

# Rights To Reality

## Charter of Rights For Independent Living

### GDA Manifesto for European Elections 2009

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## 1. Forward

The European Union is made up of 27 countries and has a population of about half a billion people. Over 50 million of these are disabled citizens. The EU spent £73.5 billion in 2006 and its motto is 'united in diversity'. Difference is accepted and celebrated so when the elections to the European Parliament take place on 4<sup>th</sup> June 2009, it is important that the voice of disabled people in Glasgow is heard.

GDA has always been a strong supporter of human rights but the most frequently asked question by disabled people is 'but what difference will they make to my life?' This is a clever question as unless we can make human rights real for people then they are simply words. GDA wants to give these words meaning and so make our human rights in Scotland matter – matter to us and matter to policy makers, funders and planners of services.

GDA decided to ask people what rights they want and then we analysed what rights people already have in theory and got a complete match! What we want is what we are already supposed to be entitled to! This Manifesto seeks to share that information with candidates for the European Elections, staff in the sectors whose work impacts on the lives of disabled people and seeks to inform disabled people who are holders of human rights. Rights will only be respected if staff in services and agencies fulfill their obligations.

So how did we agree our list of 14 rights? Over 2008-09, GDA has been involving our members about a Charter of Rights for disabled people. We have done this in a number of ways including:

- GDA Learning Festival 2008 where it was agreed that Independent Living should be the key theme
- GDA's Showcase event 2008- participants worked on a list of rights which they thought fundamental
- GDA's Learning Reference Group
- GDA's Campaign Action Group
- At an event in partnership with Skill's Development Scotland & Inclusion Scotland, including young disabled people from Cardonald College

Over 500 disabled people have taken part in agreeing this Charter of Rights for Disabled People in Glasgow. However from their experience, agreeing a Charter was not enough: it must be used to make a positive difference to their lives. So they asked GDA to work with others to make these rights a reality. This Manifesto is part of GDA's commitment to mainstreaming the Charter in service delivery and policy decisions.

Tressa Burke  
GDA Director

## **2. Introduction – About Glasgow Disability Alliance**

### **Background**

Glasgow Disability Alliance is a membership-led organisation of disabled people and groups in Glasgow. Membership currently stands in excess of 550 including 34 groups led by disabled people as well as individuals, by far the biggest groundswell of disabled members in Scotland. Established in 2001, our mission is to act as the collective, representative voice of disabled people, promoting equality, rights and social justice

### **Learning For Change**

GDA provides information, advice, accessible learning and opportunities for involvement in decision making, with and for disabled people in Glasgow. Learning For Change provides a range of accessible lifelong learning courses so that disabled people can build confidence and skills and reach their full potential.

GDA also provide advice, information, training and consultancy for organisations and agencies, sharing disabled people's experiences and helping with engagement of disabled citizens as a route to improving access to learning and services in a wider sense e.g. colleges, social work, health.

We act as a voice for disabled people and more importantly, support and encourage disabled people to develop their own voices to become citizen leaders.

GDA is a catalyst for change, working in partnership to promote equality and inclusion and improve the life chances of disabled people.

### **Values: Social model of Disability and Independent Living**

GDA believes that disabled people are disabled by barriers in society which has not planned for their inclusion. Disability is not about impairments or medical conditions. It is a complex social problem which requires joined up working to remove barriers so that disabled people can take part in the full range of life opportunities.

GDA is committed to challenging discrimination and building the skills and confidence of disabled citizens so that they are empowered to have dignity, freedom, choice, control over their own lives. This is called independent living and GDA works in partnership as part of the Independent Living Movement in Glasgow and Scotland.

### 3. Facts and Figures about Disability – why rights are needed

“Disabled people do not fare as well as non-disabled people in their experience and outcomes from mainstream public services, such as healthcare, housing, education and social care and still face numerous barriers in realising equal opportunities, environmental and access barriers, and legal and institutional barriers. This can result in discrimination and social exclusion.”<sup>1</sup>

