

# INCLUSION AROUND THE WORLD

Inclusion International (II) is a global federation of family-based organizations advocating for the human rights of people with intellectual disabilities worldwide. II represents over 200 member federations in 115 countries throughout five regions Middle East, Europe, Africa, the Americas, and Asia Pacific.

## CONTENT

- Messages from the President
- Inclusion International first Regional Forum for Families took place Bogotá, Colombia on November, 2010
- TACA Airlines issues public apology
- Participation of Inclusion International at UNESCAP meeting
- Inclusion International Launches Campaign to Promote the Right to Live in the Community to Mark International Day of Persons with Disabilities
- States and Parallel report on the monitoring of the CRPD
- Launch of WHO Declaration 'Better Health, Better Lives'
- MDAC Seminar on Legal provisions on guardianship and voting rights in Hungary
- Seminar Against the discrimination of persons with mental handicaps!
- II Convention Action Teams (CATs)



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**W**elcome to the December issue of Inclusion International's newsletter. As you will see from the various articles in this edition, the work of Inclusion International (II) since the Berlin Congress has been expanding and building on the strategic plan which was approved by the II General Assembly last June. The Strategic Plan [http://www.inclusion-international.org/wp-content/uploads/II-Strategic-Plan-2010-2015\\_June-20101.pdf](http://www.inclusion-international.org/wp-content/uploads/II-Strategic-Plan-2010-2015_June-20101.pdf) lays out II's priorities for implementation of the UN Convention on the Rights of Persons with Disabilities (CRPD) in the areas of Inclusive Education, Legal Capacity, Living in the Community and the role of Families. II's implementation strategy over the next two years leading up to the General Assembly and International Conference on Living in the Community (Washington, DC, November, 2012) includes five major activities:

- ❖ II will host with its regional associations in each of the 5 regions a regional forum for families and self-advocates to learn from each other about initiatives in different countries that promote and implement aspects of the Convention; The first Regional Forum will take place in Bogotá, Colombia on November, 2010
- ❖ II will draw on the knowledge and expertise of its volunteers and member organizations to support country level initiatives to implement the CRPD (see article on II's launch of the CATs);
- ❖ II will in partnership with the International Disability Alliance (see President's Report and Report from the IDA Chair) monitor and contribute to the work of the Committee of Experts of the CRPD
- ❖ II will work with UN agencies and development agencies to identify opportunities to include and promote the rights of people with intellectual disabilities in their work.
- ❖ II will launch a Global Campaign to promote Article 19 *The Right to Live in the Community*. (Watch the Inclusion International Website [www.inclusion-international.org](http://www.inclusion-international.org) and newsletters for more details).

The newsletter is one of the ways that we communicate with our member organizations and other partners. If you have questions about any of these initiatives or if you would like to become involved in any of these activities of II listed please contact us at: [info@inclusion-international.org](mailto:info@inclusion-international.org)

## Message from the President

### Message from the President

As the year draws to a close and we reflect on the challenges that people with intellectual disabilities and their families faced in 2010, it seems especially important that we have a strong movement that can provide a voice for our issues. The global financial crisis has had a direct impact on the level and quality of services received by people with intellectual disabilities and income support measures which are being cutback for the general population have meant that people are poorer. With increases in unemployment and the high cost of housing, those who were already disadvantaged have been directly impacted.

The Convention on the Rights of Persons with Disabilities is a Human Rights instrument that provides us with more than a legal tool, it is a mechanism for social development. It can be used to focus attention on those who are most vulnerable and to promote social innovation. The current conditions have been brought on not only by economic factors but also by public policy decisions.

Inclusion International has laid out a strategy to support the work of our members in the implementation of the Convention over the coming years. Already we have begun to see some positive changes in policy and practices that promote inclusion and some good examples of innovation.

We believe that our collective work is vitally important in these difficult times. People with intellectual disabilities and their families should not bare the burden for failing economies. Further exclusion of people from their communities results in increased costs to governments and communities. Together our voice can make a difference when decisions are made about who will pay the price for the economic crisis.

