

## **The IFHOH**

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

## **Implementation Toolkit**

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# 1. Introduction to the Toolkit

The UN General Assembly adopted the Convention on the Rights of Persons with Disabilities (CRPD) and its Optional Protocol on 13 December 2006. This Toolkit has been designed as a resource about the CRPD with particular focus on its application to the issues of concern to the hard of hearing community. It is a selection of resources from which different elements can be accessed and used, depending on the depth or detail that is required. For example, groups that are starting their journey in human rights can start with chapter 2 while those who are more experienced and knowledgeable may prefer to use the more detailed material in chapter 5.

Some of the resources are large electronic files, so links have been included rather than the whole document. You can visit the IFHOH website's Human Rights Section and preview the material before deciding whether or not it is what you need.

The CRPD has created the opportunity to make an enormous difference in the lives of persons with disabilities around the world. However, it will only have its intended impact if implemented and monitored effectively at the national level as governments may need to change laws, rules, attitudes and buildings to allow disabled people to fully participate in society.

The IFHOH encourages all of its national members to advocate for the ratification of the CRPD in their own countries, to influence the implementation of the CRPD once it is ratified, and to contribute to monitoring the effectiveness of that implementation, using the tools described in this toolkit.

Countries that have ratified the CRPD must include persons with disabilities in their monitoring mechanisms and this resource will provide a starting point for hard of hearing people and their supporters. We also encourage all IFHOH member organisations to contribute to their national cross disability alternative United Nations CRPD reporting process.

In countries that have not yet ratified the CRPD, persons with disabilities are working together to learn about the CRPD and to encourage their governments to ratify it. These tools will assist them too.

To read the full text of the Convention, go to this UN webpage – <http://www.un.org/disabilities/default.asp?id=259>. A full list of countries that have signed and ratified the convention and optional protocol can be found on the UN 'enable' website – <http://www.un.org/disabilities/countries>

## 2. An Introduction to Human Rights and the CRPD

### Questions and Answers

#### What are human rights?

Human rights are human needs or requirements which are essential for all human beings to live a life with dignity. If you remove 'right to' from the following phrases, the remaining words read as 'education', 'life', 'health', 'livelihood', 'liberty', 'freedom of speech', etc., which are essentially human needs. When human needs are brought under institutional or policy or legal frameworks then human needs become human rights.

Human rights are about the way people live together. They belong to everyone because we are human. We cannot give them up or have them taken away. They apply to everyone, whatever their race, gender, religion or disability. Everyone should be treated with respect and dignity simply because they are human.

While governments have primary responsibility for human rights, everyone else also has responsibility for respecting the human rights of others.

#### What is a human rights convention?

A human rights convention is a written agreement between countries to obey the same law about an issue. Conventions, sometimes called treaties, covenants, international agreements or legal instruments, tell governments what to do to make sure all people can enjoy their rights.

The [Universal Declaration of Human Rights](#) was adopted by the United Nations in 1948. It is the first international document that states the human rights that all people have. Since then, other human rights covenants and conventions have been developed that expand on the human rights in the Universal Declaration.

Two of these are called covenants and cover broad human rights issues.

#### [International Covenants on Human Rights](#)

International Covenant on Economic, Social and Cultural Rights (ICESCR)

International Covenant on Civil and Political Rights (ICCPR)

The two Covenants and the Universal Declaration of Human Rights together are known as the International Bill of Rights.

There are nine core international human rights treaties. Each of these treaties has established a committee of experts to monitor implementation of the treaty provisions by its States Parties. Some of the treaties are supplemented by optional protocols dealing with specific concerns.

Besides the CRPD – which is the newest treaty - other treaties are:

[ICERD International Convention on the Elimination of All Forms of Racial Discrimination](#)

21 Dec 1965      [CERD](#)

[ICCPR International Covenant on Civil and Political Rights](#)

16 Dec 1966      [CCPR](#)

[ICESCR International Covenant on Economic, Social and Cultural Rights](#)

16 Dec 1966      [CESCR](#)

[CEDAW Convention on the Elimination of All Forms of Discrimination against Women](#)

18 Dec 1979      [CEDAW](#)

[CAT Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment](#)

10 Dec 1984      [CAT](#)

[CRC Convention on the Rights of the Child](#)

20 Nov 1989      [CRC](#)

[ICRMW International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families](#)

18 Dec 1990      [CMW](#)

[International Convention for the Protection of All Persons from Enforced Disappearance](#)      20 Dec 2006      CED

## **What is the soft law regime?**

This refers to a wide range of UN instruments such as declarations, rules, guidelines, etc. which do not have legal binding effect on the States Parties but which the latter are expected to implement on moral grounds; there is no specific monitoring mechanism at either the international or the national level.

## **What is the hard law regime?**

This refers to a variety of UN instruments such as Covenants, conventions and treaties which are legally binding on States Parties and the status of implementation is monitored by specific treaty bodies through an effective monitoring mechanism both at the national and international levels.

## **Why did we need a separate disability convention?**

While the rights of disabled people are covered along with the rights of everyone else in the Bill of Rights, the rights of disabled people have not been generally respected or protected around the world. A convention was needed so States would have guidance and the rights of persons with disabilities could be respected and practically implemented.

## **Why is the Convention on the Rights of Persons with Disabilities important?**

The Convention is important because it reflects a change in thinking about disability. It requires governments to respect the rights of disabled people and to ensure they can participate fully in all areas of life.

