

Our Rights - issue 32, April 2011



**The International Disability
and Human Rights Network**

Please visit <http://www.daa.org.uk/> to leave comments, or email us at info@daa.org.uk with your news stories.

This newsletter can be also be downloaded from the DAA website as text (RTF) and PDF versions.



CONTENTS

CONVENTION

Sign ups

Pacific DPOs to discuss CRPD

UK

Vulnerable unemployed people being ‘tricked’ out of benefits

“No ethical issues around preconception testing and screening” – Human Genetics Commission

Self - advocacy groups face cuts and closure

The Hardest Hit – Defending Disabled People's Futures

Woman jailed for disability hate crime

Police force criticised for failing to protect disabled man

INTERNATIONAL

Cambodia: Disabled people continue to face poverty and discrimination

Canada: Demand for end to disability discrimination in immigration law

India: Confusion over mental health legislation

USA: Disabled mother wins conditional right to see her children

USA: Disabled people losing jobs at an alarming rate

Convention

Sign ups

CRPD

- 147 signatories
- 99 ratifications

Optional Protocol

- 90 signatories
- 61 ratifications

Pacific DPOs to discuss CRPD

On the 5th and 6th of April, 100 representatives of Disabled People's Organisations (DPOs) from around the Pacific, including Australia and New Zealand, will meet in Auckland, NZ to share information on advocacy and the UN Convention.

The theme of the meeting is "Promoting Actions on the Convention on the Rights of Persons with Disabilities in the Pacific Region".

The Chief Executive Officer of the Pacific Disability Forum, Setareki Macanawai, said, "This will be an ideal opportunity for DPOs in the region to effectively discuss their perception and action toward the CRPD and more important discuss ways forward on promoting actions on the Convention in the Pacific."

<http://www.scoop.co.nz/stories/WO1104/S00036/pacific-dpos-to-discuss-progress-on-disability-convention.htm>

UK

Vulnerable unemployed people being 'tricked' out of benefits

An officer at a government job centre has claimed that he and his colleagues are being pressured to meet targets for benefit reductions by tricking vulnerable people into breaking the rules so their benefits can be stopped.

"We were told suddenly that [finding someone to sanction] once a week wasn't good enough, we were far behind other offices, ...and (they) said we now have to do three a week to catch up. . . [Now] your office can shine ...through getting people into work, but that's really difficult. Or you can stop their money, and that's really easy "

Official figures show the total number of cases where people have lost their benefits has soared since the beginning of 2010 to 75,000 in October. Over the same period the number of disabled claimants being cut off has more than doubled to almost 20,000.

This follows a change in the rules in April last year where sanctions were extended to claimants who were late for job centre interviews and other less serious offences.

According to Department of Work and Pensions (DWP), "To say that we are targeting vulnerable people is ridiculous. We are massively expanding the help and support that jobseekers will receive to ensure that they get the right help and support to get into work."

However, the job centre officer points out, "From April, we offer no provision ... nothing, no training course, nothing. The funding ends at the end of March."

Andy Robertson, at the Citizens Advice Bureau in South Tyneside, says his casework has more than doubled in the last year. He has also seen the changes affecting many vulnerable clients, such as those with dyslexia or mental health problems.

<http://www.guardian.co.uk/politics/2011/apr/01/jobcentres-tricking-people-benefit-sanctions?INTCMP=ILCNETTXT3487>

Editorial comment: As claimed, besides targeting vulnerable people and trapping them into making mistakes so their money can be stopped, on April 4th, the new Work Capability Assessment will be imposed on the 1.5 million people currently on Incapacity Benefit. This test has been shown to be grossly unfair, judging people fit for work who have life-threatening medical conditions, severe learning difficulties or mental health problems. Also jobs are hard to find, with unemployment rising sharply and funds apparently being cut that assist people with training and job-based support.

One lesson to be learned from this and other 'reforms' being imposed in the name of creating the Coalition Government's "Big Society" is – if you want to be included in that "Society", don't be poor, don't be young and unemployed, don't be a single parent, don't be old, don't fall ill and, most of all, try your very best not to be disabled. You know it makes sense. And if you don't know that now, you soon will.

