It's a different animal. I think it is really important to retain that distinction, that little word 'of' [as in an organisation 'of' disabled people, rather than 'for' disabled people].

<http://www.disabilitynow.org.uk/latest-news2/northants-closure-sparks-fears-for-dpos>

<http://www.ukdpc.net/index.asp?GetPress=TRUE&id=107&sid=44&ssid=0&sssid=0>

Editorial comment: This is an extremely serious issue for disabled people in the UK, especially as draconian budget cuts will tend to benefit national companies who can spread their overhead costs over more projects than local DPOs can. At the same time, local authorities pressed to reduce expenditure will be looking for the cheapest options.

What is perhaps more worrying is the aggressive competition from outside user-led organisations. Although DRC may be user-led and fronted by a disabled person, it is clearly not controlled by disabled people. On their website they say only that it, 'has disabled people at the centre of its decision making.'

DAA believes that because of disabled people's long history of being done for and done to it is essential that we defend the organisations that have given us such a strong, positive and distinctive voice and that we have struggled so hard to build. However, as the events in Northamptonshire show, in the current economic and political climate this is going to be an increasingly difficult task.

The Invisibles: disabled people in Britain

A poll commissioned by disability charity Scope has shown that:

- Nearly 40% of people (who are not disabled and do not have a disabled family member) don't know any disabled people.
- 90% of Britons have never had a disabled person in their house for a social occasion
- 91% of people believe that disabled people should have the same opportunities as everyone else

Commenting on the findings, Richard Hawkes, Chief Executive of Scope, said:

'This is shocking evidence that shows that disabled people are still relatively invisible in day-to-day life. We are deeply concerned that the Government's spending cuts will end up pushing disabled people even closer to the fringes of society.'

<http://www.scope.org.uk/news/comres-poll>

International

Australia: Disability hate crime common and largely hidden

Research by visiting US academic, Dr Mark Sherry, shows how thousands of Australians experience disability hate crimes each year. However, the lack of legal recognition of disability hate crime means it is often characterised as abuse and penalised lightly.

For example, a disabled couple, both wheelchair users, recounted how they would find abusive notes in their mailbox and get comments from neighbours that they had driven down house values. Their complaints to the authorities were ignored.

Sherry concludes that Australia must follow the lead of the US and others and legally recognise disability hate crime so that it attracts higher penalties, and then efforts can be made to tackle the problem.

<http://www.abc.net.au/news/stories/2010/08/07/2976378.htm>

Australia: Disabled women, health and human rights

Women With Disabilities Australia (WWDA) have published a policy paper on the rights of disabled women to health. It sets this fundamental human right in the context of Australia's obligations under the Convention on the Rights of Persons with Disabilities (CRPD), the International Covenant on Economic, Social and Cultural Rights (CESCR) and the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW). All have been ratified by Australia.

The paper argues that despite Australia's international commitment to achieve better health for its citizens, particularly marginalised groups, the full enjoyment of the right to health still remains a distant goal for disabled women. They not only represent one of the groups with the highest risk of poor health, but experience violence at higher rates than their non-disabled sisters, experience less control over what happens to their bodies, have less access to vital health care services, such as cervical and breast cancer screening and, face discrimination, societal

prejudice and stigma when it comes to determining their reproductive rights.

The WWDA says that the government has an obligation to take positive action to reduce structural disadvantages and to give appropriate preferential treatment to disabled women in order to ensure that they enjoy all human rights – including their right to health.

<http://www.wwda.org.au/health2006.htm>

Canada: Protest against euthanasia uses CRPD

The Euthanasia Prevention Coalition (EPC) organised a protest against what they say was a hospital's attempt to kill a patient by withdrawing hydration and nutrition – euthanasia by omission.

Joshua Kulendran Mayandi , a 48 year old pastor of a small church was admitted to the Brampton Civic Hospital (Ontario) after collapsing on May 29, 2010. He was revived but not before sustaining a significant cognitive impairment. Nonetheless, Joshua progressed from being in a deep coma to almost full movement of his arms and legs and coherent use of mostly one-word answers and occasionally multi-word sentences with his sister over the phone.

Joshua was not dying or even nearing death, but on August 17th, the hospital withdrew all life-sustaining treatment and care, including fluids and food. The EPC says that ‘...the decision appears to have been made to intentionally cause his death by withdrawing IV hydration and nutrition because he is unlikely to recover from his disability.’