Disability has previously been seen as a health, charity, or social welfare concern. The focus was on what was 'wrong' with the body or behaviour of the disabled person. The Convention recognises that disability is part of human diversity and disabled people have the same human rights as everyone. This recognition begins to address the human rights of persons with disabilities in government policy and practice by identifying that they should enjoy human rights on an equal basis with others.

## **Why are we excited about the CRPD?**

The CRPD strengthens, amplifies and clarifies the human rights regime of persons with disabilities recognised in the international bill of rights and deals with the 'how part' by directing the States Parties to take appropriate

measures and actions which are required to ensure effective and full enjoyment of human rights of persons with disabilities on an equal basis with others.

For our community, the sections of the Convention dealing with accessibility and education for example, can be used to hold governments accountable, thus the CRPD is a basis we can work from in our human rights lobbying and political work.

## **How was the Convention on the Rights of Persons with Disabilities developed?**

The Convention on the Rights of Persons with Disabilities (CRPD) was developed at the United Nations and followed a unique process.

Formal meetings at the UN headquarters in New York included non-government organizations (NGOs), human rights groups, disability organizations and national human rights institutions. All of these groups worked closely alongside governments in formal discussions and to agree on the words of the Convention. Disabled people and disability-led groups said “nothing about us, without us” and played a leading part in the development of the CRPD.

A working group that drafted the text of the Convention allowed government representatives and disabled people to work together on equal terms. Government representatives learned about disability issues and this had a very positive effect on negotiations. In addition, people from different disability groups learned about each other and how to work together towards achieving good outcomes for everyone.

## **What happens when countries sign conventions?**

Once the content of a Convention is agreed on, it is sent to the UN General Assembly to debate whether to adopt the Convention. If the Convention is adopted, governments decide whether to sign and ratify the Convention. When a government signs a Convention it makes a commitment to follow the principles and ideas in the Convention. To ratify a Convention, governments take steps to officially accept it as part of their country’s legal system. When a government ratifies a Convention, it means that it agrees to ensure the rights in the Convention are used in policy and practice in their country.

As at December 2013, 158 countries have signed the CRPD and 92 countries have signed the Optional Protocol.

## **What is the purpose of the Convention on the Rights of Persons with Disabilities?**

The Convention states that its purpose is to promote, protect and ensure the enjoyment of all human rights by persons with disabilities and to respect their dignity.

Those with short-term and long-term impairments such as physical, intellectual, mental, or sensory impairments, are covered by the Convention. It does not consider disability as a medical condition. Disability is seen as the result of an unwelcoming environment that prevents people with impairments living their lives as other people can.

The CRPD embraces the social model of disability and focuses on systemic and structural issues or barriers rather than on impairment. This represents a paradigm shift in the perspective on disability and development. It recognises the innate potential and inherent dignity of persons with disabilities and emphasises addressing barriers for an inclusive society.

## **What are the key principles of the Convention on the Rights of People with Disabilities?**

The key principles of the Convention are:

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

It is also important to understand the difference between civil and political rights, which must be realised immediately, and economic, social and cultural rights which are progressively realised as resources permit; this is to take into consideration that States Parties are at different levels of development. However, even though the realization of economic, social and cultural rights may be progressive, States Parties must demonstrate progress in the



realization of these rights. It is important to understand the requirement that political and civil rights are to be realized immediately as this will be important to such things as voting, for example.

The CRPD not only strengthens the human rights regime for persons with disabilities but also significantly contributes to the general human rights discourse by addressing the dichotomy of progressive realisation.

The general understanding is that civil and political rights can be immediately realised as they do not have economic implications. But the social, economic and cultural rights are often progressively realised as they have economic implications on the States Parties which may be difficult for the developing countries to implement immediately due to resource limitations.

This Convention resolves the conflict of progressive realisation. The right to vote or to enjoy political and public participation is a civil or political right which has economic implications in the context of persons with disabilities. Since it is a civil or political right, States Parties cannot make the excuse of progressive realisation on account of economic implications.

### **What are the role and obligations of civil society and corporate agencies?**

The CRPD introduces the concept of “horizontal rights” which was not explicitly stated in the previous conventions. Article 9 “Accessibility” mandates that States Parties, civil society and corporate agencies adopt inclusive and universal design for all the services, products, goods which they provide to the public so that persons with disabilities can access services and use products effectively without incurring additional expenses.

### **What is supported decision making?**

The CRPD clearly establishes the fact that human society is not about “dependence” or “independence” but it is about “interdependence”. Article 12 “Equal recognition before the law” mandates the States Parties to recognise the legal capacity of persons with disabilities, understand act and exercise the same on an equal basis with others with the adequate and appropriate support which is natural for all human beings regardless of differences and diversities.

## **What are rights enablers?**

These are prerequisites which enable persons with disabilities to effectively enjoy their rights and fundamental freedoms on an equal basis with others, without which effective and full enjoyment of rights is hindered. Article 26 “Habilitation and rehabilitation” mandates the States Parties to ensure these prerequisites, such as barrier free environment, assistive devices, assistive technology, medical rehabilitation and accessible formats of information. This in itself is a right, however it enables persons with disabilities to enjoy their other rights more fully and effectively.

## **What is reasonable accommodation?**

Persons with disabilities may require specific support such as assistive devices or technology and an accessible environment to enjoy or exercise their human rights. This calls upon the concerned parties to provide appropriate and adequate support within the economic capacity without causing disproportionate burden on the concerned party.

