‘Needs’ versus Human rights positions

Needs’ position

• disempowering
• state seen as mediator/problem-solver
• ignores possibility of change brought about by individuals, groups/communities taking responsibility & undertaking action themselves.

Human rights position

challenges power relations, structures and practices in society which are held together and sustained by the state.
INCLUSION necessitates removal of

- Material
- Ideological
- Political
- Economic barriers

that legitimate and reproduce inequality and discrimination in the lives of disabled people.
<table>
<thead>
<tr>
<th>Decade</th>
<th>Events</th>
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<tbody>
<tr>
<td>1950s-60s</td>
<td>• the Black-American Civil Rights Movement (USA)</td>
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<td>• the Consumer Movement (Intl)</td>
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<td>1960s-70s</td>
<td>• the Women’s Movement (Intl)</td>
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<td>• Vietnam Veterans (USA)</td>
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<td>• Independent Living Movement (USA/ Intl)</td>
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<td>• UPIAS (UK)</td>
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<td>1980s-90s</td>
<td>• the United Nations Decade of Persons with Disability</td>
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<td>1990 ff</td>
<td>• Anti-Discriminatory Legislation</td>
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<tr>
<td>2007</td>
<td>• UN Convention on the Rights of PWDs</td>
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</table>
“Impairment is the loss or limitation of physical, mental or sensory function on a long-term or permanent basis.”

“Disablement is the loss or limitation of opportunities to take part in the ordinary life of the community on an equal level with others due to physical and social barriers.”
International perspectives

Disability as social oppression and infringement of human and civil rights

1981 - United Nations World Programme of Action Concerning Persons with Disability & World Health Organisation’s International Classification of Impairment, Disability & Handicap

1994 - Standard Rules on the Equalisation of Opportunities for Persons with Disability
Anti-discriminatory legislation

Protection of civil rights

1990
- Americans with Disabilities Act
- Canadians with Disabilities Act
- Australians with Disabilities Act

1995
- Disability Discrimination Act (UK)

2000
- Equal Opportunities (Persons with Disability) Act (Malta)
A human right for all disabled people “to take part in the ordinary life of the community on an equal level with others.

Inclusion of the individual is a life-long process which, in turn, is part of larger aim of establishing an inclusive society.

The notion of inclusivity is a radical one, placing the welfare of all citizens at the centre of consideration.

Belonging seen as solidarity

Recognises the importance of the politics of difference.
EXCLUSIONARY POLICIES & PRACTICES

• Disabled people in essentially segregated settings, supported by limited resources and little meaningful organisational change.

• Disabled people within ordinary settings but excluded from full participation.

• Disabled people who have never participated in ordinary life, within the regular community spending all their lives in segregated forms of provision.
THE THREAT OF EXCLUSION

• Exclusion/isolation amongst disabled people is several times higher.

• Threat of exclusion also exists in Malta and may be pursued deliberately by different organisations.

• Sometimes this may be a planned strategy aimed at securing faster access to additional resources for the individual … or sometimes even for the organisation.
HOW EXCLUSION CAN OCCUR

• in the ways buildings/services are organized
• the content of a document (eg., job application, or job description)
• the ways in which information/knowledge is imparted
• by selecting particular media for imparting information, or for communication
• by fostering particular value systems and privileging
• emphasizing certain skills and mind-sets over others
TRADITIONAL INSTITUTIONALISED SETTING

• ‘restrictive’, ‘harsh’ & unstimulating

• remediation, care and control provided an organising framework for the daily lives of individuals ‘in care’

• ‘cared for’ individuals are denied experiences & opportunities of regular community participation with their peers.
A rights-based approach
(Maltese milestones)

1987 - Kummissjoni Nazzjonali Persuni b’Diżabilità (KNPD) Social Model
(Rights-based) approach – Gives voice to disabled people & parents.
Encourages self-advocacy. Education in the mainstream an immediate priority.

1988 - Education Act
• Parents have right to decide on any matter concerning the education which the minor is to receive.
• Free education at all levels. Parents right of choice of school.
(URL: http://www.cepes.ro/hed/policy/legislation/pdf/Malta.pdf)
(URL: [http://www.knpd.org](http://www.knpd.org))

1994 - Introduction of an Inclusion Policy in all Maltese Schools The introduction of the principle of inclusion (with appropriate support) witnessed a substantial increase in disabled pupils attending the mainstream schools & a corresponding decrease in students in special schools.

1994 – Wheelchair Accessible Transport - introduced partly to ensure access to education in the mainstream for 16+ students and participation in labour market.
(Contact: Foundation for Respite Care Services, Dar il-Kaptan. Mtarfa)
A rights-based approach

(Maltese milestones)


1999 – KNPD Access for All vetting on behalf of MEPA
CIR3/01 - Access For All requirements for industrial buildings, as per KNPD – MDC agreement.
CIR2/02 - describes application vetting procedure
A rights-based approach

(Maltese milestones)

2000 - Equal Opportunities (Persons with Disability) Act
(URL: http://www.knpd.org)

2000 – daily news bulletin in Maltese Sign Language broadcast on state TV network

2001 - The Foundation for Tomorrow’s Schools - was set up to build new schools, convert existing ones & ensure that all schools are fully accessible to all, including wheelchair users.
(URL: http://www.fts.com.mt/fts/profile.aspx)
A rights-based approach
(Maltese milestones)

2001 - Foundation for Information Technology Accessibility (FITA) - provides assessment, advice & support on the procurement, training and use of ICT equipment to disabled children, adults and their families & carries out web audits.
(URL: www.knpd.org/mitsfita/)

2005 - Inclusive & Special Education Review (Spiteri Report) –
(i) reorganisation of the inclusive and special education sector
(ii) Appointment of Network Coordinator for Inclusion & Special Education.

(URL: http://www.4hearingloss.com/archives/2005/12/new_sign_langua_1.html)
“… the transition from segregated [provision] to inclusive [practices] will involve not just careful planning, sensitivity and consultation, but a massive leap of the imagination on the part of the whole community.

(Armstrong & Barton, 1999: 226)
“Only by making connections between exclusions in society through poverty, unemployment, access to benefits and representation in official discourses and the media will the vision of building a [society] based on human rights become realisable.”

(Armstrong & Barton, 1999: 227)
“Only when we begin to wrestle with the barriers to inclusion lodged in our own attitudes, thinking and practice can we begin to engage with the struggles ‘out there’. These must never be underestimated. The struggles for inclusion comes out of that.”

(Armstrong & Barton, 1999: 227-228)
1. How far is an interest in human rights realistic in contemporary contexts?

2. What role does our ministry/division play in the struggle for an inclusive society?

3. To what extent can connections be made concerning how difference is defined?
Basic readings


Kummissjoni Nazzjonali Persuni b’Diżabilità (Malta)
(URL: http://www.knpd.org/)

UK Disability Archive: Hosted by the Centre for Disability Studies, University of Leeds.
(URL: http://www.disability-archive.leeds.ac.uk/)
DISABILITY:
A HUMAN RIGHTS APPROACH

J.M. Camilleri
Kummissjoni Nazzjonali Persuni b’Dizabilita’ (KNPD)