Wishing you strength and solidarity in your work for 2011.



Klaus Lachwitz  
President

## **Inclusion International first Regional Forum for Families took place Bogotá, Colombia on November, 2010**

Inclusion International, in collaboration with Asdown Colombia, Inclusion Interamericana, and Fundación Saldarriaga Concha organized a regional forum for families in Bogota, Colombia 10-13 November.

Over 30' **The Road to Inclusion: Together we can make the change!** and the event was a huge success. This is the first of five regional forums to be held by Inclusion International in the next two years to promote the implementation of the Convention on the Rights of People with Disabilities supporting the work of its member organizations and other organizations of persons with intellectual disabilities and their families in implementing the changes required. All information, documents and tools generated from these forums, will contribute to II's global strategy to promote the Convention.

The event focused on Inclusion International's 4 key priority areas:

- Preamble on the Role of Families (family support)
- Article 12: Equal Recognition Before the Law - People with intellectual disabilities have legal capacity and have the right to support in order to exercise their capacity
- Article 19: Living Independently and Being Included in the Community - People with intellectual disabilities have the right to choose to live in the community with the supports required
- Article 24: Education – Students with intellectual disabilities have the right to be included in the regular school with the supports they require.

A combination of regional and international presenters introduced the topics in plenary and participants broke into focus sessions on each of the key areas. Key issues were raised and discussed during these sessions and the information collected will feed into II's work on promoting the Convention.

### **Regional Forum for Self Advocates**

The first day of the event was a forum for self advocates with 30 participants from four countries in Latin America; Ecuador, Guatemala, Mexico and Colombia. The purpose of the gathering was to discuss self-advocacy training and issues important to self advocates. One of the invited participants, Juan Cobeñas, from Argentina, was prevented from attending the meeting because the airline TACA he and his family were travelling with lost part of his wheelchair. The airline failed to understand that losing a wheelchair is not like losing a suitcase and that without a fully functional wheelchair Juan could not continue his trip and had no other option but to return home. A complaint letter to the airline was formulated by the participants during the meeting and an online petition against the airline has been set up by Inclusion International <http://www.ipetitions.com/petition/inclusion-international/>

### **Watch the video Conference**

## TACA Airlines issues public apology

**TACA AIRLINES issues a public apology for the incident that took place last month during a flight to Bogota.**

Juan Cobeñas, a person with disabilities from Argentina and his family were forced to miss Inclusion International's first regional meeting on the promotion of the Convention on the Rights of persons with Disability in Bogota and had to return home after the Airline he was travelling with lost part of his wheelchair and failed to understand the relevance of the situation. Upon being informed about the incident Inclusion Interamericana mobilised support from the self-advocates attending the meeting to write a letter of complaint to TACA Airline demanding for compensation to Juan and his family, a public apology and for these kind of situations to never happen again. Inclusion International launched an online petition which has collected many signatures since (<http://www.ipetitions.com/petition/inclusion-international/signatures>)

The following thank you message was issued by Juan and his family:

*"We would like to thank everyone for their support, their ideas, their signatures and their affection throughout this sad, humiliating and hurtful situation. TACA has agreed to the reimbursement of the flights and expenses and to issue a public apology. This is the outcome we wanted after the missing parts of the wheelchair were returned to us two days after the incident occurred. Their public apology includes their commitment to do whatever necessary to avoid this kind of situation, which left Juan in a vulnerable, defenceless position from happening ever again. This resolution would have never happened so quickly without all your support. Your support has helped all of us greatly, emotionally and spiritually. Empathy and solidarity are the best remedies in these kind of situations. Thank you very much to all of you.*

*Kind regards.*

*Elena, Juan and Ricardo Cobeñas"*

Full Information about the incident is available [here](#)

To read the public apology issued by TACA airlines (in Spanish only) [click here](#)

