

# Our Rights - issue 24, August 2010



## 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](mailto: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.



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## Convention

### Sign ups

- 146 signatories to the Convention
- 89 signatories to the Optional Protocol
- 89 ratifications of the Convention
- 54 ratifications of the Protocol

### Malaysia ratifies Convention – sort of ... well, not really

Malaysia has formally ratified the CRPD. However, this has been done with reservations. This means it will not accept all or sections of - Article 3 on general principles, Article 5 on equality and non-discrimination, Article 15 on freedom from torture or cruel, inhuman or degrading treatment or punishment, Article 18 on liberty of movement and nationality, and Article 30 on participation in cultural life, recreation, leisure and sport.

As the Malaysian Bar (lawyers' association) comments, "This means that the Malaysian Government does not fully subscribe to the fundamental principles that persons with disabilities should enjoy such equality, non-discrimination, freedom or liberty, or to fully participate in culture, recreation, leisure and sport. This makes for a hollow ratification since such reservations take away from fundamental principles that underpin CRPD."

<http://www.petertan.com/blog/2010/07/08/time-to-remove-all-reservations-and-sign-the-optional-protocols-the-malaysian-bar-july-8-2010/>

**Editorial comment:** Before making a final judgement, it is important to know precisely what sections of these five articles the government has rejected. Nonetheless, at this point their commitment to the CRPD looks less than half hearted.

This is particularly true about their reservations on Article 3, which contains the core principles of the Convention – respect for dignity and autonomy, non-discrimination, inclusion, equality of opportunity, gender

equality and so on. If a government can't sign up to these basic principles, why bother ratifying?

The Malaysian Bar also points out that the government's extraordinarily equivocal approach to the CRPD is consistent with its reservations on other UN human rights documents, as well as its failure to sign any optional protocols. The latter allow citizens/residents of a country to refer their government to the international supervisory committee for non-compliance with these conventions.

## **Guidance on use of Human Rights Monitoring**

The International Disability Alliance (IDA) has produced a document entitled, *Effective Use of International Human Rights Monitoring Mechanisms to Protect the Rights of Persons with Disabilities*.

The objective of this guidance document is to provide practical, hands-on strategies and advice to DPOs on international human rights mechanisms. It focuses on the reporting process of the CRPD in order to provide practical information for DPOs on both the process and the content of reporting.

After a substantial sections on the Convention and the reporting process, each Article is reviewed in detail. Lists of questions are provided linked to individual articles so that DPOs can closely monitor whether rights are being enforced.

This document offers DPOs an excellent resource for making sure the CRPD delivers meaningful change for disabled people.

<http://www.internationaldisabilityalliance.org/the-guidance-document-on-the-parallel-reporting-prepared-by-ida-is-now-available/>

## **Disability, HIV/Aids and the CRPD**

In the year that the CRPD came into force (2008) the first International Aids Conference (IAC) to include disability as a mainstream issue was held in Mexico City. At this year's IAC in Vienna, a session was held entitled, "Where are we now?" The intention was to review and analyse progress made and obstacles encountered in the push to fulfil the vision of the CRPD in the field of HIV/AIDS.

A recording of the session can be found at:

<http://globalhealth.kff.org/AIDS2010/July-22/Disability-and-AIDS-Two-Years-Later.aspx>

A Rapporteur's report together with Powerpoints presentations are available at : <http://pag.aids2010.org/session.aspx?s=154>

On the same day (July 21<sup>st</sup>) a satellite session considered integration of disability into HIV programmes at the country level.

Dr Paul De Lay, Deputy Executive Director of UNAIDS, introduced a Policy Brief on HIV and Disability. He pointed out that a key challenge is to ensure that organizations representing disabled people are part of the development of National Strategic Plans on HIV and, where it exists, the national partnership forum.

