

# **World Blind Union**

## **Manifesto for a United Nations Convention on the Rights of People with Disabilities**

**‘Equal Rights and Full inclusion as World Citizens’**

### **1. Introduction**

The World Blind Union (WBU) represents 180 million blind and partially sighted persons from some 600 different organisations in 158 countries and is a non-political, non-religious, non-governmental and non-profit-making organisation. WBU is divided into 6 regions, each with its own constitution and has a consultative status within the UN and its Agencies. The WBU also works in close collaboration with the International Disability Alliance (IDA).

The broad aims of the WBU are:

- To fight for the human rights of blind, partially sighted and deafblind persons throughout the world
- To fight all discrimination against blind and partially sighted people
- To advance the well-being and further the rights of blind and partially sighted people all over the world, particularly in developing countries
- Promote the prevention and treatment of blindness.

We at WBU welcome the establishment of a process for developing a comprehensive and integral international Convention on the Protection and Promotion of the Rights and Dignity of Persons with Disabilities. We call on governments, working within the context of this process, to consider this Manifesto as the World Blind Union’s list of priorities for a Convention.

This Manifesto was arrived at through a worldwide process of consultation within the World Blind Union and its Regional Member Organisations and co-ordinated by the WBU Working Group on Relations with the United Nations and its Agencies.

For the purpose of this manifesto, every reference to “blind and partially sighted people” should be taken to include: women and girls, those people who are deafblind as well as those who have other disabilities in addition to visual impairment.

## **2. Definition**

Taking inspiration from the broad definition of disability introduced by the Mexican government's delegation in its proposal to the Ad Hoc Committee, the World Blind Union proposes the following definition:

“ A physical, psychiatric, intellectual, or sensory impairment, (whether permanent or temporary, provided that it lasts for a significant period of time), that limits the capacity to perform one or more essential activities of daily life, and which can be caused or aggravated by the economic and social environment.”

## **3. Role of a Convention**

The World Blind Union acknowledges that some international agencies and bodies, such as the UN and the European Union, as well as some national governments, have recognised and acted to address some of the inequalities, discrimination and exclusion experienced by all blind, partially sighted and deafblind people, as well as other groups of disabled people. However, these measures have failed to guarantee to blind and partially sighted people the same universal rights and freedoms, including the right to life, as other world citizens that are enshrined in the Universal Declaration of Human Rights.

A Convention to protect the rights of blind and partially sighted people should therefore:

- Extend the rights contained in the Universal Declaration of Human Rights to all disabled people
- Build on the foundation of the United Nations Standard Rules for the Equalisation of Opportunities for Persons with Disabilities
- Incorporate disabled people's rights in all other UN Conventions
- Define the scope of the human rights that all disabled people can expect to have, rights which should be given fully and without restriction regardless of disability, race, colour, gender, age, sexual orientation, language, religious belief, political opinion, national or social origin, financial status, birth, caste or other status
- Be sensitive to the diverse needs and abilities of disabled people
- Have the strength and clarity to provide a standard against which all disabled people can evaluate their status as included members of their

societies and which individual disabled people can use to determine whether their rights are being violated

- Be suitable for incorporation into Member States' constitutions and legislation
- Contain rights which are individually or collectively enforceable in the courts of the signatory states and within the UN system itself.
- Provide a framework for a monitoring tool to evaluate Member States' human rights performance
- Require the appropriate UN agencies to monitor the signatory States' performance in providing human rights for disabled people and to report to the UN regularly on the results of this monitoring.

#### **4. Fundamental Principles to be Included in the Convention**

We at the World Blind Union urge governments, working within the context of the process to develop a Convention on the rights of people with disabilities, to ensure that the following fundamental principles are incorporated into the Convention. This will ensure that the world's blind, partially sighted and deafblind people, and other groups of disabled people have:

- The basic right to full inclusion as equal citizens in society
- The autonomy for blind and partially sighted people to lead full and independent lives and achieve their full economic, social, cultural, civil and political potential.

##### **4.1 Right to Full Participation**

This includes:

- The right to stand as candidates in elections
- The right to join political parties and social organisations
- The right to work as paid officials in public administration
- The right to participate in all aspects of the life of the community on a basis of equality with other citizens.