They go on to say, “We understand that Joshua has otherwise stabilized and is likely to live for many years in this condition. Society cannot condone intentionally dehydrating a person to death because of their disability or the potential cost of long-term care.”

Such lack of treatment violates some of the most fundamental moral, ethical and religious values, to say nothing of the Hippocratic Oath. It is also specifically prohibited by the UN Convention.

Article 25 (f) says that states must “**Prevent discriminatory denial of health care or health services or food and fluids on the basis of disability.**”

On September 3, 2010 after a short period when Joshua was able to feed orally, he had a seizure. With the hospital continuing not to treat him, Joshua experienced kidney failure and died on September 6th.

<http://alexschadenberg.blogspot.com/2010/09/pastor-joshua-kulendran-mayandy.html>

<http://www.lifesitenews.com/ldn/2010/aug/10082014.html>

<http://alexschadenberg.blogspot.com/2010/09/pastor-joshua-kulendran-mayandy.html>

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United Arab Emirates (UAE): Dubai poll finds negative views about disabled people to be widespread

More than 50% of those surveyed in a recent poll in Dubai felt that disabled people are not capable of making moral decisions, that they are child like and have a deviant personality. Disabled people were not, therefore, considered to be capable of assuming leadership positions.

The research was carried out by Victor Pineda, who is looking at the 2006 UAE Disability Act and its implementation. While the law explicitly addresses aspects of health, rehabilitation and special education for disabled people, Pineda found that they cannot really enjoy the benefits because, "...new approaches — mobility, public participation, independent living — are missing. It requires an investment by the state and the government to provide the quality of life and dignity these individuals want."

http://www.khaleejtimes.com/DisplayArticleNew.asp?xfile=/data/theuae/2010/August/theuae_August270.xml§ion=theuae

India: Disability activists protest against Paralympics Committee

Despite heavy rain, scores of disabled rights activists staged a protest outside the house of the Sports Minister, Dr. M S Gill. They demanded tough action against what they said was the "corrupt" Paralympics Committee of India and announced an indefinite strike against the disabilist treatment meted out to the disabled sportspersons.

Disabled Rights Group convener, Javed Abidi, said that they had repeatedly asked Dr Gill to provide basic amenities like equipment, space and a proper coach for disabled athletes, but nothing had been done.

Abidi also attacked the Commonwealth Games Organising Committee for not picking any disabled athlete in its list of six brand ambassadors for the quadrennial event. Furthermore, he claimed that the Rs 13 crore earmarked for the disability sports for the Commonwealth Games have not been utilised.

<http://www.deccanherald.com/content/87589/disabled-athletes-protest-corruption-outside.html>

India: Activists want drafting of new Disability Bill to reflect the CRPD

Participating in a two-day consultative meeting organised in Bangalore by Disability Rights Group (DRG) and National Centre for Promotion of Employment of Disabled Persons (NCPEDP), about 30 disability activists from the State of Karnataka urged the drafting panel not to show tokenism and waste time by needlessly prolonging the drafting process of the new Disability Bill.

At first it was to be completed by August 1st. They are now saying maybe it will be finished by December

Javed Abidi, convener of the DRG, also alleged that the panel has been conducting its affairs behind a veil of secrecy, despite promises that it would be transparent and open to discussion.

He said the drafts put out by the 10 sub-committees that had taken up different aspects of the law, such as education, employment health etc, only repeated the old medical approach and is in contravention of the UNCRPD, whose spirits it has to reflect.

<http://www.deccanherald.com/content/93313/disability-law-drafting-process-non.html>

New Zealand: National Government are ‘declaring war on disabled people’ - Alliance Party

Alliance Party disability spokesperson, Chris Ford says the National Government is intending to make life more difficult for disabled people. This will involve forcing people to disclose their impairments, to defend their benefits entitlement and making employers carry the costs of their disabled and sick workers.

Ford claims the National Government risked violating the UN Convention through not providing an adequate income to meet the needs of disabled people.

He said, “Sending more disabled people into absolute poverty doesn’t exactly equate with the building of a more inclusive society as envisaged by the UN Convention.”

The Alliance has pledged that it will increase benefit levels to enable disabled people and other beneficiaries to participate fully in society.

<http://www.scoop.co.nz/stories/PO1008/S00114/welfare-working-group-declares-war-on-disabled.htm>

Editorial comment: What apparently has been proposed in New Zealand echoes the attacks on the welfare of disabled people in the UK and many states in the USA. It seems particularly perverse that just when the UN Convention is being adopted throughout the world, disabled people should have become a main target for budget cuts. DAA would like to know if similar moves have been taken or are planned in your country. Please let us know.