On the imposition of the Work Capability Assessment see:
<http://www.guardian.co.uk/society/joepublic/2011/apr/01/fitness-for-work-test-flaws>

“No ethical issues around preconception testing and screening” – Human Genetics Commission

The Human Genetics Commission (HGC) is the UK Government's advisory body on new developments in human genetics and how they impact on individual lives. Their recent report, **Increasing options, informing choice: A report on preconception genetic testing and screening**, concludes that '...there are no specific social, ethical or legal principles that would make preconception genetic testing within the framework of a population screening programme unacceptable.'

At the moment, people who think they may be at risk of passing on a genetic condition can ask for a preconception genetic test, although provision is patchy across the country. Screening

(testing for an entire population or group) is also offered to those particularly prone to certain conditions, such as Tay-Sachs disease in Ashkenazi Jews. However, the HGC feels broader-coverage genetic screening programmes would provide fairer access to reproductive information.

Among other things, the HGC recommends that:

- preconception genetic testing should be made available to all those who may benefit from it;
- if antenatal carrier screening is offered for a genetic condition then, where technically feasible, preconception screening should also be offered;
- if screening for older school children and young people is introduced then it will be important to ensure that individuals are not pressured or induced to take tests;
- development of preconception genetic screening programmes should not detract from the provision of treatment and support for affected individuals.

Commenting on the report, Dr David King, director of Human Genetics Alert, says, "This immensely dangerous report advocates the quickest route to a eugenics which has little difference from that seen in the early 20th century: a general trawl through the whole population to weed out all 'bad genes'. It will inevitably lead to young people being stigmatised and becoming unmarriageable, and disabled people will feel even more threatened."

http://www.hgc.gov.uk/Client/news_item.asp?Newsid=156
http://www.google.com/hostednews/ukpress/article/ALeqM5jRPgcbjqotgHPNnqk5Jj47D_4YoQ?docId=N0428891302079625260A

Editorial comment: The HGC report attempts to balance an extension of population screening for 'unacceptable' genetic conditions, with calls for supporting people who are born with those conditions, as well as there being no pressure put on prospective parents to be tested. This may seem reasonable on paper, but the reality is that screening for any genetic or chromosomal condition, whatever the caveats, sends an unambiguously negative message about the social value of people with that condition. After all, there is no screening, at least not yet, for 'socially acceptable' traits.

When looked at in this way preconception genetic screening clearly does raise important and broader ethical and social issues. The HGC does not find these sufficiently weighty to prevent such screening, but at least they do set out the various arguments, including the potential impact on disabled people. While one may not agree with their conclusions, the report deserves to be read in full, rather than simply depending on press-release summaries.

Self - advocacy groups face cuts and closure

Andrew Lee, director of People First (Self Advocacy), said that 80 per cent of his organisation's members could be forced to close, or had already done so, because of cuts to their funding by local authorities.

Because of council funding cuts, the number of People First's members – all local self-advocacy organisations of people with learning difficulties – has dropped from 120 to 97.

A recent report, **Social Care – the continuing crisis**, reported a worrying fall in financial support for people with learning difficulties and their organisations.

Lee said the funding cuts raised a real risk for the future of the self-advocacy movement.

He said: "I think it will take 15 years to get to where the support structures for people with learning difficulties were before the cuts. Any politician that says anything different is living in cloud cuckoo land."

<http://www.disabilitylib.org.uk/component/content/article/1-latest-news/390-funding-cuts-put-future-of-self-advocacy-movement-in-doubt>

Social Care – the continuing crisis can be downloaded from the Learning Disability Coalition website at:

<http://www.learningdisabilitycoalition.org.uk/latestnews.asp>

The Hardest Hit – Defending Disabled People's Futures

On May 11th, disabled people and their supporters will be holding a march on Parliament to express solidarity and anger at the cuts threatening our benefits, services, jobs and rights.

After the march many of us will be lobbying our MPs, as the Welfare Reform Bill reaches a critical stage in the House of Commons.

We will be sharing our stories, making sure that MPs understand the combined impact of the cuts on our lives and futures. Crucially, we will be challenging MPs to vote against policies that will push us further into poverty and isolation.

On the afternoon of the march we will meet in Methodist Central Hall to hear from disabled people about the deep unfairness of the cuts for their lives and futures.

We will also listen to politicians from the main political parties to find out how they plan to uphold the rights, equality and participation of disabled people as promised in the UN Convention on the Rights of People with Disabilities.

