

Human Rights Instruments in the Americas:

Civil Society and Government Monitoring of Human Rights Mechanisms that Protect the Rights of Persons with Disabilities

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Prepared by



Inclusion InterAmericana

**Apartado Postal J-127
Managua Nicaragua
Tel. (505) 2-65-18-10
Fax. (505) 2-65-16-94
Web: <http://www.inclusion-ia.org>**

Canada

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*We reaffirm our commitment to protect the human rights and fundamental freedoms of all, including those who are vulnerable, marginalized, **disabled** or require special protection. We are committed to the eradication of all forms of discrimination, including racism, racial discrimination, xenophobia and other related intolerance in our societies, as well as to the promotion of gender equality, and to achieving the full participation of all persons in the political, economic, social and cultural life of our countries.*

Declaration of Quebec City, April 22, 2001

Introduction

To date there are no reliable sources of information or accurate statistics that show the precise amount of persons with disabilities in the Americas. According to the World Health Organization (WHO), estimates show that a 10% of the world's population lives with some type of disability. Even if this percentage was lowered to 8% in order to ensure that the figure was not inflated, the total population of people with disabilities in the Americas could easily reach 120 million. If we can conclude that each of these persons, at the very least, has two close relatives (for example, a father and a mother) we will find that more than a quarter of the continent's population is affected directly by disability. More surprising is that almost 80% of this important sector of the population lives in extreme poverty, with some of the highest rates of unemployment, limited access to public services, and live under extreme conditions of economic, cultural and social segregation.

This situation is not one that emerged by chance. For many centuries, the attitudes of people without disabilities towards those who have disabilities have been marked by marginalization, rejection, segregation and exclusion, not only from social goods and services, but also from spaces of human coexistence. Due to a mixture of ideological and pseudo-religious reasons, disability has been stigmatized as a punishment from God, a mark of human inferiority, or simply a curse. Families of people with a disability have internalized their feelings of shame and guilt, relegating their relatives to the depths of anonymity thereby making them invisible. The present absence of reliable statistics is the result of the invisibility that many have imposed on this important sector of the society.

In the past decade, thanks to the support and persistent work of organizations, some of the barriers facing people with disabilities have begun to fall. Day by day, the subject matter of disability is slowly ridding itself of its taboo status and is now slowly occupying a place in the public discussions, thus becoming part of the concerns that are deeply felt within the society. Although most of the times discussion have a welfare approach, or one of pity and pain, gradually, the private and public sectors are beginning to allocate some valuable resources to face this situation. Since its foundation in 1991, Inclusion InterAmericana has promoted the inclusion of the people with disabilities in the Americas. It is not possible to achieve a world without poverty, exclusion from participating a significant percentage of the poorest among the poor.

In the Americas, very important steps have been made towards developing international human rights instruments. In June 1999, the *Inter-American Convention on the Elimination of all Forms of Discrimination Against People with Disability* was created in Guatemala City, Guatemala. Also, in the Summit of the Americas that was convened in Québec City, Canada in the month of April 2001, representatives of participating states recognized people with disabilities for the first time through the *Quebec City Declaration* as a vulnerable group that should have a high priority in strategies designed for hemispheric development. These instruments, which were developed within the framework of the United Nations (such as the Convention of the Rights of the Child, the Uniform Norms and the Universal Declaration of Human Rights), provided the platform for a number of countries in the region to develop their own national instruments such as the National Plans of Action for Children and Youth, the Laws of Equality Opportunity and others in the with an educational scope.

Nonetheless, in most cases, these instruments have had a small impact on the lives of people with disabilities and have remained only as a matter of discourse. Political will has not materialized into plans and programs for development in this area within the national budgets of each country. Inclusion Inter-Americana considers this an urgent matter if these laws, policies and regulations are to be translated into effective means for change based on the real inclusion of the people with disabilities through the development of follow-up mechanisms and organizational and institutional platforms where civil society plays an effective role in overseeing and monitoring human rights.

This report was achieved through the efforts made by the associations part of Inclusion Inter-Americana, to actively monitor human rights commitments including: *the Inter-American Convention on the Elimination of all Forms of Discrimination against People with Disabilities* and in the *Quebec City Summit Declaration*. Given the scope and reach of these instruments, we have defined a series of indicators related to our organizational priorities, which are: a) Democratization; b) Human Rights Protection; c) Inclusive Education; d) Economic Security and e) Human Security.

Based on the indicators established in these areas, three instruments were designed: a guide to gathering personal stories, a country report card, and an interview guide for inter-American institutions, which have all served as guides for the collection of information on human rights documents and their implementation. This report is a synthesis of the information gathered through these instruments. Additionally, this report includes data that the executive committee and the project staff have accumulated in the process.

