

Economic Commission for Latin America and the Caribbean

ECLAC SUBREGIONAL HEADQUARTERS FOR THE CARIBBEAN



Report of the expert group meeting on disability, human rights and public policy



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**Economic Commission for Latin America and the Caribbean
Subregional Headquarters for the Caribbean**

Expert group meeting on disability,
human rights and public policy
11 April 2017
Port of Spain, Trinidad and Tobago

LIMITED
LC/CAR/2017/7
18 September 2017
ORIGINAL: ENGLISH

REPORT OF THE EXPERT GROUP MEETING ON DISABILITY, HUMAN RIGHTS AND PUBLIC POLICY

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A. SUMMARY OF RECOMMENDATIONS

1. The development of national legal frameworks is crucial to the protection and promotion of the rights of persons with disabilities established in international human rights treaties. Even though 11 out of 13 Caribbean Member States have ratified the United Nations Convention on the Rights of Persons with Disabilities (CRPD), only four Caribbean states have national legislation on disability. All states should adopt and/or implement legal protections for the rights of persons with disabilities at the national level.
2. Disability statistics need to be improved in the subregion. At present, it is difficult to analyse the situation of persons with disabilities across countries because the statistics on disability are generally not comparable. Member States need to work together to develop more harmonized census questions to facilitate analysis of disability.
3. Greater efforts are needed to adapt the physical and social environment to enable persons with disabilities to participate fully and equally in all areas of society. This applies to public buildings, public spaces, transport services, places of work, hospitals, schools, shops, cinemas and many other spaces. In addition to adaptations of the physical environment, people's attitudes, which can be every bit as much of a barrier, must also change. Significant improvements in the accessibility of the physical and social environment can only be achieved through legislation, and its enforcement.
4. Education plays a key role in empowering and transforming the lives of persons with disabilities. Therefore, Member States should make accommodations to facilitate the inclusion of persons with disabilities in mainstream schools wherever possible. Greater efforts are needed to retrofit school buildings to accommodate students with physical disabilities; to adapt the curriculum; and provide the kind of educational and other support that will enable children with disabilities to have the same educational opportunities as other children.
5. Renewed efforts by regional institutions, governments and civil society organizations are needed to strengthen regional collaboration on projects which will improve the lives of persons with disability and ensure that disability issues have a more central role in the regional development agenda.

B. ATTENDANCE AND ORGANIZATION OF WORK

1. Place and date

6. The Economic Commission for Latin America and the Caribbean (ECLAC) subregional headquarters for the Caribbean convened an expert group meeting to discuss the study entitled "Disability, human rights and public policy" as well as to share information on national and regional activities in the area of disability, and consider opportunities for subregional collaboration. The expert group meeting took place on 11 April 2017 in Port of Spain, Trinidad and Tobago.

2. Attendance

7. The meeting was attended by senior officials of government agencies with responsibility for programmes supporting persons with disabilities in the Caribbean subregion. The following ECLAC Member States were represented: Barbados, Jamaica, Saint Vincent and the Grenadines, and Trinidad and Tobago; and one associate member: the Cayman Islands. Other meeting participants representing United Nations programmes and funds, and specialized agencies, regional

development organizations and academia included: the United Nations Development Programme (UNDP), Pan American Health Organization (PAHO/WHO), Office of the High Commissioner for Human Rights (OHCHR), Organization of American States (OAS), and the Disabilities Studies Unit of the University of the West Indies (UWI). The private sector and non-governmental organizations (NGOs) represented were: the Consortium of Disability Organizations, the National Centre for Persons with Disabilities of Trinidad and Tobago, and Squeaky Wheels.

3. Agenda

1. Opening of the meeting
2. Presentation and discussion of the paper “Disability, human rights and public policy”
3. Round table discussion on regional collaboration on the issue of disability
4. Closing remarks

C. SUMMARY OF PROCEEDINGS

1. Opening of meeting

8. The Director of ECLAC subregional headquarters for the Caribbean welcomed all participants and noted that the meeting would provide an opportunity to exchange views on what had been taking place in the area of disability within the Caribbean subregion. She expressed her keen interest in learning about policies and programmes providing support to the community of persons with disabilities that were being implemented by governments and NGOs, and the work of other institutions in the area of disability.