For more information and to register to attend, see:

<http://www.ukdpc.net/index.asp?GetPress=TRUE&id=150&sid=76&ssid=0&sssid=0>

Woman jailed for disability hate crime

Rachel Rooney (31) has been jailed for eight months for taunting and then punching Chantelle Richardson (23), who has a facial disfigurement.

A lawyer for the Crown Prosecution Service said, "In our view, Rooney's actions were clearly motivated by hostility towards Chantelle's disability." The judge agreed it was a hate crime.



Chantelle Richardson (on the left)

After the sentencing, Ms Richardson said: "Today's result is an important one both for me personally and for disfigured people in society.

"I hope this will be recognised as an example to others - it is unacceptable to bully, abuse and taunt people who look different and I hope it gives other disfigured people the confidence to go out in public without fear of prejudice."

<http://www.bbc.co.uk/news/uk-england-manchester-12776109>

Police force criticised for failing to protect disabled man



The Independent Police Complaints Commission (IPCC) has condemned Greater Manchester police force's "systemic failures" in helping the family of David Askew (64), a man with learning difficulties, who collapsed and died after confronting youths who had taunted him for years.

Following his death, it emerged that Askew and his family had reported antisocial behavior and other crimes to the police 88 times in six years.

Although some individual officers had tried to help, the force itself had failed to identify consistently the vulnerability of the family, respond to incidents as possible hate crimes or liaise properly between officers responding to calls and the neighbourhood policing team.

Richard Hawkes, the chief executive of Scope, said, "Disabled people experience harassment and abuse on a daily basis, simply because they are different. Often it starts with persistent low-level incidents. But if left unchecked, antisocial behaviour can escalate into something more serious. The impact can be unspeakable."

<http://www.guardian.co.uk/politics/2011/mar/21/ipcc-condemns-manchester-police-david-askew>

Editorial comment: In the case of David Askew and his family the impact was truly 'unspeakable'.

DAA carried an earlier report on David's death. See, http://www.daa.org.uk/index.php?mact=Blogs,cntnt01,showentry_0&cntnt01entryid=124&cntnt01returnid=98

International

Cambodia: Disabled people continue to face poverty and discrimination

Cambodia is one of the poorest countries in the world and still suffering from the legacy of thirty years of war, with landmines estimated to have killed or injured up to 2% of the population.

Victims of landmines are part of more than an estimated 60,000 physically disabled people who, together with other disabled people, "... are among the most vulnerable groups in Cambodian society. They lack equal access to education, training and employment. While many workers with disabilities have considerable skills, many have not had the opportunity to develop their potential." (2009 International Labor Organization report)

The Cambodian government introduced a Law on the Protection and Promotion of the Rights of People with Disabilities in 2009 to support the right to employment without discrimination. In the same year a National Plan of Action for Persons with Disabilities

was adopted in order better to address needs and provide services.

However, according to the Cambodian Disabled Peoples Organization, lack of human and financial resources has hindered any real progress.

Some improvement has been made by disabled people forming their own organisations. For example, the Angkor Association for the Disabled, founded by Sem Sovantha, a landmine survivor, provides shelter and training to members and campaigns against discrimination.

"When they are not with an association," Sem Sovantha explained, "there is a problem with the authorities. When they have an association, people will accept them and talk to them." However, he says, negative social attitudes and discrimination - physical harassment, social ostracism and economic exclusion, remain widespread.

http://www.asiasentinel.com/index.php?option=com_content&task=view&id=3090&Itemid=207

Editorial comment: Cambodia has signed, but not ratified, both the CRPD and the Optional Protocol.

Canada: Demand for end to disability discrimination in immigration law

As reported by Our Rights in February and May 2010, the Barlagne family, French immigrants to Canada, have been ordered to leave the country because one of their children is disabled.

In May of last year, the Federal Court upheld the decision and unless the Minister of Immigration intervenes, which he has shown no signs of doing, the family will be deported in July.

On April 14th, Council of Canadians with Disabilities (CCD) called for Barlagnes to be allowed to stay on humanitarian grounds. It also demanded changes to the country's immigration law, which bars disabled people on the grounds of the

'excessive financial burden' they impose. The CCD claims that not only is the law based "...upon a negative and outdated understanding of disability that fails to recognize the contribution that people with disabilities can, and do make...", but it also violates the spirit of the CRPD.

<http://www.ccdonline.ca/en/socialpolicy/access-inclusion/press-release-immigration-13april2011>
<http://www.cyberpresse.ca/chroniqueurs/rima-elkouri/201104/14/01-4389702-un-fardeau-excessif.php>

Canada: Disability hate crime. Call for access to justice.