I. Democratization

Achievements

1. In accordance with the national laws for equalization of opportunities for persons with disabilities, National Councils for Disability have been created in most countries. These laws were mandated to ensure the participation of people with a disability, their organizations and the NGO's working within this social sector.
2. In countries such as Mexico, Guatemala, Argentina, Peru and Costa Rico, mechanisms have been devised to ensure the participation of persons with certain types of disabilities (mainly sensorial and physical disabilities). Some of these mechanisms are the production of materials in Braille or voting paper for the blind so that they can identify their preferred candidate in electoral activities. In other countries it is permitted to assist a person with disability in the voting process. However, this method has been questioned as it affects the secrecy of voting.
3. As an initiative of civil society organizations, and with support from international organizations, some efforts have been made to equalize opportunities for persons with disability to participate as voters and observers in the electoral process. There are positive experiences like Peru (APPRODDIS) and Nicaragua (ASNIC and Ética y Transparencia).
4. At the municipal level, some legal instruments are being created to ensure citizen participation in the design, implementation, monitoring and control of municipal budgets. At the same time, some national budget laws have articles that promote the participation of citizens in design and monitoring national budgets. However, in most countries, this part of the law is not being enforced.

Difficulties

1. In most countries, including some states of the United States, there are no specific regulations on accessibility for polling stations to ensure the full participation of persons with a disability in the electoral processes. This is a real limitation to the democratic participation of this sector. In most countries, electoral laws do not establish clear measures for electoral officers to take in order to ensure accessibility for every citizen or to assists those with any kind of impairment. For example, people with a disability are forced to stand in line to vote or have no access to proper transportation to attend polling stations.

USA

- A voter from California with a disability needed a portable ballot machine to vote, but the only one available was a demonstration machine offering a choice between George Washington (the first U.S. President) and John Adams (the second President).
- A voter from Ohio with a disability could find no accessible pathway to the polling place and had to have a ballot brought to him outside.

- New York voters with disabilities reported widespread inaccessibility. One voter said that the polling place had a ramp, but that it was locked and unusable on Election Day.

Pressure for national standards vs. 50 different approaches

"U.S. elections are run by the states, and many people - including members of the disability community - are pushing for national standards that would, among other things, impose uniform standards regarding accessibility of the electoral process. But such measures are likely to face challenges from states' rights advocates who view federal intrusion as, at best, unnecessary, and at worse, unconstitutional."

Taken from the article "USA: Vote of Disabled People among "Epidemic of Disappearing Vote" by Kay Schriener. Published by Web-Zine Disability World. Issue September – October 2001

2. There are no clear regulations or legal standards on the participation of persons with a disability in the administration and logistics of the electoral process, as electoral officers, observers or senior officers of national electoral offices. The few efforts that have been made to ensure the participation of persons with disabilities, have been impaired at times by the very organizations created by and for persons with disability and other NGO's that work in the field. In general, electoral government officers have little sensitivity on this issue, which results in limited participation and exclusion of this sector in the electoral processes.
3. In general, the leaders of political parties in Latin America have not been sensitive to the problems faced by persons with disability. Most political parties do not present concrete and specific actions within their proposed government plans to meet the needs and demands of people with a disability. At most, they propose a traditional approach based on assistance and pity. There is little consultation and scarce communication between the political parties and the organizations of people with a disability. It is important to point out that, in the past few years, the organizations of and for persons with a disability have developed important advocacy processes to influence government programs offered by the political parties by means of agendas that address the most basic needs. This effort, however, has had little success.
4. In most countries there are no clear policies for accessibility in the communication between political parties and persons with disability. There are no clear communication channels (meetings, forums, etc.) between this sector and political parties. Also, there are no clear administrative or legal regulations that ensure the translation of public speeches and the production of printed materials so that they can be made accessible for people with different types of disability (Braille, etc.)
5. In many countries, the process of issuing ID cards is unfortunately connected to the registration to vote. This disqualifies some people as incapable of voting as they do not have access to an ID card that declares his/her condition as citizen, which in turn limits the realization of some rights, such as the right to have a passport or to have a bank account, etc. In fact, people with disability lacking an ID card are legally do not exist.
6. Although in many countries in Latin America budgeting laws leave room for citizens participation in the processes of designing and monitoring the national

budgets, so far, there are few regulations to facilitate the real participation of different sectors of society including people with a disability. As a strategic instrument for economic and social policy, the process to ensure this instrument should be made more participatory and with the input from many sectors.

7. More political will by governments and politicians is necessary for the creation of policies and legal instruments to promote citizenship participation on strategic decision making processes aimed at defining national agendas through a wider consensus. The participation of civil society organizations (including those by and for persons with a disability) in defining public policies and programs is key to ensure the inclusion of the needs and rights of the poorest and those who are traditionally marginalized. In some countries there are some attempts to create laws for citizens participation in public affairs. The participation of our organizations in creating these instruments is key to open spaces for inclusion.
8. Governments in some countries have created spaces for consultation with civil society organizations and other sectors, such as consultative bodies in different areas related to the provision of social services (health, education, employment, etc.). However, persons who participate in these consultations do not have decision power and have experienced serious limitations to their leadership and influence on public policies. This has been the case for the National Commissions or Councils for Disability (CONADI's), which have not been able to play a leading role in the push towards truly inclusive processes. This role has been played, mainly by different civil society organizations and federations, specifically those related to disability.

