

WORLD BLIND UNION

Human Rights Report

By Anders Arnör on behalf of the World Blind Union

November 2014



Table of Content

Introduction	2
Background and Methodology	3
The United Nations Office of the High Commissioner for Human Rights	4
The United Nations Human Rights Council	5
National Human Rights Institutions and Ombudsmen	6
The Convention on the Rights of Persons with Disabilities	7
Committee on the Rights of Persons with Disabilities	9
Human Rights Violations	10
Human Rights Survey	10
Article 21 – Freedom of Expression and Opinion, and Access to Information	12
Article 24 - Right to Education.....	13
Children with Disabilities excluded from Chinese School System	14
Article 27 - Right to Work and Employment.....	15
Discrimination on the part of Transportation Employees	18
Crimes against persons with albinism in Tanzania	19
Best Practices from WBU member organizations	20
Addressing Human Rights Violations	23
Conclusion	27
Appendix A, WBU Workplan 2013-2016 Human Rights Initiative 1.2.3.....	28
Appendix B, Suggestions to the WBU Human Rights Working Group.....	29
Appendix C, Recommendations to WBU member organizations	30

Appendix D, List of Additional Resources.....	31
External References.....	32

Introduction

Human rights have become an everyday subject in our global world. In almost 60 years, human rights have gone from being abstract notions to becoming a set of universal values that we teach in schools and broadcast on news. Yet, governments around the world struggle to respect, protect, and fulfil their human rights obligations. In that sense, talking about human rights seems simple but implementing them in practice has been much more difficult.

Relatively recently, the Convention on the Rights of Persons with Disabilities entered into force and marked a turning point for the rights movement. Its unique features are important as the world's largest minority group claims their rights. But what happens when the State looks the other way and human rights perpetrators are left alone? What measures of protection are available for persons with disabilities when discrimination continues to leave millions of children without education and adults without jobs?

This report seeks to answer some of the questions that are asked about human rights. It touches upon the Convention on the Rights of Persons and the UN human rights system, but above all, the report is a testimony of human rights violations against blind and partially sighted people. The final section will offer some suggestions on how to deal with those violations including ways to advocate for human rights.

Background and Methodology

This report is a study of past and current human rights violations affecting blind and partially sighted persons with good and bad practices leading to tangible solutions. The main focus of the report is to identify violations as well as practical ways of stopping them. It is both a pool of data from our members on human rights violations and a tool to help disabled persons' organizations stand up for themselves and their members. The first section is introductory and explains a few institutions and frameworks. The second section will give examples of human rights violations and highlights the most frequently violated. The third section explores different ways to address human rights violations, which is followed by a set of proposed recommendations for the WBU and its members.

The author of this report sometimes uses the phrase "persons with disabilities" instead of "blind and partially sighted people" when referring to a specific group of people. This may be confusing and can cause uncertainty for the reader. Wherever the broader term is used in this report, it is because no disability-specific data could be found on that particular context.

Human Rights has been an important part of WBU`s work for many years. Issues addressed by the WBU covers many different human rights violations, from discrimination and unlawful imprisonment to murders and armed conflict. Past WBU presidents and regional presidents have written letters to UN agencies and governments on these important and pressing issues but often without any reply.

In the WBU Workplan 2013-2016, a human rights and committee was established and mandated to carry out initiatives of human

rights representation. One of these was Initiative #3 (see appendix A) which called upon the human rights and advocacy committee to “develop a strategy to provide advocacy support in situations of serious human rights abuses or where blind and partially sighted people are particularly vulnerable”. Initiative #3 then highlighted a set of actions to fulfil that goal, some of which became the basis for this report.

The United Nations Office of the High Commissioner for Human Rights

The Office of the High Commissioner for Human Rights, hereinafter called the OHCHR, is the principal human rights agency of the United Nations. It has a mandate to promote and protect all human rights and works closely with both charter-based bodies and treaty-based bodies, including the human rights council. Main tasks for the OHCHR include identifying and developing responses to human rights violations, raising awareness on human rights issues and ensure universal enjoyment of all human rights.¹ It also provides expertise and training to governments through its multidimensional approach in standard setting, monitoring and implementation on the ground.

Over the years, the OHCHR has increased its field presence and allocated more resources for promoting and protecting human rights at the country level. There are 13 country offices around the world that monitors, report and provide technical assistance related to human rights². The OHCHR also have 12 regional offices, human rights advisors and a Rapid Response Unit that with short notice can be deployed in human rights and humanitarian emergencies. The Rapid Response Unit also conducts fact-finding missions and commissions of inquiry that

investigate serious allegations of human rights violations and abuses.

The United Nations Human Rights Council

The United Nations Human Rights Council, hereinafter called the Council, is an inter-governmental body composed of 47 member states responsible for promoting and protecting human rights around the world. It replaced the UN Commission on Human Rights in 2006 when the Commission faced criticism for allowing states with poor human rights record to be members. The UNHRC has a special mechanism – the Universal Periodic Review (UPR) – through which the human rights situation is assessed in all UN member states. Reviews occur over a four-year period and 48 countries are reviewed each year.

The Council also accepts communications submitted by individuals, groups, NGOs that claim to be victims of human rights violations or that have direct, reliable knowledge of such violations.³ The mechanism is known as the complaint procedure and is led by human rights experts in two working groups. The Working Group on Communications (WGC) determines if a complaint deserves investigation, whereafter the complaint is referred to the Working Group on Situations (WGS) for further evaluation. If all criteria are met, the working groups send a report to the Council, including recommended actions to be taken.