9. She mentioned that ECLAC has been doing work on disability in the subregion over recent years, and was committed to engage more with stakeholders in this area. In 2013, ECLAC supported the CARICOM High-Level Ministerial Meeting on the Rights of Persons Living with Disabilities and Special Needs that took place in Haiti and since then has sought to raise awareness of the issue of disability along with ageing. The Director highlighted the connection between disability and population ageing which will lead to an increase in the number of persons with disabilities.

10. ECLAC drafted a study entitled “Disability, human rights and public policy” to be presented to the meeting with the aim of taking stock of the situation of persons with disabilities in the Caribbean under the themes of health, accessibility of public buildings and transportation, inclusive education, and employment. The study compiled the most recent census data to present a situational analysis of persons with disabilities in the subregion while also evaluating the various programmes and policies of governments and civil society organizations. It also provided recommendations to implement the United Nations Convention on the Rights of Persons with Disabilities (CRPD) and other international agreements.

11. The Director acknowledged that the Caribbean subregion still had a long way to go in terms of advancing legislation for persons with disabilities, as only four Caribbean countries had national legislation on disability: the Bahamas, Guyana, Jamaica, and the Cayman Islands. Also, even though 11 out of 13 Caribbean states have ratified the CRPD, they are yet to report on its implementation. She emphasized the importance of these legal frameworks to the protection of the rights of persons with disabilities.

12. She expressed her hope that the meeting would facilitate the reestablishment of contact among regional institutions, disability focal points and experts throughout the Caribbean. It was acknowledged that the issue of disability deserved far more attention than it received and there is a need to work together more on the issue.

2. Presentation and discussion of the paper “Disability, human rights and public policy”

13. The Population Affairs Officer of ECLAC subregional headquarters for the Caribbean, gave a brief summary of the draft ECLAC study “Disability, human rights and public policy”, which sought to analyse the situation of persons with disability in the Caribbean subregion, particularly in the areas of health and rehabilitation; enabling environments; education and employment.

14. With regards to health and rehabilitation services for persons with disabilities, the Population Affairs Officer noted that the ability to pay played an important role in determining access to services. While most Caribbean public health systems provided free care and medications, these services were heavily rationed due to limited availability and overstretched capacity. As a result, there was widespread use of private health services even amongst persons with disabilities in lower income groups, for example for medication. Furthermore, specialist services like speech and occupational therapy or costly assistive devices were often only available at a cost.

15. There had been some progress in the Caribbean subregion in the area of mental health, as some countries were able to successfully integrate mental health into primary healthcare as well as make psychotropic medication available at the primary care level. Furthermore, some countries developed sexual and reproductive health (SRH) programmes specifically aimed at persons with disabilities, through partnerships among Ministries of Health, Family Planning Associations, and Disabled Persons Organizations.

16. There has also been a gradual expansion of rehabilitation services in the Caribbean subregion although unmet needs still persist. Jamaica was one of the few countries that had a specialised inpatient rehabilitation facility which acted as a referral centre for all hospitals in the country. This facility offered inpatient and outpatient care; occupational therapy and physiotherapy. Several other countries had community based rehabilitation (CBR) programmes such as in Belize. However, some people are forced to travel abroad to receive the services that they need, or they simply manage without.

17. The full and equal participation of persons with disabilities depends on an enabling environment with reasonable accommodation for persons with disabilities in respect of both the physical and social environment. The findings of the study showed that a lot of Caribbean societies fell way below this ideal as, for example buildings, public spaces, and transport services were not accessible to persons with disabilities for whom they were difficult or impossible to use. He noted that many public buildings such as schools, government buildings, churches, shops and police stations, to name a few, presented serious obstacles because they were not designed and built to be easily accessible to persons with disabilities. These buildings commonly lacked ramps, wheelchair accessible entrances, doors, elevators and emergency exits, accessible toilets, or reserved parking. Streets and pavements are often inaccessible due to their unevenness, the absence of audible or tactile signs, and curb-cuts. Often just as disabling as the physical obstacles are the attitudes towards persons with disabilities.