Proposals for Action

1. It is imperative that governments, international organizations, international financial agencies such as the Inter-American Development Bank and the World Bank, to support the current processes of development for the creation of legal national instruments that ensure the more active participation citizens in decision making spaces. Parallel to the creation of these instruments, it is important to develop enforcing mechanisms, and political actions that promote and ensure real participation of all sectors, especially those more vulnerable (persons with a disability, ethnic groups, women, children, etc.) and traditionally marginalized by public policies.
2. The national electoral laws and administrative regulations related to electoral processes of all nations of the Americas need to be revised in order to ensure more specific rules and provisions that ensure the participation of persons with a disability and other vulnerable groups in the electoral process. This provisions needs to address problems related with accessibility, communication, and real participation of people with a disability, such as voters, observers and officers before, during and after the electoral process. It is critical that a clear definition of the rights of persons with a disability should include the access to an ID card, independently of his/her kind of disability, in order to ensure citizenship rights are exercised.

3. There are valuable experiences to be shared across the region on effective advocacy processes carried out by members of Inclusion InterAmericana to obtain the inclusion of this sector's needs and rights in the political platforms presented by political parties during electoral campaigns. The construction of national agendas for persons with disabilities needs to be promoted by Inclusion Interamericana and other regional agencies related to the OAS as important instruments that can influence not only election processes, but also the current social and economic policies and programs related to this sector.
4. Democratization of decision-making spaces should strive to reach towards a process that will include different sectors within national budgets. As the main instrument for economic and social policy, there needs to be more input from different sectors of society that ensures the inclusion of a broad number of sector's interests within the national budget. Civil society organizations, including those affiliated to Inclusion InterAmericana should campaign the national budgeting process to demand the realization of legal instruments protecting persons with a disability within the national budget. Civil society organizations must strive to participate not only in the development of national budgets but also in monitoring of public expenses in order to achieve accountability, transparency and effectiveness by public servants at all levels.
5. Governments, civil society organizations and multilateral agencies need to work together to ensure broader participation in international negotiations that will have an impact on national development agendas: negotiation of debt or structural adjustments with the IMF or the WB and the processes for shaping Poverty Reduction Strategy Papers (PRSP). These negotiations, which will have a decisive impact in the future of our countries, need to be achieved as a result of national consensus, not through clandestine negotiations between government and international agencies or senior officers. National Agendas without a broad level of consensus are prone to fail without a wide level of support.

II. Human Rights Protection

Achievements

1. Most countries have taken important steps towards the creation of legal instruments and regulations to protect the human rights of persons with disabilities such as the national laws for the equalization of opportunities. This law has been a direct result of international treaties, conventions and declarations developed by the international community (OAS, UN, etc.) that bind the national constitutions of the signatory countries.
2. Specialized agencies of the OAS and UN such as PAHO, the Inter-American Children's Institute, the Inter-American Commission of Human Rights, and others have played an important role in the promotion of human rights of persons with a disability at the hemispheric level by providing advice, support and training to governments, civil society and other bodies on protection and promotion of human rights for all.

The PAHO case

PAHO/WHO is currently involve in several initiatives to promote and protect the human rights and fundamental freedoms of persons with disabilities according to the above mentioned instruments, which are summarized as follows:

- a) Collaboration with the WHO in the “Stop Exclusion, Dare to care” campaign. PAHO and WHO are currently developing a manual on mental health legislation to assist countries in the formulation and implementation of mental health laws according to international human rights law.
- b) Training workshops on disability and human rights. In collaboration with the Inter-American Commission on Human Rights, PAHO is helping to organize training workshops for government officials, Ombudsman offices, NGO and disability groups, professionals and others in Latin America and the Caribbean.
- c) Collaboration with international human rights bodies: PAHO is currently working with the Inter-American Commission on Human Rights (IACHR) in the restructuring of the mental health systems in the Americas and the protection of the rights of persons with mental disabilities through: hearings, drafting of international human rights instruments, a monitoring system based on the American Convention on Human Rights and other Inter-American institutions to influence States with regard to the formulation of disability policies, laws and legislation.
- d) Publications: PAHO is currently working with its legal department on the publication of a compilation of international human rights treaties and standards for persons with mental disabilities
- e) PAHO is participating as a technical advisor in the “Ad Hoc Committee” for the possible United Nations Disability Convention

Source: Interview Guide for Inter-American Institutions. Javier Vazquez and María Teresa Gago from PAHO

3. The promotion of human rights of persons with disabilities has been intensely pursued by civil society organizations in most countries in Latin America. Organizations working in this area have been very active in providing education and training to different sectors of society in order to raise awareness on discrimination, and disseminating national and international instruments on human rights. These organizations have also played an active role in lobbying governments legislators to create national legal instruments for the protection and promotion of human rights of persons with disabilities. With limited resources, they have also launched public communication campaigns to eliminate discriminatory attitudes in the population.
4. Twelve out of the twenty signatory countries of the *Inter-American Convention for the Elimination of All Forms of Discrimination against People with Disabilities* have ratified the convention. Signatory countries are: Argentina, Brazil, Chile, Colombia, El Salvador, Guatemala, Mexico, Nicaragua, Panama, Paraguay, Peru and Uruguay.