The Policy Brief can be downloaded at:

[http://data.unaids.org/pub/Manual/2009/jc1632\\_policy\\_brief\\_disability\\_en.pdf](http://data.unaids.org/pub/Manual/2009/jc1632_policy_brief_disability_en.pdf)

## **Second round grants for DPOs to support CRPD**

The Disability Rights Fund (DRF) announced its second 2010 "Moving Rights Forward" grants round. In this round grants will be targeted at disabled persons' organizations (DPOs) in four regions and twenty countries: in Africa: Ghana and Uganda; in Asia: Bangladesh; in Latin America: Ecuador, Nicaragua and Peru; in the Pacific: Cook Islands, Federated States of Micronesia, Fiji, Kiribati, Nauru, Niue, Palau, Papua New Guinea, Republic of the Marshall Islands, Samoa, Solomon Islands, Tonga, Tuvalu, and Vanuatu.

The broad objective of the Fund is to empower DPOs in the developing world and Eastern Europe/former Soviet Union to participate in ratification, implementation and monitoring of the United Nations Convention on the Rights of Persons with Disabilities (CPRD).

Interested organizations are urged to review the full eligibility criteria and application details posted at the Fund's website, <http://www.disabilityrightsfund.org/grant.html>. Any questions on the proposal process should be directed to [info@disabilityrightsfund.org](mailto:info@disabilityrightsfund.org). The deadline for applications is August 19, 2010.

<http://www.disabilityrightsfund.org/news.html>

## UK

### **Minister warns budget cuts may be illegal**

The Home Secretary, Theresa May, has warned the Chancellor of the Exchequer that cuts imposed in the June Emergency Budget may be in breach of the Equality Act 2010. This is because they would have a disproportionate effect on women, pensioners, ethnic minorities and disabled people. Furthermore, she said, "If there are no processes in place to show that equality issues have been taken into account in relation to particular decisions there is a real risk of successful legal challenges."

The Treasury has said it is confident they have met their obligations under the Act. However, Yvette Cooper, the Labour Party's work and pensions spokesman, found women would bear more than 70 per cent of the £8bn cuts and The Fawcett Society, an equality group, has filed a legal challenge to the Budget.

<http://www.telegraph.co.uk/news/newstoppers/politics/conservative/georgeosborne/7927623/Theresa-May-warned-Chancellor-his-Budget-could-hit-women-hardest.html>

Tony Benn, veteran Labour MP, has called for a broad-based revolt against the budget cuts. He writes: "The government claims the cuts are unavoidable because the welfare state has been too generous. This is nonsense. Ordinary people are being forced to pay for the bankers' profligacy."

"The £11bn welfare cuts, rise in VAT to 20%, and 25% reductions across government departments target the most vulnerable – disabled people, single parents, those on housing benefit, black and other ethnic minority communities, students, migrant workers, LGBT people and pensioners."

<http://www.guardian.co.uk/politics/2010/aug/04/tony-benn-coalition-cuts-campaign>

**Editorial comment:** Ethnic minority groups have formed a coalition to take on the government over budget cuts, as has the disability lobby – UKDPC, SCOPE, RADAR, MIND, etc.. We will keep readers updated on how the battle progresses.

## **Equality and Human Rights Commission on the CRPD**

The UK's Equality and Human Rights Commission (EHRC) has put up a website detailing how it is working to implement various Articles of the UN Convention. The site also contains very useful links to other organisations concerned with ensuring the effectiveness of the CRPD in Britain.

<http://www.equalityhumanrights.com/human-rights/international-framework/un-convention-on-the-rights-of-persons-with-disabilities/articles-of-the-convention/>

## **Negative stereotyping of people with learning difficulties widespread**

A third of the 1,100 adults surveyed in a poll carried out by the charity Turning Point said that people with learning difficulties couldn't live independently or hold down jobs, while almost a quarter imagined they would be living in care homes. Nearly one in ten expected them to be cared for in a secure hospital out of town.

