

Disability Action Plan

Fiji Human Rights Commission

Adopted at the UN World Human Rights Day Inquiry into the Rights of People with Disabilities Suva, 10 December 2002

Preamble

We, members of the Fiji Human Rights Commission, representatives of Government and Civil Society and people with disabilities gathered for an Inquiry into the Rights of People with Disabilities in Fiji on the United Nations World Human Rights Day:

International perspective

- A. Affirm that disability is a human rights issue and that people with disabilities have the same inalienable rights to life and welfare, education and work, access to all community facilities, self-determination, independent living and active participation in all aspects of society as all other human beings;
- B. Uphold the principles of the *United Nations Declaration on the Rights of Disabled Persons 1975* which states that people with disabilities have an inherent right to respect for their human dignity, the same civil and political rights as other human beings, the right to measures designed to enable them to become as self reliant as possible, the right to economic and social security and the right to medical, psychological and functional treatment, to medical and social rehabilitation, education, vocational training and rehabilitation, aid, counselling, placement services and other services which will enable them to develop their capabilities and skills to the maximum and will hasten the processes of their social integration or reintegration;
- C. Recognise that most United Nations Conventions, with the exception of the *Convention on the Rights of the Child*, refer only indirectly to the rights of people with disabilities, and further recognise that other international instruments (such as the *United Nations Declaration on the Rights of Disabled Persons* and the *United Nations Standard Rules on the Equalization of Opportunities for Persons with Disabilities*) which make specific references to people with disabilities are non-binding;
- D. Affirm the principles of relevant disability-specific United Nations instruments, mandates and recommendations, including General Assembly resolutions 2856 (XXVI) of 20 December 1971 on the Declaration on the Rights of Mentally Retarded Persons, 3447 (XXX) of 9 December 1975 on the Declaration on the Rights of Disabled Persons, 37/52 of 3 December 1982 on the World Program of Action concerning Disabled Persons, the Rehabilitation and Employment (Disabled Persons) Convention (No. 159), 1983, adopted by the International Labour Organization on 20 June 1983, and its recommendation on that Convention, General Assembly resolution 48/96 of 20 December 1993 on *Standard Rules on the Equalization of Opportunities*

for Persons with Disabilities and the Salamanca Statement and Framework for Action on Special Needs Education;

- E. Recall that following the International Year of Disabled Persons in 1981, the UN General Assembly, in its resolution 37/52 of 3 December 1982, adopted the World Program of Action concerning Disabled Persons, aimed at achieving full participation and equality and protection of rights of people with disabilities;
- F. Understand that over the last two decades, advocates have sought to develop and adopt a legally binding international treaty specifically focused on the issue of disability and to this end, the Beijing Declaration on the Rights of People with Disabilities called for a wide consultation process with NGOs, UN organizations and governments aimed at the preparation and adoption of an international convention to promote and protect the rights of people with disabilities;
- G. Welcome the establishment in December 2001 by the United Nations General Assembly of an Ad Hoc Committee on a Comprehensive and Integral International Convention on Protection and Promotion of the Rights and Dignity of Persons with Disabilities to consider proposals for an international convention to promote and protect the rights and dignity of people with disabilities;
- H. Affirm recommendations made by the Ad Hoc Committee at a meeting in New York (July/August 2002) that States should be encouraged to hold meetings or seminars to contribute to the work of the Ad Hoc Committee and that the UN Secretary General seek views on proposals for a convention from States, UN Bodies, regional commissions, inter-governmental organizations, NGOs, national disability and national human rights institutions;
- I. Note with interest the draft *Biwako Millennium Framework for Action Towards An Inclusive, Barrier-Free and Rights-Based Society for Persons with Disabilities in Asia and the Pacific* adopted by the United Nations Economic and Social Commission for Asia and the Pacific (ESCAP) in Japan (October 2002) which has provided much of the basis for this *Disability Action Plan*; and express our commitment to the goals and priority areas for action identified in the document;

National Perspective

- J. Note that Section 38 (1) of the Fiji Constitution states that every person has a right to equality before the law, and that Section 38 (2) further prohibits people from unfairly discriminating, directly or indirectly, against other persons on a number of grounds including disability, and that people with disabilities have right of access to all public places (subsection 4) and proprietors of public places must facilitate reasonable access for people with disabilities (subsection 5);
- K. Recognise that Section 39 of the Fiji Constitution stipulates that every person has the right to basic education and equal access to educational institutions, including people with disabilities who cannot be discriminated against on the basis of their disability and refused access or admission to a place of education,