18. Similarly, accessing transport was a major barrier for persons with disabilities to freely participate in education, work and society in general, as they often did not have access to a private car. There are major barriers to the use of public transport systems in most Caribbean countries.

Public transportation comprises mainly buses, minibuses, and collective taxis which do not generally incorporate ramps or anchorings for wheelchairs. Due to the expense associated with retrofitting vehicles to accommodate persons with disabilities, there has been limited action in this area.

19. It was acknowledged that there had been improvements to educational opportunities for children with disabilities in the Caribbean subregion although significant inequalities between the rate of school attendance for children with and without disabilities, and similarly for educational attainment, still persisted. Many children with disabilities, particularly those with more severe disabilities, were unable to attend mainstream schools either because the schools were not physically accessible or were not able to meet their educational needs. In recent years, several countries have developed special education units which are attached to mainstream schools, which have improved the situation somewhat. There has also been some progress made towards the inclusion of children with disabilities in mainstream classes, particularly blind and visually impaired children. On the other hand, there are still some children, especially those with more severe disabilities, who remain outside the education system entirely. The Population Affairs Officer did note that even though there was the political commitment to enhance the education of children with disabilities, the challenge was still in translating the equal right to education into practice.

20. The study found that persons with disabilities experienced significantly higher rates of unemployment and lower rates of employment than those without disabilities. Moreover, there is evidence that persons with disabilities, who are employed, are more likely to earn less than their non-disabled colleagues. The Population Affairs Officer reported that the public perception in Jamaica, for example, was that regardless of qualifications, persons with disabilities had fewer employment opportunities than their (similarly qualified) non-disabled counterparts. This disparity in employment according to disability status was evident in the data from the 2000 and 2010 censuses for many Caribbean countries, as persons with disabilities were only around half, or just over half, as likely as those without disabilities to be working.

21. While some countries such as the Bahamas, Guyana and Jamaica addressed discrimination in the workplace in their national disability laws, other countries like Antigua and Barbuda, the Cayman Islands and Trinidad and Tobago promoted vocational training. In Trinidad and Tobago, the National Centre for Persons with Disabilities (NCPD) –a government assisted NGO– provided persons with disabilities with quality training and skills needed to perform certain jobs; while the National Vocational Rehabilitation Centre in Antigua and Barbuda and the Adult Training Centre in the Cayman Islands provided similar services to support the empowerment and independence of adults with disabilities.

22. The Population Affairs Officer commended the strong political commitment of Caribbean governments to protect the rights of persons with disabilities. In 2013 in the Declaration of Pétion-Ville, governments in the subregion agreed to address with renewed dedication the development of legal frameworks at the national level to give effect to the commitments made in international and regional instruments to promote and protect the rights of persons with disabilities (CARICOM, 2013). He urged countries to commit to developing and implementing national legislation.

Discussion

23. Participants shared their experiences in the implementation of the CRPD, subregional agreements, and national laws or policies on disability. Discussions were also held on priorities for subregional collaboration on the issue of disability, with a view to promoting activities involving international organizations, national governments, NGOs and other stakeholders in line with their respective mandates.

Legislation

24. Governments, civil society and community groups were commended for their work in the area of disabilities, even without legislative backing in many cases. However, for there to be greater impact in the promotion of the rights of persons with disabilities, it is important for every country to have their own national legislation to enable them to fully implement the CRPD and the Inter-American Convention on the Elimination of all Forms of Discrimination against Persons with Disabilities.