- Scotland has over one million disabled adults covered by the Disability Discrimination Act and 10% of these live in Glasgow<sup>2</sup>
- 42% of households with one or more disabled people have an annual income of less than £10,000. This compares with figures of 26% for households with no disabled person.<sup>3</sup>
- Disabled people are twice as likely as other citizens to have no recognised qualifications.<sup>4</sup>
- Young disabled people aged 16 are twice as likely not to be in any form of education, employment or training (NEET) as their non-disabled peers – this increases to three times as likely by the age of 19.<sup>5</sup>
- By the age of 26, young disabled people are more than three times as likely as other young people to agree with the statement “whatever I do has no real effect on what happens to me”<sup>6</sup>
- Forty-nine per cent of disabled people of working age do not work,<sup>7</sup> and disabled people are at considerable risk of living in poverty, with severe consequences for their families and children.<sup>8</sup>
- Of all children living in poverty, one in three has a disabled parent<sup>9</sup>.
- Disabled people in work are more likely to be in low paid, low skilled jobs<sup>10</sup>
- People who are disabled officially constitute only 6 per cent of formal volunteers and around 4.3 per cent of public appointments across Britain. This is compared to 20 per cent of the population at large.<sup>11</sup>

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<sup>1</sup> Scottish Council Foundation, 2005 “Disability in Scotland 2005–2020: A State of the Nation Report”

<sup>2</sup> Ibid

<sup>3</sup> Ibid

<sup>4</sup> Disability Rights Commission (2006) “Disability Briefing March 2006”

<sup>5</sup> Department for Education and Skills

<sup>6</sup> Burchardt (2005) ‘The education and employment of disabled young people: frustrated ambition’

<sup>7</sup> Labour Force Survey Spring 2005..

<sup>8</sup> Fabian Society (2006) ‘Narrowing the Gap: the Final Report of the Fabian Commission on Life Chances and Child Poverty’

<sup>9</sup> Lyon, N., Barnes, M. and Sweiry, D. (2006) ‘Families with Children in Britain: Findings from the 2004 Families and Children Study’, Department for Work and Pensions Research Report 340.

<sup>10</sup> Disability Rights Commission (2006) ‘Disability Briefing March 2006’.

<sup>11</sup> DRC (2006) Disability Agenda “Increasing Participation & Active Citizenship”

## 4. Why human rights matter in the European Elections

Human Rights belong to all of us, all of the time, equally. We share a set of values and principles across the European Union which focus on rights and freedoms. The problem is that we do not know about our rights and too often our rights are not respected. Enjoyment of these rights is matched with responsibilities and duties to other people, to the human community and to future generations e.g. environmental protection is about our lives just now as well as the quality of life of our children and grandchildren.

This Manifesto is written to inform the public and policy/service decision makers so that better decisions are made which protect and respect our individual human rights. At the foundation are the principles of fairness, respect, equality, dignity & autonomy. Specific human rights standards cover six strands: civil, political, economic, social, cultural and environmental rights

### European Union gives disabled people rights

The European Parliament is a law-making body and decides on how the European Union spends its money. The 785 members of the European Parliament are known as MEPs. These representatives are elected every five years by the people of EU countries and polling day is 4<sup>th</sup> June 2009. Laws are passed by the Parliament which impact on people in Scotland directly and also indirectly as our Government needs to introduce legislation to ensure compliance with what has been agreed in Europe. Some examples include:

- **Consumer Rights** – e.g. new rules requiring transport operators to compensate passengers properly for delays and cancellations
- **Health** – e.g. new laws requiring the removal from circulation of many hazardous and toxic substances.
- **The Environment** - laws to achieve a 20% cut in greenhouse gas emissions, a 20% improvement in energy efficiency, and a 20% share for renewable energy in the EU energy mix by 2020.
- **Human Rights issues** e.g. the European Parliament has spoken out condemning the use of torture and requiring Governments to keep promises on delivering women and children's rights. It also has specific committees to make progress such as on civil liberties and its work is guided by the European Convention on Human Rights (ECHR).

## **The European Union Charter of Fundamental Rights 2000 gives disabled people rights and covers:**

- Dignity
- Freedoms
- Equality
- Solidarity
- Citizens' rights
- Justice

The Charter needs to be better advertised to the general public and clearly understood and applied when designing and funding services as well as when agreeing policy.

**Council of Europe: disabled people can use their rights from the Human Rights Act** to raise cases in Scottish Courts as well as take cases to the court in Strasbourg. Public bodies and those delivering services of a public nature in Scotland should abide by the European Convention on Human Rights e.g. health boards and local authorities. As a first step, contact the Helpline run by Scotland's two independent human rights bodies – see Section 7.

## **World-wide**

The UK has ratified six UN human rights treaties and we look forward to the ratification of the UN Convention on the Rights of Persons with Disabilities (CRPD) on 8<sup>th</sup> June 2009. The six already ratified are:

- International Covenant on Civil and Political Rights (ICCPR)
- Convention for the Elimination of all Forms of Discrimination Against Women (CEDAW)
- Convention on the Rights of the Child (UNCRC)
- Convention on Economic, Social and Cultural Rights (CESCR)
- Convention Against Torture (CAT)
- International Convention on the Elimination of All Forms of Racial Discrimination (ICERD).