Recently, the Council decided to appoint a Special Rapporteur on the Rights of Persons with Disabilities (SRPD).⁴ The Special Rapporteur is an independent expert who examines and report back to the Council on a country situation or a specific human rights theme. It is an unpaid honorary position but the rapporteurs are included in the special procedures of the Council.

A similar position was created when the non-binding Standard Rules on the Equalization of Opportunities for Persons with Disabilities was adopted in 1993. However, the work of the newly appointed SRPD will focus on the Convention as opposed to the existing Special Rapporteur whose work is related to the Standard Rules.

National Human Rights Institutions and Ombudsmen

National Human Rights Institutions (NHRIs) are administrative bodies set up to protect or monitor human rights in a country; they operate and function independently from the government. The Office of the United Nations High Commissioner for Human Rights (OHCHR) provides support to them. About two-thirds of the 100+ NHRIs are compliant with the UN Paris Principles and assessed by peer review. Every NHRI is classified by the International Coordinating Committee of the National Human Rights Institutions (ICC) according to their compliance with the Paris Principles either with full compliance (A), Accreditation with reserve A(R), not fully compliant (B) or non-compliant (C).⁵ Currently, there are 69 NHRIs granted the A-status.

NHRIs shall submit opinions, recommendations, proposals and reports to the government, parliament or any other competent body on any situation that it decides to take up and draw the attention of the government to issues in any part of the country where human rights are violated.⁶ Additionally, NHRIs shall publicize human rights and efforts to combat all forms of discrimination by increasing public awareness through information and education and by using all press organs.

NHRIs can be grouped together in two different categories: human rights commissions or ombudsmen. Ombudsmen typically deal with individual complaints concerning a single person vs.

government agency or representative, whereas human rights commissions are multi-members committees and representatives of various groups. They are sometimes set up to deal with specific issues of discrimination but generally have a broader mandate to research, document, train and educate in human rights issues.

Ombudsmen generally work on complaints about administrative deficiencies and only a small portion of the workload deals with violations of human rights standards. There are often multiple ombudsmen within a single country on a national, state, local or municipal level. The typical duties of an ombudsman are to investigate complaints and to resolve them usually through binding or non-binding recommendations or mediation.

The Convention on the Rights of Persons with Disabilities

The United Nations Convention on the Rights of Persons with Disabilities and its Optional Protocol, hereinafter “the Convention”, was adopted on December 13th 2006. The Convention is a landmark for the human rights movement in general and for persons with disabilities in particular. It is the first global treaty addressing the human rights of persons with disabilities and the first to establish a link between human rights and social development. It is the result of decades of work by persons with disabilities, disabled persons` organizations, civil society organizations and the UN to change the attitude towards persons with disabilities.

The Conventions reaffirms that persons with disabilities are rights holders who are capable of claiming their rights, making free and informed decisions about their lives on an equal basis with others as active members of society.⁷ Additionally, the Convention firmly rejects all views of persons with disabilities as: objects of charity,

medical treatment and social protection or confinement. Instead, the purpose of the Convention, as stated in Article 1, is to “promote, protect and ensure the full and equal enjoyment of all human rights and fundamental freedoms by all persons with disabilities, and to promote respect for their inherent dignity.”⁸ In doing so, the Convention defines two important elements; “discrimination on the basis of disability” and “reasonable accommodation”.

Discrimination on the basis of disability is defined in Article 2 of the Convention as “any distinction, exclusion or restriction on the basis of disability which has the purpose or effect of impairing or nullifying the recognition, enjoyment or exercise, on an equal basis with others, of all human rights and fundamental freedoms... It includes all forms of discrimination, including denial of reasonable accommodation”.⁹ Further, Article 2 defines reasonable accommodation as “necessary and appropriate modification and adjustments not imposing a disproportionate or undue burden... to ensure to persons with disabilities the enjoyment or exercise on an equal basis with others of all human rights and fundamental freedoms”.¹⁰

The Convention encompasses a very broad range of rights and recognizes that not all of them can be realized in a short period of time. Economic, social and cultural rights usually requires more resources and are therefore subjects for progressive realization as phrased in article 4.¹¹ This principle of relativity should not be interpreted to attribute lesser importance of some rights but instead that States must “take steps to the maximum of its available resources”¹² to ensure them. In contrast, civil and political rights does not leave room for progressive realization.

Committee on the Rights of Persons with Disabilities

The Committee on the Rights of Persons with Disabilities, hereinafter “the CRPD Committee”, is the body of 18 independent experts tasked to monitor the implementation of the Convention, consider reports from State Parties and make suggestions as well as recommendations based on those reports.¹³ The reporting mechanism is a multiple step process which begins with 1) a report from the State Party 2) followed by a list of issues from the CRPD Committee, and 3) a reply to the list of issues from the State Party, and 4) concluding observations from the CRPD Committee. It is encouraged that each disabled persons` organization follow this process within their own country and regard this mechanism as a useful tool to ascertain the implementation of the Convention.

Besides State-Committee reports, civil society organizations and disabled persons` organizations are also invited to put forward communications to the CRPD Committee regarding concerns or issues on the implementation of the Convention. This important element of transparency, credibility and openness allows the general public to supplement the reports from the State with their own and give a more nuanced view of how well the State fulfills its obligations under the Convention. It invites persons with disabilities to testify on how they experience the implementation of the Convention in their country. Having this opportunity calls for participation by disabled persons` organizations, including organizations of blind and partially sighted people, to raise their voice whenever progress is not made or reversed.

