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Positive discrimination in regard to disabilities

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## Definitions

### ***Wikipedia***

A disability is a condition or function judged to be significantly impaired relative to the usual standard of an individual or their group. The term is often used to refer to individual functioning, including physical impairment, sensory impairment, cognitive impairment, intellectual impairment, mental illness, and various types of chronic disease. This usage is associated with a medical model of disability. The human rights or social model focuses on functioning as an interaction between a person and their environment, highlighting the role of a society in labelling, causing or maintaining disability within that society, including through attitudes or accessibility favoring the majority. Disabilities may come to people during their life or people may be born disabled.

### ***UK***

#### Disability

##### 1 Meaning of "disability" and "disabled person"

(1) Subject to the provisions of Schedule 1, a person has a disability for the purposes of this Act if he has a physical or mental impairment which has a substantial and long-term adverse effect on his ability to carry out normal day-to-day activities.

(2) In this Act "disabled person" means a person who has a disability.

##### 2 Past disabilities

(1) The provisions of this Part and Parts II and III apply in relation to a person who has had a disability as they apply in relation to a person who has that disability.

(2) Those provisions are subject to the modifications made by Schedule 2.

(3) Any regulations or order made under this Act may include provision with respect to persons who have had a disability.

(4) In any proceedings under Part II or Part III of this Act, the question whether a person had a disability at a particular time ("the relevant time") shall be determined, for the purposes of this section, as if the provisions of, or made under, this Act in force when the act complained of was done had been in force at the relevant time.

The relevant time may be a time before the passing of this Act.

### ***USA***

The definition of disability set forth in the Americans with Disabilities Act of 1990 (ADA) does not distinguish between type, severity, or duration of the disability. It states:

"The term 'disability' means, with respect to an individual –

- (a) a physical or mental impairment that substantially limits one or more of the major life activities of such individual;
- (b) a record of such impairment; or
- (c) being regarded as having such an impairment." (P.L. 101-336, Sec. )

The ADA definition is an inclusive definition that tends to capture both the largest and broadest estimate of people with disabilities. It describes a disability as a condition which limits a person's ability to function in major life activities – including communication, walking, and self-care (such as feeding and dressing oneself) – and which is likely to continue indefinitely, resulting in the need for supportive services.

The United States Census Bureau also uses a broad definition of disability. Starting with the ADA definitions, the Census Bureau then expands its definition to identify people 16 years old and over as having disability if they meet any of the following criteria:

- \* used a wheelchair or were a long-term user of a cane, crutches, or a walker;
- \* had difficulty performing one or more functional activities, including seeing, hearing, speaking, lifting/carrying, using stairs, or walking;
- \* had difficulty with one or more activities of daily living (ADLs), including getting around inside the home, getting in or out of bed or a chair, bathing, dressing, eating, and toileting;
- \* had difficulty with one or more instrumental activities of daily living (IADLs), including going outside the home, keeping track of money and bills, preparing meals, doing light housework, taking prescription medication in the right amount at the right time, and using the telephone;
- \* had one or more specified conditions, including a learning disability, mental retardation or another developmental disability, Alzheimer's disease, or some other type of mental or emotional condition;
- \* were limited in their ability to do housework;
- \* were 16 to 67 years old and limited in their ability to work at a job or business; and were receiving federal benefits based on an inability to do work.

Even the Census Bureau's definition is limited by including only civilian, non-institutionalized persons 16 years old and over – excluding children, military personnel and people who have been institutionalized – and by excluding many "hidden" disabilities, such as epilepsy, arthritis, and diabetes.

The U.S. Department of Housing and Urban Development (HUD) utilizes yet another definition of "disability" in determining eligibility for certain targeted housing programs. Vouchers made available through such programs must be used by people with disabilities in households that qualify as "disabled households" according to HUD regulations. HUD has specific definitions for a person with a disability and for a disabled household:

- \* A person with a disability is defined as an individual who:
  - o has a disability as defined in Section 223 of the Social Security Act; OR

o is determined to have a physical, mental, or emotional impairment which is:  
 + expected to be of long, continued and indefinite duration; AND  
 + substantially impedes his or her ability to live independently; AND  
 + is of such a nature that such ability could be improved by more suitable housing conditions; OR  
 o has a developmental disability as defined in Section 102 of the Developmental Disabilities Assistance and Bill of Rights Act.

This definition includes persons who have the disease of acquired immunodeficiency syndrome. Likewise, for the purposes of qualifying for targeted housing assistance, this definition excludes a person whose disability is based solely on any drug or alcohol dependence.

\* A disabled household is defined as a family whose head, spouse, or sole member is an adult with a disability. Disabled households can be:

- o a single individual with a disability living alone;
- o a related family in which the head of household or spouse is a disabled person;
- o two or more related adults with disabilities living together;
- o two or more unrelated adults with disabilities living together; or
- o one or more unrelated adults with disabilities living with one or more live-in aides.

Generally, disabilities fall into the following types:

**Mobility Impairment**

Mobility impairment refers to the inability of a person to use one or more of his/her extremities, or a lack of strength to walk, grasp, or lift objects. The use of a wheelchair, crutches, or a walker may be utilized to aid in mobility.

**Cognitive Impairment**

A cognitive impairment affects a person's ability to reason, understand, and learn. Cognitive disabilities are separated into two categories: learning disabilities and mental retardation.

**Hearing Impairment**

Hearing impairments range from a mild hearing loss to total deafness. Those who are hard of hearing often use their residual hearing and lip read when communicating face-to-face. People who are deaf may use American Sign Language or lip-read, and may speak for themselves or use a sign-language interpreter.

**Visual Impairment**

A visual impairment affects a person's ability to see, and includes: (1) inability to see images clearly and distinctly; (2) loss of visual field; (3) inability to detect small changes in brightness; (4) color blindness; and (5) sensitivity to light. A cane or sight dog may be used to assist with mobility, and/or Braille may be used to read.

**Speech Impairment**

Speech impairments range from problems with articulation or voice strength to complete voicelessness. People with speech impairments may have difficulty in projection, articulation and fluency. Some people with speech impairments may use assistive devices or an interpreter to communicate.

## Statistics

### **General**

According to the results of surveys carried out in 2001 at EU level, 14.5% of the population of the 15 Member States (with the exception of Sweden) of working age (16 to 64) reported some form of disability.

In the case of the ten new acceding States, this percentage amounts to 25%.

These results also highlight the fact that there is a correlation between ageing and disability. Owing to the ageing of the population and improvements in health care, the number of people with disabilities in the European Union is increasing and will continue to do so.

A further point to note is that only 42% of people with disabilities are employed (compared to almost 65% of non-disabled people), and 52% of people with disabilities are economically inactive (compared to 28% of non-disabled people).

The conclusion to be drawn is that people with disabilities, while experiencing difficulties in finding work, are a source of untapped potential for the development of economic growth.

In addition to the transposal of the Community Directive establishing a general framework for equal treatment in employment and occupation, new policy developments that have been announced are currently being implemented in the Member States. In Denmark, for example, an action plan on disability is to be funded with the aim of creating 800 to 1200 new accommodation facilities for people with disabilities over the next two years, while in Germany a new law on equal treatment for people with disabilities has been implemented in tandem with earlier framework legislation.

*Equal opportunities for people with disabilities: a European action plan (2004-2010)*

Disability is something most people do not like to think about. But the chances that you will become disabled probably are greater than you realize. Studies show that a 20-year-old worker has a 3 in 10 chance of becoming disabled before reaching retirement age.

"SSA Publication No. 05-10029, January 2006, ICN 456000"

In Fiscal Year 2006, EEOC received 15,575 charges of disability discrimination. EEOC resolved 15,045 disability discrimination charges in FY 2006 and recovered \$48.8 million in monetary benefits for charging parties and other aggrieved individuals (not including monetary benefits obtained through litigation).