Difficulties

1. Very few governments in the hemisphere have developed clear and efficient mechanisms for protection of human rights of persons with a disability. This task has been marginally assigned to the ombudsman offices and the national disability

commissions, which lack a clear mandate, the necessary resources, and the training needed to deal with the magnitude of human rights violations in our countries.

2. The promotion and protection of the human rights of persons with a disability remains a marginalized topic for many government officers, politicians and legislators in most countries. There are no clear and decisive actions to educate the population, influence the media, create mechanisms for challenging discrimination, and eliminating physical barriers that would help to combat exclusion.
3. Wide sectors of society in Latin America, including persons with disability, are unaware of the legal instruments, constitutions or laws designed to protect their rights. In addition, many are unaware of the process to follow in order to challenge discrimination and violation to their rights. For most of the population, this is a matter that is related to specialized bodies such as private human rights commissions, and many do not know how to present claims to ordinary legal bodies.
4. In general, the mass media does not play an educational role in the elimination of social and discriminatory attitudes towards persons with disability. In fact, many reproduce and promote exclusionary attitudes using language that promotes disrespect against persons with a disability. Little action has been taken by governments to prevent these actions from happening.
5. In general, educational materials designed for national schooling systems do not include elements for educating children and youth on new attitudinal approaches that promote respect for difference and diversity, tolerance, interdependence, solidarity, equity and equality in favor of the promotion and protection of human rights of persons with disabilities and other vulnerable groups.

Proposals for action

1. Clear mechanisms for challenging and denouncing discrimination have to be put in place by governments. These mechanisms must involve ombudsman offices, the police force, civil society organizations and the human rights commissions they have created, regional and hemispheric human rights courts and the legal system at all levels.
2. National governments together with the civil society organizations, and international donor and multilateral agencies, need to develop action plans that address the lack of information, education and training available to wide sectors of society on the rights of persons with a disability, the legal instruments to resource for, and the mechanisms for challenging discrimination. The actions could include communication campaigns through the media, the use of educational materials on inclusion in the educational system, and the provision of training for public officers, the private sector, etc.
3. Urgent actions needs to be made by government and civil society organizations, including Inclusion InterAmericana affiliates, to educate and lobby media owners and workers in order to deal with the exclusionary attitudes they promote. We consider that any action should be oriented by a conciliation and negotiation attitude and not with mechanisms of control or pressure.
4. To exert continuous pressure on part of citizens in countries that have not yet ratified the Inter-American Convention for the Elimination of All Forms de

Discrimination against People with Disabilities, aiming for the ratification of this instrument on the part of their respective governments.

II. Inclusive Education

The inclusion approach is based on assessing diversity as an enriching element of the teaching-learning process, and in turn a element that favors human development. It recognizes that a relevant feature of human being is precisely the fact that we are different from each other, and therefore this is not a cause for exclusion. Schools can not override this approach, and work as if all children learn in the same way, under the same conditions and at the same pace. On the contrary, schools have to develop new teaching methodologies that consider and deal with diverse individual features and needs, making an education for all, and with all, a reality.

Cynthia Duk H.

Executive Director of HINENI Foundation

According to the calculations made by the Consortium for Disability and Development, 98% of children with disability in developing countries do not have access to formal educational services (IDDC 1999). In Latin America, the reality goes beyond these statistics. In the poorest countries of the regions, such as Guatemala or Nicaragua, less than 1% of children with disability have access to education. In no other public sphere is the marginalization and discrimination of persons with a disability so crude as in education. In fact, public and private educational systems have been developed with an exclusionary approach, that is expressed in terms of infrastructure, educational programs, teacher training, the discourse public officers use at all levels, and the administrative structure for public education.

In spite of the fact that many nations have taken outstanding steps in terms of international instruments to ensure an education for all, their impact on availability, quality and coverage of educational services has been very little in most Latin American countries. The solution most used by governments across the region has been the restricted provision of parallel educational systems, offered in remote geographical areas that reproduce the very same exclusionary values that our groups are struggling against.

A case in Chile

Soledad wanted her child to study in a regular school, not in those for 'special' children with problems. Soledad Scarpa went through 48 educational centers, looking for a place to enroll her son. In all, the answer was the same: a categorical and unappealable ¡no!.

Vicente, her five-year-old son, does not have a contagious illness. He only suffers from some motor and language disorders, which have prevented him from studying in the schools his parents would freely choose. "I knew we were going to face problems when he would reach this age, but we never thought it would be so difficult", Soledad says.