Human Rights Violations

Human Rights Survey

The human rights survey allows us to reach out to blind and partially sighted people all over the world to gather data and identify systemic gaps in the implementation of the Convention.

The survey posed six questions to the respondent who was asked to describe everything from human rights violations to how those were addressed and if the WBU could assist. In total, 22 organizations in 20 countries from five regions responded to the survey. Overall, they identified human rights violations to 19 corresponding articles to the Convention. Of these 19 articles, the right to work and employment and the right to education had the highest number of reported violations. Four other articles: article 19 (Living independently and being included in the community), article 5 (Equality and non-discrimination), article 21 (Freedom of expression and opinion, access to information) and article 28 (Adequate standard of living and social protection) – were repeatedly identified as being violated.

Although these articles are specifically articulated and addressed in upcoming sections, it should not be interpreted as if these represent all human rights violations reported by our members. Instead, the abovementioned articles match many of all reported human rights violations and have been repeatedly violated or otherwise not met with satisfaction. Experience tells us that these violations are actually just the tip of an iceberg since many more go unnoticed and unreported.

Human rights are universal and inalienable; indivisible; interdependent and interrelated¹⁴. They are universal because every human being are born with the same entitlement to claim the same human rights regardless of where they live, their individual, cultural, religious or ethnic background. Inalienable

because human rights can never be taken away. Indivisible and interdependent because all rights are equally important and none can be fully enjoyed without others. Interrelated because the fulfillment of one right depends - wholly or in part - upon the fulfillment of others.

For instance, think of article 19; living independently and being included in the community. In order to fully enjoy this right, it is not enough that states simply refrain from imposing discriminatory rules (article 5) such as denying you access to community services on the basis of a disability. Measures to prevent isolation or segregation from the community must be put into action, so raising awareness (article 8) is likely required. The state also has to take steps to train personal assistants and to make sure that community facilities are accessible for all persons with disabilities. This typically requires that buildings, roads and transportation have been modified or originally constructed in a way to accommodate for all persons with disabilities, which falls under article 9 (accessibility).

Two articles that matched with a very low number of reported violations are article 17 (protecting the integrity of the person) and article 22 (respect for privacy). These human rights are not less important because of the low number of reported violations. On the contrary, respect for one's privacy and integrity is important to any person. Instead, it could suggest that these rights are evident or natural people that we rarely think of them. In contrast, something that you would notice right away is if you are denied a service or product because of a disability. For instance, many people have faced barriers or discrimination when dealing with financial institutes. Banks are denying blind and partially sighted people services, not accepting them as

customers or bank employees not accepting a signature of a blind person. These are just a few of many violations that occur on a daily basis.

Article 21 – Freedom of Expression and Opinion, and Access to Information

Freedom of expression and opinion, and access to information is a twofold human right. On the one hand, the right to freely express oneself is often paired with demonstrations or protests, whereas the freedom to access information is routinely paired with a right to seek, receive and impart information from books or the internet. But this freedom entails so much more.

Member organizations have voiced their concern over a number of inaccessible forms of information. For instance: the health sector rarely provides pamphlets and brochures to patients in accessible formats; mainstream media are not disseminating their broadcasts in accessible formats; Courts that refuse to transcript proceedings into braille; lack of academic literature in accessible formats continues to be a huge obstacle for students with disabilities and job postings are sometimes only published in regular newspapers.

All of these examples pose great difficulties for persons with disabilities and become barriers to a full participation in society on an equal basis with others. Where past generations relied upon access to information through traditional media, current generations are increasingly using digital media as their primary source of information. Because the Internet is rapidly growing in size and number of users, establishing universal norms for accessibility features is crucial. This work has already begun, but governments and corporations around the world have a responsibility to make sure that persons with disabilities, and

blind and partially sighted people in particular, are not left behind.

Article 24 - Right to Education

“It is not our education system that has a right to certain types of children. Therefore, it is the school system of a country that must be adjusted to meet the needs of all children”¹⁵

In response to our human rights survey, 11 member organizations replied with examples of violations related to the right to education. The issues raised by our member organizations include: difficulties obtaining educational material in accessible formats, children with disabilities being placed in - or kept away from - segregated schools, unequal access to the educational system and lack of qualified and trained teachers.

The right to education is one of the most broadly accepted human rights. It has been highlighted as fundamental in various international treaties and is recognized as an example of the indivisibility and interdependence of all human rights. The Convention reaffirms the right to education but goes further by stating that State Parties “shall ensure an inclusive education system at all levels”.¹⁶ An inclusive education system encourages diversity in all forms, whether they are cultural, social or individual and focus on eliminating barriers that restricts or prevents a student with disability to fully participate.

By implementing the right to education in all countries, persons with disabilities would have the opportunity to participate in more areas of society. Unfortunately, current school systems have typically embraced one of the following: exclusion, segregation or integration.¹⁷ Excluding a student because of its disability means that the student will not be educated at all; segregating a student means sending him/her to a special school designed to respond to

a particular impairment; and integrating a student means placing it in a mainstream school where the purpose is to help the student fit into established standards.

Inclusive education is currently an exemption from the norm of “special schools” rather than a blueprint or universal standard. Many countries do not have the political will or the financial capacity to undertake the necessary changes to offer an inclusive education for all. In absence of these elements, sending students with disabilities to special schools becomes the least bad option. While catering to some needs is inexpensive, training educators with a particular skill-set to execute the actual teaching is usually more costly and takes time to implement. Ideally, a perfect educational system would embrace all students with disabilities but until that is the case, special schools seem like the only real option.

