

EXERCISE 22, THE DISABLED: "MAKING OUR OWN CHARTER"

Overview: The South African history of the “human rights charter campaigns” is the story of a long tradition of democratic participation by individuals and organizations in the liberation struggle, the precedent of drafting documents to outline the demands of the oppressed, and the influence of one individual: Professor Albie Sachs. He promoted the idea that charters of rights written by various segments of South African society would help ensure that laws would eventually reflect people's ideas and needs as they defined them. Sachs was disabled in a car bomb blast during the Apartheid period, but he was not deterred in his devotion to human rights. When he spoke to a disabled peoples organization, the idea was born of a charter to catalogue an inclusive set of demands of disabled peoples to guide future policy formulations.

Objectives: At the conclusion of this exercise participants should:

- be able to identify some of the special needs of disabled persons
- justify identifying the needs and rights of the disabled in the form of a brief Preamble to a Charter for the Disabled
- identify a series of human rights of the disabled that specifically reflect their needs and are not inconsistent with existing broader international and national rights standards
- adopt a plan of action to ensure that disabled people learn about their human rights

Procedures: The facilitator should do advanced planning for this exercise, telling the participants the previous session what they should do to prepare for this exercise in terms of interviewing people who are disabled, asking them about their needs and basic demands necessary to realize their potential and human dignity. If participants and the facilitator are not able to draft their charter in writing, the facilitator should make alternative arrangements, such as appointing a reliable reporter or using a tape recorder at key points in the exercise.

Materials: A tape recorder or other techniques to register the articles in the proposed charter. Selections from the Covenant on Civil and Political Rights, The Convention on The Rights of the Child, and Recommendation 99 from the International Labor Organization.

Sequence: **Step 1.** Facilitator input: Explain that the program of the people's campaigns for human rights charters in South Africa was a program of "participatory research." That is, those who wrote the women's charter, the children's charter, the charter of the rights of persons infected with HIV virus, were not always written by people who fell in those categories. Rather "participatory research" meant that concerned people took it upon themselves to go and talk to people who fell in the charter categories. In that spirit, participants, whether or not they are disabled, should take time (perhaps as much as a few days), then returning from having spoken to people who are disabled. Those interviewed may include the disabled (the blind, the hearing impaired, the crippled, the mentally and physically impaired), as well as parents and employers of the disabled, teachers, social workers and others regularly dealing with the disabled

Step 2. Compile a list of needs that are special to the disability category about which disabled participants know from experience or about which participant researchers have developed information by talking to others concerned with the problems of the disabled. Follow up questions about needs with questions about demands to meet their needs. Be prepared to discuss these in groups meeting for the exercise.

Step 3. Facilitator input: Tell the participants about some of the international standards that have been developed that relate to the rights of the disabled (see Appendix). Explain that they should not feel limited by these standards as they begin to sort out the needs and demands of the disabled and finally to develop their own "Charter of the Human Rights of the Disabled."

Step 4. Organize a "go around" briefly to report from each participant about the kind of information each has collected. Cluster various groups around the topics on which people have information: the blind, the hearing impaired, the lame, etc. Each disability group should have a chairperson and two reporters. The first reporter will keep track of discussion reporting on the identification of special needs of the disabled and issues associated with specific problems of the disabled. The second reporter will make a list of the rights growing out of basic needs, identifying those rights the group agrees on that should be formulated to respond to the identified needs and problems.

Step 5. The reporters present their information to a plenary session with two volunteers helping the facilitator keep track of all the rights that have been formulated. Then a critical discussion will be led by the facilitator to see if rights called for can be clustered or organized in a coherent manner. After a list of "rights of the disabled" has been formulated, have a final discussion about whether any modifications should be made, any proposals eliminated because they duplicate others, and whether all proposals are important enough to qualify as human rights and not simply wants and non-essential preferences.

Step 6. The facilitator should make a final reading of the list of rights and ask participants to take a few moments of silence to think about why all of these rights are important. The facilitator then opens a more thoughtful discussion about what ideas should go into a brief "preamble" to the Charter of the Human Rights of the Disabled. Such a Preamble is a "little speech to the world" telling everyone why the rights of the disabled are not only important to them but to everyone. The facilitator may wish to avoid written charter drafting, instead using tape-recording for the key discussions in Steps 5 and 6. To show that this is a serious exercise, the facilitator should present the group with a written Charter of the Rights of the Disabled the next week or after taking time to arrange for written or oral recording.

Step 7. Participants should plan to take the "Charter of Human Rights of the Disabled" back to those they interviewed and explain its meaning, volunteering where possible to help the disabled realize their human rights.

Appendix to Exercise 22. *Covenant on Civil and Political Rights(1976), Convention on the Rights of the Child(1989), International Labour Organization Recommendation on Disabled Workers*

International Covenant on Civil and Political Rights, Article 26.

All persons are equal before the law and are entitled without any discrimination to the equal protection of the law. In this respect, the law shall prohibit any discrimination and guarantee to all persons equal and effective protection against discrimination on any ground such as race, colour, sex, language, religion, political or other opinions national or social origin, property, birth or other status.

Convention on the Rights of The Child, Article 23

1. States Parties recognize that a mentally or physically disabled child should enjoy a full and decent life, in conditions which ensure dignity, promote self-reliance, and facilitate the child's active participation in the community.

2. States..recognize the right of the disabled child to special care and shall encourage and ensure the extension, subject to available resources, to the eligible child and those responsible for his or her care, of assistance for which application is made and which is appropriate to the child's condition and to the circumstances of the parents or others caring for the child.

3. Recognizing the special needs of a disable child, assistance extended in accordance with paragraph 2 ... shall be provided free of charge, whenever possible, taking into account the financial resources of the parents or others..., and shall be designed to ensure that the disable child has effective access to and receives education, training, health care services, rehabilitation services, preparation for employment and recreation opportunities in a manner conducive to the child's achieving the fullest possible social integration and individual development, including his or her cultural and spiritual development.

4. States... shall promote, in the spirit of international co-operation, the exchange of appropriate information in the field of preventive health care and of medical, psychological and functional treatment of disabled children, including dissemination of and access to information concerning methods of rehabilitation, education and vocational services, with the aim of enabling States... to improve their capabilities and skill to widen their experience in these areas. In this regard, particular account shall be taken of the needs of developing countries.

International Labour Organization (ILO), Recommendation 99.

The ILO is a norm-setting international organization, and a specialized agency of the UN. ILO Recommendation Number 99, specifies guidelines and standards for the development of services for the disabled. It applies to all handicapped persons, whatever the origin or nature of their disability, and covers the essential features and scope of vocational rehabilitation, and the basic principles and methods of vocational guidance, training, and placement of the disabled. On the crucial question of job opportunities, the recommendation underscores the need to emphasize the aptitudes and working capacity of the disabled worker, on the theory that the disabled deserve to be judged on their abilities rather than their handicaps.