## Inclusion International Launches Campaign to Promote the Right to Live in the Community to Mark International Day of Persons with Disabilities

December 3, 2010 (London)

Inclusion International (II), with its member organizations in over 115 countries, is launching a campaign to promote Article 19 of the CRPD, Living in the Community. Article 19 ensures that people with disabilities have the right to live in the community with the supports they require, with equal access to community services such as education, health care, transportation, etc. This commitment has significant implications for governments, communities and service providers. It requires that we collectively address the current reality of the lives of people with disabilities who live in situations of isolation, segregation, confinement and dependence, whether in an institution or in “institutionalized” living conditions. The purpose of the two year campaign is to:

- Promote awareness of the isolation, segregation, confinement and vulnerability faced by people who have an intellectual disability who are excluded from their communities whether in institutions or in “institutionalized” living conditions;
- Share experiences and build understanding of the essential elements of *community inclusion and community living*; and
- share strategies for national and international initiatives that move people from “institutionalized living” to community inclusion

For persons who have an intellectual disability and their families, one of the most important rights enshrined in the Convention on the Rights of Persons with Disabilities (CRPD) is the right to live independently and be supported in the community (Article 19). All too often, persons who have an intellectual disability have been deprived of their liberty and prevented from making any choices in their lives because of being confined to institutions. Enormous pressure has often been placed on families of people with intellectual disabilities who have faced huge challenges to meet the needs of their disabled family member. In many cases, institutions have been the only option provided.

In order for people with an intellectual disability to be able to exercise all the other rights protected in the CRPD, they and their families require a range of supports and services. In some countries there is a need to close institutions and provide supports for the people who live in the community. In other countries, where institutions are not prevalent, there is a need to develop a full range of supports and services that respect the CRPD.

Over the period of the two year campaign, Inclusion International will:

- conduct regional workshops in each of the five regions of II to identify and raise awareness of the issues impacting the social, economic and political exclusion of people with intellectual disabilities from their communities;
- support national level initiatives to promote living in the community;
- collect and share information about the current exclusion, isolation and institutionalization of people with intellectual disabilities;
- collect and share information and strategies for addressing exclusion and building inclusive communities;
- develop a global report on the current situation of people with intellectual disabilities and strategies used to advance and build inclusive communities;
- co-host with The Arc of the United States an International Conference on the Right to Live in the Community in October, 2012 (Washington, DC)

For More Information Contact:

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## Participation of II at the second session of the Committee on the Social Development of Economic and Social Commission for Asia and the Pacific (ESCAP)

**19 to 21 October at the United Nations Centre, Bangkok**

On its second session the Committee focused on “*Mainstreaming disability into the regional development agenda in Asia and the Pacific*”. The session aimed to obtain a better intergovernmental understanding of the status of the Convention on the Rights of Persons with Disabilities and its implementation in Asia and the Pacific; and promotion of good practices in disability-inclusive development.



Nagase Osamu, Council member and representative of the Asia Pacific Region of Inclusion International attended the event and delivered a short statement on Inclusion International’s development work in the areas of Education, Poverty and Self-advocacy. To read Nagase’s statement [click here](#)

Also present at the event and delivering a statement to the Committee was David Corner, self-advocate representative of the Asia Pacific Region of Inclusion International. On his statement David talks about what the CRPD means for people with intellectual disabilities and the need for it to be accessible for people with intellectual disabilities. [Click here to read David’s statement.](#)

## Inclusion International encourages participation from its members in the process of monitoring the implementation of the CRPD

Inclusion International has developed a process to support its member organizations at the national level to participate in both their government reports and in the parallel NGO reports.

Inclusion International as a part of the International Disability Alliance (IDA) is encouraging its member organizations to participate in this process of monitoring the implementation of the CRPD in order to ensure that voices of people with intellectual disability and their families are heard and that our particular issues are recognized.