## **How can IFHOH members enhance international cooperation to implement CRPD?**

IFHOH members can effectively engage with bilateral agencies such as the Department for International Development – UK Government (DFID), USAid, AusAid, Swedish International Development Cooperation Agency (SIDA); multilateral agencies such as the World Bank; international development agencies such as ActionAid, Oxfam, Care, Concern, Save the Children, Plan; trusts and foundations such as Gates, Ford, Tata, etc. in order to make their funding, monitoring and proposal guidelines inclusive of persons with disabilities by allocating a specific percentage of resources for the inclusion of persons with disabilities in development actions and to implement specific initiatives.

## **What is the Optional Protocol?**

The Optional Protocol of the Convention on the Rights of Persons with Disabilities was developed alongside the Convention. This is a separate document that explains how disabled people and their organizations can make complaints to the UN. Disabled people or organizations can make complaints to the UN if their country has signed and ratified the Optional

Protocol. Countries can sign and ratify the Convention and not sign or ratify the Optional Protocol.

## **How will the Convention be monitored?**

Countries that have ratified the CRPD must ensure that it is implemented. All States Parties that have signed the Convention must report every four years on the rights of persons with disabilities. States will need to show how they are following the principles and protecting and promoting the rights of disabled people. They will also need to demonstrate how they are involving disabled people's organisations in monitoring.

It is very important that persons with disabilities become involved in the monitoring process. Organisations of disabled people in some countries have worked together to provide what is called an "alternate" or "parallel report" which indicates progress from their perspective. This report is presented at the same time as the government report.

## **Is the Convention available in other languages and formats?**

The text of the convention is available in the official languages of the United Nations. The six official languages of the United Nations are English, Arabic, Chinese (Mandarin), Spanish, French, and Russian. These can be found on the following webpage –

<http://www.un.org/disabilities/default.asp?navid=13&pid=150>

A further list of approximately 11 national translations can be found on the same page. Most are available in Word or html format.

## **How do I know if my country has signed and ratified the CRPD?**

A list of all countries that have signed and ratified the CRPD can be found at

<http://www.un.org/disabilities/countries.asp?navid=12&pid=166>

### **Related links**

Website for the UN High Commissioner for Human Rights -

<http://www.ohchr.org/EN/Issues/Disability/Pages/DisabilityIndex.aspx>UN

Committee on the Rights of People with Disabilities -

<http://www.ohchr.org/EN/HRBodies/CRPD/Pages/CRPDIndex.aspx>

There are more links in the Resource List at the end of this document.

### **3. An Overview and Guide to the CRPD**

The Convention consists of 50 articles. This is a brief overview of each group of articles:

#### **Article 1**

This article identifies the purpose of the Convention:

“To promote, protect and ensure the full and equal enjoyment of all human rights and fundamental freedoms by all persons with disabilities, and to promote respect for their inherent dignity.”

#### **Articles 2 to 3**

These articles provide definitions of terms and general principles.

#### **Articles 4 to 32**

These articles define the specific rights of persons with disabilities. Included in the articles are the obligations of States Parties towards persons with disabilities. Below are the points covered by this article:

- General obligations
- Equality and non-discrimination
- Women with disabilities
- Children with disabilities
- Awareness-raising
- Accessibility
- Right to life
- Situations of risk and humanitarian emergencies
- Equal recognition before the law
- Access to justice
- Liberty and security of the person
- Freedom from torture or cruel, inhuman or degrading treatment or punishment
- Freedom from exploitation, violence and abuse
- Protecting the integrity of the person
- Liberty of movement and nationality
- Living independently and being included in the community
- Personal mobility
- Freedom of expression and opinion, and access to information
- Respect for privacy
- Respect for home and the family
- Education

- Health
- Habilitation and rehabilitation
- Work and employment
- Adequate standard of living and social protection
- Participation in political and public life
- Participation in cultural life, recreation, leisure and sport
- Statistics and data collection
- International cooperation

## **Articles 33 to 39**

These articles focus on procedures for reporting and monitoring of the Convention. The points covered by the article group are:

- National implementation and monitoring
- Committee on the Rights of Persons with Disabilities
- Reports by States Parties
- Consideration of reports
- Cooperation between States Parties and the Committee
- Relationship of the Committee with other bodies
- Report of the Committee

## **Articles 40 to 50**

These articles focus on ratification, entry into force, and amendment of the Convention. The points covered by the Convention's final articles are:

- Conference of States Parties
- Depositary
- Signature
- Consent to be bound
- Regional integration organizations
- Entry into force
- Reservations
- Amendments
- Denunciation
- Accessible format
- Authentic texts

The full plain language text of the CRPD and the Optional Protocol can be found in [Appendix "A"](#).

## CRPD Guide

A Guide has been published by the Equality and Human Rights Commission in London and is available in pdf, Word, html for download.

<http://www.equalityhumanrights.com/human-rights/a-guide-to-the-un-disability-convention/index.html>

Read the guide online:

- [Part 1: Introducing the United Nations Convention on the Rights of People with Disabilities](#)
- [Part 2: Know your rights](#)
- [Part 3: Making rights a reality](#)
- [Part 4: Further information and resources](#)

## **4. A Detailed Guide to the CRPD with Case Studies**

### **The Convention on the Rights of Persons with Disabilities: *Its Relevance for People who are Hard of Hearing***

#### **The importance of campaigning for the rights of people who are hard of hearing**

It is essential that people who are hard of hearing and their organizations advocate for the realization of their equal rights. It is the responsibility of organizations, working with and for individuals affected, to monitor their government's actions or inactions in implementing the CRPD, to provide advice and expertise on the unique needs of people who are hard of hearing and to campaign for equal access and equal rights.