David Hingsburger, a disability activist, has demanded that in the forthcoming federal elections politicians address the lack of access to the justice system for victims of disability hate crime.

He points out that hate crime against disabled people is rife in the country, but that, "Violence against people with disabilities is greeted with quiet rage from those involved but little action from those in positions of power. ...I am a man with a disability and that makes me, right now, one thing only. A target."

Hingsburger writes of people with learning difficulties in Nova Scotia who are afraid to go out because they feel so unsafe. The attacks experienced range from name calling and harassment to the case in which someone was attacked by a gang of youths, doused with lighter fuel and set on fire.

He asks for political parties to speak out clearly against such behaviour and ensure that disabled people are given full and equal access to the courts, something he claims is lacking in Canada.

<http://www.canada.com/news/decision-canada/real-agenda/story.html?id=4596384>

European Union: UN Special Rapporteur on Disability bared from flight



Shuaib Chalklen

Shuaib Chalklen, a wheelchair user and the UN Special Rapporteur on Disability, was not allowed to board his Swiss Air flight from London to Geneva (on April 4th) because the airline claimed he could not use the toilet unaided. Discrimination such as this is against the EU regulation on the rights of disabled people to travel.

A week after this incident, although clearly not in response to it, Transport Commissioner Slim Kallas published a report on the EU travel regulation. He noted that 'some carriers tend to mix up requirements related to flight safety'. The Commission repeats that 'if boarding is denied for safety reasons, this must be done solely for flight safety reasons,' recognizing that there are still problems with the implementation of the regulation and hinting that rules were being misinterpreted.

The European Disability Forum have demanded that the EU step up its monitoring of the law and asked for a clearer definition of the regulation's concepts in order to protect that rights of the EU's 80 million disabled citizens.

http://www.edf-feph.org/Page_Generale.asp?DocID=13855&thebloc=27020

The EU report can be downloaded at:

<http://europa.eu/rapid/pressReleasesAction.do?reference=MEMO/11/232&format=HTML&aged=0&language=EN&guiLanguage=en>

India: Confusion over mental health legislation

Disability rights groups are angry because it seems there are conflicting positions taken by the Ministry of Health and Family Welfare and the Ministry of Social Justice and Empowerment on the rights of people with mental health problems.

The latter ministry is following the UN Convention, accepting the idea of full legal capacity. The bill being promoted by the Ministry of Health, on the other hand, allows people to be forcibly detained for up to 30 days.

Javed Abidi, Director, National Centre for Promotion of Employment for Disabled People, has asked, "So, which view will ultimately prevail? What is the government of India's position on legal capacity and the rights of people living with mental illness? The time has come to settle this extremely complex and yet critical matter."

He added that the issue had not been resolved because, "The non-governmental organisations in whom trust was placed were just too happy in each other's company, listening to each other and patting each other on the back. Neither did they listen to people with disabilities, nor did they engage with the bureaucracy."

<http://www.hindu.com/2011/03/20/stories/2011032063941400.htm>

Malaysia: Disability councils to be set up throughout state of Selangor

A special committee has been formed comprised of and chaired by disabled people to help set up disability committees in the

state of Selangor's 11 local councils.

The committees will help ensure that councils develop barrier-free environments and monitor their progress.

At the press conference announcing these plans it was stressed that positive changes such as those planned can only come about with the active engagement of disabled people.

<http://thestar.com.my/lifestyle/story.asp?file=/2011/3/31/lifefocus/8367180&sec=lifefocus>

New Zealand: Airline refuses to fly paralympic athletes

In May of last year Paralympics New Zealand was told only two out of a team of eight of its athletes were allowed on board a Jetstar-operated Qantas flight from Darwin, regardless of whether they needed assistance or not.□□

This came two days after two disabled television presenters were left "dismayed and insulted" at being barred from boarding their Jetstar flight in Auckland.□□ Dan Buckingham and Tanya Black from Attitude TV were left waiting on the airbridge for half an hour before staff called the pair's producer and told her they could not travel because they did not have caregivers.

Jetstar's chief executive David Hall has unreservedly apologised for the incident.

However, the head of Paralympics New Zealand said they now refuse to fly with the cut-price airline and choose other carriers who they say have more acceptable policies.