The UK will not ratify a treaty unless the Government is satisfied that domestic law and practice enable it to comply. The Government will announce that it cannot ratify certain sections of the CRPD – this is known as a reservation. So if there is no reservation, then the Government is stating that its laws, policies and practices comply with the UN Treaty.

The following rights which disabled people have asked for, already match rights contained within UN Conventions.

## 5. GDA Charter of Rights: How we got here

GDA undertook a survey of over 500 disabled people to ask what rights matter to them and to list what rights will make a difference to their lives. The result was a lot of agreement. Fourteen rights are now listed which can deliver the human rights principles of fairness, respect, equality, dignity and autonomy. Each right is an echo of what has already been agreed by Government as GDA has matched each right with:

- a standard in the European Charter of Fundamental Rights which already apply to EU institutions when making decisions which impact on all our lives
- with a standard in the ECHR
- and with rights listed in the UN Treaties which our Government has ratified. (See separate briefing paper 'Matching Rights')

Examples include GDA Charter Right 8 'Inclusive education including the right to lifelong learning' which matches The EU Charter of Fundamental Rights as Article 14 is 'the right to education'. Another example is GDA Charter Right 9 'Equal opportunities for meaningful employment and training for work' matches Article 31 of the EU Charter "Every worker has the right to working conditions which respect his or her health, safety and dignity" as well as Article 7 of the ICESCR which recognises the right to work.

Not surprisingly, the rights also echo those of the disabled peoples' Independent Living movement in Scotland and across the world. The main thrust of this is that independent living empowers disabled people to have control over their own lives and fulfil their potential,

"Independent living means disabled people of all ages having the same freedom, choice, dignity and control as other citizens at home, at work and in the community. It does not mean living by yourself or fending for yourself. It means rights to practical assistance and support to participate in society and live an ordinary life," (Scottish Alliance on Independent Living, 2008).

Many people take the following rights for granted but for disabled people, enjoying these rights on a daily basis is an uphill struggle. It does not have to be this way and should not be happening as all of the rights are already protected in existing human rights charters.

So the question is why are these rights being ignored?

## **6. Experience of Disabled People having rights ignored**

Disabled people involved in drawing up this Charter of Rights have stated that they are frequently denied appropriate personal support and services and that this in turn prevents them from participating fully in economic, social, political and cultural life,

“There are hidden costs involved when you’re a disabled person. Poverty limits my choices on top of lack of access. It’s layers and layers of problems from my house, to not having transport to the fact that I can’t take part in jury service as there’s no communication support which I need as I have a hearing impairment”

Further problems arise for disabled people when they are denied the freedom and right to make their own choices and this undermines a sense of control over their own lives: it certainly prevents disabled people from realising their goals and aspirations,

“I think ordinary things that most people take for granted, often seem like impossible dreams for disabled people. Like choosing when to go out and be spontaneous, thinking about the job you’d really like to do, going to your child’s parents night and not having to meet their teachers in your car,” (GDA Member)

The following Charter of Rights is realistic and covers existing entitlements of disabled people in Glasgow. It is also fitting with the position of the wider disabled peoples’ movement on independent living which is fundamentally a gateway to accessing more rights and improving the quality and fulfilment of life,

“Independent living is a means to an end. That end is a life which offers full and equal opportunities to take part in work, in learning, in having a family, in moving house, in using transport, in being an active member of my children’s PTA! These now have to be understood in terms of human and civil rights, supported by legislation and policy”, (GDA Campaign Action Group on Independent Living).

The majority of the following rights are self-explanatory and are things which are taken for granted by ordinary people living ordinary lives. For disabled people this is frequently not the case and this needs to change.

## 7. GDA Charter of Rights

### GDA Charter Right 1

**A decent income including state benefits** for those unable to work. Poverty is high amongst disabled people who experience barriers into learning, education and work: these would normally be potential routes out of poverty. Consequently, living on benefits at low level is a determining factor on quality of life. Benefits often don't account for additional "hidden" costs of being a disabled person e.g. community care charges, taxi costs, extra heating bills, adaptations etc. This should be rectified with decent level income in recognition of the connection between poverty and disability and the consequences for reducing life chances e.g. increasing poor health.