Governments, who have not signed or have signed and have not ratified the CRPD, should be lobbied until they do so. Representative organizations can be a great resource to governments and to society regarding measures that need to be taken in order to fully recognize the rights of people who are hard of hearing and create environments that are fully accessible. Governments rely on people who are hard of hearing and organizations that represent and serve them to provide the expertise related to hearing loss. While it is important to recognize the needs of other disability groups as well, it is equally important to ensure that our unique needs are represented and understood, and that they not be compromised.

#### **The CRPD and its implications for people who are hard of hearing**

This section focuses on how each article of the CRPD applies to people who are hard of hearing and highlights important aspects of the article in question.

Case studies offer situations we can analyse to study the degree of community accessibility for people who are hard of hearing. The case studies in this section are based on the different articles of the CRPD.

The cases are intended to provide insight into issues faced by people who are hard of hearing and may be used in the creation of action plans for progress. Part of setting action plans is to define priorities since an attempt to remedy everything would be impossible. Some parts of some articles may require

local action; others may be better worked on at a national level. Some aspects of accessibility may be pursued alongside other groups of disabled people in strategic alliances.

It must be accepted that not every requirement in this document will be met immediately. However the statements provide a destination, and, when read in conjunction with the material on advocacy, will help with planning and prioritisation.

Furthermore, the case statements are useful background tools for people who are hard of hearing and their supporters. They will serve as guidance and may need to be adapted, and expressed in plain language for advocacy purposes. Accompanying case statements with personal stories to illustrate local human rights violations in particular situations is very useful when advocating. Real life stories help people grasp abstract human rights issues, with the result of positive human-rights-based decisions.

## **Articles 1 through 4**

These articles state general principles that are relevant to all persons with disabilities. They do not contain provisions that are unique to people who are hard of hearing but should be understood in terms of the fundamental human rights principles that they introduce.

Article 1 – Purpose

Article 2 – Definitions

Article 3 – General principles

Article 4 – General obligations

## **Articles 5 through 32**

These articles do have some specific relevance for people who are hard of hearing examples of which will be described for each one below:

### **Article 5 – Equality and non-discrimination**

Governments have an obligation to recognize and protect the autonomy of people who are hard of hearing to lead full and independent lives and achieve their full economic, social, cultural, civil and political potential.

People who are hard of hearing have the right to use hearing aids, cochlear implant, FM and Bluetooth microphones and other types of rehabilitative support equipment as clinically indicated and prescribed by a person who is an appropriately trained professional.



Communication rehabilitative equipment for people who are hard of hearing needs to meet their clinical needs, to be affordable and to be of sufficient quality to provide the person using this equipment with needed support.

#### Case Study #1

As a young child, Jim was identified as having a mild to moderate sensorineural hearing loss and he was provided with four pairs of State funded hearing aids over a 13 year period. He recently received a school leaver's letter advising that no further audiology appointments would be provided as he is now an adult and the publicly funded audiology clinic is unable to provide routine audiological care for adult patients. Jim's hearing aids have now broken and he will need to find \$4,000 US to replace them but he cannot afford to do so.

Jim is unable to lead a full and independent life and achieve his full economic, social, cultural, civil and political potential because he no longer has hearing aids that allow him to participate in society.

*Though this case clearly outlines a breach of article 5, a breach of article 9 should also be considered.*

## Article 6 – Women with disabilities

Women who are hard of hearing face many additional barriers imposed as a consequence of having a hearing loss and being women. These barriers include reduced access to education, health care, rehabilitation and a reduced likelihood of securing employment. In addition, women who are hard of hearing are at an increased vulnerability to abuse and bullying.

#### Case Study #2

Anna, who has bilateral Otosclerosis resulting in a mild to moderate flat line hearing loss, is the fulltime caregiver of her children and is not in paid employment. She needs hearing aids but received a rejection letter from her local publicly funded hearing clinic. Though she is eligible from the government's Hearing Aid Funding Scheme for free hearing aids because she is on a very low income, she personally does not have the funds available to pay for a fitting to be done by a non government funded private audiologist. Anna cannot pay; therefore, she cannot have hearing aids. She begins to withdraw socially, feels isolated and becomes depressed. She is also worried because she is not able to adequately care for her children because she cannot hear when they are in trouble.

*Though this clearly relates to a breach of article 6, a breach of article 9 should also be considered.*

## **Article 7 – Children with disabilities**

Children with disabilities are uniquely at risk of abuse and neglect and this article specifically ensures that children who are hard of hearing have the same human rights as hearing able children; that their needs are important. They have a right to a voice and to be heard.

## **Article 8 – Awareness-raising**

Awareness-raising programs need to focus on a number of distinct aspects related to hearing loss in order to deal with some of the erroneous beliefs that are held by some members of the general public. These programs will also help to create a better understanding about what being hard of hearing means and the unique needs of people who are hard of hearing. Some issues that need to be included in awareness-raising programs include the following:

- Information explaining what being hard of hearing means
- Information to dispel some old-fashioned myths and beliefs about hearing loss
- Information to demonstrate the abilities and skills of people who are hard of hearing
- Information about how environments, information, tools and equipment can be made accessible and thus enhance participation.

### **Case Study #3**

A State-funded insurance company failed to provide sufficient prevention of hearing loss programmes and now faces a significant increase in the number of people with toxic noise damage requiring rehabilitation 20 to 30 years later. It does not have an awareness-raising program to address the issues of old-fashioned myths and to provide information about hearing aid availability.

## **Article 9 – Accessibility**

People who are hard of hearing have the right to use hearing aids, cochlear implants, FM and Bluetooth microphones and other types of rehabilitative support equipment, etc., as clinically indicated and prescribed by a person who is appropriately professionally trained.