25. Comprehensive policies and national legislation for persons with disabilities are fundamental pillars for the empowerment and transformation of the lives of persons with disabilities. To date, Guyana has a National Policy on the Rights of Persons with Disabilities (1997), Jamaica established a National Policy for Persons with Disabilities (2000), and Trinidad and Tobago launched its National Policy in 2006, followed by the Cayman Islands Disability Policy (2014-2033). Some of these countries have also passed disability Acts; for example in Guyana, the Persons with Disabilities Act became law in 2010; in the Bahamas the Persons with Disabilities (Equal Opportunities) Act was passed in 2014 and is being implemented; Jamaica's Disabilities Act was also passed in 2014 but is not yet in force; while the Cayman Islands' Disabilities (Solomon Webster) Bill was approved at the end of 2016.

26. The representative from the Cabinet Office in the Cayman Islands gave an update of the work being done by the Government in terms of legislation for persons with disabilities. She stated that the legislation (Solomon Webster Bill) as well as the policy document (Cayman Islands Disability Policy from 2014 to 2033) focused on how issues concerning disability ought to be managed within their jurisdiction. Furthermore, in February 2017, the Cabinet of the Cayman Islands appointed members to the first Cayman Islands Disability Council, which comprised of a wide cross section of stakeholders including those in the public and private sector as well as persons with disabilities, to champion and monitor the implementation of the disability policy and the legislation in order to advocate and advance the rights of persons with disabilities.

27. The functions of the Council are: promoting the dignity and autonomy of persons with disabilities including the freedom of choice and independence; ensuring full and effective participation in the island for persons with disability on an equal basis with persons who do not have disabilities; promoting respect for and the acceptance of persons with disability; and working in collaboration with other stakeholders to achieve these goals.

28. In an effort to have a targeted approach, the Cayman Islands also organized and developed five goals in their disability policy document together with associated strategies and action steps to achieve their objectives:

- (i) To ensure that persons with disabilities have a quality education in the most appropriate and inclusive setting and access to life-long learning;
- (ii) To ensure that persons with disabilities have equal access to employment opportunities, fair wages and benefits;
- (iii) To ensure that persons with disabilities have equal access to the highest standards of healthcare;
- (iv) To ensure that persons with disabilities enjoy the highest level of independence and full inclusion; and
- (v) To collect, analyse and disseminate information on the subject of disability to inform policy, legislation and services.

29. The representative from the Jamaica Council for Persons with Disabilities informed the meeting that although the government had ratified the CRPD, it had not yet been mainstreamed into domestic legislation. Also, even though the ratification of the Optional Protocol to the CRPD was considered important, it was felt that in the first instance establishing a national mechanism for complaints would be more prudent.

30. The representative from the Ministry of Social Development and Family Services in Trinidad and Tobago stated that the national disability policy spoke to the updating of the current education and labour legislation to better address the needs of persons with disabilities. The government recently worked on an update to the education law to encourage the provision of special education and therapy services in mainstream public schools. She did acknowledge that there were still challenges encountered especially with regard to the implementation of the protections for persons with disabilities in Trinidad and Tobago's Equal Opportunity Act. For example, there has been a lack of enforcement of regulations or penalties applied for contraventions of this law.

31. Only a few governments have enacted disability legislation and regional development institutions have not been proactive and consistent enough in supporting governments in this area. There has been little follow up with Member States after meetings and declarations on disability. The issue must have a more central place in the regional development agenda. Participants agreed that the subregion needed "champions" or advocates for disability to help make governments more accountable and to promote the rights of persons with disabilities.

32. The Organization of American States (OAS) encouraged countries to sign and ratify the Inter-American Convention on the Elimination of all Forms of Discrimination against Persons with Disabilities since to date only Dominica and Jamaica have signed the Inter-American Convention (and neither has ratified it). The OAS representative offered technical assistance to Member States who were interested in developing legislation and ratifying the Inter-American Convention. He mentioned that OAS assisted the Haitian Government to create and pass a law on the integration of persons with disabilities in society, and offered similar technical assistance to other Caribbean countries.