Children with Disabilities excluded from Chinese School System

A Human Rights Watch report, published in 2013, highlights barriers to education for children with disabilities in China and reaffirms what many of WBU`s members are experiencing in education systems in countries all over the world. The report, based on interviews and investigations, will serve as the basic source of information for the following section on what challenges children with disabilities face in China`s education system.

Children and young people with disabilities are repeatedly subject to discrimination in schools, denied admission into mainstream schools or lack necessary tools to overcome barriers related to their disabilities.¹⁸ This is manifested in ways such as, but not limited to, exclusion from examinations, school assignments not being graded or progress evaluated, admission into schools only

in rural areas without transportation and lack of support for teachers and students with disabilities. Due to the absence of resources, students with disabilities enrolled in mainstream education end up sitting in classrooms without being able to follow the rest of the class. As a result, their performance as well as confidence declines leaving them even further behind.

In contrast, special education schools are generally well resourced with both teachers and equipment. They provide an important function by granting access to education for children with disabilities but are fewer in number and typically farther away than mainstream schools. Consequently, parents are often separated from their families and communities to be placed in a residential institution setting from an early age.

In general, children with disabilities rarely continue their education beyond middle school because the Chinese government “maintains a system of physical examinations for secondary school students who wish to enter mainstream institutions of higher education”.¹⁹ Students with disabilities who apply for higher education must declare their disabilities whereupon the school is advised by the government to bar or restrict those applicants. Although blind and partially sighted students could theoretically pass this obstacle, they face additional barriers since no Braille or electronic versions of the university exam are available.

Article 27 - Right to Work and Employment

“Almost all jobs can be performed by someone with a disability, and given the right environment, most people with disabilities can be productive”.²⁰

The right to work is a fundamental human right that has been repeatedly recognized by the international community for

decades through multiple international treaties. It is also a key right since the right to work is essential for realizing other human rights and constitutes an inseparable part of human dignity.²¹ A person who has a job can provide for herself and his or her immediate family and as long as work is freely chosen or accepted, it enables the person's development and recognition within the community.

Empirical evidence from a study on work and employment of persons with disabilities by OHCHR shows that a disproportionately low number of persons with disabilities of working age are employed compared to non-disabled persons. Similarly, a fact sheet compiled by UN Enable states that between eighty percent and ninety percent of persons with disabilities in developing countries are unemployed compared to developed countries where figure is between fifty percent and seventy percent.²² This is partly related to negative attitudes, opinions and prejudices as well as lack of interest of governments, employers and the general population.²³ Wrongful stereotypes of persons with disabilities as unfit for working life, incapable of carrying out tasks and better off in protected environments also decrease their chances of being hired. When persons with disabilities are employed, they are likelier to be in low-income jobs, with poor promotional prospects and working conditions. An overall negative and fearful attitude towards persons with disabilities creates unnecessary misconceptions as well as limited understanding, which in turn can lead to further stigmatization and increased unemployment.

Persons with disabilities may also face additional or multiple forms of discrimination on the basis of their disability combined with other factors, inter alia, race, color, sex, religious or any other status. This has been especially evident in countries with employment data disaggregated by disability, gender and work

where women are consistently underrepresented in all categories of employment.²⁴

The findings of the human rights survey indicates that the right to work and employment is one of the most violated human rights for blind and partially sighted people. Out of 22 organizations, 12 specifically identified violations of this right within their country. Organizations reported on a wide range of issues such as lack of assistive technology, failure to comply with hiring quotas, unequal remuneration for equal work, discrimination in hiring and layoffs as well as prejudice against blind and partially sighted persons.

The high unemployment rate of persons with disabilities in virtually all countries in the world is evidence of the resistance towards hiring persons with disabilities, often due to false beliefs that they would be unable to accomplish their tasks and/or that it would be too expensive to hire them.²⁵ In contrast, most studies indicate that persons with disabilities have high performance ratings and job-retention rates, including better attendance records than their non-disabled colleagues. Additionally, hiring and providing appropriate accommodations for workers with disabilities is often minimal and generally improves workforce morale.

Amongst the many ways to overcome the disproportionately high unemployment rate of persons with disabilities, affirmative action stands out as being most accepted. Affirmative-action measures are temporary measures to promote equal opportunity by targeting structural disadvantages affecting persons with disabilities. A particularly popular one is the use of employment quotas, where a certain percentage of the workforce is reserved for persons with disabilities. They are typically applied to mid-sized to large companies but also within the public sector. Similar measures are "employment equity" programs which require

employers to proactively increase the representation of disadvantaged or discriminated groups. Such groups may vary from country to country but typically include women, persons with disabilities and indigenous peoples. Employment equity programs exist in Canada, South Africa and Australia with slight variations but the principle is virtually the same; promoting work to disadvantaged groups by forcing employers to remove barriers to employment.

Discrimination on the part of Transportation Employees

The WBU has been informed of several cases of discrimination against blind and partially sighted people on the part of transportation employees. The events below all occurred at an airport or onboard a flight. Although this type of behaviour may seem harmless, it adds to an already uncomfortable experience and can be very embarrassing. Unfortunately, these examples highlight a very common form of discrimination for blind and partially sighted people who travel.

On one occasion, three blind persons traveling with Lufthansa from Frankfurt to Helsinki were persistently asked by the pilot to be seated separately although they traveled as a group. This behaviour by the pilot caused the group to be extremely embarrassed as it occurred in front of airline staff and fellow passengers. The issue was, to some extent, resolved as two of the passengers were allowed to sit together and the third one across the aisle.