- L. Recall that disability is a prohibited ground for discrimination under Section 17 of the *Fiji Human Rights Commission Act 1999*, which applies to discrimination in the fields of employment, applying for work, providing approval for licenses or trade, calling or profession, the provision of housing, land or other accommodation and access to and participation in education;
- M. Acknowledge the *Fiji National Council for Disabled Persons Act 1994* which established the Fiji National Council for the Disabled as the main co-ordinating body for all organisations dealing with the care and rehabilitation of people with disabilities in Fiji;
- N. Affirm the actions of the Government of Fiji in facilitating programs with individual Government Departments, wherever they exist, to assist people with disabilities;

AND

- O. Adopt the following *Disability Action Plan*:

DISABILITY ACTION PLAN

Goal: to promote an inclusive, barrier-free and rights-based society for people with disabilities in Fiji.

Promotion of this goal is guided by the following underlying principles:

Underlying Principles

1. People with disabilities have the right to participate in every aspect of economic, social, cultural and political activity in Fiji without discrimination.
2. People with disabilities are the most qualified and best equipped to support, inform and advocate for themselves and other people with disabilities. Evidence suggests that the quality of life of people with disabilities, and of the broader community, improves when people with disabilities themselves actively voice their concerns and participate in decision-making. Self-help organizations are the most qualified, best informed and most motivated to speak on their own behalf concerning the proper design and implementation of policy, legislation and strategies which will ensure their full participation in social, economic, cultural and political life and enable them to contribute to the development of their communities.
3. Women with disabilities are one of the most marginalized groups in society, as they are multiply disadvantaged through their status as women, as people with disabilities, and are over-represented among people living in poverty. Women and girls with disabilities, to a greater extent than boys and men with disabilities, face discrimination within the family, are denied access to health care, education, vocational training, employment and income generating opportunities, and are excluded from social and community activities.

4. People with disabilities and their parents, guardians, advocates and organizations, must be active partners with Government in the planning and implementation of all measures affecting their civil, political, economic, social and cultural rights.

Actions required by the Fiji Government and the Fiji Human Rights Commission to work towards achieving these principles are:

5. Participation by the Government of Fiji in the development of a draft United Nations Convention on the Rights of People with Disabilities which recognises the directions proposed by this *Disability Action Plan* towards a more human rights based approach.
6. Establishment by the Government of Fiji of a Cabinet Committee to assist it to make representations to States Parties discussions on the proposed UN *Convention on the Rights of People with Disabilities* and to implement this *Disability Action Plan*.
7. Involvement by the Fiji Human Rights Commission in monitoring the development of the draft United Nations Convention and in making recommendations on the continued implementation of this *Disability Action Plan* in line with its functions of promoting and protecting the human rights of all persons in Fiji and of making recommendations to Government about matters affecting compliance with human rights (Section 42 (2) (b) of the Fiji Constitution).
8. Establishment by the Fiji Human Rights Commission of a National Disability Advisory Group which will regularly provide advice to the Fiji Human Rights Commission on the concerns and interests of people with disabilities, caregivers and service providers; advise the Commission on the development of the Disability Convention and assist the Commission to refine and implement this *Disability Action Plan* which addresses the following priority areas.

Priority Areas for Action are:

Education

9. Exclusion from education and training prevents the achievement of economic and social independence for people with disabilities and increases their vulnerability to poverty. To prevent this, Government can work to ensure the provision of appropriate education which responds to the needs of people with all types of disabilities. Inclusive education, meaning access to education in regular local neighbourhood or community schools or institutions, provides the best opportunity for the majority of people with disabilities to receive an education at all levels. Inclusive education also breaks down barriers and negative attitudes towards disability and facilitates social integration of people with disabilities in local communities.

Goal: to ensure that children and adults with disabilities will be able to participate in primary, secondary and tertiary education in their local communities.