*"The U.S. Equal Employment Opportunity Commission, Americans with Disabilities Act of 1990 (ADA) Charges, January 31, 2007"*

43 million are disabled, about 17% of 250 million; almost 1 out of 5 persons are disabled given these figures.

*Congressional Committee findings for ADA*

One third of disabled Americans are 65 or older. Out of 45 million, that means 15 million of them are seniors.

*Joe Shapiro, 1992*

About 32 million are over 65, which is 13 per cent. In 25 years 17 percent

will be older than 65. There are hundreds of different kinds of disabilities--some are congenital, but most come later in life. Fewer than 15 percent were born with their disability.

### ***United kingdom specific statistics***

- \* Nearly one in five people of working age (6.9 million, or 19%) in Great Britain are disabled
- \* Only about half of disabled people of working age are in work (50%), compared with 80% of non disabled people of working age
- \* Almost half (45%) of the disabled population of working age in Britain are economically inactive i.e. outside of the labour force. Only 16% of non-disabled people of working age are economically inactive
- \* There are currently 1.2 million disabled people in the UK who are available for and want to work.
- \* Employment rates vary greatly according to the type of impairment a person has. Disabled people with mental health problems have the lowest employment rates of all impairment categories at only 21%. The employment rate for people with learning disabilities is 26%.
- \* Disabled people are more than twice as likely as non-disabled people to have no qualifications (26% as opposed to 10%)
- \* The average gross hourly pay for disabled employees is £10.31 compared to £11.39 for non disabled employees.

Main impairment	% In employment
Diabetes	67
Difficulty in hearing	59
Skin conditions, allergies	63.3
Chest/breathing problems	62.8
Heart, blood pressure/circulation problems	58.7
Difficulty in seeing	48.5
Stomach, liver, kidney or digestive problems	59.7
Other health problems or disabilities	53.5
Arms or hands	52
Back or neck	48.7
Legs or feet	45.4
Epilepsy	43.6
Speech impediment	19.2
Progressive illness not included elsewhere	42.1
Learning difficulties	25.7
Depression, bad nerves or anxiety	25.8
Mental illness, phobias, panics or other nervous disorders	13.3

	Non-disabled people	Disabled people
Total	29,710,306	6,941,935
In employment	23,871,969	3,450,982
ILO unemployed	1,257,765	332,437
Economically inactive	4,580,572	3,158,516
Economically inactive who 'would like to work'	1,118,308	906,424



### ***Hearing disabilities***

24 million people with hearing impairments:

- 1 out of every 11 persons nationally
- 1 out of 7 hearing impaired will not seek help
- it takes an average of 7 years for someone with a hearing impairment to seek help
- about 3 to 4 million have hearing aids: 12 to 17% of the hearing impaired population\*
- 1 out 10 hrg imp persons have aids
- 1 million don't use the aids they have
- 17 million have no hearing assistance of any kind
- 14 million w/ unilateral loss
- about 40% of people above age of 65 has a hearing loss
- this is almost 1 out of 2 persons--some audiologists think this is low
- but only 6 per cent of seniors feel they have a hearing problem
- only half those under age 65 feel their loss is a problem
- 2 million deaf
- 1 out of 125 persons

*SHHH and Hearing Journal*

- 78 million disabled
- 1 out of 3 persons
- same number of women are sexually abused by age 18 (various therapists)
- 28 million hearing impaired
- 1 out of 9

*HARC Mercantile statistics*

Only 10 to 30% of hearing instruments fit today have a telecoil.  
More than 70% of hearing instruments (not including canal aids!) are manufactured WITHOUT telecoils!  
\* 90% of deaf babies are born to hearing parents  
\* Generally, we all lose a decibel of hearing acuity per year past the age of 35

*Hearing Instruments Magazine*

### ***Visual disabilities***

120,000 totally blind

1 out of 2 thousand persons

600,000 legally blind

1 out of 417 persons

2.4 million visually disabled

1 out of 100 persons

The blind can receive **nearly 70 per cent more than** other disabled persons in both SSI payments and exclusions from taxes. They're allowed to amass more income than any other group of disabled people before they start to lose benefits. They have a federal law giving them a monopoly on vending businesses in public buildings.

### ***Wheelchair disabilities***

1 million wheelchair users

1 out of 250 persons

10,000 people every year are spinal cord injured

82% of spinal cord injuries are male

307,000 under age 44 use wheelchairs--[US Dept of Health]

Further reading: <http://unstats.un.org/unsd/demographic/sconcerns/disability/disab2.asp>  
Statistics available on almost all UN countries.

## The Law

### **USA**

Title I of the Americans with Disabilities Act of 1990 prohibits private employers, state and local governments, employment agencies and labor unions from discriminating against qualified individuals with disabilities in job application procedures, hiring, firing, advancement, compensation, job training, and other terms, conditions, and privileges of employment. The ADA covers employers with 15 or more employees, including state and local governments. It also applies to employment agencies and to labor organizations. The ADA's nondiscrimination standards also apply to federal sector employees under section 501 of the Rehabilitation Act, as amended, and its implementing rules.

An employer is required to make a reasonable accommodation to the known disability of a qualified applicant or employee if it would not impose an "undue hardship" on the operation of the employer's business. Undue hardship is defined as an action requiring significant difficulty or expense when considered in light of factors such as an employer's size, financial resources, and the nature and structure of its operation.

An employer is not required to lower quality or production standards to make an accommodation; nor is an employer obligated to provide personal use items such as glasses or hearing aids.

Title I of the ADA also covers:

### ***Medical Examinations and Inquiries***

Employers may not ask job applicants about the existence, nature, or severity of a disability. Applicants may be asked about their ability to perform specific job functions. A job offer may be conditioned on the results of a medical examination, but only if the examination is required for all entering employees in similar jobs. Medical examinations of employees must be job related and consistent with the employer's business needs.

#### **\* Drug and Alcohol Abuse**

Employees and applicants currently engaging in the illegal use of drugs are not covered by the ADA when an employer acts on the basis of such use. Tests for illegal drugs are not subject to the ADA's restrictions on medical examinations. Employers may hold illegal drug users and alcoholics to the same performance standards as other employees.

It is also unlawful to retaliate against an individual for opposing employment practices that discriminate based on disability or for filing a discrimination charge, testifying, or participating in any way in an investigation, proceeding, or litigation under the ADA.

***Telecommunications Act***

Section 255 and Section 251(a)(2) of the Communications Act of 1934, as amended by the Telecommunications Act of 1996, require manufacturers of telecommunications equipment and providers of telecommunications services to ensure that such equipment and services are accessible to and usable by persons with disabilities, if readily achievable. These amendments ensure that people with disabilities will have access to a broad range of products and services such as telephones, cell phones, pagers, call-waiting, and operator services, that were often inaccessible to many users with disabilities.

***Fair Housing Act***

The Fair Housing Act, as amended in 1988, prohibits housing discrimination on the basis of race, color, religion, sex, disability, familial status, and national origin. Its coverage includes private housing, housing that receives Federal financial assistance, and State and local government housing. It is unlawful to discriminate in any aspect of selling or renting housing or to deny a dwelling to a buyer or renter because of the disability of that individual, an individual associated with the buyer or renter, or an individual who intends to live in the residence. Other covered activities include, for example, financing, zoning practices, new construction design, and advertising.