Statistics on disability

33. Disability statistics are essential and they need to be improved in the subregion. Countries that have adopted and used the Washington Group Short Set of Questions (or something similar) in their censuses have recorded higher disability prevalence rates than those that still use their traditional census questions. There needs to be a greater harmonisation of the census questions on disability so that there is greater comparability of the data collected.

34. The representative from the National Centre for Persons with Disabilities (NCPD) in Trinidad and Tobago emphasized that data were crucial for the development and implementation of policies to improve the lives of persons with disabilities and provide services for them. She also raised her concerns about the way in which the Central Statistical Office (CSO) collected data on the prevalence of disability for the country. She mentioned that the CSO did not use the Washington Group questions and recommended that this be done for there to be a more accurate picture of the reality of the situation of persons with disabilities in Trinidad and Tobago.

35. The representative from PAHO informed the meeting that the organization provided training on the use of the International Classification of Functioning, Disability and Health (ICF) to assist Member States who would be interested in capturing a wider range of data on health and disability.

Lack of resources

36. The Director of ECLAC subregional headquarters for the Caribbean acknowledged the challenges with respect to the limited resources that were being directed to disability issues not just in the public sector, but also in the private sector. The Member States of the Caribbean subregion are heavily indebted and there is limited fiscal space for increasing social welfare spending.

37. The NGO community stated that they were also under severe stress due to limited financial resources to carry out their work and some have had to scale down their services for persons with disabilities. It was agreed that the work on disability could not be accomplished by governments alone and collaboration with NGOs was crucial. Furthermore, NGOs were considered to have a particularly important role to play in monitoring governments' compliance with the international conventions.

Education for persons with disabilities

38. The meeting noted that education plays a key role in terms of empowering and transforming the lives of persons with disabilities. For there to be inclusive education for all, the special education system must be better integrated with the mainstream system and be subject to similar monitoring and evaluation. Furthermore, most of the mainstream educational institutions in the Caribbean subregion do not take into adequate consideration the issue of accessibility and this is an area that needs urgent improvement.

Employment for persons with disabilities

39. The representative from the NCPD in Trinidad and Tobago raised her concerns about the implementation of a quota system for persons with disabilities in the workplace. She stated that if countries wanted to promote the equality and human rights of persons with disabilities, applying a quota system to this group was not the way to do it. She encouraged Member States to make education and training more accessible to persons with disabilities so that they can have equal chances in the workforce like their non-disabled counterparts. In addition to this, there should be sensitization training for trade unions and employers on making the work environment as inclusive and accommodating as possible for persons with disabilities.

40. The representative of the Jamaica Council for Persons with Disabilities mentioned that they were in the process of putting together a Code of Practice to address work and employment as well as training opportunities for persons with disabilities. This would help in alleviating the difficulties experienced by those with disabilities in finding employment.

Sensitization on the issue of disability

41. The wider society must be sensitized to the issues and concerns of persons with disabilities, to foster greater acceptance and inclusion of this group in all spheres of society.

42. The Jamaica Council for Persons with Disabilities spoke about their awareness raising activities that were being rolled out to sensitize citizens on the Disability Act. The Council implemented a three year communication plan which included the creation of websites and awareness raising material with relevant information for the implementation of the Act. There have also been public education and sensitization campaigns that targeted specific groups such as health care providers and the police.

43. The Ministry of Social Development and Family Services in Trinidad and Tobago stated that they too have been conducting a sensitization programme called The Public Information Education and Sensitization Programme to highlight the CRPD and teach the wider community the correct language to use when referring to persons with disabilities.

3. Round table discussion on regional collaboration on the issue of disability

44. There was a general consensus that regional cooperation was critical for the sharing of best practice on policies and programmes that benefit persons with disabilities, as well as to ensure the continuation of advocacy for their rights. It was also emphasized that further efforts were needed to engage governments, civil society and the private sector in order for disability to gain more prominence on the regional agenda.