Soledad still keeps the notebooks that became a kind of diary where she wrote all the names of the schools, principals, teachers, speech therapists, psycho-pedagogues, and psychologists that she interviewed during 270 never ending days of her pilgrimage. She also keeps the 2001 Yellow Pages edition, underlined everywhere in the school's section.

"There was a catholic school where I was told 'we don't receive students of that sort.' Imagine, as if Vicente were a thing!" She went to different places and heard an explanation of every kind: that it is better not to receive those kind of children because they are not invited to birthday parties, that it was enough to receive children of divorced parents, or that a kid with some degree of disability reduces the prestige of a school.

Taken from "La segunda", digital portal. "To suffer from school enrollment: Parents of special children go into pilgrimage from school to school" by Andrea de la Cruz Le Font. April 1, 2002

In fact special education as an alternative to integrate and not to ensure inclusion is not only limited by the values that claim a human right perspective, but also by the real availability of resources for education in general in our countries. In past few decades our economies have not ensured the presence of a special schools in each community. It has not been possible to have regular schools in many rural and urban communities in our countries much less a special schools.

To create inclusive educational models, enrolling and accepting children with physical and intellectual disability in regular schools is vital for the development of societies that promoted justice and equity. Empirical facts show that an inclusive educational environment is more suitable to develop skills and capacity framed by fundamental human values, like solidarity, mutual respect, fraternity and mutual understanding, not only for children with a disability. For Gordon Porter's granddaughter, who during her entire life has studied with children with disabilities in the same classroom, listening to the story that once in her community there were segregated schools was simply a prehistoric tale, incomprehensible and inhuman within her scale of values. Inclusive education provides children with the most suitable environment to develop social and professional skills and the capacity to ensure a future where inclusion, self-dependency, dignity and economic self-reliance are promoted in society.

Achievements

1. Resulting from intense lobbying by Inclusion InterAmericana, the CECC proposed to the Ministries of Education of Central America, on October 2002, to adopt inclusive education as a model alternative to the current educational system in the region. The ministers agreed to accept the strategy proposed by Inclusion InterAmericana. The CECC, together with the directors of special education, Inclusion InterAmericana, technicians and parents, developed a plan according with the Ministries mandate in 2001. This plan was later was improved with support from the OEA through its Social Development and Education Department and was presented to the ministries in 2002. Currently, Inclusion InterAmericana and the Ministries of Education are negotiating with the IDB and OAS to implement the strategy and the regional education plan.

2. On November 21 and 22, 2002 the Sub-regional Workshop on Public Policy for Social and Educational Inclusion of Children with Different Skills (MERCOSUR, Bolivia and Chile) was held in Montevideo, Uruguay. This workshop organized by the Inter-American Institute of the Child (IIN) was attended by an important group of experts in education from Argentina, Bolivia, Brazil, Chile, Paraguay and Uruguay, who analyzed the regional developments on inclusive education, the perspectives for inclusive processes, and provided hints for future actions.
3. Presently, a suitable legal framework for including children with disability in regular schools exists in Chile, Mexico, Colombia and Ecuador. However, the impact of this framework has been small due to lack of resources to create the appropriate conditions to enforce the law. For example, there is no suitable infrastructure, there is a need for training teachers, appropriate educational material is not available, there are no study programs, etc.
4. Day by day there is more awareness on the necessity of an inclusive approach among civil servants working in special education departments of the Ministries of Education in many Latin American countries. In many countries these departments are promoting actions, programs and projects sponsored by governments to implement inclusive education initiatives.
5. Important efforts are being made in many countries, such as Mexico and Ecuador, to develop comprehensive programs aimed at increasing equity, justice and availability of quality educational services that provide equal opportunities to the most vulnerable sectors of society, among which children with a disability is an important sector.
6. In many countries, like Costa Rica, Mexico and Ecuador, the government has promoted the participation of civil society organizations related to the disability sector in shaping legal and administrative education instruments. The participation of persons with disabilities and their organizations has been ensured by means of workshops, meetings and seminars with government officers.
7. A few experiences with very limited resources have been developed by civil society organizations, some of them Inclusion InterAmericana members, to provide inclusive education to limited groups of children with disability. Although the impact in quantitative terms has been very limited, these experiences have been highly valuable to demonstrate the feasibility of inclusive education. They have been very important in spreading the mechanisms to disseminate practices and methodologies for inclusive education.

An Inclusive Experience in El Salvador

There are 350,000 persons who are deaf or have hearing impairments. Out of a population of 5,839,079 million, this is a very large portion of the population. Nonetheless, they have been marginalized from most government projects and programs. The social goods and services offered to this sector are minimal and there are no provisions of educational and social opportunities for the development of their economic potential.

To deal with this situation, parents and professionals designed a project to promote personal development skills through education for people who are deaf or hearing impaired, to be included in the productive dynamic of the country. The project, self-funded, and with support from different

educational centers, has facilitated the use of interpreters in classrooms, which has allowed many young people to complete their high school requirements.

Twenty-four young people have benefited from the project, and seven of them will graduate from high school this year.

