

THE RIGHTS OF THE VISUALLY HANDICAPPED

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The Rights of the Visually Handicapped" was the theme of the workshop organized by the Centre for the Study of Human Rights (CSHR) in association with and on the request of the Sri Lanka Council of Visually Handicapped Graduates (SLCVHG). As a one day workshop, this event was held at the Sarvodaya auditorium at Moratuwa on the 9th of October 1999.

This workshop, for the first time in Sri Lanka brought together a large group of visually handicapped graduates to discuss human rights and to express their views on a number of human rights violations that they encounter on a day to day basis in society. Some of the views expressed at this workshop were quite astonishing and revealing to the organizers of the workshop themselves.

The purpose of the workshop was dual. On the one hand, there was a request for the CSHR to conduct initial human rights education for the members of the SLCVHG. This purpose was achieved mainly through two educational lecture sessions of the workshop. Apart from the visually handicapped graduates, a number of secondary school level students from the School for the Visually Handicapped at Ratmalana participated.

It became apparent that there is a great need and demand on the part of the visually handicapped persons to be aware of human rights in general and more particularly the rights relevant to their special conditions. It is important to assume that this might be the case of many groups of handicapped persons whether they are impaired visually or otherwise.

There is a need, therefore, on the part of the CSHR and other like minded organizations to make their human rights educational programs available in appropriate manner for the various handicapped persons. The production of human rights material in Braille is one option. The training of human rights educators in sign language is another.

There were two key presentations at the workshop. The first one was delivered by Dr. Laksiri Fernando, Director of CSHR. He explained human rights to be a higher philosophy to the general rights discourse. It means the rights of everyone irrespective of distinction. The protection of human dignity and the fulfilment of major human needs are the cornerstone of this philosophy. Equality, non-discrimination and fair treatment are the basic principles. This philosophy embodies not only rights but also human responsibilities.

While referring to the development of various UN human rights instruments from the Universal Declaration (1948) onwards, he emphasized the importance of the Declaration on the Rights of Disabled Persons promulgated in 1975 (see Annex I). The recogni-

tion and protection of the rights of disabled persons are two indicators of any society's level of human rights record. Sri Lanka cannot escape from this truth and should recognize and respect the full rights of all disabled persons.

Rev. Noel Dias, Senior Lecturer in Law, University of Colombo, delivered a lecture on the rights of special groups. Referring to the recent philosophical developments in law, he said that there is a growing reemphasis to recognize natural rights and justice in law. Natural rights remind us that when there is inequality, special treatment should apply to make the vulnerable groups equal. Hence is the need for positive discrimination or affirmative action. Special treatment is recognized internationally to address the rights of special groups.

He further said that the recent Protection of the Rights of Persons with Disabilities Act (No. 28 of 1996) is a welcome initiative. However, it is not yet operational since regulations necessary for its functioning are not yet formulated. He explained the provisions of the Act. Under Article 24, discrimination on the grounds of disability can be challenged in the High Court to seek relief or redress (see Annex II for important extracts of the Act).

Group Discussions

The workshop, on the other hand, was organized in order to allow mainly the visually handicapped graduates to discuss their grievances, issues and problems in the context of human rights. The participants were organized into four groups with the facilitation of several personnel from CSHR.

The Right to Life

The participants wished to discuss their problems first in the context of the right to life; the need for the full development of the persons and the complete protection of their dignity. Any visually handicapped person's lifelong aspiration is to achieve the full visual ability. This should not be rejected or denied. The innovations in medical science should be able to help the handicapped to the fullest possible extent. This is their right to life and the right to see the world.

Medical Care

The participants expressed dissatisfaction about the available medical and health care facilities to the visually handicapped. There are negative attitudes on the part of the doctors. They tend to reject the possibility of treatment at the outset in many cases. The persons from poor and disadvantaged families tend to

suffer most as a result. This should refer to the attention of the Ministry of Health and the doctors at large. There should be a system to trace the visually handicapped at an early age and treat them properly.

In remote rural areas, visually handicapped persons are completely hidden without any social attention. There is some awareness and some facilities only in the urban sector. This neglect should be eradicated. No one has proper statistics about the visually handicapped persons. There is no registry of them to be treated and attended properly. This is a weakness.

Right to Education

The right to education is very dear to the visually handicapped for obvious reasons. This is where they can make headway if facilities are sufficiently available. They have proved that this is the case. There are a good number of graduates among them, some are with special talents and skills. But they end up only as teachers. Is this the only contribution that they can make to the society? The participants disagreed with the status quo.

The rural handicapped again is handicapped for the lack of educational facilities. Parents do not know about the facilities available in urban centers for the lack of awareness. At least the available facilities should be made known to the parents of the visually handicapped. Parents should be motivated to educate their handicapped children more and more.

Educational Reforms

The ongoing educational reforms seem to have completely ignored the visually handicapped. Activity oriented education may be pedagogically advantageous for the ordinary children. But have they thought about our special needs? How can we get involved in activity oriented education? What activities would be suited for the visually handicapped? The participants raised these issues to the attention of education reformers, seeking answers.

This is only the tip of the iceberg. There is ignorance and prejudicial attitudes on the part of the officers in the Departments of Education, both at the provincial and the national level, the participants complained. One aspect of this situation is the lack of any program to produce text books and teacher guides in Braille.

University Education

There are a good number of undergraduates in various universities. But their special needs and conditions are not recognized. All university libraries should have appropriate Braille facilities. This is not the case at present. There is willingness and ability of most of the students to follow courses with modern utility.