Communication rehabilitative equipment for people who are hard of hearing needs to meet their clinical need, as well as be affordable and of sufficient quality to provide the person using this equipment with the support required.

Hard of hearing persons should have access in public spaces by ensuring universal design concepts are incorporated into new or renovated buildings/spaces. These include accessible pedestrian environments, public buildings and facilities for public use. These structures need to be designed and maintained to allow communication access for people who are hard of hearing.

Universal design features such as captioning and good lighting to support lip reading need to be incorporated in building plans

People who are hard of hearing have the right to safe and independent travel and therefore governments must ensure that technological advances such as captioned departure and arrivals boards are highly visible and display current information.

To assist with communication and safety, hearing assistance dogs have the right to be with the person who is hard of hearing wherever they may be travelling. Governments should ensure legislation is in place to allow a person who is hard of hearing to be accompanied by a trained service animal in public facilities and on public transportation.

Accessibility also includes access to technology, and so governments should ensure that manufacturers of mainstream equipment intended for use by the public incorporate universal design concepts. This includes electronics, digital TV and film, mobile telephones and standard telephones, all of which need to allow for captioning.

#### Case Study #4

A governmental emergency service responsible for managing states of emergency such as floods and earthquakes failed to provide captioning on their emergency television news broadcasts during a recent series of earthquakes. People who were hard of hearing did not know what was happening and this caused significant distress and confusion.

#### Case Study #5

Concerns have been raised at City Council regarding the need to apply both the State Building Code and article 9 of the UNCRPD when granting consents for building redevelopment. The Code and article 9 have been repeatedly overlooked resulting in a multitude of public buildings that do not support the needs of people who are hard of hearing. The State Building Code requires that assistive listening systems be installed in *all* such spaces. Whilst we recognise this is a multi-faceted issue, the *key* problem is that the UNCRPD article 9 and the Building Code are not being consistently enforced by consenting authorities.

## **Article 10 – Right to life**

There should be universal “prohibition of compulsory abortion at the instance of the State, based on the pre-natal diagnosis of a disability.” The right to life, as a full member of society is integral to the realization of all the rights set out in the CRPD.

## **Article 11 – Situations of risk and humanitarian emergencies**

Experience during recent humanitarian emergencies has revealed that existing emergency preparedness measures are not adequately meeting the needs of people who are hard of hearing and that mainstream emergency aid providers are ill-prepared to address their needs.

Governments need to ensure that their emergency preparedness plans consider the unique needs of people who are hard of hearing.

#### Case Study #6

In a recent state of emergency, one IFHOH member organisation had to be an advocate to the authority responsible for managing states of emergency such as floods and earthquakes when they failed to provide captioning on their emergency television news broadcasts during a recent series of earthquakes. People who were hard of hearing did not know what was happening and this caused significant distress.

## **Article 12 – Equal recognition before the law**

People who are hard of hearing must have the right to enter into legal contracts and to make decisions on their own behalf. They must have the right to open bank accounts and for their signature or special identification mark to be recognized and accepted by financial and legal institutions.

### **Case Study #7**

A positive way for this clause to be applied is for banking staff to have in-service education on how to communicate with people who are hard of hearing. A successful programme has been implemented by one IFHOH member organisation that provided banking staff with communications training.

## **Article 13 – Access to justice**

People who are hard of hearing have the right to legal proceedings that are accessible and equal. They also have the right to equal treatment in prison and situations of legal detention. They also must be afforded the right to victims' protection and compensation that is aware and sensitive to the special circumstances that arise from having hearing loss.

They also have the right to participate in the legal system as fully recognized and practicing lawyers, judges, jurors and be provided with any assistance that may be necessary in order to perform these tasks. This includes the right to be called as a witness and to give evidence.

In order for people who are hard of hearing to have equal access to justice, they must be provided with appropriate communication support tools such as assistive listening devices, captioning, etc.

In order for law enforcement and administration to be fully inclusive and sensitive, all public officials need to be obligated to attend disability equality training that incorporates appreciation of the rights contained in the UN-CRPD. They must also be provided with tools that they can use to ensure that they are acting in an inclusive and sensitive manner when dealing with persons with disabilities.

#### Case Study #8

A woman who has auditory processing disorder is denied the right by a judge in a Family Law Court to use an FM microphone and for a family member to write down notes so she can follow proceedings.

*This is clearly a breach of article 12.*

#### Case Study #9

Working with their national police, one IFHOH member organisation developed a CD outlining in captioning and sign language the legal rights for all citizens who are accused of breaking the law. It included depiction of the arrest and application of the judicial processes by actors who were Deaf, hard of hearing and included police staff.

### **Article 14 – Liberty and security of person**

People who are hard of hearing have the same right to liberty and security as all other persons. If this right is taken away for lawful reasons, then information will be provided in accessible formats and environments will be adapted and information provided in an accessible way so as to ensure maintenance of the person's human rights.

### **Article 15 – Freedom from torture, inhuman or degrading treatment or punishment**

Persons with disabilities, including people who are hard of hearing, are especially vulnerable to violence, torture, inhuman and degrading treatment and punishment. Governments have a responsibility to protect people with disabilities from all forms of degrading treatment. Governments need to ensure that people who are hard of hearing have access to the same legal protection as persons without disabilities, preventing the abuse and mistreatment of all persons, specifically those who are especially vulnerable.

Governments must also ensure that people who are hard of hearing are not targets of inhuman or degrading treatment because of their disability.