<http://www.disabilitynewsasia.com/home-mainmenu-1/740-new-zealands-disabled-athletes-boycott-jetstar-over-wheelchair-policy-.html>

Sudan: March calls for the protection of disabled people

On March 22nd, unions and organizations of Arab and Sudanese disabled people marched to the United Nations Headquarters in Khartoum to demand the protection of the human rights of disabled people. They also asked that March 22nd be declared a World Day for the protection of disabled people.

The Secretary of the Arab Organization for Disabled Persons, Ibrahim El-Khawad, said this in commemoration of Palestinian Islamic intellectual, Sheikh Ahmed Yassin, a founder of Hamas and a wheelchair user, who was assassinated, along with ten others, by Israeli forces on that day in 2004.

<http://allafrica.com/stories/201103240908.html>

USA: Disabled mother wins conditional right to see her children

In an interim court ruling, Abbie Dorn, a disabled woman who can only communicate by blinking, has been granted visiting rights with her 4-year old triplets.

Two years after they were born, their parents divorced. Except for a four-day visit in December, Abbie had not seen her children since 2007. She had not held them since the day they were born.

Her ex-husband claimed that Abbie is in a vegetative state and that the children would get no benefit from a relationship with her. Early on in the legal battle, he even argued that it would be detrimental for the children to see their mother. He told them nothing about her until they were nearly 4, and he removed all pictures of her from the house.

The judge said that, "...even though [Abbie] cannot interact with the children, the children can interact with [Abbie] — and that the interaction is beneficial for the children." He ordered that photos of their mother be made available to them.

However, the judge also ruled that Abbie's ex-husband has a right to control the visits, decide which extended family members the children see and dictate what information they receive. He ordered Susan Cohen, Abbie's mother, to refrain from telling the children that their mother can communicate or that someday she could recover.

Abbie's lawyer, called the decision a victory for her client, and that "...the court held that a disabled parent has the same right as any other parent to have visitation."

Editorial Comment: While the court's decision must be wonderful for Abbie Dorn, it is much less than a full or satisfactory victory in that her rights to see her children have been limited expressly because of her impairment. If she was not disabled it is difficult to believe her ex-husband would be allowed to control visits and information to such an extent.

Although it is difficult to comment about such a complex legal case on the basis of newspaper reports, it would appear that Abbie Dorn continues to be discriminated against because she is a disabled person. In this critical sense, the court's judgement is definitely not a helpful precedent for other disabled people.

http://www.latimes.com/news/local/la-me-0326-dorn-20110326,0,135361.story?utm_source=Disability+Rights+California+E-Newsletter&utm_medium=email&utm_campaign=3e08bfd84e-RSS_EMAIL_CAMPAIGN

USA: Better in prison than free and disabled in California?



Laura Repke, says that her son, as well as many other people with learning difficulties, might be better off in prison, even on Death Row.

She writes, "Rob stands accused of no crime. And I am not an unloving mother. Let me explain: Rob has a developmental disability, and California is balancing its budget by gutting the services that keep him alive."

The single largest budget cut (\$568 million - 20%) is being made in services for people with learning difficulties. At the same time prison funds are being reduced by only 1%.

Although Rob is living independently and is employed, over the last few years he has lost much of his support to cuts. "Now the state sees room for another half billion dollars in cuts. That's why Death Row - with its steady funding and a decade of room and board - is looking better and better. (San Quentin State Prison even offers views of San Francisco Bay and is set to receive a new \$356 million facility.)"

<http://www.sfgate.com/cgi-bin/article.cgi?f=/c/a/2011/03/31/ED641IMQND.DTL#ixzz1IJAv6cGK>

USA: Disabled people losing jobs at an alarming rate

In an speech at the U.S. Chamber of Commerce's Corporate Disability Employment Summit, Senator Tom Harkin, a longtime disability advocate, urged business leaders to step up efforts to employ disabled people.

Harkin told his audience that, "The ADA and the special education laws have combined to produce the best-educated population of people with disabilities in U.S. history. And yet, while the majority of them would like to be working, the shocking fact is that more than two thirds of Americans with disabilities are without a job."

Furthermore, he pointed out that a third of those pushed out of work in the last two years were disabled people. This means that disabled adults are leaving the labor force during the recession at more than 10 times the rate of their non-disabled

peers.

<http://www.insurancenewsnet.com/article.aspx?id=255987&type=lifehealth>

