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Hawliau Dynol

Equality and
Human Rights
Commission

Rights of Way

Changing society in the age of the UN Convention on the Rights of People with Disabilities

Conference Report



The Equality and Human Rights Commission aims to reduce inequality, eliminate discrimination, strengthen good relations between all people and promote and protect human rights, ensuring that everyone has a fair chance to participate in society.

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The Equality and Human Rights Commission is accredited as an international human rights organisation. One of its key roles is to promote, protect, and monitor the implementation of the Convention in the UK.

For a detailed listing of all 50 articles, please see:

www.equalityhumanrights.com/uploaded_files/making_rights_a_reality.pdf

For an easy read version, please go to:

<http://www.officefordisability.gov.uk/docs/wor/uncon/easy-read-un-convention.pdf>

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The Convention reaffirms disabled people's human rights and spells out the positive steps governments are expected to take to make these rights a practical everyday reality. Signatories must report regularly on progress towards implementation. The UN will respond to each report with public recommendations.

So the Convention places us in a new landscape of human rights, in the glare of international scrutiny. This report is a 'snap shot' taken at the outset of the journey into that landscape, and the ten priority action areas it identifies will help inform our role as an accredited international human rights organisation which reports independent evidence to the UN. Our first report will be in 2011.

The Welsh Assembly Government has publicly stated how seriously it is taking the Convention. We'd like to see it commit to building treaty principles into its policy making, as it did in 2004 in relation to the UN Convention on the Rights of the Child.

We hope the energy and focus sparked by these conferences and the advent of the Convention will inspire people across Wales who want a fair society for disabled citizens to work together to unleash the potential power of the Convention.

Kate Bennett

Director, Equality and Human Rights Commission Wales
March 2010



Mapping the Convention

At both conferences we asked delegates what they thought public authorities in Wales should be doing or providing for disabled people, that they are not already doing. We also provided a range of topics around the Convention for round table discussions.

Matching the points arising from these sessions to topics covered in the Convention provides a crude but striking picture of what is uppermost in people's minds right now – what is thought to be most acutely in need of change to improve the lives of disabled people in Wales. The table lists the ten most frequently raised areas according to where they fall in the articles. The titles in brackets refer to sections in this report.

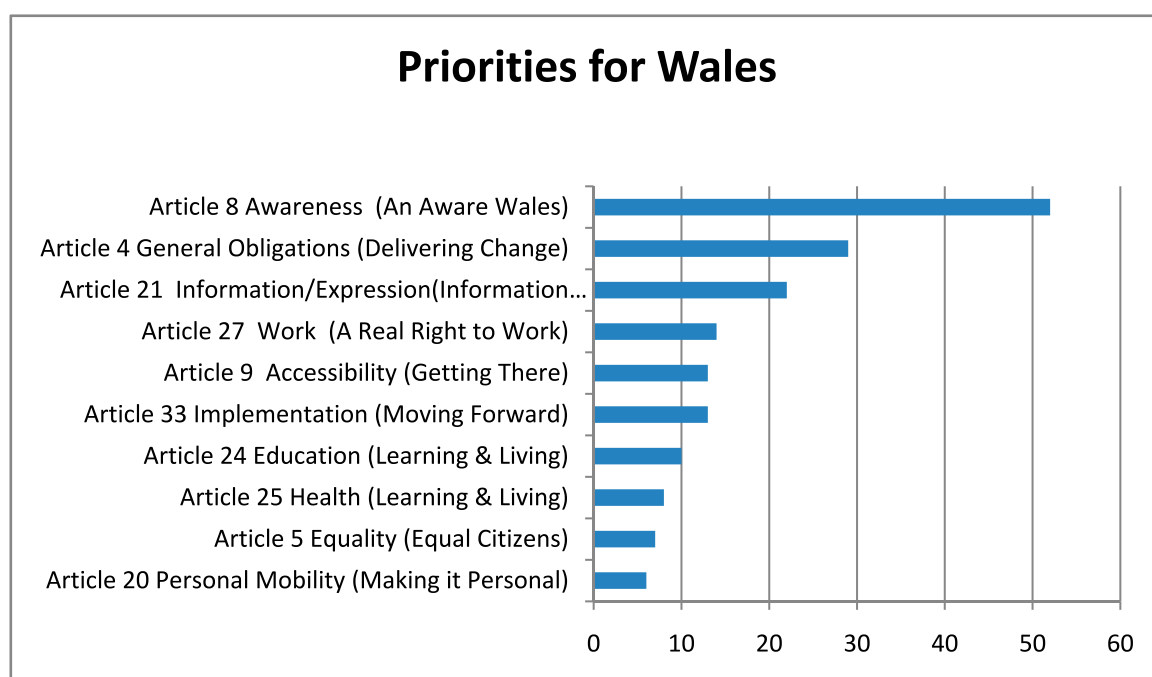
The major policy areas you would expect to see highlighted are all there – work, access, education, health, equality, personal mobility.