The Fair Housing Act requires owners of housing facilities to make reasonable exceptions in their policies and operations to afford people with disabilities equal housing opportunities. For example, a landlord with a "no pets" policy may be required to grant an exception to this rule and allow an individual who is blind to keep a guide dog in the residence. The Fair Housing Act also requires landlords to allow tenants with disabilities to make reasonable access-related modifications to their private living space, as well as to common use spaces. (The landlord is not required to pay for the changes.) The Act further requires that new multifamily housing with four or more units be designed and built to allow access for persons with disabilities. This includes accessible common use areas, doors that are wide enough for wheelchairs, kitchens and bathrooms that allow a person using a wheelchair to maneuver, and other adaptable features within the units.

***Air Carrier Access Act***

The Air Carrier Access Act prohibits discrimination in air transportation by domestic and foreign air carriers against qualified individuals with physical or mental impairments. It applies only to air carriers that provide regularly scheduled services for hire to the public. Requirements address a wide range of issues including boarding assistance and certain accessibility features in newly built aircraft and new or altered airport facilities. People may enforce rights under the Air Carrier Access Act by filing a complaint with the U.S. Department of Transportation, or by bringing a lawsuit in Federal court.

***Voting Accessibility for the Elderly and Handicapped Act***

The Voting Accessibility for the Elderly and Handicapped Act of 1984 generally requires polling places across the United States to be physically accessible to people with disabilities for federal elections. Where no accessible location is available to serve as a polling place, a political subdivision must provide an alternate means of casting a ballot on the day of the election. This law also requires states to make available registration and voting aids for disabled and elderly voters, including information by telecommunications devices for the deaf (TDDs) which are also known as teletypewriters (TTYs).

***National Voter Registration Act***

The National Voter Registration Act of 1993, also known as the "Motor Voter Act," makes it easier for all Americans to exercise their fundamental right to vote. One of the basic purposes of the Act is to increase the historically low registration rates of minorities and persons with disabilities that have resulted from discrimination. The Motor Voter Act requires all offices of State-funded programs that are primarily engaged in providing services to persons with disabilities to provide all program applicants with voter registration forms, to assist them in completing the forms, and to transmit completed forms to the appropriate State official.

***Civil Rights of Institutionalized Persons Act***

The Civil Rights of Institutionalized Persons Act (CRIPA) authorizes the U.S. Attorney General to investigate conditions of confinement at State and local government institutions such as prisons, jails, pretrial detention centers, juvenile correctional facilities, publicly operated nursing homes, and institutions for people with psychiatric or developmental disabilities. Its purpose is to allow the Attorney General to uncover and correct widespread deficiencies that seriously jeopardize the health and safety of residents of institutions. The Attorney General does not have authority under CRIPA to investigate isolated incidents or to represent individual institutionalized persons.

The Attorney General may initiate civil law suits where there is reasonable cause to believe that conditions are "egregious or flagrant," that they are subjecting residents to "grievous harm," and that they are part of a "pattern or practice" of resistance to residents' full enjoyment of constitutional or Federal rights, including title II of the ADA and section 504 of the Rehabilitation Act.

### ***Individuals with Disabilities Education Act***

The Individuals with Disabilities Education Act (IDEA) (formerly called P.L. 94-142 or the Education for all Handicapped Children Act of 1975) requires public schools to make available to all eligible children with disabilities a free appropriate public education in the least restrictive environment appropriate to their individual needs.

IDEA requires public school systems to develop appropriate Individualized Education Programs (IEP's) for each child. The specific special education and related services outlined in each IEP reflect the individualized needs of each student.

IDEA also mandates that particular procedures be followed in the development of the IEP. Each student's IEP must be developed by a team of knowledgeable persons and must be at least reviewed annually. The team includes the child's teacher; the parents, subject to certain limited exceptions; the child, if determined appropriate; an agency representative who is qualified to provide or supervise the provision of special education; and other individuals at the parents' or agency's discretion.

If parents disagree with the proposed IEP, they can request a due process hearing and a review from the State educational agency if applicable in that state. They also can appeal the State agency's decision to State or Federal court.

### ***Rehabilitation Act***

The Rehabilitation Act prohibits discrimination on the basis of disability in programs conducted by Federal agencies, in programs receiving Federal financial assistance, in Federal employment, and in the employment practices of Federal contractors. The standards for determining employment discrimination under the Rehabilitation Act are the same as those used in title I of the Americans with Disabilities Act.

#### ***Section 501***

Section 501 requires affirmative action and nondiscrimination in employment by Federal agencies of the executive branch. To obtain more information or to file a complaint, employees should contact their agency's Equal Employment Opportunity Office.

#### ***Section 503***

Section 503 requires affirmative action and prohibits employment discrimination by Federal government contractors and subcontractors with contracts of more than \$10,000.

#### ***Section 504***

Section 504 states that "no qualified individual with a disability in the United States shall be excluded from, denied the benefits of, or be subjected to discrimination under" any pro-

gram or activity that either receives Federal financial assistance or is conducted by any Executive agency or the United States Postal Service.

Each Federal agency has its own set of section 504 regulations that apply to its own programs. Agencies that provide Federal financial assistance also have section 504 regulations covering entities that receive Federal aid. Requirements common to these regulations include reasonable accommodation for employees with disabilities; program accessibility; effective communication with people who have hearing or vision disabilities; and accessible new construction and alterations. Each agency is responsible for enforcing its own regulations. Section 504 may also be enforced through private lawsuits. It is not necessary to file a complaint with a Federal agency or to receive a "right-to-sue" letter before going to court.

### ***Section 508***

Section 508 establishes requirements for electronic and information technology developed, maintained, procured, or used by the Federal government. Section 508 requires Federal electronic and information technology to be accessible to people with disabilities, including employees and members of the public.

An accessible information technology system is one that can be operated in a variety of ways and does not rely on a single sense or ability of the user. For example, a system that provides output only in visual format may not be accessible to people with visual impairments and a system that provides output only in audio format may not be accessible to people who are deaf or hard of hearing. Some individuals with disabilities may need accessibility-related software or peripheral devices in order to use systems that comply with Section 508. For more information on section 508, contact:

### ***Architectural Barriers Act***

The Architectural Barriers Act (ABA) requires that buildings and facilities that are designed, constructed, or altered with Federal funds, or leased by a Federal agency, comply with Federal standards for physical accessibility. ABA requirements are limited to architectural standards in new and altered buildings and in newly leased facilities. They do not address the activities conducted in those buildings and facilities. Facilities of the U.S. Postal Service are covered by the ABA. For more information or to file a complaint, contact:

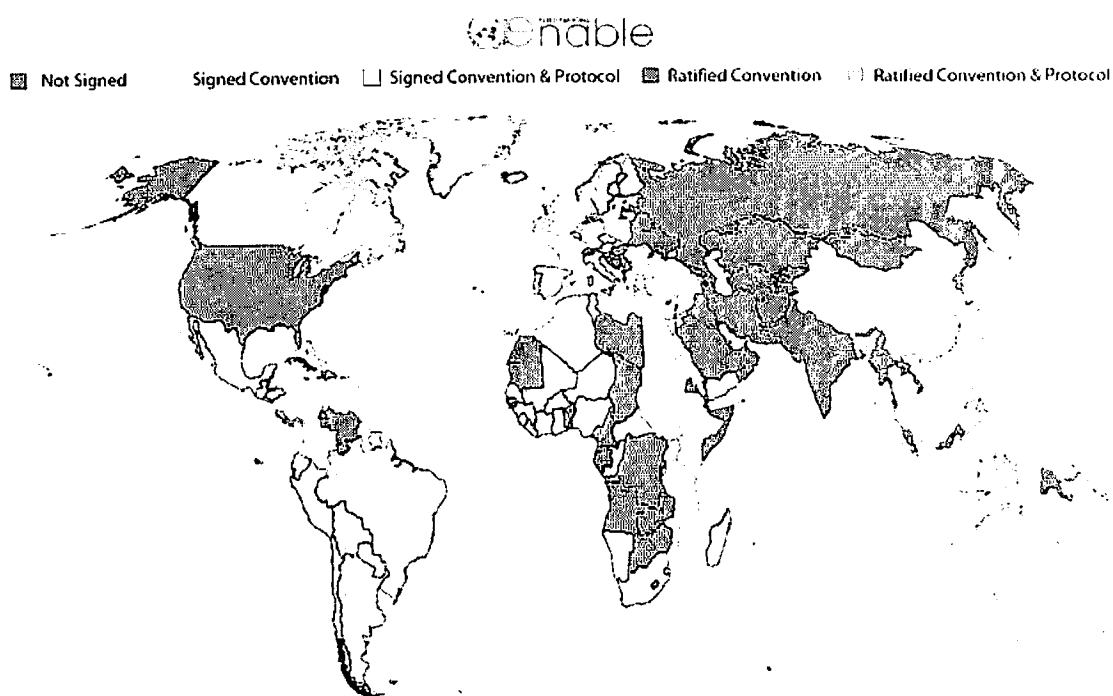
## UK

An Act to make it unlawful to discriminate against disabled persons in connection with employment, the provision of goods, facilities and services or the disposal or management of premises; to make provision about the employment of disabled persons; and to establish a National Disability Council.

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

*Disability Discrimination Act 1995 (c. 50), 1995 CHAPTER 50, 8th November 1995*

## United Nations



There are eight guiding principles that underlie the Convention and each one of its specific articles:

1. Respect for inherent dignity, individual autonomy including the freedom to make one's own choices, and independence of persons
2. Non-discrimination
3. Full and effective participation and inclusion in society
4. Respect for difference and acceptance of persons with disabilities as part of human diversity and humanity
5. Equality of opportunity
6. Accessibility
7. Equality between men and women
8. Respect for the evolving capacities of children with disabilities and respect for the right of children with disabilities to preserve their identities



The Convention on the Rights of Persons with Disabilities and its Optional Protocol was adopted on 13 December 2006 at the United Nations Headquarters in New York, and was opened for signature on 30 March 2007. There were 82 signatories to the Convention, 44 signatories to the Optional Protocol, and 1 ratification of the Convention. This is the highest number of signatories in history to a UN Convention on its opening day. It is the first comprehensive human rights treaty of the 21st century and is the first human rights convention to be open for signature by regional integration organizations. It marks a "paradigm shift" in attitudes and approaches to persons with disabilities.

The Convention is intended as a human rights instrument with an explicit, social development dimension. It adopts a broad categorization of persons with disabilities and reaffirms that all persons with all types of disabilities must enjoy all human rights and fundamental freedoms. It clarifies and qualifies how all categories of rights apply to persons with disabilities and identifies areas where adaptations have to be made for persons with disabilities to effectively exercise their rights and areas where their rights have been violated, and where protection of rights must be reinforced.

*Convention on the Rights of Persons with Disabilities, December 13, 2006*

## ***European Union***

### ***1. On equality of opportunity for people with disabilities***

The aim of these acts is to promote equal opportunities for people with disabilities by incorporating disability issues into Community policies and to consolidate cooperation between Member States in preventing all forms of discrimination on grounds of disability.

#### **SUMMARY**

##### **Communication**

One out of ten citizens in the European Community has a disability, which may be of a physical, sensory, mental or psychic nature.

There are still a number of obstacles to the integration of people with disabilities into society:

- \* in education, many children with disabilities are excluded from mainstream schools and are confined to institutions which give them no opportunity for normal social interaction;

- \* in the field of employment, a great number of people with disabilities within the working age are excluded from the labour market; they are also two to three times more likely to be unemployed and to be so for longer periods than the rest of the working population;

- \* many transport systems and public buildings continue to be inaccessible or accessible only with difficulty to people with disabilities;

- \* as regards housing, suitably adapted or adaptable accommodation is in short supply and prohibitively expensive;

\* welfare systems tend to provide a minimum level of support, falling some way short of achieving the goal of integration.

Historically, the response to disability has been mainly one of social compensation through charity and the development of specialist caring services outside the mainstream of society. However necessary and well intentioned they might be, such responses have compounded the problem of exclusion and under-participation.

The traditional approaches are slowly giving way to a stronger emphasis on identifying and removing the various barriers to equal opportunities and full participation in all aspects of life.

Responsibility for eliminating exclusion and discrimination based on disability lies primarily with the Member States. The new approach is already being implemented in all the Member States, in different ways and at different speeds.

The Commission considers that Community-level involvement can bring significant added value to the efforts of the Member States. The strategy will be organised along the following lines:

- \* consolidation of the cooperation with and between the Member States: establishment of a high-level group of Member State representatives on disability;
- \* development of social dialogue focusing on disability-related issues;
- \* continued support for non-governmental organisations working in the field of disability to encourage European cooperation;
- \* incorporation of disability issues into the formulation of Community policy proposals: an interdepartmental group focussed on issues relating to disability has been set up by the Commission.
- \* strengthening of measures to prevent long-term unemployment and to integrate disabled people into working life in line with the European employment strategy;
- \* assessment of the extent and impact of Structural Fund action targeting people with disabilities, with particular reference to combating social exclusion.

## Resolution

The Council reaffirms its commitment to equal opportunities for people with disabilities and to the principle of avoiding or abolishing all forms of negative discrimination based solely on disability.

The Council calls upon the Member States to ascertain whether their policies take account of the need to eliminate all obstacles to full participation in social life by disabled people and to educate public opinion to be receptive to the abilities of disabled people. Member States are equally encouraged to promote the participation of disabled people in the implementing and following-up of the policies and relevant actions.

The Council calls upon the Commission to integrate the dimension of "equality of opportunity for people with disabilities" into all its relevant proposals and to encourage the exchange of useful information and experience, particularly with regard to innovative policies and good practice. The Commission is also called upon to present periodic reports sum-

marising the progress made and obstacles encountered in implementing the resolution on the basis of information supplied by the Member States.

*Communication of the Commission of 30 July 1996 on equality of opportunity for people with disabilities: A New European Community Disability Strategy [COM(96) 406 final - Not published in the Official Journal].*

*Resolution of the Council and of the Representatives of the Governments of the Member States meeting within the Council of 20 December 1996 on equality of opportunity for people with disabilities [Official Journal C 12 of 13.01.1997].*

## **II. European action plan (2004-2010)**

Equal opportunities for people with disabilities: a European action plan (2004-2010)

Building on the momentum created and the results achieved in 2003 by the "European Year of People with Disabilities", the Commission plans to introduce a multiannual action plan through to 2010, aimed at mainstreaming disability issues in the relevant Community policies and implementing specific measures in key areas with a view to enhancing the economic and social integration of people with disabilities.

### **SUMMARY**

The proposed action plan, covering the period from 2004 to 2010, seeks to set out a sustainable and operational approach to disability issues in the enlarged Europe. It has three central objectives:

- \* to implement fully the Directive on equal treatment in employment and occupation;
- \* to reinforce mainstreaming of disability issues in the relevant Community policies;
- \* to improve accessibility for all.

### **POLICY CONTEXT**

The overall Community approach: objectives and means

The European Union's commitment towards its disabled citizens goes hand in hand with an approach to disability based not on the concept of passive assistance but on the idea of integration and active participation in economic and social life. The main purpose of the action plan is therefore to recognise and protect the rights of people with disabilities. Steps in this direction have already been taken by means of the Community Directive on equal treatment in employment and occupation, and through the anti-discrimination programme 2001-06. Moreover, the Charter of Fundamental Rights specifically protects the rights of people with disabilities, and its incorporation into the future Treaty establishing a Constitution for Europe will be a major advance.