Strategies:

- Enact legislation and formulate educational policy and planning (in consultation with families and organizations of people with disabilities) to develop educational programs that will enable people with disabilities to attend their local primary or secondary schools or tertiary institutions. Policy implementation needs to prepare the education system for inclusive education where appropriate.
- Encourage teacher training that includes methodology and techniques for teaching children with diverse abilities
- Develop curriculum to promote positive attitudes to the education of children with disabilities and ensure that learning is specifically tailored to meet the needs of people with disabilities
- Modify the education environment to improve access to educational facilities for people with disabilities
- Establish a Disability Resource Centre at the University of the South Pacific to assist students with disabilities who are undertaking tertiary studies
- Ensure adequate public budgetary allocation for the education of people with disabilities
- Recognise sign language as a culturally appropriate language.

Access to Public Places

10. Inaccessibility to the built environment, including public transport, is a major barrier which prevents people with disabilities from actively participating in social and economic life. The Constitution of Fiji recognizes that people with disabilities have a basic right to access public places such as shops, hotels, lodging-houses, public restaurants, entertainment venues, public transport services, taxis and public spaces. Further, the Constitution requires that the proprietors of these places or services must facilitate reasonable access for people with disabilities.

Goal: to create built environments, public spaces and transports systems that are accessible to people with disabilities.

Strategies:

- Adopt and enforce a building code applying to refurbishment of existing public facilities and infrastructure as well as planning for new public facilities and infrastructure and for the implementation of accessibility standards for transport.
- Promote inclusive/universal design approaches in professional education courses in architecture, planning and engineering that recognize the needs of people with disabilities.

Provision of Housing

11. Housing is a basic requirement for every member of the community including people with disabilities. The provision of adequate housing is integral to the economic and social inclusion of people with disabilities in the community. Therefore, housing needs to be available and housing design needs to take into account the capacity for homes to be adapted and to meet the needs of people with disabilities.

Goal: to ensure the availability of housing for people with disabilities and that housing is designed to be adaptable to the needs of people with disabilities.

Strategies:

- Ensure relevant housing authorities take into account the needs of people with disabilities in allocating housing and adjusting it to meet their specific requirements.
- Improve attitudes of private owners of housing towards occupiers of that housing who are people with disabilities.
- Establish and implement building codes relating to housing that take into account adaptability in order to meet the needs of people with disabilities.
- Educate appropriate professionals to draw to their attention creative housing design that is responsive to the needs of people with disabilities.
- Address the issue of discrimination against people with disabilities in the provision of mortgage insurance.
- Inquire into the provision of simple household devices (such as visual indications for audible door alarms) that will assist people with disabilities in their social interaction with other family and community members.

Access to Places of Worship

12. The Constitution of Fiji (Section 35) recognizes that religion is integral to the fabric of Fiji society. It is important that people with disabilities have the opportunity for equal participation in this area of community activity. For this reason, it is important that places of worship and the conduct of religious ceremonies make provision for people with disabilities.

Goal: to ensure that places of worship and religious ceremonies are accessible to people with disabilities.

Strategies:

Religious leaders, in consultation with organisations of people with disabilities, to develop strategies to achieve this goal including:

- making places of worship physically accessible.
- communicating religious ceremonies in forms that are accessible to people with disabilities such as sign language, interpreting and hearing augmentation.
- making relevant material available in alternative formats such as Braille.

Access to Information and Communication

13. The rapid development of information and communication technologies has had both positive and negative impacts on people with disabilities. New technology has opened up opportunities for people with disabilities to secure employment and to live independently. However, the new information society has also given rise to problems for people with disabilities such as online processes for registration, banking or shopping transactions

which may not be accessible to people with visual, auditory, physical or cognitive/intellectual disabilities.

Goal: to improve access to information and communications technology for people with disabilities.

Strategies:

- Adopt and support ICT development based on international standards which are universal/open/non-proprietary to ensure the long-term commitment to ICT accessibility for people with disabilities among all sectors, with special attention to standards that have accessibility components and features with a proven record of effectiveness. Examples of these are the Web Accessibility Initiative of the World Wide Web Consortium and the Digital Accessible Information System Consortium.
- Conduct and encourage awareness raising training for information and communications technology (ICT) policy makers, regulatory agencies, representatives of ICT companies to improve understanding of disability issues.
- Support computer literacy training and capacity building for people with disabilities, particularly children.
- Introduce closed captioning and Auslan interpreting to enable people with disabilities to enjoy television and cinema.
- Provide various forms of incentives, including exemption of duties for ICT devices used by people with disabilities and subsidize the cost of assistive technology equipment to ensure that they are affordable for people with disabilities in need.