Taken from Inclusion Interamericana website <http://www.inclusion-ia.org>

Difficulties

1. Although different legal and administrative instruments have been developed in many Latin-American countries to ensure inclusive education for persons with disabilities, these instruments are never applied or enforced due to a lack of resources and follow-up mechanisms. For example, in Chile although there are laws that force all schools to receive any child, whether they have a disability or not, the impact of this law has been minimal.
2. The main provisions of public and private educational services for persons with disabilities continue to be special schools in segregated environments. This kind of service has proved to be the least suitable to ensure inclusion, personal development and rehabilitation of persons with disabilities. These provisions actually promote discrimination and segregation and limit the potential for a person with a disability to be included in society and become economically self-reliant. Due to the limited availability of resources for education in the national budgets, the coverage of this kind of services is limited to the urban areas in a few places. The result is that in the poorest countries of Latin America the educational services reach less than 1% of persons with disabilities.
3. In most countries the participation of persons with disabilities, their families and organizations in shaping the administrative and legal tools to ensure inclusive educational policies are quite limited, and in many cases nonexistent.
4. Most international reports on education and other human development indicators produced by multilateral agencies such as UNICEF and UNDP do not include statistics or data related to provision of services and access to other social benefits for persons with disabilities. This is a general trend, not only for international agencies but also for national private organizations and the government. The few statistics that do exist on the matter are as a result of very specialized institutions directly involved with this sector.
5. The ministries of education in general, with the exception of Mexico, have not developed curricular models to respond to the necessities of people with disabilities. The ones that are existent are only a patrimony of the special education centers and are not devised to promote inclusion.
6. In general, teacher training lacks the methodologies and technical elements necessary to deal with diversity. Training and other educational instruments are centered on teachers and not on the students. This not only prevents the inclusion of children with disability, but also results in very poor educational results for regular

students. The average age of children leaving school is low and the failure is very high due to the same reason.

7. In general, there are no policies for accessibility for students with a physical and/or an intellectual disability in schools. This goes from the physical barriers to the educational centres, which are not suitable for students with sensorial disabilities. Some efforts have been made in Venezuela through a limited program.

Proposals for action

1. At the moment, there are ongoing processes for creating new General Education Laws in many countries that will establish the main policies for education in Latin America in the coming years. It is vital to ensure an inclusionary approach in the new laws so that people with disabilities, their families and their organizations can actively participate in the process of discussion, consultation and approval of these laws. Support from multilateral regional agencies of the OAS, in terms of advice to governments and provision of monetary and technical resources, is key to open spaces for the civil society organizations to be taken into account by governments.
2. People with disabilities, their families and organizations need to actively promote efforts in favor of inclusive educational models in national development strategies and PRSP's in order to begin a process of validation and dissemination of positive inclusionary models developed by civil society and private and public schools. An effective development strategy supported by an efficient and accessible educational system is strategic to achieving the international development goals.
3. Inclusive education experiences collected by civil society organizations have to be disseminated in the education sector. Regional OAS agencies could provide help in this area by promoting exchanges, communication campaigns and training programs that allow the communication of these experiences and raise the awareness level among those in the educational community and society in general. These small-scale initiatives can be used effectively to advocate for people with disabilities, their organizations and families.
4. In the countries with administrative and legal instruments to ensure inclusive education, civil society organizations and OAS agencies should work together to lobbying in favor of effective mechanisms that enforce these instruments. Initiatives that help monitor progress are of vital importance in order to document achievements and provide the necessary tools to pressure government on fulfilling their commitments.
5. The allocation of national resources through national budgets is vital for the effective implementation of inclusive education in public institutions. Although economies in Latin America do not provide resources necessary to move from traditional educational perspectives to inclusionary ones on a broad scale, civil society organizations must lobby and negotiate national budgets by providing resources for the implementation of pilot activities from which to learn from and develop technical resources, in the light of international treaties and conventions.

IV. Economic Security

Achievements:

5. Based on international treaties and conventions that function within the scope of the United Nations and the O.A.S., many Latin American countries have created a series of laws and regulations aimed at equalizing opportunities for people with disabilities. Although this report is not exhaustive and has not yet managed to include all the existent information, it has been possible to identify beneficial economic security laws in Colombia, Peru, Nicaragua, Chile, Mexico, Panama, Bolivia, Guatemala, Ecuador, Costa Rica, El Salvador and Argentina.
6. The Central American Parliament approved in December of 2001 the Resolution "For a Central America and Dominican Republic, Free of Barriers for people with disabilities" in which it exhorts the member countries to take a series of measures in the areas of education, employment, health and accessibility that allow for the equalization of opportunities that benefit people with disabilities.
7. Countries such as Mexico, Argentina, Jamaica, Colombia and Brazil have norms of accessibility that apply to a broad scope; these include buildings, communications and transportation. However, few control mechanisms for their real application exist. Although all these countries that have laws of equalization of opportunities include the same kind of norms, dispositions are not yet expressed in clear normative and control instruments.
8. The laws of equalization of opportunities and laws for disability mandate that companies and institutions recruit a percentage of people with disabilities for staffing purposes. Nevertheless, there are no institutions or entities in charge of the enforcing these regulations. In many cases, sanctions or coercive mechanisms are not contemplated in order to enforce the law.
9. In some nations, certain incentives or subsidies are provided for developing micro-business owned by people with disabilities. Most of these initiatives have been made by civil society organizations, which have provided technical and marketing support.