Adam Penwarden, the director of Turning Point, said that such misconceptions contributed to widespread discrimination. That discrimination in turn has underpinned the spate of serious hate crimes against disabled people, such as the attacks which led to the deaths of Fiona Pilkington and her daughter.

<http://www.guardian.co.uk/society/2010/jul/14/discrimination-learning-disabilities>

**Editorial comment:** The findings of this report - that negative stereotyping leads to discrimination and hate crime - are relevant with respect to all disabled people, not just those with learning difficulties.

## **Disabled woman fights off 'mercy killing' husband.**

John Millar, 67, from Edinburgh has been jailed for four and a half years for the attempted murder of his disabled wife Phyllis. He claimed he wanted to end her suffering when he tried to smother her with a pillow.

When questioned by the police, Millar explained, "She would be dead and out of the way. When I say out of the way, you know, she would be, perhaps, not having to put up with, you know, her life and it was my life too, I suppose, really."

Mrs. Millar, who has multiple sclerosis, denied she told her husband she wanted to die.

<http://www.bbc.co.uk/news/10631843>

A fuller report on the case can be found at:

[http://news.bbc.co.uk/1/hi/scotland/edinburgh\\_and\\_east/8665274.stm](http://news.bbc.co.uk/1/hi/scotland/edinburgh_and_east/8665274.stm)

**Editorial comment:** If Phyllis Millar had not managed to put up a fight, would her husband be in jail? Probably not, or at least not for so long. The not-so-subtle subtext to this story seems to be if she had died or told him she wanted to die, because she has multiple sclerosis Millar's actions would be seen, at least by the public, if not the courts, as 'mercy killing', not murder. It is such dangerous attitudes and assumptions by the press that help prepare the ground for the legalisation of euthanasia and assisted suicide.

## **Report says UK recovery depends on being tougher on those claiming disability benefits**

The Organisation for Economic Cooperation and Development (OECD) has published an action plan for the growth of the UK economy. One of its key recommendations is that the government make it more difficult to claim disability benefits.

For example, they say it is necessary to, "... Strengthen participation requirements beyond the current mandatory interviews. For instance, make actions identified during these interviews increasingly compulsory and consider introducing similar requirements for as many current disability benefit recipients as possible."

Interestingly, the report also points out that economic recovery in the UK is being held back because high levels of poverty and income inequality.

<http://www.oecd.org/dataoecd/57/11/45642018.pdf>

**Editorial comment:** The author of the report seems to ignore the fact that disabled people make up one the largest group of 'the poor'. Furthermore, moving anyone from benefits to employment is problematic in a rapidly shrinking job market. That task is all the more difficult for disabled people, many of whom want to find work, but face an uphill task because of employers' negative attitudes and lack of real support in the workplace and at home.

The OECD report adds to an increasing chorus in government and the media that suggest if only spending on 'non-productive' benefits could be reduced it would ease pressure to make cuts elsewhere. Of course, without benefits that are intended, but generally don't, cover the substantial additional costs of impairment and disability, disabled people couldn't survive, let alone work and be 'productive'.

The assumption underlying all this anti-benefits rhetoric is not only that the cost of benefits is a drag on the economy, but also that those claiming benefits are cheats and/ or scroungers. However, the real cheats and scroungers are to be found elsewhere – mainly in the boardrooms of large 'respectable' companies. Here tax avoidance, which is legal, costs the country between £3.7 and £13 billion per year. Tax evasion, which is illegal, is estimated at an additional £15 billion. At the same time, fraud related to Disability Living Allowance and Incapacity Benefit are only 0.5% of spending on these benefits, at £90 million.

The OECD report does not mention either tax avoidance or tax evasion as a problem for the UK economy. No, the problem for the economy is that poor and disabled people are enjoying a free ride at public expense. The solution? Turn the screw even tighter.