Nigeria: Court remands 24 disabled people over attack

An Upper Shari'ah Court in Kano State has ordered 24 disabled people to be held in custody for allegedly attacking the Special Adviser to Kano State Governor on Disabled Persons last week.

According to the police the accused attacked the governor's advisor on August 25, 2010, with knives, sticks, stones and iron rods. He alleged that they also vandalized the office.

Responding to the charges, one of the accused told the court that the governor's aide attacked one of them, who fell from his wheelchair.

"We just couldn't stand by and watch him attack one of us, so we descended on the man until people came and rescued him," he said.

The matter has been adjourned until October 11.

Editorial Comment: It is worrying to note that the original article was entitled, '**Court Remands 24 Cripples Over Attack On Gov's Aide**' ! The newspaper also continued to refer to the people involved as 'cripples'.

While we await more details, we can only imagine that this confrontation arose over disabled people's anger at what was probably not being done on disability issues in the state of Kano.

DAA will follow up this story in October.

If they have more information about this incident, we would like to hear from any of our Nigerian colleagues.

http://www.dailytrust.dailytrust.com/index.php?option=com_content&view=article&id=2086:court-remands-24-cripples-over-attack-on-govs-aide&catid=1:news&Itemid=2

Senegal: Disabled children face stigma and abandonment

In Senegal many women refuse to take disabled children on public transport, families hide disabled children, and some parents disown them outright.

According to Ibrahim Gueye, the father of a child with severe learning difficulty, "In Senegalese society it is quite difficult to have a child with a mental disorder. The prevailing belief is that it is a curse; it is difficult to get family and friends to accept such a child."

Another common belief is that the mother was unfaithful in the marriage, and a child with such a condition is a punishment from God.

Astou Ndong is raising two sons alone because her husband left when Abdoulaye, who has epilepsy and is now 11, was born. "[The father] was ashamed of Abdoulaye and told me to go to the village with him so we could hide the child", she said. "But I didn't want to. I love my child, I want to help him, and I knew that for school and healthcare he would be better off here in the city."

<http://www.irinnews.org/report.aspx?Reportid=90139>

Swaziland: Children with albinism killed for body parts

The recent killing of two Swazi children with albinism has raised the prospect that the practice of murdering and dismembering such children for "muti" (medicine), especially prized for its supposed power against HIV/AIDs, is moving southwards from Tanzania and Burundi.

Between 2007 and 2009 between 70 to 200 people with albinism were killed in Burundi, Kenya and Tanzania. It is estimated that a complete set of body parts can sell for US\$75,000.

Earlier this month Tanzanian police arrested a 28-year-old Kenyan man in a sting operation near Mwanza, capital of the northeastern Mwanza Region, for attempting to sell a 20-year-old albino man for US\$250,000.

<http://www.irinnews.org/report.aspx?Reportid=90281>

<http://www.monitor.co.ug/News/Insight/-/688338/994080/-/80i9b4/-/>

On what happened in Tanzania and Burundi see our report:

<http://www.daa.org.uk/index.php?mact=Blogs,cntnt01,showentry,0&cntnt01entryid=123&cntnt01returnid=98>

Uganda: 'As If We Weren't Human': Discrimination and Violence against Women with Disabilities in Northern Uganda



“At a community meeting, they didn’t allow me to talk. It happens to all persons with disabilities. It is as if we weren’t human ... On occasions when food is being given, sometimes persons with disabilities are given what others leave behind on their plates.”

Jennifer, disabled woman, Gulu district, Northern Uganda

Human Rights Watch has just (Aug. 26th 2010) released a report on the horrendous discrimination and sexual and gender-based violence experienced by disabled women in Northern Uganda, a region ravaged by war for almost 20 years.

Now people are leaving the camps and returning home. However, the government and most NGOs are not taking into account the needs of disabled women.

Besides being vulnerable to physical assault, disabled women and girls are unable to get basic provisions such as food, clothing, and shelter in camps for displaced persons or in their own communities.

One disabled woman who lived in a camp recounted that people said to her, "You are useless. You are a waste of food. You should just die so that others can eat the food."

Among the report's recommendations is that the government should address the needs of disabled women in post-conflict development plans and programs, as well as ensure access to mainstream government programs, particularly with regard to sexual and gender-based violence, reproductive health and HIV.