### GDA Charter Right 2

**Accessible and adapted housing** is required with the need for houses to meet agreed standards. New homes should be built with a higher percentage of barrier free or wheelchair accessible houses. Grants should be readily available for those disabled people requiring aids and adaptations to their homes to enable access. Accessible Housing registers should be developed. Since disabled people are more likely to rent, social housing should be built to better access standards. More accessible information should be provided to disabled people about housing rights.

### GDA Charter Right 3

**Personal Assistance** should be provided through direct payments or self-directed support to enable choice, control and flexibility. This should not be a postcode lottery and direct payments or self-directed support should be rights based and available on demand. Community care charges should not be applied to further disadvantage disabled people who may then be unable to afford to work as a result. Charges should be abolished. Service User involvement should be central to planning and developing more efficient and cost effective services which meet need. Joined up working should be promoted so that a disabled person can have their rights recognised across their whole life.

### GDA Charter Right 4

**Accessible information**- this should be readily available in accessible formats including easy read and plain language. This is something which can be put in place easily as the information already exists but is remote and sometimes non-existent to disabled people. If knowledge is power then disabled people are further disempowered by lack of accessible information and this must change. Organisations led by disabled people can advise about this.

### **GDA Charter Right 5**

**Communication support** – this should be readily available so that people can participate in all aspects of life. For example to take part in jury service, interpreters or notetakers may be necessary for deaf people and those with hearing impairments as well as those disabled people with cognitive processing problems. Communication support should be a right and this would open up all sorts of other opportunities and rights which some disabled people are currently denied e.g. to work.

### **GDA Charter Right 6**

**Advocacy and working towards self-advocacy**- funding should be provided for organisations led by disabled people which provide advocacy and support the development of self-advocacy through confidence building, peer support and other learning. Gaps also exist in these types of services so there should be provision across all areas and mapping of what currently exists. Information should be collated about provision of advocacy and self-advocacy support for disabled people.

### **GDA Charter Right 7**

**Technical aids, equipment & technology** are important in reducing barriers and promoting a better life for disabled people. These should be readily available in all areas and not be dependent on which local authority you live in. Small pieces of equipment can make a tremendous difference to a disabled person's life and self-assessment should be developed as a direct route to provision. Information and support should be available about the kinds of aids, equipment and technology which exist.

### **GDA Charter Right 8**

**Inclusive education including lifelong learning** is a critical right for disabled people with so much of life being determined by access to education and the opportunities this brings. Disabled children and adults must have access to inclusive education which takes account of both rights and needs. This should apply throughout life and across the spectrum of lifelong learning. For lifelong learning, both public and voluntary sector learning should be funded to enable quality learning opportunities that offer choice, flexible delivery, challenge and progression for disabled learners. This will also ensure that people can access local learning provision e.g. through community based learning projects as a first step to engaging in higher levels of learning.

## **GDA Charter Right 9**

### **Equal opportunities for meaningful employment and training for work.**

Discrimination prevails in terms of applying for work and progression in employment. Disabled people must have equal opportunities back up by positive recruitment processes which encourage disabled applicants. Disability Equality Training should be given to staff and managers who also work with disabled people and the workplace should be adjusted to suit the needs of disabled employees. This should include positive policies such as Disability Leave so that disabled employees are not unfairly disadvantaged by stringent absence monitoring arrangements which exist in some agencies. Supported employment should be encouraged and developed. Access to work should be widely promoted and take up supported and encouraged. Volunteering, training and work experience opportunities should be increased, supported recognised as a valuable progression towards employment.

## **GDA Charter Right 10**

### **Accessible and inclusive healthcare for physical, emotional and mental health**

for all disabled people. GDA calls for accessible healthcare facilities and staff trained in disability equality across the board. Flexibility and choice in provision is necessary to accommodate a broad range of needs of disabled people with a range of impairments. An understanding of the barriers in provisions is required by planners and service managers and access must be developed as a right and not a “special” provision. Service User involvement should be central to planning and developing more efficient and cost effective health services which meet need. Health and social care services should operate in a joined up way to provide a holistic service to disabled people.

## **GDA Charter Right 11**

### **Peer support including organisations led by disabled people**

should be recognised as important. GDA’s Toolkit should be adopted as a guide to involving disabled people. This highlights the need for a commitment to funding “impartial community development support” to work with people to identify issues of concern and work together on these to challenge inequalities. Clearly, organisations led by disabled people have experience of involving disabled people in identifying priorities and working together to come up with “solutions”. They also have something to offer in relation to getting to “grassroots” disabled people, expertise in methodology for doing this and often a track record in building active citizenship with disabled people. Funding and opportunities for involvement must be in place to enable this.