<http://www.guardian.co.uk/business/2009/feb/02/tax-gap-avoidance>  
<http://citywire.co.uk/new-model-adviser/tax-evasion-costs-treasury-15-times-more-than-benefit-fraud/a378274>

## **Families with disabled children struggling to survive**

A report from the charity Contact a Family claims that financial difficulties

have become the norm for families with disabled children. Current economic problems have worsened the situation.

One in four parents with disabled children go without heating, 14% go without food and 51% of those questioned said they had borrowed money from family or friends to buy essentials - an increase of nearly 10% from 2008 figures.

Srabani Sen , the charity's CEO, said, 'Everyone has been hit hard by the recession but families with disabled children were already having to cope with a harsh combination of extra living costs and the difficulty of holding down a job and caring.'

Minister for disabled people, Maria Miller, offered reassurances, saying the welfare system for disabled families is being reformed and simplified.

[http://web.orange.co.uk/article/news/families\\_with\\_disabled\\_kids\\_forced\\_to\\_borrow](http://web.orange.co.uk/article/news/families_with_disabled_kids_forced_to_borrow)

## International

### **Africa: Disabled people continue to struggle for basic needs and basic rights**

"Society views disabled people as useless liabilities that have no role to play in society," says Gladys Charowa, a wheelchair user, founding member and executive director of the Disabled Women Support Organization, a group that focuses on helping disabled women and girls in Zimbabwe.

The situation is particularly bad for disabled people in Zimbabwe, with hundreds begging for alms on the streets of Harare. But, critics say, it is little better in most of Southern Africa.

One of the main reasons for this, according to Joshua Malinga, a former chairman of Disabled People's International, is, '... because disability has not been mainstreamed.' He added, "Disabled people are not represented in parliaments, in organs of decision-making, even on issues that concern them. Governments do not plan with the disabled in mind."

The African Union is trying to change that with their Plan of Action for Disabled People. Among other things, the plan recognizes the need for real integration. It urges governments to allocate sufficient funds to

ministries and departments dealing with disabled people and to establish national committees to coordinate all disability issues and include those concerns in their national programmes.

<http://www.afrik-news.com/article17897.html>

### **Bangladesh: Half of disabled children are sexually abused**

A study by the Bangladesh Protibondhi Foundation (BPF) and Save the Children Sweden-Denmark has found that about half of all disabled children in the country experienced sexual abuse.

According to Selina Ahmed, director of child protection, Save the Children Sweden-Denmark, "Disabled children are exposed to a higher risk of sexual harassment or rape because they cannot protect themselves,"

The study says the vast majority of the offenders are men and include close relatives. Most escape punishment because children are not believed.

[http://news.bbc.co.uk/1/hi/world/south\\_asia/10522001.stm](http://news.bbc.co.uk/1/hi/world/south_asia/10522001.stm)

### **Europe: EU Transport: Commission informs disabled passengers about their rights**

Over the last few years the European Commission has introduced legislation to ensure air and rail passengers benefit from the same standards of treatment throughout the European Union. They have now (from end of June 2010) launched a campaign to inform travellers of their access rights and what they can do if things go wrong.

Besides posters and leaflets in airports and railway stations, a website in 23 languages has also been set up. Until mid-July information on the site is only available in English.

<http://ec.europa.eu/transport/passenger-rights/en/index.html>

The Commission is also working to extend passenger rights to other forms of transport, such as travel by sea, inland waterways, as well as coach and bus.

<http://europa.eu/rapid/pressReleasesAction.do?reference=IP/10/852&format=HTML&aged=0&language=EN&guiLanguage=en>

## **Ghana: Mad Pride Day march petitions for CRPD**

On June 14<sup>th</sup>, MindFreedom Ghana organised a march in Accra with over five hundred people and a brass band to celebrate Mad Pride Day.

Mad Pride Day is part of a series of events run throughout the world by MindFreedom International.

The purpose of these celebrations is described by John McCarthy, Mad Pride Ireland organiser as, "... simply a method of bringing to the public's attention The Great Normality of Madness."



