

UNITED NATIONS
ECONOMIC
AND
SOCIAL COUNCIL



Distr.
GENERAL

E/CN.5/557/Add.3
18 April 1979

ORIGINAL: ENGLISH

REPORT ON THE WORLD SOCIAL SITUATION

Annex II

SUMMARY OF MEASURES CONCERNING IMPLEMENTATION OF THE DECLARATION OF
THE RIGHTS OF DISABLED PERSONS

Addendum

NATIONAL EXPERIENCES IN IMPLEMENTING UNITED NATIONS DECLARATIONS
ON THE RIGHTS OF DISABLED PERSONS ^{1/}

Australia

Even as recently as 20 years ago, children with some form of handicap - for example, mental retardation - were excluded from the normal education system. Education for such people was pioneered by parents and voluntary associations.

Subsequently, the Commonwealth developed an interest in education, including the granting of funds to the states for the provision of special education for handicapped persons.

In 1948, the Commonwealth Government accepted the principles of establishing a comprehensive rehabilitation service to all members of the community. At first the service was limited to handicapped people in receipt of certain social service benefits and has a strong vocational emphasis. Since then, the scope of the service and the range of its clientele has been extended. In November 1977 the eligibility criteria were widened considerably to allow rehabilitation to be provided free of charge virtually to all disabled persons in the broad working age group.

There is a strong tradition in Australia of initiatives by community-based organizations in the field of rehabilitation services; and a wide range of facilities is provided by them. The Commonwealth Government has recognized the contribution of the voluntary sector of the community and has sought to establish a sense of partnership by making funds available to approved projects.

The Commonwealth has supported sheltered workshops run by voluntary and charitable bodies to the extent of 80 per cent of capital requirements and 50 per cent of many of the major recurrent costs. More recently developed facilities funded on the same basis are activity therapy centres where the personal and social development of the handicapped is promoted. Universities are assisting in establishing an evaluation and accreditation scheme for all the above facilities funded by the Commonwealth, with a view to raising the quality of assistance provided for handicapped people.

In 1981, the Australian Bureau of Statistics will conduct a nationwide census of all households. Representations have been made to the Bureau to include questions which will elicit information about handicapped people.

Pensions are paid by the Commonwealth Department of Social Security to invalids between the ages of 16 and the age of eligibility for retirement pensions.

^{1/} Two United Nations declarations deal specifically with the rights of disabled persons: these are contained in General Assembly resolution 2856 (XXVI) and General Assembly resolution 3447 (XXX). Document E/CN.5/557/Add.2 contains a full account of the relevant United Nations declarations.

Consideration is being given to various alternative assessment procedures which will emphasize rehabilitation potential.

Those who have been disadvantaged as a result of their service in the armed forces of Australia are provided for by the Commonwealth Department of Veterans' Affairs.

In addition the Department runs Artificial Limb and Appliance Centres in each state which cater for both the Department's beneficiaries and the general public through the Government's "Free Limbs" scheme.

The first National Seminar on Rehabilitation Engineering was held in Sydney from 29 August to 1 September 1977. About 120 invited participants attended the Seminar. It was held because this subject was considered to be a neglected aspect of rehabilitation in Australia, with almost complete lack of co-ordinated research and development.

At the request of the National Advisory Council for the Handicapped and with the agreement of the Commonwealth Ministers for Social Security and Administrative Services, a working party to examine library services for the handicapped has been convened by the National Library of Australia.

The working party has undertaken a survey of some 500 organizations to assess the current stock of special material for the blind and physically handicapped, and has organized a national consultative seminar which brought together those associated with the provision of library services for the handicapped, as well as the handicapped themselves.

At the request of the Minister for Social Security in September 1976, a special committee of the National Advisory Council for the Handicapped was appointed to examine how to "foster improved links with community and consumer groups in the field of the handicapped". Subsequently, the Council decided it should try to develop a "model" for consultation in the field of the blind and visually handicapped, which was recognized as having particular requirements for achieving consensus among the various parties concerned.

In considering which projects should be supported by the Commonwealth, Commonwealth recognizes the value of projects which are concerned with improving accessibility for the handicapped. Some of the works undertaken have improved access for the handicapped - for example, new interchanges in Brisbane have included ramps to allow access by persons in wheelchairs.

In the case of travel by air, the Commonwealth has endeavoured to facilitate travel by physically handicapped people. During the design of the new Tullamarine Airport in Melbourne, approximately \$200,000 was set aside for provisions of facilities for the handicapped.

Some forms of assistance are provided by the Commonwealth in relation to the use of motor vehicles by handicapped persons.

Within the federal political system in Australia, health services have been primarily the responsibility of the states but the Commonwealth Government provides funds to the states through the hospital cost-sharing agreements. Under the agreements, the Commonwealth meets 50 per cent of the approved budgets for each state's public hospital system, through which the majority of medical rehabilitation services in Australia are provided.

There are other special programmes of assistance to the states and to voluntary organizations for home care services for the aged and the handicapped and for delivered meals (meals-on-wheels).

An additional service for the handicapped is that the National Acoustic Laboratories of the Commonwealth Department of Health provide hearing aids and audiological services to persons in various disability and underprivileged groups.

An important Commonwealth initiative in relation to the employment of the handicapped arose from the findings of an inquiry into the operation of the Commonwealth Employment Services (CES) provided by the Department of Employment and Industrial Relations. The report was published in 1978.

The new initiatives complement existing schemes through which opportunities for employment are afforded to handicapped people - for example, the National Employment and Training Scheme and the Commonwealth Youth Support Scheme.