Another incident took place on a flight scheduled from Tel-Aviv to Hong Kong when a blind American-Israeli passenger, sitting in the aisle seat, was told by airline staff that "blind people must sit by the window". The passenger and his travel companions demanded a rational explanation but the staff simply said the rule

was for “the safety of passengers”. As the discussion prolonged, police officers appeared and forcefully removed the passenger from the plane.²⁶ The passenger was taken to a Lounge where another police officer said that this rule was probably enforced to prevent a blind or partially sighted person from impeding an evacuation of the plane in case of emergency. Later on, the passenger was rebooked onto the next flight to Hong Kong with another airline which didn` t have this kind of policy.

Crimes against persons with albinism in Tanzania

Albinism is a genetically inherited, non-contagious condition that is manifested only if both parents carry the gene. The condition is found in both genders, regardless of ethnicity and in all countries of the world. Almost all persons with albinism are visually impaired and more likely to develop skin cancer. The number of persons with albinism vary, but Africa in general and Tanzania in particular has the world`s highest number of inhabitants with the condition.

As a consequence of erroneous beliefs and superstition, persons with albinism are thought to bring bad luck, sickness or death, for which they have been stigmatized, persecuted, mutilated or killed since early 2000s.²⁷ Reports indicate on the occurrence of ritual attacks involving trade in organs and/or body parts for the purpose of witchcraft. Some beliefs stipulate that a possession of body parts from a person with albinism will bring magical powers, success or richness, particularly if the victim screams during the amputation. Thereof, body parts are often removed from live adults and children. Although a number of people have been prosecuted in relation to attacks on persons with albinism, very few are convicted.²⁸

Both the government of Tanzania, the United Nations and civil society organizations know about the attacks on persons with albinism. The state of Tanzania received criticism for its inaction on this matter in the Universal Periodic Review 2011. Amnesty International also criticized Tanzania in its yearly world report of 2011, calling the “government`s efforts to prevent human rights abuses against albino people continued to be inadequate”.²⁹ Unfortunately, the efforts undertaken by civil society organizations, including those of the World Blind Union, have had little effect in preventing future attacks on persons with albinism in Tanzania. In September of 2014, a mother of a child with albinism reached out to the Finnish Federation of the Visually Impaired and told the organization of recent attacks on persons with albinism where adults and children are being hunted for the purpose of removing body parts. This indicates that despite efforts from the national government in Tanzania, civil society organizations and awareness within the UN, attacks against persons with albinism still occur.

Best Practices from WBU member organizations

Our member organizations have reported back to us on a wide range of human rights violations. Many of them have also reported what actions they took to stop the violations, although some with an uncertain degree of success. This section will share a few of the best practices in order to prevent the violations from occurring again, or at least, provide the affected person of organization with successful examples on how to address the issue.

In Denmark, current national legislation prescribes that in order to receive financial subsistence; you must be willing to work and try to perform a job assigned to you by the municipal authority

regardless whether you are a disabled or non-disabled person. In a case pursued by the Danish Association of the Blind, a partially sighted man was assigned a job as a garbage collector. Given the man's low vision, this specific job assignment was very difficult to perform and possibly dangerous, particularly since his geographical workplace was in a urban area. The Danish association of the Blind, knowing that the government had signed the Convention, perceived this as a contradiction of the condition known as reasonable accommodation and tried to reason the municipality into offering him a new job. Eventually, as nothing changed, the organization decided to make use of both traditional media and social media. When the story was published by the press and spread through social media, municipal authorities quickly backed down and turned around on the issue.

Blind Citizens Australia is one of Australia's several disabled persons' organizations with a focus on blindness. In 2013, several blind or partially sighted persons turned to the organization after experiencing issues in the National Disability Insurance Agency's recruitment phase. The issues were mainly about a computer software, used by the agency, that was incompatible with current screen reading and magnification software. Blind Citizens Australia pointed out to the agency that since they are a federal government agency tasked to promote the capabilities of people with a disability, they might want to make sure of having accessibility features on all software. This prompted a change in the agency's policy for the procurement of information and communication technology which now includes accessibility guidelines.

As one of two major organizations for the blind and partially sighted in the United States, the American Council of the Blind has been part of several successful interventions on behalf of blind and partially sighted. Together with two attorneys in

California, the organization has utilized structured negotiations in obtaining access to ATM`s, accessible prescription drug labels, audio descriptions and other services. A structured negotiation is a pre-litigation technique that allows the settling of accessibility issues between parties.

The National Federation of the Blind (NFB) has also conducted advocacy work in a number of cases throughout the years. The United States organization has, amongst other cases, intervened as Americans with disabilities are paid below the minimum wage. In 1938, the Fair Labor Standards Act was enacted and established a minimum wage for American workers. However, working blind and partially sighted people are not covered by the minimum wage requirement and can therefore be paid a subminimum wage.³⁰ The NFB is actively advocating, with other organizations, to ban this discriminatory practice by introducing the Fair Wages for Workers with Disabilities Act of 2013. Although the issue of subminimum wage is not yet resolved, steps have been taken in the right direction as President Obama signed an executive order where federal contractors' minimum wages will be raised as of January 2015.³¹ This includes the wages of persons with disabilities who are working under a federal contract.