**Disabled people marching in Ghana**

In Ghana, participants included many different groups of disabled people. They presented a petition to the country's parliament urging them to ratify the CRPD by the end of the year.

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The account of march in Ghana and photos are taken from an email sent to the IDA (International Disability Alliance) CRPD Forum by Dan Taylor, Secretary MindFreedom Ghana.

For more information about Mad Pride Day, see:

<http://www.mindfreedom.org/campaign/madpride>



Marchers with CRPD banner

## **International: Talks collapse on copyright treaty for access to books for visually impaired people**

Over the last few months there were strong hopes that a treaty would finally be agreed that would allow easier access to printed matter for visually impaired people. (See reports in January and May issues of Our Rights). These hopes have now been dashed.

At the end of June, 2010, participants at a meeting of the copyright committee of the World Intellectual Property Organization (WIPO), failed to agree on a compromise draft.

Although the issues are complex, essentially the EU and USA pushed for no-binding arrangements, instead of a formal treaty. Their proposals were also more restrictive as to how the system would operate. On the other hand, African and Latin American countries wanted treaties that would allow easier and more inclusive access to written material.

This contentious question will be considered once again at the copyright committee's next meeting in November.

<http://www.disabilitynewsasia.com/home-mainmenu-1/380-wipo-copyright-body-fails-to-agree-on-instrument-for-visually-impaired.html>

## **Ireland: Report calls for closure of institutions for disabled people.**

An unpublished report by a working group set up by the Health Service Executive (HSE) has recommended that all institutions for people with learning difficulties be closed within seven years. They claim that these places violate the residents' basic human rights.

*Time to Move on from Congregated Settings: A Strategy for Inclusion* says thousands of people in congregated settings are separated from the community and stripped of dignity, privacy and independence.

For example, in some institutions people are being changed or washed in communal areas. In one case, 20 older disabled people have the use of '... one accessible shower and two wash basins. People wait their turn to be washed and cleaned'.

The report recommends that the 72 institutions be replaced with supported or independent placements in the community. It also says that no new congregated settings be built and that admissions to institutions should cease immediately.

<http://www.irishtimes.com/newspaper/frontpage/2010/0712/1224274518367.html>

## **Japan: Government report backs inclusive education**

A government reform council report has called for inclusive education to be established in Japan's schools. This goes directly against current practice of segregated schooling.

The report cites the UN Convention's Article on inclusive education and urges the government to ratify the CRPD which they signed in 2007.

The editorial in the Ashai Shimbun says, "Creating an education system that allows all children ... to study together is an important step toward building a society where everyone accepts differences and respects diversity among people. This idea is gaining global currency."

<http://www.asahi.com/english/TKY201007230513.html>

## **Jordan: Voting to be made more accessible**

Some disabled people will have an easier time voting in November's parliamentary elections as several polling stations will be provided with wheelchairs, entrance ramps, appropriate technology (we assume for blind and partially-sighted people), as well as trained staff. A government spokesman said this reflects their commitment to securing maximum participation in the election and giving disabled people the chance to take part in the decision-making process by choosing their representatives.

<http://jordantimes.com/index.php?news=28087>

**Editorial comment:** Any move to have a more inclusive electoral process is welcomed. However, with an estimated 200,000 to 300,000 disabled Jordanians, making only a few centres accessible seems a token gesture. This is all the more so, as most disabled people do not have access to appropriate transport. If the government was really serious, they would be announcing a programme to make all polling stations accessible and setting a timetable for doing this.

## **Nigeria: National DPO calls for ratification of UN Convention and much more**

At a press conference in Lagos on June 24, 2010, the Joint National Association of Persons with Disabilities (JONAPWD) called upon the National Assembly to expedite action on the ratification of the United Nations Convention on the Rights of Persons with Disabilities.