##### **4.2 Right of blind and partially sighted people to take control of their own lives**

This includes:

- The right to choose whether to marry, to form relationships or to raise a family

- The right to own property
- The right to run a business
- The right and the facilities for blind and partially sighted people to control their own financial affairs and operate a bank account in their own name, ( Notes and coins should be designed so that they are easy to distinguish for people with a visual impairment)
- The provision of personal support to enable blind and partially sighted people to lead independent lives.
- The right to self determination
- The right to self-representation

#### 4.3 Right to Dignity, Tolerance and Inclusion

This includes:

- The right to accurate portrayal by the media of the circumstances of people with disabilities, as well as of their rights as equal and participating citizens of communities and families
- The obligation for the general public to receive awareness training on the rights of persons with disabilities under the law and specifically on the needs and concerns of blind and partially sighted people.
- The obligation for employers to organise systematic training for their staff on the rights established through this UN Convention

#### 4.4 Right to Life:

This includes:

The prohibition of compulsory abortion at the instance of the State, based on the pre-natal diagnosis of a disability.

### **5. Specific Rights to be Included in the Convention**

We at the World Blind Union urge governments, working within the context of the process to develop a Convention on the rights of people with disabilities, to ensure that the following specific rights are incorporated into the Convention. This will ensure that the world's blind, partially sighted and deafblind people, and other groups of disabled people have:

- The basic right to full inclusion as equal citizens in society
- The autonomy for blind and partially sighted people to lead full and independent lives and achieve their full economic, social, cultural, civil and political potential.

## 5.1 Right to Universal Suffrage

This includes:

- The right and the facilities to vote in secret in all public elections
- The right to the provision of the necessary instruments and technologies to enable blind, partially sighted and deafblind people to cast their vote independently and in secret
- The right to a postal ballot in cases where restricted mobility makes it difficult to get to a polling station
- The right to the provision of accessible information about political parties' and candidates' manifestos.

## 5.2 Right to Freedom of Association and to Form Organisations to Represent the Specific Interests of blind and partially sighted people

This includes:

- The right to meet with others
- The right to form independent organisations to represent the individual and collective interests of blind and partially sighted people to governments and their administrations
- The right for representative organisations of blind and partially sighted people to be consulted by governments on all legislation, policies and strategies and to sit on any relevant government bodies.

## 5.3 Right to Judicial Equality and Protection

This includes:

- The right to protection from all violence, torture, inhumane or degrading treatment or punishment at the hands of the law or institutions of the state. Blind and partially sighted people, and people with disabilities in general, are especially vulnerable to such abuse.
- The right to the same legal protection for disabled children, old people, refugees, asylum seekers, and other displaced, nomadic, indigenous or transient people as that given to other citizens without disabilities
- The right to the provision of legal documents in a format accessible to blind and partially sighted people such as Braille, audio, large print and electronic text) in a timely manner and without any additional cost
- The right to legal proceedings and treatment in prison, free from all forms of discrimination

- The right to victims' protection and compensation that is sensitive to the special circumstances arising from being blind or partially sighted
- The right to the opportunity to be a practising lawyer, judge or juror and to be given any assistance that may be necessary to enable these tasks to be performed
- The right to be called as a witness and to give evidence
- The obligation for all public officials responsible for law enforcement and administration, including police, prison and court officials, to attend disability equality training that incorporates appreciation of the rights contained in the UN Convention.

#### 5.4 Right to Information and Communication

This includes:

- The right to the provision, in a timely manner and without additional cost, of all information in the public domain in formats that are accessible to blind and partially sighted people, such as Braille, audio, large print and electronic text, regardless of any copyright laws. This is to include all correspondence and information from public services, such as hospitals, public utilities and government departments, as well as those providing an essential service such as banks.
- The right to literacy through free instruction in methods of reading by touch such as Braille, and in methods of communication for deafblind people
- The right to interpretation services for deafblind people at no extra cost
- The right to free postage of Braille or audio material for the blind
- The right to the provision of adapted equipment and access software to enable blind and partially sighted people to access the Internet and other information whether it is electronically stored or not.