The Toronto Transit Commission (TTC) is a quasi-government agency tasked to run and maintain the public transport system in the city. Up until 2005, the agency refused to announce all stops on the subway, which prompted blind lawyer David Lepofsky to use legal measures. The case went to the Human Rights Tribunal of Ontario where the court ruled against the Toronto Transit Commission, thereby forcing them to announce all stops on the subway. Nevertheless, the agency did not implement this feature on buses and streetcars and Mr. Lepofsky once again resorted to legal action.

In 2007, the second case was decided by the same court and once again ruled against the agency. In the decision, the court said; "The TTC should have asked themselves many years ago, what can we do to help? Instead they resisted with all means at their disposal... NO one should have to undergo this once, much less twice, just to have their basic human rights respected, even if a complainant is fortunate enough to have legal training and access to generous pro bono legal assistance".³²

Addressing Human Rights Violations

"Legislation alone will not ensure that persons with disabilities can enjoy their human rights"³³

Knowing when, where and how to address human rights violations is very important for gaining maximum impact. It requires careful planning and consideration to achieve the intended goals. Advocacy can be done in a number of different ways, either by one organization or through collaborations with other organizations, based on a specific event or a broader issue and by utilizing a variety of tools and techniques. The following sections will explore some useful tools on how to better focus advocacy efforts in the future. Derived from best practices by disabled persons' organizations, advocacy experts and institutional frameworks; it presents some insights on how to respond to human rights violations wherever they occur. It will, however, not present an exhaustive list of actions and should not be thought of as an all-inclusive guide from violation to vindication. The main reason for this is because there is no single one method where the advocacy efforts are guaranteed to succeed.

Our member organizations reported on a variety of actions they took in response to human rights violations. These include press releases, legal counseling, family counseling, consultations with government, lobbying before government entities, demonstrations and organized protests, disseminating information through media, filing lawsuits, rehabilitation and life-skills training to individuals, pre-employment coaching and awareness raising before the general public.

The abovementioned actions are mainly of a reactive nature. This means that the actions undertaken by the organization occurred after the violation took place. Understandably, not all human rights violations can be predicted beforehand. This is particularly true for violations of a specific nature, which tend to be less common, more extreme or impulsive. One example of a specific violation would be a case where parents of a blind child left it to die in a forest. In turn, systemic violations are often violations caused by underlying factors, inter alia, myths and prejudices about blind and partially sighted people. Discrimination in the areas of education and work and employment are two examples of violations of a systemic nature. Since systemic violations typically occur more frequently, they tend to affect more people and be universal in scale. This may call for a proactive approach, rather than a reactive set of actions based on individual violations. Further, they may require mutual or combined efforts either through partnerships with local or national disabled persons' organizations or by collaborating with human rights organizations.

Many of our member organizations have worked together with other disabled persons' organizations, universities and schools and continue to do so. Some members have also become members of a national umbrella organization, often referred to as "national disability council or association". These national

umbrella organizations can have an important role within the country in advocating the local and national government to progress the implementation of the Convention.

Besides working with partner organizations that have a clear disability focus, there are a large number of organizations with a broader mandate on human rights. Human rights organizations come in all shapes and forms. Besides the international human rights organizations like Human Rights Watch and Amnesty International, there are thousands of national and local organizations with expertise knowledge on human rights and legal experience from cases on human rights violations. Collaborating with these on specific issues can be a valuable experience and lead to future partnerships. Since international human rights organizations often consult local or national experts when they research on human rights issues, it is possible that your organization can gain a new channel of raising awareness through collaborations with human rights lawyers.

Another option worth considering is to approach the National Human Rights Institutions (NHRI) as many of them have special functions as mediators between individuals and the government or a quasi-judicial function. A few of our members have engaged with their national NHRI and, in short, describe their interaction with the institution as satisfactory or successful.

In a statement on behalf of the umbrella organization of all NHRIs, the organization claimed "National Human Rights Institutions provide a valuable and powerful mechanism for marginalized voices to be heard, and to be heeded, by those in power and in a position to help. NHRIs have a mandate to ensure that States Parties translate the aims and goals of the CRPD into action."³⁴ However, critique against NHRIs question whether they are truly more effective than the State in closing the gap between

formal treaty obligations and actual respect for human rights on the ground. In the end, this is a question for our member organizations to answer after engaging with their respective institution.

Some situations of human rights violations may require extraterritorial actions. If the national government is unwilling or unable to effectively address a treaty violation, the case can be brought before the United Nations' Human Rights Council through the Universal Periodic Review. However, utilizing this mechanism places high demands on factuality and usually requires that all legal steps have been exhausted within the country unless they are deemed ineffective or otherwise unusable. Another opportunity to raise human rights related violations before the UN is when the CRPD committee reviews implementation of the Convention. As described in previous sections, the CRPD committee welcomes additional assessments of the situation for persons with disabilities besides the state party report. This channel can be an effective way for a disabled persons' organization to put forward concerns or recommendations before a high level of UN staff. It is likely a more effective way for a disabled persons' organization to, in partnership with similar organizations, obtain the attention of the UN on urgent and complex issues.

As one step in the process of gathering information on best practices and future challenges, I contacted two persons with vast experience of advocacy work on disability-related issues. Their insights, gained over a long period of time, can help us in improving our advocacy efforts.