They also condemned the poor state of public and private owned structures that are inaccessible and noted that disabled women and children often suffer discrimination and marginalisation especially in the healthcare sector.

The Association strongly recommends the teaching of sign language in schools and having interpreters at banks, hospitals and government Ministries, Departments and Agencies. They said that the government must move from giving lip service to disability issues to providing equal opportunities for all Nigerians to have access to information that would enable them contribute meaningfully to the development of the nation.

In short, JONAPWD ‘... call on the Nigerian government at all levels to proffer tenable solutions to these problems by being more sensitive to the citizenry while tailoring efforts to the welfare of these growing number of Nigerians who have been 'disabled' by the nature of the Nigerian society rather than their individual afflictions.’

<http://allafrica.com/stories/201007060868.html>

## **Nigeria: A policy for integrating disabled people in national governance**

Nigeria has begun to formulate a national policy aimed at integrating disabled people in governance.

National President on Persons with Disability, Nasir Argungu, told a news conference in northern Nigeria's Kebbi State on Monday (June 28<sup>th</sup>) that the new policy is also aimed at providing equal opportunity for disabled people to contest elective posts.

"We would not relent in eliminating all barriers and discrimination of our members," he told reporters.

<http://world.globaltimes.cn/africa/2010-06/546763.html>

## **Pakistan: Disabled and elderly people hard hit by floods**

Not surprisingly, disabled people and other vulnerable groups have been hardest hit by the floods in Pakistan. Despite the extreme privation, Jamila Hasan and her daughter, pictured below in Lahore, are probably some of the lucky ones.



**Jamila Hasan and her daughter negotiate their way across a flooded street in Lahore.**

“My daughter is disabled and suffers kidney disease”, said Jamila Hasan. “She needs regular dialysis. Getting her to hospital in a wheelchair is very hard,” She said public transport prices had risen sharply after the heavy rainfall, making it harder for those with mobility problems to get around.

<http://www.irinnews.org/report.aspx?Reportid=90074>

## **Philippines: Government failure to protect their human rights biggest challenge for disabled people**

Disabled people in the Philippines claim that they are disabled less by their impairments than the denial of their human rights. They cite, among other things, the government’s failure to enforce the law that affords them a 20% discount on medicine. Physical access also continues to be a problem and only one out of three of the country’s churches are wheelchair accessible.

At a recent human rights forum, a disabled person asked the panel, “Have you forgotten about us?” The panel’s moderator refused to address the question, saying it was not on the meeting’s agenda.

Roberto S. Salva executive director of the Catholic Ministry to Deaf People, observes that being “off the agenda” perfectly sums up the position of disabled people in the country. The excuse he says is that the country cannot afford to make the necessary changes.

But he points out that, “..., development and human rights go hand in hand. Now, the lack of development is our excuse for our disregard of the rights of some groups like the PWDs [ people with disabilities]. But, it is precisely this disregard of those rights that perpetuates our state of underdevelopment and further escalates poverty in the country.”

He goes on to say, that disabled people “...find it harder to share in the task of nation-building because the nation is still shut down to them. Government institutions, even hospitals, are still not accessible to wheelchair users. Television programs—even news programs—are still not accessible to the deaf.”

Salva says that the country has ratified the UN Convention and should

be held accountable for living up to it.

[http://newsinfo.inquirer.net/breakingnews/nation/view/20100715-281322/Disabled\\_ask\\_Aquino\\_gov%92t\\_to\\_recognize\\_rights](http://newsinfo.inquirer.net/breakingnews/nation/view/20100715-281322/Disabled_ask_Aquino_gov%92t_to_recognize_rights)  
<http://opinion.inquirer.net/inquireropinion/columns/view/20100716-281550/A-reminder>

**Editorial comment:** As we never tire of saying, there must be 'Nothing About Us Without Us.' However, no liberation/human rights struggle can be won without allies. Judging by his comments, Roberto Salva seems to be exactly the kind of ally the disability movement needs – insightful and outspoken.