### How Inclusion International Members can participate:

- Identify whether a coalition of DPOs will contribute to the government report and/or develop a parallel report;
- Identify the key issues that people with intellectual disabilities and their families face in your country;
- Contact Inclusion International for support in development of positions for the government & parallel reports and to receive information about the reporting process.

Inclusion International will also coordinate with the IDA in Geneva who will provide technical and logistical support to DPOs and DPO coalitions who prepare and submit reports to the Committee of Experts.

### Background

The CRPD establishes in Article 34, a Committee on the Rights of Persons with Disabilities (CRPD Committee). It is mandated to consider reports of State Parties submitted under Article 35 of the CRPD, to receive and examine individual communications against State Parties to the Optional Protocol to the CRPD and to conduct inquiries based on reliable information which indicates grave or systematic violations by a State Party to the Optional Protocol. The Committee currently meets two times a year in Geneva, Switzerland for a period of one week each session.

Each State Party to the CRPD is required to submit a **comprehensive (initial) report** to the CRPD Committee within two years after the CRPD enters into force<sup>1</sup> for that State. The initial report is composed of a **common core document**, which provides general information common to all human rights treaty bodies, and a **treaty-specific document**, which contains information specific to the implementation of the CRPD.

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<sup>1</sup> Entry into force is when a treaty becomes legally binding on the State. The CRPD entered into force 3 May 2008, 30 days after the 20<sup>th</sup> ratification. For those States Parties, the initial report to the CRPD is due 3 May 2010. For those States who ratified the CRPD after 3 April 2008, the entry into force date is 30 days after the ratification date and the initial report is due two years after that date.



Upon submission, the report is scheduled for consideration by the Committee. Reports are generally considered in the order in which they are received.<sup>2</sup> The report is submitted for translation into the official languages of the United Nations<sup>3</sup> and made available in accessible formats<sup>4</sup>. Generally it takes a minimum of one year between the time that the report is submitted and its consideration by the Committee. The CRPD Committee conducts a preliminary review of the State Party report and prepares a **list of issues** which serves to supplement and update the information provided in the initial report. The State Party is requested to respond to the list of issues in writing within a set time limit. The report and the responses to the list of issues are then considered at the next **plenary session**. The State Party is invited to participate in the plenary session in order to respond to questions posed by Committee members and to provide the Committee with additional information. At the end of the dialogue, the Committee issues **concluding observations** which point out the positive aspects, the factors and difficulties impeding the implementation of the CRPD, the principal subjects of concern and concrete suggestions and recommendations for future action.

The CRPD requires that civil society be fully involved in the monitoring process<sup>5</sup> and allows the Committee to invite “other competent bodies” to provide expert advice on the implementation of the CRPD in areas falling within the scope of their mandate.<sup>6</sup> The Committee’s working methods welcome the submission of reports and other documentation by international, regional, national or local DPOs in order to have a better understanding of the problems in the implementation of the CRPD at national level.<sup>7</sup> DPOs should therefore consider preparing reports on the implementation of the CRPD in their country.

In order to obtain a comprehensive picture as to the implementation of the CRPD in a country, the Committee needs reliable information from DPOs as to the actual situation at national level. Preparing a report gives DPOs a unique opportunity to bring their concerns to the international legal body responsible for monitoring the implementation of the CRPD. It empowers national DPOs by offering them a legitimate external source to which disability issues can be raised and addressed. It also encourages public scrutiny of governmental policies and can bring an open debate on the status of persons with disabilities in a country. A report prepared by DPOs can also create a window of opportunity to have a serious dialogue with senior government officials about the States efforts to comply with the CRPD and help to influence the national-level agenda.

For further information or explanation of this process please feel free to contact us at [info@inclusion-international.org](mailto:info@inclusion-international.org)

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<sup>2</sup> Priority may be given to the consideration of initial or significantly overdue reports.

<sup>3</sup> State Party reports must be submitted in one of the official UN languages: English, French, Spanish, Arabic, Chinese or Russian.