Firstly, all actions aimed at improving a human rights situation, whatever they might be, must be based on facts. Undertaking advocacy work based on rumors, myths or incomplete

information can undermine one's credibility and destroy your reputation. Secondly, cooperation with local and national organizations on mutually beneficial issues is fundamentally a good thing. Working with other disabled persons' organizations can improve your chances of success and will give you strength in numbers. If there is more than one organization working on blindness-related issues, try to work with them before you collaborate with cross-disability organizations. Thirdly, embracing a multiple-step approach will make sure that your organization has strength even if the first step fails. For example, don't start your advocacy work by trying to contact the United Nations. The larger and more influential organizations receive countless requests and will generally not consider your request unless it is very serious or you have gone through the proper channels. Instead, implement a bottom-up strategy and gradually increase your efforts if you are not taken seriously or your concerns remain unaddressed. Fourthly, avoid using harsh, exaggerative and abusive language when contacting someone that you want something from, even if you feel that they are responsible for a human rights violation. This is particularly important when contacting government offices and the United Nations and can be a prerequisite for their involvement. Finally, make use of every opportunity to participate in the Universal Periodic Review and the civil-society mechanisms under the Convention.

Conclusion

Human rights violations occur in all societies, countries and regions. Persons with disabilities are the world's largest minority

but are in many aspects not able to participate fully in society on an equal basis with others. From the testimonies in this text, it is evident that there are barriers, discrimination and violations that affect blind and partially sighted people around the world. This report has sought to highlight some of the different tools and methods that can be used to counter those human rights violations and discriminatory actions. Although there is no such thing as a universal blueprint to solve every human rights issue, we should not ignore or disregard previous good and bad practices.

A great threat to everyone`s full and equal participation in society is the general lack of knowledge surrounding persons with disabilities. Most non-disabled persons do not understand what living with a disability is like, and can therefore not comprehend what measures that needs to be taken in order to reach a full and equal participation. The lack of knowledge then leads to misconceptions, myths and wrongful beliefs, which affects all persons with disabilities. As a consequence, persons with disabilities face discrimination in many areas and are denied access to other. Intentional and unintentional barriers become human rights violations.

Although positive steps have been taken in the last decades, most parts of society are still unequal. Blind and partially sighted people must themselves advocate for human rights if their calls for equality are to be heard and all stakeholders must recognize their legitimate claims to full inclusion and equal participation; non-discrimination and respect for human rights.

Appendix A, WBU Workplan 2013-2016 Human Rights Initiative 1.2.3

INITIATIVE # 3: Develop a strategy to provide advocacy support in situations of serious human rights abuses or where blind persons are particularly vulnerable

ACTION PLAN

- Identify past and potential instances where advocacy assistance is required.
- Identify other organizations with whom we could collaborate on issues
- Develop a strategy and structure for advocacy interventions
- Develop a protocol and reporting mechanism to document and track advocacy interventions

Resource Requirements

- Teleconference costs

Responsibility

- Objective leader
- Human Rights & Advocacy Working Group

Timeframe - By August 2014

STATUS DECEMBER 2013:

- Nothing to report at this time but this area has been identified as a priority for the working group to address.

Appendix B, Suggestions to the WBU Human Rights Working Group

- Our WBU advocacy coordinator has informed me that despite his efforts, many of our member organizations don't participate in the UPR process. This is very unfortunate since the Universal Periodic Review can be a powerful tool for our members. I therefore recommend that the human rights working group emphasize the importance of participating in the UPR process.

- I recommend that the working group develop guidelines for how to answer requests on advocacy assistance from members.
- If we are interested in working with organizations such as Amnesty International and Human Rights Watch I suggest that the working group look into how this could be done. An example could be to draft a memorandum of understanding.
- In order to get more examples of best practices and successful interventions, Dr. Hartin suggested that one member in each region could serve as a focal point to share ideas and experiences with other members within that region.

Appendix C, Recommendations to WBU member organizations

- There is no universal solution for all human rights issues. However, I recommend that you contact other members who might have dealt with similar situations and consult with them on how to proceed.
- A prerequisite for advocacy work must always be reliable facts. I recommend organizations to double-check any information you might pass on, disseminate or use in lobbying, regarding human rights violations.
- Cooperation is not only necessary but also a condition to achieve change. I recommend that you make use of every opportunity to work with other organizations. Do not only share good practices but also bad ones. They are equally important for successful advocacy work.

- I recommend that you create your own plan for how to respond to human rights violations. Implement clear goals and a step-by-step strategy to reach those. Suggestion: first step is to approach the offender. If unsuccessful, go public through press release or media. Third step is to lodge a formal human rights complaint. Fourth step is to use litigation.
- If you use the media as a tool in your advocacy work, I recommend that you try to make sure of that your angle of the story is consistent with the journalist's. Be careful in naming and shaming government authorities or institutions.
- All members should make use of the monitoring mechanism under the Convention. This includes participation as a civil society organization by scrutinizing CRPP implementation.
- I strongly recommend all members to participate in the Universal Periodic Review. It is a potentially powerful mechanism that is useful in the long run.

Appendix D, List of Additional Resources

- List of charter-based and treaty-based human rights bodies.
<http://www.ohchr.org/EN/HRBodies/Pages/HumanRightsBodies.aspx>
- Link to all progress reports from States on their compliance and implementation of the CRPD.

http://tbinternet.ohchr.org/_layouts/treatybodyexternal/TBSearch.aspx?Lang=en&TreatyID=4&DocTypeID=29

- List of UN organizations working to implement the UN development agenda to promote the full and effective participation of persons with disabilities in society and development.

<http://www.un.org/disabilities/default.asp?id=161>

- UN Enable is the official website of the Secretariat for the Convention on the Rights of Persons with Disabilities. The website provides public information on topics related to disability and the work of the UN for persons with disabilities.