### **GDA Charter Right 12**

**Meaningful opportunities for civic and political participation, citizenship & involvement in decisions which affect our lives.** Public bodies and wider organisations should encourage and be supportive of political and community leaders, senior executives and staff members who are open about experiences of impairment or long term health conditions. This will provide positive role models and create higher expectations amongst disabled people. Political parties should use targeted initiatives to increase representation and involvement within their parties, of disabled people. Planning structures and service user involvement initiatives should involve disabled people. Leadership of disabled citizens should be supported, funded and celebrated. Public appointments should encourage disabled people and there should be positive action taken to increase uptake.

### **GDA Charter Right 13**

**Full access to our environment** should be available for everyone. This should include access to buildings, transport, parking and public spaces. It should also include streets, pavements and workplaces as well as shopping areas. If disabled people have greater freedom to move around in the build environment, then life-chances would improve and opportunities would open up. Access Panels should be supported as they have expertise and a role to play in advising about what works well and what doesn't and they have expertise in informing policy and planning

### **GDA Charter Right 14**

**Fully accessible and affordable transport:** this should demand-led and allow for spontaneity and flexible travel and should also apply to all modes of travel. Concessionary and free travel schemes should be expanded and disability equality training provided to transport staff. Transport information should be accessible and readily available. Access Panels should be supported as in relation to the environment.

## **8. Rights to reality: what you can do**

As an elected politician, public, voluntary or private sector worker, member of the community, family member, personal assistant or friend- what can you do? We need you to respect the human rights of disabled people and commit yourself to effecting change so that human rights compliance is a daily fact not a daily hurdle.

We all have a role to play in delivering this Manifesto: respecting and delivering people's human rights is an obligation and needs to become a priority if we are serious about improving the freedom, dignity, choice and control in the lives of disabled people in Glasgow. Also, by promoting disability as a human rights issue during the election campaign, more people will be aware of their rights and more agencies aware of their responsibilities.

Underpinning this Manifesto are the human rights principles of fairness, respect, equality, dignity and autonomy. Central to delivering those principles is the right of people to choose to live independently and to have control over that independent life. For too many people, the human rights of free choice and control over your life are limited every day. Disabled people are not looking for a special deal but rather they want to enjoy a life of choices, the same as everyone else and to be able to live to their full potential.

This Manifesto is about highlighting the need for action on human rights and one sign of progress will be an explicit acceptance of the principles of independent living:

- That all human life is of value
- That everyone, regardless of impairment, can exercise choice
- And that disabled people have the right to participate fully in society.

There must also be action to end society's disabling response to disabled people. Instead we need evidence that disabled people are respected and can assert choice and control over their own lives. Disabled people, just like everyone else want to participate in learning, building their skills and confidence, active citizenship, take up training, volunteering and employment opportunities.

Disabled people in Glasgow should have a wide range of opportunities to be included as full and equal members of society. For that to happen means change: in attitude, in service delivery, in the culture of public sector agencies, in physical access and across the range of rights we have named and explained. This can be partly achieved with disability equality and human rights training for staff at all levels from governors to the shop floor workers.

By making these rights a reality across Scotland, we can then share best practice across Europe!

## 9. Further information

### Human Rights organisations

There are two human rights bodies in Scotland: The GB Equality and Human Rights Commission which is funded by the UK Government and the Scottish Human Rights Commission which is funded by the Scottish Parliament. Both exist to improve respect for human rights in Scotland and operate a joint HelpLine

- 0845 604 5510 – Scotland HelpLine
- 0845 604 5520 – Scotland Textphone
- 0845 604 5530 – Scotland Fax

Both organisations can undertake work on The EU's Charter of Rights, the European Convention on Human Rights and the UN Treaties which the UK has ratified.

The GB Equality & Human Rights Commission has a range of powers that are designed to 'encourage and support' the development of a society in which: *"there is respect for and protection of each individual's human rights, there is respect for the dignity and worth of each individual and there is mutual respect between groups based on understanding and valuing of diversity and on shared respect for equality and human rights."* Equality Act (s3)

The EHRC focuses on reserved human rights issues which may include issues such as consumer affairs in Scotland and refugees.

The Scottish Human Rights Commission has a vision for 'a fairer Scotland where social progress is achieved through a rights-based approach and where human dignity, equality and participation are guaranteed for all'. The SHRC works on devolved issues such as housing, education and social care.

### GDA

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