Three related areas emerge as even more of a priority:

- Awareness (Article 8) 'An Aware Wales'
- General Obligations of training, resources and consultation (Article 4) 'Delivering Change'
- Information and Expression (Article 21) 'Information for All'

Taken with the level of concern about national implementation of the Convention (see Moving Forward), it seems clear that there is a widely perceived deficit in the most basic infrastructure to bring about improvement in the lives of disabled people in Wales.

There is also an impatience and a hunger – reflected in the flavour of the debates – for wholesale change in disabled people's self perception and how they are seen.



An Aware Wales

Awareness in Article 8 of the Convention means signatories must adopt measures to 'raise awareness throughout society' about disability rights, combat stereotyping and foster positive images.

For delegates, awareness meant nothing less than a wholesale campaign for pride in being a disabled person and against stigma. In an aware Wales people would be proud to declare themselves disabled and their needs and concerns would be well known to public and professionals alike.

There would be accurate information gathered about what services were needed, where, and by whom. The disabled community would have independent and visible leadership as well as good role models. Everyone would know about the Convention, including school children, through education, television, social media and poster campaigns.

Knowledge about rights under the Convention would bring empowerment to campaign for better services and inform strategic thinking in local and national government.

Some people feel that only a Commissioner for Disabled People can move forward awareness because of the systematic and concerted pressure required.

Awareness would mean decision makers becoming knowledgeable and taking responsibility for making provision.

Prejudice would be challenged wherever it arose from the standpoint of a social model of disability which says that barriers, negative attitudes and exclusion by society create disability.

The Welsh Assembly Government would lead the way on awareness and best practice on all disability issues.

Delegates see awareness about the Convention as essential to its success. The treaty itself needs to be adequately publicised in appropriate formats across Wales as a starting point to claiming full human rights.



Delivering Change

Article 4 sets out the General Obligations of countries to the treaty, covering matters such as realisation, training, resources and consultation.

Second only to raising awareness, delegates strongly prioritised creating conditions that will make it possible to deliver human rights to disabled people in Wales ‘actually doing what they say they will do’ – these areas are expressed in the treaty as General Obligations – the actions that all governments are expected to carry out to underpin delivery of the rights of disabled people.

In a Wales prepared for delivering change, disability equality training would focus on the real issues and be as personal as possible ‘what does it feel to be treated like that?’. The training would be founded on the social model of disability and would include human rights and the articles of the Convention, Disabled people would always be involved in training delivery.

The priority recipients of training would be local and public authorities, extending to all service providers and major employers by degrees.

In a climate of shrinking public funding, resources are a major issue of concern. However, clear structures for consultation and communication could actually save resources that are currently being wasted in duplication and uncertainty.

Genuine involvement from disabled people themselves (not just their representatives or service providers) would also create efficiency in that services would reflect real need and be delivered appropriately first time.

People with communication impairments would be empowered to get involved by offering accessible ways of giving their views. When funding, consulting and involving organisations, local authorities should prioritise those with genuine credentials in grass roots development.

Another key pre-condition for change is ensuring that there is ‘joined up working’ between departments and across different organisations.

The ‘joining up’ would see a person’s needs in their totality and be consistent between children and adult services and between local authorities and providers, including local health boards.

Bench-marking, sharing good practice and measuring delivery and performance according to best practice are also seen as important.



Learning and Living

Article 24 recognises the right of disabled people to education and lifelong learning without discrimination and on the basis of equal opportunity.

Article 25 states that disabled people have the right to the enjoyment of the highest attainable standard of health without discrimination on the basis of disability.

Delegates at both conferences affirm that education and health remain as central campaigning areas for equality and human rights for disabled people.

The vision for education is a wholly integrated one in mainstream schools where imaginative use of support staff and technology would ensure full participation. 'Segregated education leads to segregated lives'.

Teachers would receive disability equality training, topped up at least every five years, and education would be integrated with employment in a planned, transitional process.

In the area of health and social care, many delegates saw the way forward as providing direct payments for all so that individuals could design their own care packages. Properly trained health and care workers would support excellent care through familiarity with the issues and positive attitudes.

Procedures, policies and delivery standards would be consistent between hospitals, health boards and local authorities. Internal consistency between hospital departments would be achieved too.

Information for all

Article 21 expresses the right to freedom of expression and opinion, including the freedom to seek, receive and impart information and ideas on an equal basis with others.

In a society where freedom of expression and access to information become a reality for everybody, delegates said that measures would be taken to open up more channels of communication – such as training staff in British Sign Language using qualified interpreters, creating an independent advocacy service and developing communication skills.

Information would be clearly signposted, inclusive, accessible and available in a range of formats and locations. It also needs to be actively promoted and expressed in plain language. Elected representatives should make a particular effort to reach their disabled constituents.