<http://www.un.org/disabilities/default.asp?navid=3&pid=17>.

- Information about the Human Rights Council`s complaint procedure, including how and where to send communications.

<http://www.ohchr.org/EN/HRBodies/HRC/ComplaintProcedure/Pages/HRCComplaintProcedureIndex.aspx>.

- Link to contact information for the OHCHR office, including the civil society section.

<http://www.ohchr.org/EN/AboutUs/Pages/ContactUs.aspx>.

External References

¹ <http://www.ohchr.org/EN/Issues/HIV/Pages/RoleOHCHR.aspx>.

² <http://www.ohchr.org/EN/Countries/Pages/WorkInField.aspx>.

³ <http://www.ohchr.org/EN/HRBodies/HRC/ComplaintProcedure/Pages/HRCComplaintProcedureIndex.aspx>.

⁴ <http://www.ohchr.org/EN/ISSUES/FREEDOMOPINION/Pages/OpinionIndex.aspx>

⁵ <http://nhri.ohchr.org/EN/Contact/NHRIs/Pages/default.aspx>.

-
- ⁶ <http://www.un.org/documents/ga/res/48/a48r134.htm>.
- ⁷ <http://www.un.org/disabilities/default.asp?id=150>.
- ⁸ Convention on the Rights of Persons with Disabilities, G.A. Res. 61/106, 76th plen. Mtg., U.N. Doc A/Res/61/106 [adopted by consensus at the UN on Dec. 13, 2006] [CRPD], Article 1, online: UN Enable <http://www.un.org/disabilities/convention/conventionfull.shtml> (last accessed: 10 October 2014).
- ⁹ Ibid, Article 2.
- ¹⁰ <http://www.un.org/disabilities/default.asp?id=150>.
- ¹¹ Convention on the Rights of Persons with Disabilities, G.A. Res. 61/106, 76th plen. Mtg., U.N. Doc A/Res/61/106 [adopted by consensus at the UN on Dec. 13, 2006] [CRPD], Article 4, online: UN Enable <http://www.un.org/disabilities/convention/conventionfull.shtml> (last accessed: 10 October 2014).
- ¹² Ibid, Article 4.
- ¹³ Ibid, Articles 34 and 36.
- ¹⁴ <http://www.unfpa.org/rights/principles.htm>.
- ¹⁵ Lindqvist, Bengt. Special Rapporteur of the Commission for Social Development for Persons with Disabilities. World Conference on Special Needs Education, Access and Quality. Salamanca, Spain. 7-10 June, 1994.
- ¹⁶ Convention on the Rights of Persons with Disabilities, G.A. Res. 61/106, 76th plen. Mtg., U.N. Doc A/Res/61/106 [adopted by consensus at the UN on Dec. 13, 2006] [CRPD], Article 24, online: UN Enable <http://www.un.org/disabilities/convention/conventionfull.shtml> (last accessed: 10 October 2014).
- ¹⁷ A/HRC/25/29., Thematic study on the right of persons with disabilities to education. OHCHR. 22nd session. 18 Dec 2013. P, 3.
- ¹⁸ As Long as They Let Us Stay in Class – Barriers to Education for Persons with Disabilities in China. Human Rights Watch. July 2013.
- ¹⁹ As Long as They Let Us Stay in Class – Barriers to Education for Persons with Disabilities in China. Human Rights Watch. July 2013. P. 4.
- ²⁰ World Report on Disability. World Health Organization. 2011.
- ²¹ A/HRC/22/25., Thematic study on the work and employment of persons with disabilities. Human Rights Council. 22nd session. 17 Dec 2012. P, 3.
- ²² <http://www.un.org/disabilities/documents/toolaction/employmentfs.pdf>.
- ²³ A/HRC/22/25., Thematic study on the work and employment of persons with disabilities. Human Rights Council. 22nd session. 17 Dec 2012. P, 4.
- ²⁴ A/HRC/22/25., Thematic study on the work and employment of persons with disabilities. Human Rights Council. 22nd session. 17 Dec 2012. P, 8.
- ²⁵ From Exclusion to Equality – Realizing the rights of persons with disabilities. Handbook for Parliamentarians on the Convention on the Rights of Persons with Disabilities and its Optional Protocol. United Nations, N^o 14, 2007. P. 85.
- ²⁶ <http://benetech.blogspot.com/2008/09/dragonair-hauls-rami-off-plane.html>.
- ²⁷ Persons with albinism. Report of the Office of the United Nations High Commissioner for Human Rights. Submitted to the Human Rights Council, 24th Session. 12 September 2013.
- ²⁸ Persons with albinism. Report of the Office of the United Nations High Commissioner for Human Rights. Submitted to the Human Rights Council, 24th Session. 12 September 2013.
- ²⁹ The State of The World`s Human Rights. Amnesty International Report 2012, Amnesty International. P. 332.
- ³⁰ <https://nfb.org/fair-wages>.
- ³¹ <http://thinkprogress.org/health/2014/02/12/3282161/obama-workers-disabilities-minimum-wage-hike/>.
- ³² Lepofsky v. TTC. [2007]. HRTO 41, 2007 [4], [7].

³³ From Exclusion to Equality – Realizing the rights of persons with disabilities. Handbook for Parliamentarians on the Convention on the Rights of Persons with Disabilities and its Optional Protocol. United Nations, N^o 14, 2007.

³⁴ Statement of the International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights to the Fifth Conference of State Parties of the Convention on the Rights of Persons with Disabilities. 12 September 2012, United Nations, New York.