#### 5.5 Right of Access to the Built Environment and Public Transport

This includes:

- Recognition in legislation that the white cane is a symbol which indicates that the carrier is blind or partially sighted, and the red and white striped cane which indicates that the carrier is deafblind
- The right to accessible pedestrian environments, public buildings and facilities for public use that are designed and maintained to enable blind and partially sighted people to move around safely and independently
- The right to fully accessible public transport vehicles, stations, stops and services, and to audible announcements to include stops, destination and route number

- The right to free access to all public places, public buildings and public transport for guides of blind and partially sighted people and assistance dogs.

## 5.6 Right to Education

This includes:

- The right to an education of equal quality that furthers the integral development, independence, and participation of blind and partially sighted people in society. This may be achieved :
  - either, ideally, by an education alongside non disabled children and young people, with the resources needed to enable blind and partially sighted children's full participation and development
  - or, if necessary to meet the individual's particular needs, by special education alongside children and young people with similar disabilities
- The right of equal access to tertiary and vocational education and to be provided with the resources and support needed to enable blind and partially sighted students to fully participate in such courses.
- The right for blind and partially sighted people to be provided with the equipment, technical assistance, specialist teaching and learning materials that will enable them to access and participate in curricular and extra-curricular activities alike
- The right to an education provided by teachers who have received training relevant to both the specific needs of blind partially sighted and deafblind people and which provides teachers with the competence to teach communication skills such as Braille
- The right for blind and partially sighted people and their parents to be given advice based on an assessment of their educational needs and abilities that will enable an informed educational choice to be made
- The right to participation in scholarships and provision of other financial support specific to those with disabilities to ensure that suitable education is provided regardless of the financial status of the recipient.

## 5.7 Right to Health Services

This includes:

- The right to equal access to all necessary health services
- The right to information about all available health services and personal medical information in formats which are accessible to blind and partially sighted people, such as Braille, large print, audio and electronic text
- The obligation for all health service staff to be given training on the specific needs of blind and partially sighted people

- The right to personally authorise treatments and procedures.

## 5.8 Right to Rehabilitation

This includes:

- The right to be provided with rehabilitation services at the time of sight loss, regardless of age, and the right to rehabilitation and social services that are designed and delivered to meet the independent and daily living needs arising from specific disabilities
- The right for blind and partially sighted people to be provided with the equipment that they need to alleviate the functional impact of their disability, the training to use the equipment and support to maintain its efficient operation, all without additional cost to the blind or partially sighted individual

## 5.9 Right to Vocational Training and Employment

This includes:

- The right to take up employment
- The right to hold a professional job, for example as a teacher, a social worker, or a psychologist provided that the individual hold the necessary qualifications
- The right to a vocational assessment provided by qualified staff
- The right to vocational training for blind and partially sighted people who wish and are able to work
- The right to vocational training provided in centres meeting the specific needs of blind and partially sighted people, as well as in community based vocational training facilities
- The right for blind and partially sighted people to be provided with all equipment, accessible teaching materials and personal support they require during their training
- The right to training in line with formally recognised qualifications
- The right to assistance from qualified staff to help to find work
- The right to legal redress for blind and partially sighted people when they experience discrimination in their recruitment, career development, remuneration or promotion
- The right to financial support from governments to meet the cost of the specialist equipment, adaptations to employers' equipment, adaptations to the workplace, provision of information in accessible formats such as Braille, large print, audio and electronic text, and the cost of personal support that blind and partially sighted people require in the workplace.



## 5.10 Right to Culture and Leisure

This includes:

- The right to full access to all cultural, leisure and sporting activities, facilities and equipment, including participation and spectating
- The right to accessible television broadcasting, including audio description of programmes, audio sub-titling of foreign language programmes and other descriptive video services
- The right to access public library services, including provision of books and information services in accessible formats, such as Braille, audio, large print and electronic computer disks.

## 5.11 Right to Financial Support:

This includes:

- The right of equal access to all statutory benefits and pensions
- The right to the provision of allowances to all blind and partially sighted people to compensate for any loss of income incurred by those who are unable to work
- The right to the provision of allowances to all blind and partially sighted people, regardless of their age, to compensate for the additional costs arising from their disability
- The right to statutory allowances to provide for the financial and material needs of carers, (including parents and family members) and the costs of employing assistants when blind and partially sighted people are living in their own homes
- The right to statutory allowances which do not penalise blind and partially sighted people should they take up employment
- The right of blind, partially sighted and deafblind people in paid employment to receive allowances to compensate them for the additional costs arising from their disabilities incurred in doing their job
- The right to financial support to meet the costs of residential and nursing care.