But most of the universities discourage visually handicapped to do subjects like economics, sociology, business and management. They are always relegated to do history, language or political science. Some universities do not allow them to do special degrees.

This is unfair. Even some of the university professors are prejudicial about the visually handicapped. One remark of a university professor was that universities are not responsible for blindness. This situation is despicable. There should be possibilities and facilities for the visually handicapped to follow post-graduate courses here or abroad. There should be appropriate scholarship schemes. Like others, the visually handicapped persons also like to travel abroad and interact with the people of those countries.

Right to Employment

The most important to the visually handicapped is the right to employment. Then they can be self-reliant. There is an accepted policy on the part of the Department of Education to give teaching positions to the visually handicapped. But this is not implemented properly.

Although these teachers are visually handicapped, they are capable of teaching ordinary students and ordinary subjects. But most of the school principals are reluctant to give them a proper time table. This is due to prejudicial attitudes. This is against the dignity of the visually handicapped teachers. Although these conditions are reported to the Education Officers and Directors they usually keep a blind eye apparently sharing the same attitudes.

There are others who are capable of self-employment with skills in various crafts and trades. But there are no facilities or necessary infrastructure for them. There can be a system of protecting their products by special provision. The rights of "special patent" should apply there. Then they will have an ensured market for their products locally or internationally.

The policy should be full employment for the visually handicapped. Then only their right to work and employment can be fully protected.

Social Mobility

They have serious difficulties in social mobility and right to movement. As a result, their right to entertainment is hindered. They are reluctant and cannot go to public places with equal freedom because of these problems. They need an extra person while travelling. This may not be necessary if their rights are properly ensured.

What they want is not mere sympathy from society but equal recognition. Of course they need assistance from others, but not paternalism. These are hard to come by because of prejudicial attitudes of the society. The society at large needs to be educated on these lines.

The Media

The media tends to depict a negative image of the visually handicapped and the handicapped in general. The press uses derogatory terms, knowingly or unknowingly. TV is the same. Most of these prejudicial images are there in the society. These should be changed through education.

The "White Cane"

The "White Cane" is not officially recognized. There is no public awareness about it. Some even obstruct or step on the "White Cane".

Motorists should be alerted on the "White Cane" and the traffic police should help and ensure their rights in road crossing and in pedestrian walking. Travelling by private bus is a nightmare. Bus drivers and conductors should be educated of their rights and requirements.

Traffic lights are introduced in many places in towns and cities with pedestrian crossings. But there is none near the Ratmalana Blind School. None of the pedestrian crossings have introduced any sound system for the benefit of the visually handicapped.

Access to Public Buildings

The buildings in Sri Lanka are not designed to accommodate the handicapped. This goes for public offices, banks, universities and libraries. There should be rules and regulations in building approvals to go with the requirements of the handicapped.

Social Security

There should be a proper social security system for the handicapped. This should include unemployment benefits and pension schemes. They cannot be a burden for their parents, relatives or friends. There are at present difficulties in obtaining even an insurance policy for them. Some companies recognize their rights. But others do not. Why cannot the Insurance Corporation initiate a special scheme for them?

There are difficulties in opening and maintaining bank accounts. Most of the banks do not like to deal with them. This should change.

Legal Protection

The most stunning revelation came during a discussion on their difficulties in dealing with the police and law enforcement. If they meet with an accident or if their properties are stolen they do seek police protection. But they have no idea of how their complaints are recorded. The police sometimes consider them to be a nuisance.

The police, for understandable reasons perhaps, seek "normal evidence" for a complaint. They are asked to give a description of the vehicle of the accident or a physical description of the robber! This is the case even if they go to the Court. Under normal procedures and under the Evidence Ordinance of Sri Lanka, their evidences are not normally recognized. There are no special provisions to consider their cases. As a result, the participants felt that they do not have proper protection under the law. The Evidence Ordinance of Sri Lanka should be amended to accommodate their circumstances.

Political Rights

The participants were very conscious about their political rights. If a visually handicapped like them can be a Minister in Britain, why cannot they be involved in politics? they asked. While seeking their full political rights in the long run, the participants were more concerned about the principle of secret ballot in the short run. At present, the returning officers make their vote when they go to vote. The participants however felt that they can rely more on a friend than a returning officer for their "secret ballot". The best option would be if they can vote in Braille.

Conclusions

When the above questions and opinions were expressed by the participants, the members of the panel expressed their views and answered some of their questions to the best of their knowledge. The main conclusion of the CSHR however was to bring a full report of the workshop to the public attention since these questions require further investigation and possible discussion. A follow up action is the objective.

The panelists encouraged the participants to express and assert their rights as it is very important in any human rights achievement. For example, if principals of schools are reluctant to give a reasonable time table to the handicapped teachers, the teachers themselves should speak to the principals and to the educational authorities in order to find solutions. Handicapped teachers should get together and make representations to the Ministry of Education.

The panelists also expressed the view that SLCVHG might be strengthened to address many of the grievances expressed. The CSHR can extend support to this endeavor. The SLCVHG should contact other NGOs and seek their assistance among which is to alert the media of the grievances of the visually handicapped.

Recommendations

To request the government to immediately implement the Protection of the Right of Persons with Disabilities Act (No. 28 of 1996).

To make representation to the Ministry of Education to look into the grievances of the visually handicapped teachers.

To call for a policy of full employment to the visually handicapped persons.

To promote education among visually handicapped persons through appropriate means. To promote the production of text books and teaching material in Braille.

To alert the public and educate them in order to respect the rights of all handicapped persons.

To make immediate and appropriate measures to implement all grievances expressed in this report.