Above and beyond the provision of information itself, there should be attention paid to training and development on information issues across Wales with best practice examples highlighted by the Welsh Assembly Government and inadequate practice cited for improvement. Access groups in the community need support to promote useful dialogue with service providers.

Equal Citizens

Article 5 sets out the fundamental proposition that ‘all persons are equal before and under the law and are entitled without any discrimination to the equal protection and equal benefit of the law.’

Equality and non-discrimination are the cornerstones for achieving what disabled people consider to be full citizenship in 21st century Wales.

Many delegates say that these values are often paid lip service to, but not put into practice.

In a Wales where disabled people are equal citizens, no assumptions would be made about the limits of a person’s potential. Everyone would be valued equally and disabled people would participate fully in every aspect of life.

Legal challenges to discrimination using existing legislation were thought necessary to achieving this vision.

Building on the Disability Equality Duty, the Convention, requires government and public authorities to be proactive in recognising additional barriers that disabled people may face in accessing rights as citizens. Once governments have recognised those barriers, the Convention then requires them to take action.

Unlike existing domestic legislation such as the Disability Discrimination Act, the Convention is not supported by a court where ‘transgressors’ can be brought to book. However, the power of the ‘informal court of international opinion’ is seen as powerful in the context of a human rights treaty with world-wide support.

Making it Personal

Article 20 of the treaty obliges countries to ensure personal mobility for disabled people with the greatest possible independence.

Few subjects impact so personally on the lives of disabled people as personal mobility – getting in, out and around the home, and negotiating the wider world independently.

Delegates report that the road to achieving personal mobility and independence is often blocked by bureaucratic difficulty (‘rigmarole’) in securing appropriate ramps, wheelchairs and mobility aids from providers and the long delays involved that have catastrophic impacts on people’s lives.

The Convention upholds the human right of disabled people to expect speedy delivery of assessment and the appliances and alterations they need to make everyday life tolerable. Policy on provision of mobility aids should be transparent and provided by staff who understand the issues and apply progressive attitudes.

Getting There

Article 9 expresses the right to live independently, participate fully in all aspects of life and have access to the physical environment, transport, technology and other facilities and services.

Access remains a burning issue for disabled people in Wales and expectations were high among delegates that the Convention would help to change a situation that many feel has remained static for years, in spite of legislation and strategic declaration.

Access is seen not just as an issue in its own right, but as the key to so much more - enabling disabled people to participate fully in the world of work, relationships, community action and education. It is also essential for self respect and autonomy.

The lives of disabled people would be transformed in large measure if all new public building works were carried out with proper involvement of disabled people, in recognition of the daily struggles encountered daily on every high street.

Access can be subtle as well as obvious – not just wide enough shop doorways but enabling disabled parents to attend school events, for example.

In a Wales where access was taken seriously, there would be an intelligent transport infrastructure linking with accessible footpaths and highways, with flexible passes between modes of fully accessible public transport. Disabled people in rural areas who are unable to drive would be offered additional support.

There is no point in access unless it is consistent and widely known about – presentation, dissemination and information in a variety of formats are seen as essential.



A Real Right to Work

Article 27 recognises the right of disabled people to work on an equal basis with others, including the right to to gain a living by work freely chosen in labour markets and work places that are open, inclusive and accessible.

The right to employment does not mean work under any conditions and at any price. More disabled people should be drawn into the workforce at all levels and public authorities should lead by example.

A positive culture of flexible and supported employment with mentoring and development would mean that many more disabled people would sustain jobs. Flexibility applied to wages and benefits would remove many from being trapped on state support.

Strategies could be used to encourage public authorities to employ disabled people and these could be monitored and reviewed to ensure performance.

The barriers to work generally lie in inflexibility and lack of understanding by employers - testimonies from disabled people about these issues would help policy makers address them. Discrimination against disabled people, lack of enforcement of equality duties and proposed cuts to access to work schemes need to be immediately addressed if people are to reach their employment goals.

Moving Forward

Article 33 commits signatories to ‘designate one or more focal points within government for matters relating to the implementation of the present Convention, and shall give due consideration to the establishment or designation of a coordination mechanism within government to facilitate related action in different sectors and at different levels.’

How the Convention will change everyday life in Wales for its disabled citizens remains to be seen.

Conference delegates responded positively to the new rights afforded by the Convention, but they strongly expressed the view that rights are only meaningful if concerted action is taken to make them a reality.

Real commitment from the Welsh Assembly Government will be vital. There are calls for the Welsh Assembly Government to commit to building the treaty’s principles into its policy making, as it did in 2004 in relation to the Convention on the Rights of the Child.

The Equality and Human Rights Commission has a role to promote, protect, and monitor the implementation of the Convention in the UK.

Conference delegates were clear that leadership and a campaigning impetus for change must come from the grass roots – disabled people and the organisations that represent disabled people. The way forward is to engage with the Convention fully.