#### Case Study #10

A lawyer who is hard of hearing, aged in his early 40's, who has bilateral progressive hearing loss, was denied the assistance of a note-taker because the superiors at the law firm where he works have said that is not the image they wish their company to portray, therefore it would be inappropriate. Currently, he is the only lawyer in his firm with specialized knowledge in a particular field; however, he is not being given the relevant casework. As well, he has been overlooked for promotion several times. The lawyer feels degraded and humiliated.

### **Article 16 – Freedom from exploitation, violence and abuse**

It has been found that people who are hard of hearing face higher levels of exploitation, violence and abuse. This is particularly true for women, children and older persons who are hard of hearing. This exploitation, violence or abuse can often come from family members or caregivers. Governments need to ensure that information on how to recognize and deal with abuse is available in accessible formats, including with captioning and that help is available through trained and accessible services.

#### Case Study #11

Bullying is a real issue in the hard of hearing sector because people can appear slower to understand what is happening and as a consequence slower to react and are more vulnerable. This is across all age groups and in all settings. Governments need to be proactively addressing this issue through cultural realignment programmes that do not support this type of aggression.

### **Article 17 – Protecting the integrity of the person**

Governments should implement programs that raise awareness about the integrity and respect for all persons with disabilities, including people who are hard of hearing.

### **Article 18 – Liberty of movement and nationality**

People who are hard of hearing must have the right to travel within their country and between countries. This includes the right to obtain and carry a passport. They should not be denied entry to a country simply on the basis of their hearing loss.

## **Article 19 – Living independently and being included in the community**

Governments should ensure that people who are hard of hearing have access to affordable housing that is accessible to public transportation and community services.

Governments should ensure that information about community services is accessible to people who are hard of hearing and that community service personnel are trained to accommodate the needs of people who are hard of hearing.

## **Article 20 – Personal mobility**

Governments must ensure that public transportation is available and accessible and that people who are hard of hearing can move about the physical environment safely and independently.

Governments must also ensure that any “shared space” designs incorporate universal design features and facilitate safe and independent travel for people who are hard of hearing.

People who are hard of hearing have the right to safe and independent travel and therefore governments must ensure that technological advances such as the captioning of arrivals and departures information is provided.

## **Article 21 – Freedom of expression and opinion, and access to information**

All information in the public domain should be made available in accessible formats in a timely manner and without additional cost. These formats include, but are not limited to, captioning.

As well, loop system and captioned telephony technology needs to be available. See article 9 as well.

## **Article 22 – Respect for privacy**

Governments should ensure that people who are hard of hearing will receive any private or confidential information in a format that is independently accessible to that individual.



## **Article 23 – Respect for home and the family**

Governments must ensure that the rights of people who are hard of hearing to marry and have a family are protected. They must ensure that health care providers are informed of the rights of people who are hard of hearing and that healthcare workers are trained to provide support and assistance to people who are hard of hearing. Reproductive health and child care information needs to be made available in accessible formats and pre-natal and child care classes adapted to ensure full participation and understanding by people who are hard of hearing.

## **Article 24 – Education**

**See: IFHOH Draft Education Paper at: <http://ifhoh.org/papers/>**

People who are hard of hearing have the right to an education of equal standard provided to those without disabilities. This education should further their integral development, independence, and participation in society.

Hard of hearing persons would ideally be educated alongside children and young adults without disabilities, and resources would be provided to enable children who are hard of hearing to participate and develop their full capacities. For some children, resource room and specialized support may be the best way of achieving educational goals. The right to equal access includes access to tertiary/post-secondary and vocational education.

Resources and support are needed to enable students who are hard of hearing to fully participate in such courses. This includes, but is not limited to, the provision of equipment, technical assistance, specialized teaching and learning materials. Participation in both curricular and extra-curricular activities is essential for full development and inclusion.

Teachers need to receive training relevant to the specific needs of people who are hard of hearing in order to ensure full access to education.

Children and youth who are hard of hearing, along with their parents, need to be provided with advice based on an assessment of their educational needs and abilities. This advice should be based on enabling an informed educational choice to be taken.

Also, people who are hard of hearing have the right to participate “in scholarships and provision of other financial support specific to those with

disabilities to ensure that suitable education is provided regardless of the financial status of the recipient.”

## **Article 25 – Health**

People who are hard of hearing have the right to equal access to all necessary health services. This includes information about all available health services and personal medical information in accessible formats, e.g. captioning.

In order to ensure this right is achieved, all medical service staff should receive training on the specific needs of people who are hard of hearing.

People who are hard of hearing have the right to personally authorize treatments and procedures. This cannot be exercised by anyone else unless agreed upon by the individual.

Governments must also ensure that they have appropriate hearing loss prevention and hearing health programs in place to ensure that those who are at risk of losing their hearing have access to the most appropriate treatment to either alleviate this risk if at all possible or to minimize its impact.

### **Case Study #12**

A person who is hard of hearing was quoted \$600.00 for one hearing aid repair and advised it was not worth repairing and to put the money towards a new one at a cost of \$2,500. He sought a second opinion and the repair cost was only \$240.00.

### **Case Study #13**

A person who is hard of hearing paid approximately \$8,000 (US) for two hearing aids which he did not like and would rarely wear. Three years later after many complaints from his family he went back to the audiologist for a hearing re-assessment and he was told he needed to upgrade and this would cost a further \$8,000 (US). He paid for the new pair but failed to manage using them too. When asked what had happened to the first pair he advised the audiologist had kept them because they were no longer suitable.