<sup>4</sup> The Committee has not defined accessible formats but had decided that the following methods of communication will be used: languages (including spoken and sign languages), display of text, Braille, tactile communication, large print, accessible multimedia, written, audio, plain language, human-reader and augmentative and alternative modes, means and formats of communication. Note: A reference to the Working Methods will be added once this becomes available.

<sup>5</sup> Article 33(3) “Civil society, in particular persons with disabilities and their representative organizations shall be involved and participate fully in the monitoring process. “

<sup>6</sup> Article 38(a)

<sup>7</sup> A reference to the Working Methods will be added once this becomes available.

## Launch of WHO Declaration 'Better Health, Better Lives'

Written by Katrina Ward

On 26 November, the WHO launched the European Declaration on Health of Children and Young People with Intellectual disabilities and their families in Bucharest, Romania. At the launch conference, Inclusion Europe, together with Inclusion International, the Mental Disability Advocacy Centre (MDAC) and the European Disability Forum (EDF) released a joint submission on the Declaration.

The WHO Europe Declaration aims to **improve health care for children with intellectual disabilities** in order to **enhance their lifelong development, inclusion and full participation in society**. There are around five million children with intellectual disabilities in Europe, who are often subject to **neglect, discrimination, increased risk of poverty** and face major barriers in accessing appropriate and effective health care. The launch conference in Bucharest was attended by representatives from the Member States, from disability and children's rights organisations, including Inclusion Europe, EDF, UNICEF and LUMOS, the European Commission and UN High Commissioner for Human Rights, academics, parents and self-advocates.

### The WHO Declaration highlights the following priorities for action:

1. Protection of children and young people with intellectual disabilities from harm and abuse.
2. Enabling children and young people to grow up in a family environment.
3. Transferring care from institutions to the community.
4. Identifying the needs of each child and young person.
5. Ensuring that good quality mental and physical health care is coordinated and sustained.
6. Safeguarding the health and wellbeing of carers.
7. Empowering children and young people with intellectual disabilities to contribute to decision-making about their lives.
8. Building workforce capacity and commitment of staff in all settings and sectors.
9. Collecting essential information about needs and services and assuring service quality to monitor the quality of care.
10. Investing to provide equal opportunities and achieve the best outcomes by ensuring fair and if necessary, preferential spending on services for children with intellectual disabilities and their families.

In their **joint submission** on the Declaration, **Inclusion Europe, Inclusion International, MDAC and the EDF** endorse the Declaration as **"a first attempt at intergovernmental level** to set out in specific terms how the **United Nations Convention on the Rights of Persons**

**with Disabilities (CRPD)** is to be implemented in a specific region for a specific groups of people". The submission emphasizes the **role of civil society organisations** in the negotiation of the CRPD and elaborates the international standards set out under the CRPD to ensure human rights in all areas of life for children with intellectual disabilities on an **equal basis** with others. It describes how the WHO Europe Declaration should be applied to reflect a **human rights framework**.

The joint submission puts a strong focus on **Article 19** of the CRPD on **Living independently and being included in the community**. It points out the synergies between the CRPD and the **UN Convention on the Rights of the Child** in its obligation to Member States to ensure that children with intellectual disabilities enjoy a full and decent life, through promoting **self-reliance** and facilitating the child's **active participation in the community**.

**People with intellectual disabilities** have been and are still often **confined to institutions**, as well as being deprived of their freedom and their right to make decisions. Additionally, their families are often put under insurmountable pressure, facing major challenges to support their child without adequate support.

If children with intellectual disabilities are to fully exercise their rights as set out in the CRPD, **adequate support and services must be provided for them and their families**. In order for them to live a full life included in the community, they must have equal access to mainstream services including education, health care and transportation, which requires significant action to be taken by governments, communities and service providers.

Children with intellectual disabilities should benefit from **personalised services** including personal assistance and home care services. **Financial support** should also be provided to **children with intellectual disabilities** to reflect the additional costs associated with a person's disability.