In accordance with the Commission's communication of May 2000 "Towards a barrier-free Europe for people with disabilities", the environmental, technical and legal obstacles to the effective participation of people with disabilities in a knowledge-based economy and society must be removed.

Access to employment is crucial for the integration of people with disabilities. The main programmes financed by the European Social Fund, the Community initiative EQUAL and the European employment strategy are designed to facilitate this process. In addition, the

modernisation of social protection systems ought to help ease the transition from dependency on passive welfare benefits to incentives in the form of work-linked benefits.

Lastly, efforts to combat the marginalisation of people with disabilities encompass the European social inclusion process and the Member States' national action plans.

### Main Community-level achievements

In November 2000, the Council adopted Directive 2000/78/EC prohibiting all discrimination, whether direct or indirect, based on religion or belief, disability, age or sexual orientation, as regards access to employment. Where disability is concerned, this Directive recognises that the failure to provide "reasonable accommodation" in the workplace can constitute discrimination.

The Community action programme to combat discrimination (2001-06) aims to support the Member States in their fight against discrimination, including disability-related aspects. It allows the Commission to finance various activities: campaigns, studies, networking and partnerships, support for non-governmental organisations (NGOs), etc.

The Commission supports international efforts geared to ensuring that fundamental rights are enjoyed fully and equally by people with disabilities. The Commission thus backs the United Nations Convention for promoting and protecting the rights of people with disabilities (see communication entitled "Towards a United Nations legally binding instrument to promote and protect the rights and dignity of persons with disabilities").

With a view to facilitating the free movement of people with disabilities, the Commission has already undertaken to reduce the number of disability benefits that are not exportable from one Member State to another (proposed amendment of Regulation (EEC) No 1408/71 on social security schemes).

### First phase of the action plan (2004-2005)

The first phase of this action plan, covering a two-year period (2004-05), will concentrate on creating the conditions necessary to promote the employment of people with disabilities, granting them appropriate autonomy in this regard.

The priority action areas come under four headings: access to, and remaining in, employment; lifelong learning; harnessing the potential of new technologies; and accessibility to the public built environment.

With a view to ensuring that the needs of people with disabilities are more properly taken into account, the Commission must act in the following areas :

- \* raise the Member States' awareness about implementing Directive 2000/78/EC (equal treatment in employment and occupation);
- \* incorporate the needs of people with disabilities more effectively into the European employment strategy and measures financed by the European Social Fund,
- \* promote social dialogue in the disability arena;

- \* make companies more aware of disability-related issues, particularly in the context of corporate social responsibility;

- \* take the needs of people with disabilities more fully into account in the health and safety spheres.

#### Second phase of the action plan (2006-2007)

The second phase of the action plan, covering a two-year period (2006-07), will focus on active inclusion and autonomy (right of persons with disabilities to benefit from measures designed to ensure their independence, social and occupational integration and participation in the life of the community). It proposes four priorities:

- \* Encouraging activity
- \* Promoting access to quality support and care services
- \* Fostering accessibility of goods and services for all
- \* Increasing the EU's analytical capacity

## Implementing

**U.K.**

Implementing the Disability Discrimination Act 1995: A comparison of Manchester city centre and out-of-town retailer responses

**Abstract: Purpose** – At the time of the imminent implementation of the Disability Discrimination Act (DDA) 1995, Part III, this paper aims to raise awareness both amongst retail and marketing academics and practitioners of the opportunities and potential marketing benefits inherent in the implementation of the Act.

**Design/methodology/approach** – A review of the UK disabled sector and the implications of DDA Stage III for retailers and service marketers is combined with an observational case study of shopping facilities for the mobility impaired shopper in a Manchester city centre and out-of-town location, complemented by interviews with Shopmobility representatives.

**Findings** – Findings provide an observational insight into the status quo of the implementation of the Act. Questions are raised concerning potential retailer responses on a continuum between mere compliance and enthusiastic commitment to the enhancement of servicescapes to the benefit of all. The role of different stakeholders and the potential contribution to location marketing are discussed.

**Research limitations/implications** – Insights are based on systematically gathered observational data representing one person's experience at one point in time and in a specific location, validated via key informant interviews with two representatives of Shopmobility services. They can therefore be seen as exploratory only. Furthermore the focus is on mobility impairment, which is only one of a wide range of disabilities.

**Practical implications** – Implications for marketers include the need to move away from treating this market as separate from the mainstream and realize opportunities for enhancing servicescapes and retail offerings in ways which would benefit the wider population as well.

*Jones, Brenda M. Oldfield, International Journal of Retail & Distribution Management. 2005 Volume: 33 Issue: 9 Page: 669 - 684*

**United Nations**

Article 33 explains that States must set up national focal points governments in order to monitor implementation of the Convention's precepts. States must also set up some sort of independent monitoring mechanisms – which usually takes the form of an independent national human rights institution. The full participation of civil society, in particular persons with disabilities and their representative organizations is essential in the national monitoring and implementation process. International monitoring is achieved via the Committee on the Rights of Persons with Disabilities and the Conference of States Parties.

\* The Conference of States Parties will be made up of signatories to the Convention, and will have the authority to consider any matter with regard to implementation of the Convention. The first meeting of the Conference of States Parties will be convened by the Secretary-General no later than six months after the entry into force of the Convention. The subsequent meetings shall be convened by the Secretary-General biennially or upon the decision of the Conference of States Parties. The Conference will elect members of The Committee on the Rights of Persons with Disabilities.

\* The Committee on the Rights of Persons with Disabilities will have an eventual membership of 18 experts, who will serve for four year terms in their individual capacities rather than as government representatives. (The term of six of the first Committee members will expire after 2 years). States Parties will provide reports to the Committee every two years after the Convention has entered into force. The reports will provide a comprehensive explanation on the progress made towards implementation of the Convention.

## ***E.U.***

### Improving executive capacity

The Commission's Inter-service Group dealing with disability issues is responsible for advancing the action plan and monitoring the mainstreaming activities of the various Commission departments. It also has to give a progress report to the Equal Opportunities Group of Commissioners.

The European High-Level Group for matters relating to disability (expert group chaired by the Commission, bringing together specialists from the Member States) has the task of developing greater interaction between national policies.

The Union will step up its cooperation with organisations such as the United Nations, the Council of Europe, the European Agency for Safety and Health at Work , the European Standards Organisations (e.g. CEN), the European Special Needs Education Agency and the European Foundation for the Improvement of Living and Working Conditions , so as to build mutually rewarding relationships and to benefit from their expertise and their think-tank work.

### Strengthening governance

The Commission proposes to enhance its cooperation with the representatives of associations for people with disabilities, in particular with the European Disability Forum. It also wants the High-Level Group to conduct exchanges of views more frequently with civil society. The social partners should, moreover, be invited to make a full contribution to the promotion of equality for people with disabilities.

The Commission will encourage inter-institutional cooperation amongst EU institutions and bodies, in particular with the European Parliament's Committee on Employment and Social Affairs and its Disability Intergroup.

### Commission report on the situation of people with disabilities

The Commission's report on people with disabilities should draw specific attention to the efforts made under Community policies to promote equal opportunities for people with disabilities. Key contributions from the Member States will set out their achievements, particularly as regards mainstreaming disability issues in all relevant national policies. The Commission is to compile public reports every two years, in line with a structure established with the Member States and representatives of people with disabilities.

The Commission intends to carry out an initial evaluation of the action plan in 2008.