## **Article 26 – Habilitation and rehabilitation**

People who are hard of hearing have the right to be provided with rehabilitation services when hearing loss occurs, regardless of age. They also have the right to rehabilitation and social services that are designed and

delivered to meet the independent and daily living needs arising from their specific disabilities.

They also have the right to be provided with any equipment needed to alleviate the functional impact of their disability, the training to use the equipment and support to maintain its efficient operation. This should be made available at no additional cost to the person who is hard of hearing.

#### Case Study #14

Some government funding agencies and insurance companies are actively breaching this article by failing to provide the equipment that has been clinically prescribed unless the person who is hard of hearing also contributes financially and makes a part-payment.

## **Article 27 – Work and employment**

People who are hard of hearing experience significantly higher levels of unemployment than the general population. Consequently, additional targeted measures are needed in all countries to address this chronic unemployment problem.

People who are hard of hearing, who wish to and are able to work, have the right to vocational assessments and vocational training provided by qualified staff. Training must be provided in centres that are accessible and in specialized as well as community based vocational training facilities. Training facilities and students should be provided with all equipment, accessible teaching materials and personal support required.

Students also have the right to training that is in line with formally recognized qualifications and to have the right to assistance from qualified staff to help to find work.

People who are hard of hearing have the right to hold professional positions provided that they hold the necessary qualifications.

Also, people who are hard of hearing have the right to take legal action if they experience discrimination during recruitment, while in the workplace, and also in regard to remuneration and promotion.

The obligation to accommodate is aimed at removing barriers to the participation of people with disabilities in employment. This means that employers shall take appropriate measures to enable people with disabilities

to have access to, participate in, or advance in employment, or to undergo training, unless such measures would impose a disproportionate burden on the employer. Rather than aiming to achieve identical results for disabled people, as compared to non-disabled people, it simply aims to ensure that people with disabilities are afforded an equal opportunity to achieve those results.

Society has an obligation to financially support people who are hard of hearing with the cost of specialized equipment, adaptations to employers' equipment, adaptations to the workplace, provision of information in accessible formats and the cost of personal support that people who are hard of hearing may need in the workplace.

#### Case Study #15

A middle aged woman works full time in a physically demanding role in a gardening shop. She has a bilateral progressive hearing loss and hearing aids will soon no longer be powerful enough for her. She is the primary income earner for her family. Her manager becomes frustrated when she does not respond to him correctly and says she is ignoring customers. He has relegated her to the plant packing shed, says she is not allowed to talk to customers any more and insists she wear a bright vest with the word 'DEAF' written on it – saying it is for 'her own safety.' She is sometimes late for work as she can no longer hear her morning alarm clock ring and her boss suggests that this is probably not the job for her, and that she might be happier working somewhere else. She loves her job but feels isolated, misses the interaction with customers and colleagues and is in fear of her family losing their only source of income.

*This illustrates a lack of support for the employee contrary to article 27; as well, articles 5, 6, and 15 should also be considered.*

#### Case Study #16

If a workplace is too noisy and the staff developed noise induced hearing loss it is the responsibility of the employer to address this risk. This can be done by reducing the noise; providing hearing protectors and sound meters to detect when the noise reaches dangerous levels.

*Article 8, (Awareness-raising) should also be considered.*

## **Article 28 – Adequate standard of living and social protection**

Persons with disabilities living in low-income countries face a lack of adequate housing and a lack of access to clean water and sanitation.

People who are hard of hearing should be provided with sufficient financial resources to live in dignity in a safe, accessible environment and to have access to the additional aids and supports required to accommodate their disability.

## **Article 29 – Participation in political and public life**

In order to fully realize this article, governments must recognize the right and ability of people who are hard of hearing to vote. Recognizing this right would include making available accessible facilities in order for persons to vote in secret in all public elections.

Political parties and candidates also need to make information regarding their political platform accessible.

States also have the obligation to recognize the freedom of people who are hard of hearing to meet with others and form independent organizations to represent their interests to the government and administration. The government also has a responsibility to consult representative organizations of people who are hard of hearing on all legislation, policies and strategies and to allow these organizations to sit on any relevant government bodies.

## **Article 30 – Participation in cultural life, recreation, leisure and sport**

People who are hard of hearing have the right to full access to all cultural, leisure and sporting activities, facilities and equipment, either as participants or spectators.

They also have the right to accessible television and movies, through 100% of both television programs and movies being captioned.

People who are hard of hearing have the right to participate in sports and recreation programs and to have access to training in those activities in order

to facilitate their participation for general fitness or to participate in sports competitions.

People who are hard of hearing have the right to access cultural activities including access to exhibits at museums and galleries, heritage sites, or live theatrical performances through captioning for example.

#### Case Study #17

An 87-year-old widow was about to have her property and assets sold and transferred to other family members and be put in a rest home as her family thought she had early dementia. She felt defenceless in explaining why she acts distracted and confused while at family gatherings, or why she jumps when someone enters the room, or a door slams, or that she seems to hear well on the telephone as long as the caller speaks slowly. The possibility of a hearing loss was dismissed out of hand by family members.

Fortunately, her granddaughter disagreed and took her to a hearing therapy clinic where it was identified she was hard of hearing. The grandmother is keen to be assessed for hearing aids, however, her finances are controlled by her children and they are not interested in her getting hearing aids.

## Articles 31 through 50

These articles deal with general implementation and monitoring issues related to the CRPD and do not have articles with specific relevance to people who are hard of hearing.