45. The meeting was informed about some of the regional and United Nations initiatives aimed at enhancing the capacities of Member States in the Caribbean subregion to promote the rights of persons with disabilities.

46. CARICOM had made a decision to appoint a CARICOM rapporteur on disabilities, and to create a network for regular consultation among representatives in the CARICOM community working in the interests of persons with disabilities. Participants were reminded that their governments were invited to send in nominations for the CARICOM rapporteur who will act as the “champion for persons with disabilities” and maintain regular engagement with CARICOM members.

47. The representative from the Disabilities Studies Unit at the University of the West Indies (UWI) in Trinidad and Tobago provided useful information about the University’s programme on disability that was available to professionals in various fields. The main purpose of the programme was to sensitize policymakers and other interested stakeholders to the situation of persons with disabilities while also empowering persons with disabilities and their communities.

48. The OAS representative mentioned that they provided both online and in-house capacity training for Member States and civil society on Articles 12 and 13 of the CRPD that focused on equal recognition before the law and access to justice. The organization also provided training, promotion and awareness-raising seminars on inclusive education with the objective of developing actions that contribute to the social inclusion of persons with disabilities in the Americas. The representative from the OAS also stated that they have been promoting South-South cooperation through workshops whereby countries share their expertise and good practices, and suggested that there should be a future workshop on disability in collaboration with ECLAC.

49. PAHO has been working with countries in the Caribbean subregion to develop more comprehensive health services including more inclusive rehabilitation services for persons with disabilities. The organization has also been assisting in developing policies and programmes to help with the care of persons with disabilities.

50. UNDP has also been doing work in collaboration with the Office of the United Nations High Commissioner for Human Rights (OHCHR). The representative from UNDP informed the meeting that there will be a workshop to provide training on the CRPD with a particular focus on the national reporting requirements. Many Caribbean countries that have ratified the CRPD are now due to submit their initial reports to the Committee on the Rights of Persons with Disabilities.

51. The Director of ECLAC subregional headquarters for the Caribbean invited all agencies, regional institutions and civil society to participate in future collaboration to build on existing achievements, and to live up to the commitments set out in national laws and policies, and international human rights treaties.

4. Closing remarks

52. The Coordinator, Statistics and Social Development Unit, ECLAC subregional headquarters for the Caribbean gave a vote of thanks, expressing appreciation to the participants for their substantial contributions and recommendations to the expert group meeting. He ended by emphasizing that the subregion needed to devote more attention to the issue of disability and encouraged Member States and all partners to continue to work together to promote the rights of persons with disabilities and to eliminate the barriers that prevent their equal participation in society.

Annex I**LIST OF PARTICIPANTS**

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Annex II

PROGRAMME

- 9.00 – 9.30 a.m. On-site registration / Online registration
- 9.30 – 10.00 a.m. **Opening of the meeting**
- Welcome remarks
Diane Quarless, Director
ECLAC subregional headquarters for the Caribbean
- Presentation of the paper “Disability, Human Rights and Public Policy”**
- Francis Jones, Population Affairs Officer, ECLAC will talk through the main points from the paper.
- 10.00 – 11.15 a.m. **Participants comments**
- All participants will be given no more than 5 minutes to speak on one or more of the following:
- comments on the draft paper or comments in response to the paper; reflections on the current status of implementation of international Conventions, subregional agreements or national laws or policies on disability; your work and future plans on disability; priorities for subregional collaboration.
- 11:15 – 12.15 p.m. **Round table discussion**
- Diane Quarless will chair a discussion on regional collaboration on the issue of disability with a view to promoting activities involving international organisations, national governments, NGOs and other stakeholders in line with their respective mandates.
- 12:15 – 12.30 p.m. **Conclusions**
- Abdullahi Abdulkadri, Coordinator
Statistics and Social Development Unit
ECLAC subregional headquarters for the Caribbean

Annex III

LIST OF DOCUMENTS

Document symbol

Document title

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Programme

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Draft paper on “Disability, Human Rights and Public Policy”



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