## History

## Period - BC

## 3500 BC

The Rig-Veda, an ancient sacred poem of India, is said to be the first written record of a prosthesis. Written in Sanskrit between 3500 and 1800 B.C., it recounts the story of a warrior, Queen Vishpla, who lost her leg in battle, was fitted with an iron prosthesis, and returned to battle.

## 355 BC

Aristotle said those "born deaf become senseless and incapable of reason."

## 218 BC

Marcus Sergius, a Roman general who led his legion against Carthage (presently Tunis) in the Second Punic War, sustained 23 injuries and a right arm amputation. An iron hand was fashioned to hold his shield and he was able to go back to battle. He was denied a chance to be a priest because one needed two normal hands.

## Years 0 - 1700 AD

## 1500

Girolamo Cardano (1501-1576) was the first physician to recognize the ability of the deaf to reason.

## 1508

Gotz von Berlichingen, German mercenary knight, had a reputation as a Robin Hood, protecting the peasants from their oppressors. In 1508 he lost his right arm in the Battle of Landshut. Gotz had two prosthetic iron hands made for himself. These were mechanical masterpieces. Each joint could be moved independently by setting with the sound hand and relaxed by a release and springs. The hand could pronate and supinate and was suspended with leather straps.

## 1575

Lasso, a Spanish lawyer, concluded that those who learn to speak are no longer dumb and should have rights to progeniture.

## 1616

G. Bonifacio published a treatise discussing sign language, "Of The Art of Signs."

## 1696

Pieter Andriannszoon Verduyn (verduin), a Dutch Surgeon, introduces the first non-locking, below knee prosthesis. It bears a striking similarity to today's joint and corset prosthesis.

## Years 1700 - 1800 AD

## 1755

Samuel Heinicke establishes first oral school for the deaf in the world in Germany.

Charles Michel Abbe del' Epee establishes first free school for the deaf in the world, Paris, France.



1760

Thomas Braidwood opened first school for the deaf in England.

1777

Arnoldi, a German pastor, believed education of the deaf should begin as early as four years.

1784

Abba Silvestri opened first school for the deaf in Italy in Rome.

1790

In Paris, Pinel unshackles people with mental illnesses.  
Years 1800 - 1900 AD

1805

Rush's Medical Inquiries and Observations is the first modern attempt to explain mental disorders.

1809

Louis Braille is born (04-Jan-1809) at Coupvray, near Paris. At three years of age an accident deprived him of his sight, and in 1819 he was sent to the Paris Blind School - which was originated by Valentin Hauy.

1815

Thomas H. Gallaudet departed the America for Europe to seek methods to teach the deaf.

1816

Laurent Clerc, a Deaf French man, returns to America with Thomas H. Gallaudet.

1817

Connecticut Asylum for the Education and Instruction of Deaf and Dumb Persons, the first permanent school for the deaf in America, opened in Hartford on April 15.

1822

American School for the Deaf adds vocational training to curriculum.

1829

Louis Braille invents the raised point alphabet that has come to be known as Braille.

1830

Alice Cogswell dies.

1846

American Annals of the Deaf began publication at the American School for the Deaf in Hartford.

1851

Thomas Hopkins Gallaudet died on September 10.

1854

Galladuet Monument was dedicated in Hartford.

1858

Laurent Clerc retired from teaching at age 73.

1860

The Braille system was introduced to America and was taught with some success at the St. Louis School for the Blind.

1861

The American Civil War (1861 - 1865)- 30,000 amputations in the Union Army alone.

1864

08-apr-1864: Congress authorized the board of directors of the Columbus Institution to grant college degrees; President Lincoln signed charter on April 8.

1872

Alexander G. Bell opened speech school for teachers of the deaf in Boston.

1876

Alexander Bell got patent for his telephone invention; exhibited it at Philadelphia Exposition that summer.

1887

Women admitted to the National Deaf-Mute College (now Gallaudet).

1889

National Association of the Deaf unveiled memorial to Thomas H. Gallaudet at National Deaf-Mute College (now Gallaudet University).

1894

National Deaf-Mute College became Gallaudet College.  
Years 1900 AD - present

1916

British Braille became the English language standard (although New York Point and American Braille were both being used in the U.S.) because of the wealth of code already available in the British empire.

1921

The American Foundation for the Blind (AFB), a non-profit organization recognized as Helen Keller's cause in the United States, is founded.

1935

A group in New York City called the League for the Physically Handicapped formed to protest discrimination by the Works Progress Administration (WPA). The league's 300 people -- most disabled by polio and cerebral palsy -- all had been turned down for WPA jobs. The Home Relief Bureau of New York City was supposed to forward their job requests to the WPA, but was stamping all their applications 'PH' for physically handicapped, as a signal

to the WPA not to give these people jobs. Members of the league sat in at the Home Relief Bureau for nine days; and went to the WPA headquarters and held a weekend sit-in there. They eventually generated a couple thousand jobs nationwide.

In the United States, Dr. Alexis Carrel, a nobel prize winner who had been on the staff of the Rockefeller Institute since its inception, publishes his book "Man the Unknown." In it he suggests the removal of the mentally ill and the criminal by small euthanasia institutions equipped with suitable gases.

1939

Amid the outbreak of World War II Hitler orders widespread "mercy killing" of the sick and disabled. The Nazi euthanasia program was code-named Aktion T4 and was instituted to eliminate "life unworthy of life."

1940

(1940-1944) In Nazi Germany 908 patients are transferred from Schoenbrunn, an institution for retarded and chronically ill patients, to the euthanasia "installation" at Eglfing-Haar to be gassed. A monument to the victims now stands in the courtyard at Schoenbrunn

1941

(03-Aug-1941) In Nazi Germany a Catholic bishop, Clemens von Galen, delivers a sermon in Munster Cathedral attacking the Nazi euthanasia program calling it "plain murder."

(23-Aug-1941) Hitler suspends Aktion T4, which had accounted for nearly a hundred thousand deaths by this time. However the euthanasia program quietly continued using drugs and starvation instead of gassings.

1953

Ed Roberts, "father of the independent living movement," contracts polio.

1970

Ed Roberts and his peers at Cowell (UC Berkeley Health Center) formed a group called the Rolling Quads.

The Rolling Quads form the Disabled Students' Program on the U.C. Berkeley campus.

1971

Ed Roberts and his associates establish a Center for Independent Living (CIL) in Berkeley, CA for the community at large. The center was originally in a roach-infested two-bedroom apartment until the Rehabilitation Administration gave them a \$50,000 grant in 1972.

1974

Disabled Women's Coalition founded at UC Berkeley by Susan Sygall and Deborah Kaplan. Other women involved include Kitty Cone, Corbett O'Toole, and Susan Schapiro. The coalition ran support groups, held disabled women's retreats, wrote for feminist publications, and lectured on women and disability.

National Association of the Deaf did census of Deaf Americans; counted 13.4 million hearing and 1.8 million deaf Americans.

1976

In his election campaign, candidate Jimmy Carter promised that his administration would sign regulations that had received extensive input from affected agencies and the disability community nationwide, and which had taken years to finalize.

Federal Communications Commission authorized reserving Line 21 on television sets for closed captions.

1977

(01-Jan-1977) When Carter's administration took office, the Health, Education, and Welfare Department immediately began revising and watering down the regulations, with no input from the disability community.

(05-Apr-1977) A group of disabled people takes over the San Francisco offices of the Health, Education, and Welfare Department to protest Secretary Joseph Califano's refusal to sign meaningful regulations for Section 504. No one expected to live there for almost a month, but they did. The action became the longest sit-in of a federal building to date. The historic demonstrations were successful and the 504 regulations were finally signed.

(04-May-1977) The Section 504 regulations were issued.

1980-83

Sears, Roebuck and Co. began selling decoders for closed captioning for television.