**Families play an essential role** in the promotion of human rights and the inclusion of people with intellectual disabilities, yet they **often suffer from discrimination** by association as well as **financial deprivation**. **Adequate support** should be provided for them through financial assistance, respite care and access to information about services.

To see the joint submission by Inclusion Europe, Inclusion International, MDAC and the EDF, click [here](#).

For more information about the WHO Declaration and launch conference, click [here](#).

For more information please contact:

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## MDAC Seminar on Legal provisions on guardianship and voting rights in Hungary

By Klaus Lachwitz- President of Inclusion International

On Sept 29<sup>th</sup> 2010 the *Mental Disability Advocacy Center (MDAC)* held a seminar in Budapest called “*Legal provisions on guardianship and voting rights in Hungary*”.

The reason for this meeting was a May 20<sup>th</sup> 2010 ruling by the European Court on Human Rights: *Alojos Kiss versus Hungary*. The Court decided that it is unjust to prevent a person under partial guardianship from voting in elections, as enshrined in the Hungarian Constitution. The right to vote is one of the basic human rights outlined in the 1966 UN Covenant on Political and Civil Rights, and in the CRPD. The Hungarian government has therefore been called upon to change the constitution. But such an amendment first requires a 2/3 majority vote in parliament, and so far nothing has happened. Mr. Kiss is still unable to take part in elections, just as around 60 000 people under full guardianship in Hungary are not allowed to vote, get married or go to work.

I was asked to deliver a presentation entitled “*Guardianship Laws, the Right to vote and Art. 12 CRPD (Equal recognition before the law). Some reflections from an international perspective.*” [Click here to read my presentation](#)

## Seminar Against the discrimination of persons with mental handicaps!

By Klaus Lachwitz- President of Inclusion International

On September 23rd 2010 our member organisation in Slovakia *ZPMP v SR: Association for Help to the Mentally Handicapped Persons in Slovakia* organized a seminar entitled: *Against the discrimination of persons with mental handicaps!* Some lawyers representing DPOs and an official delegate from the Slovakian Ministry of Justice explained that there have been impressive attempts in Slovakia to abolish the old-fashioned guardianship law and to replace it, step by step, with a new law that strengthens the independence of persons with intellectual disabilities. There are different proposals under discussion, and partial guardianship may be realised in future, but the debate is ongoing. There is thus a great willingness to learn from Inclusion International’s activities.

I was asked to describe the international ratification process and the binding force of the CRPD.

[Click here to read my presentation](#)

## Inclusion International Convention Action Teams



As a part of Inclusion International's strategy to promote implementation of the Convention on the Rights of Persons with Disabilities, we have developed a process through which it can support its national member organizations to participate in the implementation of the Convention. Support to the member organizations will be provided by Inclusion International's newly established Convention Action Teams (CATs) in each of the 4 priority areas of II (education, legal capacity, living in the community and families):

As a member of Inclusion International your organization can participate and benefit from these activities by contributing to a Convention Action Team or by sharing information and ideas about issues related to the implementation of the Convention in your country.

### **The mandate of II's CATs is to:**

Respond to opportunities and challenges which arise at a country level by supporting national associations to contribute to national initiatives related to implementation

Act as a technical support to member organizations working at a country level with governments on implementation;

Develop a resource base of tools for family based organizations to use at the country level in promoting the implementation of the Convention (in each of these areas);  
 Collect information and stories about the challenges and success of implementation;

Provide analysis of the experiences related to implementation that may be used by family organizations; governments or multilateral institutions.

To join a CAT or to seek advice or share information about issues related to the implementation of the Convention in your country visit the CAT website and the newly established discussion forum and resource section at [www.iicats.org](http://www.iicats.org)

*For more information visit [www.inclusion-international.org](http://www.inclusion-international.org)*

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The Spanish and French Newsletters will be  
Available on our website in the New Year  
[www.inclusion-international.org](http://www.inclusion-international.org)



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