Adequate Provision of Social Security

14. Poverty is both a cause and consequence of disability. Poverty and disability reinforce one another, contributing to increased vulnerability and exclusion. The adequate provision of social security to people with disabilities is of particular importance given that disability exacerbates poverty by diminishing access to a means of livelihood and increasing the likelihood of isolation from the workplace.

Goal: to ensure the adequate provision of social security for people with disabilities.

Strategies:

- Recognise the extra costs of disability in the development of social security policy.
- Include people with disabilities as a priority group in social security and poverty alleviation programs.
- Allocate adequate rural development and poverty alleviation funds towards services that benefit people with disabilities.
- Provide a tax exemption for people with disabilities in recognition of the extra costs of disability.
- Index any disability pension or social security payment to people with disabilities so that the rate of payment is linked to Consumer Price Index (CPI).

Provision of Adequate and Appropriate Health Care

15. Article 12 of the *International Covenant on Economic, Social and Cultural Rights* recognizes the rights of everyone to the highest attainable standard of physical and mental health. The right to health includes, “a wide range of socio-economic factors that promote conditions in which people can lead a healthy life” and that “health facilities, goods and services must be within safe physical reach for all sections of the population, especially for vulnerable or marginalized groups such as...persons with disabilities.” (General Comment 14, United Nations Committee on Economic, Social and Cultural Rights E/C.12/2000/4, CESCR, 11 August 2000).

Goal: to ensure the provision of adequate and appropriate health care for people with disabilities.

Strategies:

- General health services to be accessible to people with disabilities.
- Programs aimed at early recognition and intervention for people with disabilities to be included in Government plans, policies and budgets.
- Health service delivery structures to include rehabilitation services.
- Health insurance to be made readily accessible for people with disabilities.

Access to Employment

16. People with disabilities have a right to engage in work according to their talents and abilities and ought not to be excluded on the basis of their disability. They require the same education, vocational training, employment and business development opportunities available to everyone else. Section 17 of the *Fiji Human Rights Commission Act 1999* prohibits discrimination against people with disabilities in applying for or procuring employment or in the provision of approval for a qualification that is needed for any trade, calling or profession or in training or facilities or opportunities for training to help fit a person for any employment. Non-discrimination in employment for people with disabilities is especially important given that the level of unemployment for people with disabilities in Fiji is far higher than the level of unemployment for those who do not have a disability.

Goal: to improve access to employment and vocational training opportunities for people with disabilities.

Strategies:

- Implement mechanisms to include people with disabilities in training, employment and self-employment programs.
- Develop and implement employer incentives and affirmative action programs to employ people with disabilities and to recognize that Government, as a major employer, could be a model employer with regard to the hiring, retention and advancement of workers with disabilities.

- Enforce anti-discrimination legislation that protects the right of workers with disabilities.

Sports and Recreation

17. People with disabilities have a right to participate without discrimination in sport and recreation. Such participation is important for social integration and for the psychological and physical well-being of people with disabilities.

Goal: to ensure people with disabilities have equal opportunities to participate in sport and recreation.

Strategies:

- Initiate measures to make places for recreation and sports, hotels, beaches, sports arenas, gym halls, etc., accessible to people with disabilities.
- Sports organisations to be encouraged to develop opportunities for participation by people with disabilities in sports activities.
- People with disabilities participating in sports activities should have access to instruction and training of the same quality as other participants.
- The Fiji Sports Association for the Disabled to assist with the inclusion of people with disabilities in mainstream sporting activities in Fiji.

Support Services

18. The development and supply of support services, including assistive devices, are vital in increasing the level of independence of people with disabilities. Assistive devices, personal assistance programs and interpretation services all serve to increase the level of participation of people with disabilities in everyday life at home, work, school or during leisure time activities.

Goal: to ensure people with disabilities have access to adequate and appropriate support services.

Strategies:

- Provide respite assistance to caregivers of people with disabilities.
- Ensure adequate provision of care for people with disabilities with no available or remaining family to act as caregivers.
- Provide greater financial assistance to service providers always bearing in mind that people with disabilities have a prime role in determining the services that best meet their needs.