National Disabled Women's Educational Equity Project based at DREDF is established and run by Corbett O'Toole. They did the first national survey on disability and gender, wrote *No More Stares*, and conducted regional training programs for younger disabled women in Pocatello, Eugene and Minneapolis.

National Disabled Women's Educational Equity Project puts on the first national Conference on Disabled Women's Educational Equity in Bethesda, MD.

Harilyn Rousso sets up the Networking Project on Disabled Women and Girls at the YWCA in New York City. She produces a book and film titled, "Loud, Proud and Female."

1983

(October) National ADAPT action for accessible transportation in Denver, CO at the American Public Transit Association (APTA) Convention.

1988

"Deaf President Now" protest at Gallaudet University in Washington, D.C. First deaf president at Gallaudet: Dr. I. King Jordan

(July - Sept) Greyhound across the nation - ADAPT takes on the inaccessible Greyhound buses.

1989

(September) Opening of a memorial museum for the victims of "euthanasia" and "Special Treatment 14 f 13" at a psychiatric hospital in Bernburg, Germany.

1990

(March) ADAPT action - Washington DC, Wheels of Justice

(26-July-1990) ADA signing ceremony at the White House.

The Secretary of Transportation, Sam Skinner, finally issues regulations mandating lifts on buses.

1993

(15-Feb-1993) Wade Blank, one of the founders of ADAPT, dies trying to save his son from drowning.

Sewering, an SS-member and lung specialist in Germany who had sent a 14-year old girl with TB to Elfing-Haar to be gassed, becomes president-elect of the World Physicians Association. A storm of protest forces him to resign.

1995

The struggle for the rights of people with disabilities in Southern Africa took a giant leap forward with the election and appointment to parliament, for the first time in the history of the region, of two women disability leaders in South Africa and Zimbabwe. The election of Maria Rantho early in 1995 to the government of Nelson Mandela in South Africa, and of Ronah Moyo in April to the Robert Mugabe government of Zimbabwe marked the beginning of an epoch in the history of people with disabilities. Both the new parliamentarians admit they are faced with an uphill struggle with legislators who are mostly ignorant of the needs of people with disabilities. As for South African Federation of Disabled People, this was a landmark victory. Rantho is SAFOD's vice-chairperson and Moyo heads the women's wing of the Zimbabwe Federation of Disabled People. Both women have proven to be tough fighters for human rights, having tested their mettle in the forefront of the struggle. Ms. Rantho was sworn into Parliament in February as part of ANC national list of candidates. She said her first responsibility was to "ensure that human rights issues are debated and upheld." Speaking for nearly six million people with disabilities, who form 12 per cent of South Africa's entire population, she added, "All along there has not been much said or done to protect the rights of people with disabilities, and we needed to be represented by our own people."

(31-Aug-1995) The First International Symposium on Issues of Women with Disabilities is held in Beijing, China in conjunction with the Fourth World Conference on Women.

(26-Dec-1995) The organization of people with disabilities in Cuba (ACLIFM) hold their first international conference on disability rights in Havana, Cuba.

*DSHP - Significant Dates in the History of Sonoma State Hospital in Eldridge, CA, International Independent Living Timeline, Mental Health History Timeline, San Francisco State University - A Chronology of the Disability Rights Movements, VSA's - Timeline of Art and Disability*

## Articles

***A new equality body******Snow White and the seven isms***

Nov 30th 2006

From The Economist print edition

The replacement for the race equality body is being attacked from all sides

"WE CANNOT start from creating a hierarchy of hurts." So says Trevor Phillips, who will become head of a new body, the Commission for Equality and Human Rights, next year. Mr Phillips was responding to the many complaints about the proposed new organisation that were voiced by speakers at a conference on race, held in London this week. They believe that racial concerns will slip down the agenda once they become just one part of the body's work, as it gears up to fight discrimination on seven fronts.

The seven "isms"—or in politer parlance, "strands"—will encompass the rights of women, ethnic minorities, gays, the old, the religious, the disabled and the human rights of all Britons. The new body will not start work until next year, but it has already attracted criticism from both left and right. Those on the right fear that the new super-quango will become a focus for all manner of nonsensical discrimination claims (from the wilder shores of human-rights law, for instance).

Left-wing activists have other complaints. They say that the three commissions that currently defend the disabled, women and ethnic minorities are being disbanded by a government that wants fewer discrimination cases in the courts. They worry that some rights will take precedence over others.

Some race activists are cross that they, unlike those with disabilities, do not have their own committee in the new body. Katherine Rake, director of the Fawcett Society, which supports women's rights, says that if the race groups get their committee, women too might want to press for one of their own. Other groups are lobbying for committees to deal with children and "transgendered people".

As to whether one "ism" will trump another "ism", Mr Phillips replies that he is hardly likely, as a black man, to cease fighting for minority rights. But the complaining continues. Bert Massie, head of the Disability Rights Commission, is also uneasy about the new body, although he promises to help make it work. Stonewall, a group that campaigns for gay rights in Britain, is more positive, although Alan Wardle, its head of policy, concedes that some meetings at the new body, particularly with religious groups that deem homosexuality sinful, could be tricky. But, as Mr Phillips says, people are just going to have to learn to rub along.

***Education and special needs******The system for educating disabled children is not working***

Jul 6th 2006

From The Economist print edition

SHOULD England's 1.5m children with special educational needs—from dyslexia through behaviour dysfunction to severe medical conditions—be educated in mainstream classrooms rather than in specialist schools? For years education professionals have believed that they should. But this week inclusion suffered a body blow. In a long-awaited report, the all-party parliamentary committee on education concluded that the system is hardly fit for purpose.

At first glance inclusion seems an uncontroversial aim. Its supporters say that segregating disabled children in special facilities keeps them from achieving their educational potential and developing social skills. Mary Warnock, an academic who later became a peer, led the crusade for inclusion. She argued also for a system of statementing—getting professionals to assess children's special requirements and then providing extra resources for them. Her ideas became law in the 1981 Education Act, although the money, under a Conservative government, lagged behind.

***A blow for the blind***

Jun 22nd 2006 | SEOUL

From The Economist print edition

A protected trade is opened to competition, but the weak are hurt

BUY a hotcake from a South Korean street vendor and the chances are that he or she is deaf. Call on the services of a professional, registered masseur in the country and he will be blind or visually impaired. In South Korea some jobs have, by historical precedent or even legislation, been the preserve of those with disabilities.

AP What can he do now?

However, a recent ruling by South Korea's Constitutional Court threatens to end the exclusive right of the visually impaired to become registered masseurs. The tradition of the blind masseur dates back almost a century to Japanese colonial rule and has been formalised in law. In the absence of a welfare system, the arrangement was designed to give blind people a protected way of earning a living. However, the courts have now ruled that restricting massage licences to the blind discriminates against sighted people who want to pursue the same trade. This overturned an earlier ruling three years ago, which had found in favour of the existing rules.

The court's verdict has ignited fierce protests by the blind, who say they are being stripped of the only work available to them. One masseur died after throwing himself from a high-rise building, apparently in protest, while others jumped onto the tracks of a Seoul subway station to highlight their plight.

More than 6,500 visually-impaired people are licensed to work as masseurs in South Korea, according to the Korean Masseurs Association (KMA). It now fears a flood of entrants into the sector that will drive out its members. The ruling opens the way for licensing massage parlours employing the sighted: until now, these have operated illegally.

Some people argue that the continued association of the business of massage with the blind demeans those in the profession, implicitly labelling them as restricted to this kind of work. Ideally, people with disabilities, including the blind, would have access to a wider range of job opportunities. But, says the KMA, the established tradition has served its members well. Prejudice, and a lack of official support, continues to restrict the choice of work for the blind, hence their fierce defence of their exclusive right to the trade.