Difficulties:

1. Although issues with disability are being introduced as a subject that cuts across a multitude of development sectors, the real impact on employment, accessibility and the benefits obtained by people with disabilities are minimal. Disability issues are being discussed, but with very little concretion on social programs and public investment.
2. Although in most countries, there are laws aimed at protecting the rights of people with disabilities, they lack mechanisms of application and control that ensure their enforcement. In a good number of these countries, these laws are not regulated.
3. Disability continues to be the subject of only specialized programs, institutions, and commissions. This contributes to the continuance of exclusion towards this sector.

People with disabilities are still seen as objects of charity and a burden to society, and there is no promotion of the sector's potential for economic contribution.

4. A good proportion of the efforts for occupational rehabilitation, qualification and promotion of employment amongst people with disabilities fall on the shoulders of civil society organizations, such as national or international NGOs, or other charitable institutions. This encourages a feeling of indifference among the government institutions, which leave to this sector the work that by law is their responsibility.
5. The norms for construction, communications and transportation that guarantee accessibility and independent mobility for people with physical disabilities exist in very few countries. This limits the inclusion of the sector in the economic dynamics of our countries. There are few companies that count on accessible physical surroundings for employees with disabilities. In very few countries, like Mexico and Argentina, there are incentives for companies that contract people with disabilities. Nevertheless, and in the case of intellectual disability, norms of accessibility practically do not exist in any country in Latin America (or at least not in those for which there is documented information).
6. Although most countries are signatories to the ILO Convention 159, very few have developed laws or specific policies that apply to the agreement made by these countries. Some provisions are just included in the laws of equalization of opportunities for people with disabilities, without effective instruments for their effective application.

Proposals of Action

1. The national strategies for the reduction of the poverty (PRSP) are an opportunity for the inclusion of disability issues as a crosscutting axis for development. Although most of the countries that have agreements with the World Bank and the IMF have strategies that have already been designed and/or being implemented, they are not considered as binding documents, and are subject to modification on the process of implementation. The members of Inclusion InterAmericana must consider working in a sustainable and systematic way for influencing the revision process and implementation of such strategies with the intention of inclusion of disability as crosscutting component.
2. The efforts of our organizations in relation to professional readjustment, labour qualification and promotion of employment should not be seen as aims in themselves, but as ways to demonstrate to governments the benefits of including people with disabilities. They must be used as instruments for our lobbying work and as opportunities to promote growth, in membership and prestige, within our organizations in order to affect decision-making spaces.
3. Our organizations must promote, in agreement with the Uniform Norms of the United Nations, the creation of regulations or the transformation of existing ones that regulate construction, transport and communications. In addition, it is necessary

to promote the creation of mechanisms of enforcement and coercive measures on the part of the state for the application of such norms.

4. To influence and to exert social pressure for the development of legal instruments that ensures the application of the ILO convention 159 in the signatory countries. To demand the application of these instruments by means of governmental programs/initiatives and their concretion through the allocation in general national budgets.
5. Inclusion InterAmericana is present on the Internet. This can serve as a platform for the exchange of best practices in regards to economic inclusion, to the dissemination of advances and achievements in different countries and as an instrument for the denunciation of irregularities and abuses. It is necessary for greater participation to take advantage of this opportunity. However, present participation and answers have been minimal.

V. Human Security

*People with disabilities and their families have more probability of living in poverty;
Disability contributes to poverty and poverty contributes to disability;
People with disabilities have inferior rates of education and employment than those of the
population in general;
Disability costs include: direct costs, costs to caretakers and losses of familiar income.
Bank World-wide. Poverty and Disability: To Survey of the Literature, December 1999.*

According to Simon Maxwell (1998) people are poor because they are excluded from social institutions where access is determined by elements like status, privilege, race and gender. Exclusion leads to a lack of resources, low expectations, and a lack of health and educational services. From the moment of birth, children with a disability enter a spiral of exclusion and poverty that is intensified in each of the stages of life. Family, from the start, considers the birth a misfortune. Soon after, they must invest in numerous medical resources and care that generally in Latin America are only available in private health facilities. Later, when they reach school age, the supply of education services is not limited but non-existent. The lack of social interaction with other children and the community leads to a condition of low self-esteem. The lack of education leads to a lack of development of human potentials and abilities. Physical and attitude barriers, in turn, lead to unemployment and poverty.