## 5.12 Right to Insurance:

This includes:

- The right to obtain insurance cover for health, life or any other insurance protection at no additional cost

## **6. Implementing and Monitoring the Convention:**

The World Blind Union recognises there is substantial variation in the rights status of disabled people in different countries. This variation is due to economic, cultural and political factors. Inevitably the time taken to implement a Convention to protect the rights of disabled people will take longer in those countries where disabled people's rights are less developed. We at the World Blind Union therefore recommend that a process for implementing and monitoring the Convention be introduced that takes account of the differing levels of rights development in UN Member States. However, it will be essential to ensure that even though some Member States will need longer to fully implement the Convention, every State that is a signatory to the Convention should attain full implementation within an agreed period of time. During this period there must not be any regression in rights or any diminution in services. "Progressivity" should be a key aspect of the implementation of the Convention.

With this in mind, the World Blind Union proposes that a staged process for the implementation of the Convention should be introduced. Every Member State would work through each of the stages and participate in the associated monitoring arrangements. However, some states would attain full implementation earlier than those States that begin the process with a less developed level of rights for disabled people.

A staged process could work as follows:

### Stage 1

States accept a binding commitment, backed by national legislation, to fully implement the Convention. This commitment will recognise that the Convention constitutes an international standard for the establishment of rights for disabled people in each UN Member State. This legislation is to be enacted within two years of a country becoming a signatory to the Convention, providing the necessary minimum number of signatories has been met. WBU proposes that the number of signatory countries required to activate the Convention should be 20.

### Stage 2

Adoption of a monitoring process to establish current deficits in the rights of disabled people, compared with the provisions of the Convention. This stage to be completed within three years of the completion of Stage 1. The monitoring is to be organised and undertaken internally by the United Nations High Commission for Human Rights, ( UNHCHR) which should set

up a secretariat dedicated to this purpose. This secretariat should be served by a panel of advisers in which international organisations of disabled people are represented. Disabled people themselves must work in the monitoring agency and serve on the advisory panel. The results of the monitoring process are to be published.

### Stage 3

States' governments are to discuss the results of the monitoring process with the national organisations representing the interests of disabled people, with the objective of preparing an agreed Plan of Action to bring the rights of disabled people within the Member States up to the standard of the Convention. Those rights considered by the organisations of disabled people to be most important should be accorded a high priority for implementation. The Plan of Action will identify the resources required to implement the introduction of each right and the time scale for full implementation.

### Stage 4

Five years after the publication of the monitoring process, the appropriate UN body as described in stage 2, will assess progress in relation to the plan of action. Its findings will be published and made available internationally. The body undertaking this work will use a standard of assessment, based on the provisions of the UN Convention, that will be applied to all signatory States. This process will incorporate the views of the organisations of disabled people in the Member States and be repeated every five years, so that continuous progress can be evaluated.

### Stage 5

When the result of the external monitoring is known, the Member States will consult with their organisations of disabled people to review and revise the Plan of Action. This consultation and review will be repeated after each external assessment has been undertaken.

### Stage 6

Once the monitoring established at stage 3 indicates that the Member State has attained the rights standards of the Convention, it will be required to present reports every 2 years, showing how it is upholding the rights established in the Convention. This report will then be analysed by the relevant UN body as described in stage 2. From this stage, the procedure is thus similar to the one used in the Convention on the Rights of the Child.

Disabled people, either as individuals or through their representative organisations, will be given recourse to lodge complaints about alleged

infringements of their rights under the Convention. If settlement is not reached to the satisfaction of both parties at a national level, there will be an option to lodge complaints to the dedicated UNHCHR Convention secretariat. As the final authority, it is the responsibility of this secretariat to investigate these complaints.

## **7. Improving the Process leading to the Preparation of a UN Convention**

The World Blind Union considers that the following action should be taken to ensure that disabled people throughout the world influence the content of the Convention:

- World-wide consultation and debate with disabled people, through representative organisations, to be supported by the UN
- A clearly defined mechanism for interaction between the UN Ad Hoc Committee and the Disability NGOs to be established and utilised
- Member States to be encouraged to include representatives from disability organisations in their delegations to the Ad Hoc Committee meetings

## **8. Contacting the World Blind Union**

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