The report also recommends that humanitarian aid organizations (most of which have no disability policy) join with disabled people's organizations to ensure that information about the resettlement process and support services reach them.

<http://www.hrw.org/en/news/2010/08/23/uganda-women-disabilities-barriers-and-abuse>

USA: Airline fined for illegal treatment of disabled passengers

The U.S. Department of Transportation (DOT) has fined AirTran Airways \$500,000 for violations of the legal requirement to offer boarding assistance to disabled people. In addition, the airline frequently did not provide an adequate written response to complaints from passengers.

Of the \$500,000 penalty, up to \$60,000 may be used to establish a council to help the carrier comply with federal disability rules and hire a manager for disability accommodations. A further \$140,000 may be used to develop and employ an automated wheelchair tracking system.

Editorial comment: It is extremely heartening to see government regulators acting so strongly against companies that violate the legal rights of disabled people.

Here in the UK airlines are not covered by the Disability Discrimination Act (DDA). However, in cases in which people feel they have been

discriminated against by shops, restaurants or other service providers, it is left to individuals to take legal action, not the government as in the USA. Unless their case is supported by, for example, the Equality and Human Rights Commission, the cost of going to court, with the added risk of possibly having to pay the costs of the other party, acts as a powerful disincentive.

Because of this, for vast majority of disabled people the DDA in practice holds out little more than an empty promise.

This shows that the battle for our equality is far from won. We must keep campaigning, taking direct action where appropriate and generally raising consciousness of human rights issues among both disabled people and the public. If we don't governments will feel they have done enough by having national anti-discrimination legislation or being a party to an international convention (the CRPD).

http://www.traveldailynews.com/pages/show_page/38618-AirTran-fined-for-violating-rules-protecting-air-travelers-with-disabilities

USA: Disabled people arrested in protest against cuts



Twenty-two disabled people were arrested when they stopped traffic during a large, colourful demonstration outside California's Capitol Building on August 18th. 200 to 300 people had come to protest against the savage cuts to programmes supporting disabled people.

“It was a spontaneous action,” said Stella Kim, who is with California Partnership, one of the groups participating in the event. “These are people who wanted to make their voices heard. For these people, it’s a life and death issue.”

The cuts include a 50 percent cut to state funding for In Home Supportive Services for disabled people, a \$750 million cut to Medi-Cal, and the total elimination of state funding for child care, the CalWORKS welfare-to-work program, Adult Day Health Care, and mental health rehabilitation programs.

http://www.capitolweekly.net/article.php?_c=z2jqpwa45i53p8&xid=z2jqe8isma90ta&done=.z2jqpwa45iu3p8

USA: Reports shows continued abuse of disabled people’s human rights

The UN Human Rights Council’s Universal Periodic Review (UPR) is a review of the human rights records of all 192 UN Member States carried out once every four years. It provides an opportunity for all States to report on what actions they have taken to improve human rights.

The final review is based on official States’ reports, information from independent human rights experts and groups, as well as from other stakeholders including non-governmental organizations and national human rights institutions.

In response to the official review submitted by the US State Department, the first in seven years, the US Human Rights Network (HRN) has produced a collection of 26 independent stakeholders’ reports. One of these concerns disabled people and was compiled by a number of prominent US DPOs.

The investigation highlights limitations in the country’s human rights framework that has allowed such violations as involuntary euthanasia, physician-assisted suicide and compulsory mental health treatment.

There is also a review of the abuse of disabled children, mistreatment of disabled people in institutions and a lack of alternatives to institutionalization.

The report contains an extensive list of recommendations regarding independent living and the treatment of people with learning difficulties and mental health problems.

Human rights violations against disabled people are also found elsewhere in the collection. For example, in the report on criminal justice, Human Rights Watch observed that, “prisons have become the nation's primary mental health facilities.” 56 percent of state prisoners, 45 percent of federal prisoners, and 64 percent of jail prisoners in the U.S. suffer from mental illness. It is estimated that people with substantial learning difficulties may constitute as much as ten percent of the prison population.

In the report on the death penalty, it was found that one in ten of those executed had a serious mental health condition.

See: <http://notdeadyetnewscommentary.blogspot.com/2010/08/ndy-concerns-included-in-us-human.html>
<http://www.state.gov/documents/organization/146379.pdf>
<http://www.ushrnetwork.org/sites/default/files/US%20UPR%20report%20response%20release.pdf>