A Case in Nicaragua

Luisa Mendoza, of Ocotal in Nicaragua has a son with cerebral paralysis and a general development delay. In order to avoid the recurrent convulsions she must systematically administer Depakene and Trileptal to her son. The Ministry of Health of Nicaragua does not include these drugs within the medical supplies to the local health centers. She must acquire the treatment on a monthly basis, at a cost of one thousand Cordoba (an equivalent of about US70 dollars). Her wage in an administrative office is of hardly 1.200 Cordoba.

As well, poverty creates conditions for a high incidence of disability. The lack of access to safe services of potable water, suitable nourishment and the existence of deplorable hygienic and sanitary conditions are some of the causes of disability in Latin America. Thousands of children suffer from blindness due to deficiency in vitamin A. Also, the lack of access to vaccines leads to a high incidence of diseases with irreversible consequences, even though many of these illnesses could have been prevented.

Achievements

1. In some countries, specifically those that suffered armed conflicts in the last two decades, post-war programs included mechanisms for the social protection of persons who have a disability that resulted from war. Some of the measures included the provision of disability pensions, the free provision of specialized services, and the donation of farmland or houses. Some of the countries with these types of programs are El Salvador and Nicaragua. However, with a reduction in social public expenses, this support has deteriorated or has disappeared by now.
2. The laws for equalization of opportunities include actions and measures to be taken by health and social security authorities aimed at providing prevention education; rehabilitation and medical care the persons with disabilities. The creation of multi-party and inter-disciplinary commissions for implementing, monitoring and evaluation these measures are also included in legislation.
3. In many countries, the government authorities in the areas of health and social security have taken steps towards designing or reforming national rehabilitation systems aimed at including persons with disabilities to improve their social and economic performance.

The CBR experience

Community-based rehabilitation (CBR) is one of the examples of an alternative horizontal approach that could be used as a key mechanism to promote, monitor and protect the human rights and fundamental freedoms of PWDs and ensure their full participation in society. Since CBR encourages persons with disabilities community participation as CBR workers and service users, it is an effective way to give this population access to information, decision-making and benefits. The CBR strategy has been functioning for over 25 years in the Region.

Source: PAHO Reporting Card

Difficulties

1. Again, the existing laws are not a warranty for the implementation of all the regulations contained in them about the provision of public social services for the poorest families of persons with a disability. The potential impact of these instruments is conditioned in most countries to the availability of resources and to the political will of government officers. This results in a limited offer of social services, lack of quality in those provided, limited coverage and lack of programs for this sector of population.
2. The structural adjustment programs agreed with the international financial institutions do not include social investment among their priorities. Even though these programs are aimed to poverty reduction, the effects of them in the living

conditions of the poorest sectors, including people with disabilities, is quite the contrary. As time goes on, more government responsibilities regarding provision of social services are transferred directly to the population. For example, the drugs used by most people with disabilities are not among the priorities for medical supplies for public health centers.

3. Discrimination against people with disabilities among government staff is rampant. It is very common in public institutions to transfer them and their families to other “specialized” institutions to prevent problems that could be easily solved if public servants approached them with a different attitude. Most of the time, the government staff lacks sensibility and technical training to provide quality services.

A case in Argentina.

Ana María Martínez is the mother of a girl with cerebral paralysis (CP). In the province of Entre Rios, in the department of Colon, Argentina, the Ministry of Health staff is diagnosing acute malnutrition in children that, as Maria’s daughter, suffer from Cerebral Paralysis. This diagnosis is causing panic among families with children that have this condition. However, the staff at the Ministry of Health do not have the relevant training to know that for neuro-metabolic cases, children with CP do not accumulate fat. In these cases it is very common that parents provide training to health personnel on medical issues related to disability.

4. The provision of prosthesis, wheel chairs, canes and other kind of aids for people with disability has not been taken as a responsibility of the government, as stipulated by international conventions and treaties. These services have been transferred to private and charitable organizations, as well as to private companies. The best scenario has been the charity programs run by the President’s wives, which have had very a limited impact.
5. Again, most of rehabilitation services, training and medical care for persons with a disability are provided by NGO’s with funds obtained from public charity campaigns. Governments limit themselves to provide small donations, avoiding in this way their commitments to international treaties and conventions. In consequence, the coverage and impact in inclusive processes are quite limited.
6. Negative attitudes, more than physical violence, continue to be rampant against people with disabilities in our countries. There is little social awareness of their rights and dignity, which in turn results in the marginalization, humiliation, and discrimination of this sector.
7. Information on how governments invest in educating the general population on inclusion, interdependency and on the respect of persons with disabilities does not exist.

Proposals of actions

1. It is urgent to launch an educational campaign in all our countries through the media to educate public servants and the general public on new values and principles that lead to better attitudes towards people with disabilities.

2. Government institutions must include in their training programs content aimed at promoting an inclusionary attitude and ensure that government officers provide quality services for people with disabilities and their families.
3. New attitudes amongst professionals can be developed by reforming values, contents, ethics and principles promoted by higher learning institutions. Inclusion InterAmericana members should focus their lobbying efforts on this important sector, as they can be strategic partners for the generation of new attitudes in favour of inclusion.