The South Korean government is sympathetic. Earlier this month, the health minister, Rhyu Si-min, visited a group of masseurs who have been staging a protest on a big bridge in Seoul. The government has started talks with KMA officials to draw up measures to soften the impact of the court ruling.

### ***Mainstream schools are failing many children with autism***

May 25th 2006

From The Economist print edition

SYBIL ELGAR, a secondary school for autistic children in Southall, west London, is a quiet place, and for good reason. Children with autism are easily overwhelmed by information and can react badly—even violently—to the wrong kind of stimulus. Sybil Elgar is designed as a low arousal building, without the usual eye-catching displays in the entrance hall.

The school is unusual in other ways. With just over 100 pupils, it is barely a tenth the size of the average secondary school. There are two members of staff to every five children. Some pupils have screens around their desks to reduce external stimuli. The children travel between classrooms, as they would in an ordinary secondary school—but do so in small groups, led by an adult.



### ***Deal close at threatened factory***

A deal is being struck which would save the jobs of 17 disabled workers at a factory which is due to close.

The Remploy plant near Lydney in the Forest of Dean is one of 43 in the UK to shut or merge as part of the company's modernisation plans.

Gloucestershire Industrial Services (GIS), which also employs disabled people, plans to transfer its operation from Cinderford to the Remploy site.

If the deal is accepted, Remploy's 17 staff would be kept on.

Remploy manufactures a range of goods, including school furniture, motor components and chemical, biological and nuclear protection suits for police and the military.

### ***DLA claimants reach record high***

Calculator and coins

More than 174,000 people receive the allowance

The number of people claiming disability living allowance (DLA) in Northern Ireland is increasing by 1,000 each month.

Currently, 174,343 people - more than 10% of the population - are receiving the benefit, the most ever recorded.

"There are roughly 2,000 fresh DLA claims per month and success rates are around 50%," said a DSD spokesman.

The most common reasons for claiming are arthritis (32,136), psycho neurosis (30,006) and heart disease (11,163).

Other include back pain (10,512) epilepsy (5,074), alcohol dependency (3,261), Aids (77) and being a double amputee (27).

"There are no initiatives ongoing at present to reduce the figures," continued the DSD spokesman.

"The Social Security Agency has a benefit uptake programme in place which targets those most vulnerable in society, which includes people with disabilities and carers, to ensure they are claiming all the benefits they may be entitled to."

The spokesman added that there are a number initiatives to ensure that those receiving DLA "continue to satisfy the entitlement criteria for their award of benefit".

***Disabled service gets £500k boost***

An elderly person with a disability (library picture)

The money for the service has come from the assembly government

A service helping pensioners and people with disabilities in Powys is set to receive a major overhaul thanks to a £500,000 cash boost, say officials.

Powys Community Equipment Service supplies items such as hoists to bedridden people, and helps them continue to live in their own homes.

The money from the Welsh Assembly Government will be used to improve storage facilities and buy equipment.

The service is funded jointly by Powys Council and Powys Local Health Board.

Powys Community Equipment Service provides about 10,000 specialist items a year to up to 3,000 elderly and frail people, and those with disabilities.

A spokesman for the project said: "The Welsh Assembly Government has given a one-off grant of £500,000 to the initiative to improve storage and cleaning facilities and to make sure equipment is delivered to peoples homes as quickly as possible."

At present, the service is run by a number of different organisations such as the British Red Cross, with differing levels of service across the county, said officials.

The extra money is expected to "improve access to equipment" and help provide a more consistent service across the county.

The service spokesman added: "We are also determined to move away from a postcode lottery with deliveries and services based on need not location, and improve our out of hours and weekend operations."

A consultation process with users will be held over the coming months, with changes expected to be in place by October 2008.

Age Concern Cymru said it welcomed the investment as research showed that the "majority of older people prefer to stay living in their own homes whenever possible".

***A boy left severely disabled by a lack of oxygen at birth has been awarded £5.5m in compensation.***

The High Court heard Daniel Kay, born at Sandwell Hospital, West Midlands, in 1991, was left with quadriplegic cerebral palsy as a result.

Doctors failed to properly manage his breathing and he suffered a circulatory collapse when he was one day old.

The payout follows an admission of liability by Birmingham and the Black Country Strategic Health Authority.

Daniel, now 16, was deprived of oxygen after doctors failed to properly manage his breathing after his birth.

I think if we hadn't been so persistent in our quest for answers, we would never have uncovered the truth

Tony Kay, Daniel's father

His parents say he is mentally bright and has excelled academically, recently gaining eight GCSEs, but needs 24-hour care and a wheelchair to get around.

His father, Tony Kay, said the hospital had always told them Daniel's condition was "just one of those things", but added that they thought they owed it to Daniel to find out for certain.

Independent medical experts eventually told them his condition was not because of natural causes, but medical failures.

"I think if we hadn't been so persistent in our quest for answers, we would never have uncovered the truth," said Mr Kay.

**Anger over mistakes**

His mother, Angela Kay, said she was still angry about the mistakes that were made but added she now had to look to the future.

"We are just relieved that this settlement will allow Daniel to be cared for in the way he needs for the rest of his life," she said.

During Daniel's birth he became distressed and inhaled meconium, a baby's first stool, into his lungs.

He was taken to the neonatal unit but doctors could not clear his airway and his oxygen levels began to drop.

'Sub-standard to abysmal'

Some 30 hours later he suffered a circulatory collapse and his brain was starved of oxygen for up to 25 minutes, causing permanent brain damage.

One medical expert said his care went "from sub-standard to abysmal".

In a statement released after the hearing the West Midlands Strategic Health Authority, the trust now in charge of the region, apologised and said it was pleased both parties reached a mutually acceptable settlement.

"We remain very sorry that the care offered to Daniel following his birth did not meet the high standard that we strive to provide.

"We wish Daniel and his family well for the future and wish to pay tribute to the loving and devoted care that Daniel's family have given to him."

### ***Next generation disability technology***

By Ian Hamilton  
BBC Scotland

Orion web box

The conference showcases technology to help disabled people

Techshare is one of the largest disability technology conferences of its type in the UK.

Delegates from all over the world gathered in London's west end to debate all things technological - in the world of disability.

The hot topic this year was the digital revolution and whether disabled people were benefiting or being excluded from the digital world.

One of the areas highlighted in the conference was the advancement of specialist equipment and services.

For example: The Orion Web Box. This new piece of technology was developed by the Dutch company Specialist Radio.

The Web Box could change the web for people who have reading disabilities and the service user does not need a computer to access the internet.

It provides the listener with a potentially endless list of audio content from the web - internet radio, newspapers and talking books.

Half the size of a shoe box, it has a very simple operation.

With the touch of one button, the menu is read out to the user providing them with the simplest way to make a selection.

A broadband connection is essential, however, no computer is required.

At £280 not everyone could afford the Box but for those who are not confident with computers it may be the ideal option.

The conference also drew attention to the high number of disabled people missing out due to the lack of accessible technology and those who have not been accessing the new digital technology such as Audio Described Television.

This is when a separate audio track is broadcast giving commentary on what is happening on the screen when action is taking place.

Currently, you can only receive this if you are a Sky or a Virgin Media subscriber. Otherwise, you will have to buy a separate additional box to get this service.

If you have Freeview, this is a particular problem as an extra box to do this could cost upwards of £400.

However, under the digital switchover help scheme, the government has plans for a box for people with certain disabilities, those who are registered blind and partially sighted and those people aged over 75.

The Royal National Institute of the Blind has been heavily involved in setting the specification for the box which will carry audio description.

Audio description will be available via a single button, with other access features, including an improved remote control layout.