Article 31 – Statistics and data collection

Article 32 – International cooperation

Article 33 – National implementation and monitoring

Article 34-50 – Articles relating to the Committee on the Rights of Persons with Disabilities, etc.

## 5. A Guide to Advocacy

Ratification of the CRPD is the beginning of a journey towards achieving full human rights for disabled people. People who are hard of hearing need to be strong advocates for implementation and for change, and advocacy needs to happen at many levels – within the membership of hearing disability organizations; among other disabled person's organizations; with governments at all levels; with community services, and the list goes on.

To be effective advocates, you must understand what is important to you and your organization; you need to be knowledgeable about hearing loss and about the needs of people who are hard of hearing as well as about possible technical solutions. You also need to recognize when your advocacy efforts might be strengthened through collaboration with other organizations. And you need to understand how to forge those collaborative relationships to effect change through discussion, negotiation and compromise.

### The *Harvard Law School Project on Disability*

(<http://www.hpod.org/involved>)

This project has some excellent information that provides guidance and useful tips to assist you in your advocacy work. The website talks about how you can get involved and strengthen your advocacy efforts. Topics covered include:

- Becoming a global advocate for the human rights of people with disabilities.
- Advocating in your community
- Becoming an advocate
- Educating yourself and raising awareness in your community
- Organizing by creating or joining an organization of people with disabilities
- Deciding what positive changes you want to make
- Creating a coalition
- Forming an umbrella group of disability organizations which can represent your collective and common interests to your government.

Link to more information on advocacy and lobbying strategies as well as useful resources developed by other organizations:

<http://www.hpod.org/involved>.

Landmine Survivors International has also developed a good toolkit on advocacy and while specific to landmine survivors, the information and tools can be easily adapted. You can find this toolkit at: <http://www.mineaction.org/downloads/1/CPRDtoolkitEng2.pdf>



## 6. Monitoring

The CRPD is a very modern Convention and a critical requirement for it to be effective is that disabled people must take part in the monitoring process. There are many resources available, some of which are listed at the end of this document.

Monitoring in this new way is evolving; so many disabled people and their organisations are learning alongside their governments and human rights institutions.

The International Disability Alliance (IDA) played a significant role in the development of the CRPD. It was the first time that non-government organizations, (NGOs) were involved in the development of a UN Convention.

“Established in 1999, the International Disability Alliance (IDA) is the network of global and regional organizations of persons with disabilities (DPOs) promoting the effective implementation of the UN Convention on the Rights of Persons with Disabilities. IDA currently comprises nine global and four regional DPOs, with two other regional DPOs having observer status.” IFHOH is a member organisation of the IDA.

The IDA has produced a comprehensive guidance document entitled “Effective Use of International Human Rights Monitoring Mechanisms to Protect the Rights of Persons with Disabilities”.

This document is available in pdf and Word formats, in English, Spanish, French and Arabic. It can be freely downloaded at <http://www.internationaldisabilityalliance.org/en/guidance-document-parallel-reports>

There are other useful resources on this site.

Here are highlights from the table of contents of the Guidance Document to provide you with information about the types of resources the Guidance document contains:

1. Introduction
2. Objectives and methodology
3. Reporting process of the Committee on the Rights of Persons with Disabilities
  - UN CRPD

- Role of the CRPD Committee
  - Reporting cycle
  - Influencing the Preparation of State Party reports
  - Influencing the reports of national monitoring frameworks
  - Influencing the list of issues
  - Participation of civil society at the Plenary Session of the Committee
  - Influencing the Concluding Observations
  - Following up the Concluding Observations
  - Days of general and thematic general discussion and comment
  - National implementation and monitoring
4. Recommendations on how to prepare parallel reports to the CRPD Committee
    - Role of parallel reports
    - Establishing or strengthening national CRPD coalitions to prepare parallel reports
    - Content of the parallel report
    - General Provisions: Articles 1 – 5, 8 & 9
    - Specific Provisions: Articles 10 – 30  
Women with disabilities, children with disabilities and other groups of persons with disabilities
    - Other general Articles: Articles 31 – 33
    - Other recommendations to ensure the effectiveness of the report
  5. Strategic use of the individual communication and the inquiry procedure foreseen under the Optional Protocol of the CRPD
    - Individual communication procedure
    - Inquiry procedure
  6. Influencing other human rights processes: Mainstreaming the rights of persons with disabilities
    - Involvement of DPO's in the reporting process to other human rights treaty bodies
    - Involvement of DPO's in the Universal Periodic Review
    - Use of the Special Procedures for promotion of the rights of persons with disabilities
  7. Frequently asked questions
  8. Selected bibliography

## **7. Conclusion**

We trust and hope that this Toolkit is useful to IFHOH members. Its purpose is to provide information, tools and resources to assist you, your members and partners to ensure that the CRPD and other international human rights instruments are implemented in a way that will benefit people who are hard of hearing.

To that purpose, we have provided you with information about the CRPD and other UN instruments so that you can understand their implications for people who are hard of hearing; we have provided information about the process to follow for implementing and monitoring the Convention; and we have provided additional tools and resources so that you can find additional information as you need to.

One of the strategies that we are developing to assist with CRPD implementation and monitoring is the development of Regional CRPD Networks supported by National Champions. We very much hope that you will participate in forming and working with these regional networks as there is a lot to be gained by working together, sharing successes and challenges, and helping to build our body of knowledge and experience.

In addition, as you use this Toolkit, should you identify additional resources that you believe would strengthen it, please let us know. We expect that this will be a living document and will update it as information and resources become available.

We thank the World Blind Union for their permission to develop our Toolkit, from their template which we used as our founding basis.