## **USA: Obama celebrates 20 years of ADA with executive order to increase employment of disabled people**

"Not dependence but independence: That's what the ADA was all about," President Barack Obama said at a White House reception to mark the 20th anniversary of the ADA (Americans with Disabilities Act).

Obama also signed an executive order that calls for strategic planning, mandatory training and other steps to increase federal government hiring of disabled people.

Furthermore, the Department of Justice published rules to prohibit disability-based discrimination by state and local governments, as well as private businesses.

[http://edition.cnn.com/2010/POLITICS/07/26/obama.disabled/index.html?iref=mpstoryview#fbid=SLcos\\_QtLeL](http://edition.cnn.com/2010/POLITICS/07/26/obama.disabled/index.html?iref=mpstoryview#fbid=SLcos_QtLeL)

**Editorial comment:** It would be great if the UK government was as proactive about employment and enforcing disability rights. For example, in the USA the Department of Justice takes cases under the ADA. In the UK, individuals have to go to court themselves and bare the costs if the law is not observed. As a result, anti-discrimination legislation in the UK tends to be long on promises and short on results. Furthermore, instead of launching a positive employment initiative, the new Coalition government intends to impose tougher benefits tests on disabled people. By doing this people will be thrown into a shrinking jobs market, which in general and despite legislation, does not welcome disabled people.

## **USA: Demonstration in support of disabled boy attacked by gang**



**Cory Miller**

Over 100 people gathered in front of City Hall in Havana, Illinois to demand action to protect Cory Miller, a 16-year-old wheelchair user, and to find and prosecute the youths who viciously attacked him on Saturday afternoon on Main Street.

This was the third such incident experienced by Cory since 2008. On this occasion a group of boys sprayed him in the face, pushed his wheelchair to a local park and then assaulted him in the public toilets.

Cory attended the City Hall rally with a placard on his chair. It read, "I deserve justice and freedom."

<http://www.pjstar.com/news/x104354207/Residents-react-to-assault-of-boy-in-wheelchair>

Reports of the other attacks can be found at:

<http://www.62644.com/2008/OCTOBER/StreetsOfFear.html>

<http://www.62644.com/2009/JANUARY2009/CoryMiller-Havana%27sPrisoner.html>



Deportation by default

## **USA: Unfair hearings, detention and deportation for people with learning difficulties and mental health problems**

A report from Human Rights Watch and the American Civil Liberties Union has found that there is a lack of safeguards for people with learning difficulties and mental health problems who face deportation because they are believed to be in the country illegally.

Major difficulties exist throughout the processes of arrest, detention, removal and deportation. These are so severe as to violate people's human rights, while at the same time offending both American and international standards of justice.

The problems include; no right to appointed counsel; inflexible detention policies; lack of substantive or operative guidance for attorneys and judges as to how courts should achieve fair hearings, and inadequately coordinated care and social services to aid detainees while in custody and upon release.

It is estimated that each year almost 60,000, or about 15% of people, involved in immigration cases have learning difficulties or mental health problems.

The report details some horrific cases of people being detained for long periods without support, of US citizens being deported, of people not having a lawyer or and being so confused they did not comprehend what deportation, or even a court, was.

<http://www.hrw.org/en/node/91721/section/1>

## **USA: Physical abuse claims at school for Deaf**

The director of a residential school for Deaf children in North Carolina has been suspended after allegations that she failed to act on reports that staff members slapped a student, shoved another and held one girl face-down on the floor with a force that left bruises.

The girls at the school also claimed that a dorm director made a habit of dropping in when they were scheduled for showers and watched them on a security camera while they were in their pyjamas.

The action against the director came after events at the school were reported by Raleigh-based Disability Rights N.C., an independent advocacy group.

<http://www.newsobserver.com/2010/07/17/585446/abuse-claims-at-deaf-school.html>