Also, action will be taken to follow-up the special Review's (published in 1978) observation about handicapped migrants experiencing problems of access to rehabilitation services, and that there should be greater use of ethnic workers in rehabilitation centres.

Under the Children's Services Programme, priority is given to a number of "special need" groups. One of these groups is the handicapped. Families with handicapped children, handicapped parents and handicapped children themselves. A high priority is accorded those projects which cater specifically for this group or those projects which can indicate an inclusion of the handicapped in their client group.

It is anticipated that the International Year for Disabled Persons will be an occasion for increasing public awareness of the needs of the handicapped; in the meantime, there will be opportunity to carry forward programmes and take new initiatives in the various fields of which attention has been drawn in the earlier sections of this document.

Byelorussian Soviet Socialist Republic

The provisions adopted by the United Nations in the Declaration on the Rights of Disabled Persons (1975) and the Declaration on the Rights of Mentally Retarded Persons (1971) are fully covered by the legislation of the Byelorussian SSR governing the situation of disabled persons and the State's practice of providing disabled persons with every kind of assistance.

Some of the rights proclaimed and guaranteed by the Constitution are of particular importance to disabled persons; these are the right to health care and the right to maintenance in old age, sickness and in the event of complete or partial disability or the loss of the breadwinner.

Social security in respect of disabled persons includes the payment of pensions and allowances, a network of special State institutions for disabled persons, the provision of prostheses and orthopaedic assistance and the satisfaction of the other needs and requests of disabled persons.

Questions related to the social and occupational rehabilitation of disabled persons and their return to participation in productive and social life are regarded in the Republic as matters of great concern to the State. The rehabilitation of disabled persons is the responsibility of State bodies concerned with health, social security and education, as well as trade unions, voluntary societies for the blind and the deaf and other public organizations.

Of particular importance to disabled persons is the medical care which they, like other categories of citizens, receive free of charge. Disabled persons have priority in respect of treatment at sanatoria and health resorts; a number of categories of the sick and disabled receive such treatment free of charge or at reduced cost. Disabled veterans of the Great Patriotic War receive free treatment at sanatoria or health resorts each where this is indicated by medical findings. When necessary, disabled persons receive prostheses, orthopaedic devices, hearing aids, special means of transport and other devices free of charge or at reduced cost. For some illnesses (tuberculosis, epilepsy, schizophrenia, diabetes, cancer etc.), the necessary medicines are provided free of charge.

Families bringing up a mentally or physically defective child receive the necessary assistance from the State. For children and young people with mental or physical defects, there is a network of specialized nurseries and kindergartens, special general-education schools and boarding schools. For children requiring prolonged treatment, there are general-education hospital schools; such children also receive instruction in hospitals, in sanatoria, and at home. These specialized educational establishments provide disabled children with instruction, general education and treatment and prepare them for participation in socially useful work.

Information concerning the rights of disabled persons and the implementation of these rights is disseminated throughout the Byelorussian SSR by the mass media (press, radio, television), and by the printed publications of societies for disabled persons. Social insurance organs, trade unions, societies for disabled persons and pensioners' councils also help with respect to informing disabled persons and providing the necessary consultations.

Lebanon

The reply from Lebanon indicates that the Government has made a special effort to introduce the appropriate measures for implementation of the United Nations Declarations concerning the rights of disabled persons.

/...

These measures, among others, are adopted in the form of legislation in favour of disabled persons.

Thus, Decree No. 421 of 1 September 1973 has established, within the framework of the Public Service for Social Development, a Special Service in charge of care for disabled persons. This Special Service is responsible for cases resulting from physical or mental disabilities. Its task is to assist in such a situation in order to enable disabled persons to become independent and to provide them with necessary training and employment opportunities, or to protect their existing employment.

The Special Service is also in charge of training of rehabilitation personnel as well as of co-ordination of the agencies working in the field of care of disabled persons, including co-operation with interested voluntary organizations.

The Special Service is composed of two units. One of these units is concerned with health aspects of the problem, including preparation of the studies on prevention of disabilities and medical rehabilitation of disabled persons. Another unit is concerned with proposals for contractual agreement with agencies and organizations interested in disabled persons as well as with maintaining the Registry of such organizations, with a particular purpose of referral of disabled persons.

Law No. 11/73 of 31 January 1977 has established the National Consultative Organ for protection of disabled persons and also:

(a) specifies that the provisions of the Law apply to any person who has difficulties or limitations in taking or maintaining employment due to a physical or mental handicap;

(b) specifies that the State, in co-operation with interested non-governmental organizations, carries the responsibility for medical, social and professional care of disabled persons.

A National Consultative Organ, attached to the Ministry of Labour and Social Affairs and composed of the representatives of different ministries in charge of the care for disabled persons which has been established by Law No. 11/73, is charged, in particular, with the following functions:

Consideration of draft legal provisions in favour of disabled persons;

Studies, and measures concerning the problems of training, employment in private and public sector, protection with regard to conditions of work of disabled persons;

Co-ordination of work carried out by various agencies interested in disabled persons.

Sri Lanka

The reply from Sri Lanka contains the following comments and suggestions:

A Programme for the disabled persons should take into consideration the socio-cultural content in which it is to be implemented. In developing countries the cultural heritage is such that the disabled person is regarded with sympathy and it is an accepted fact that the family has as much a responsibility as the State for the welfare of the disabled. Therefore, programmes for the disabled should take into consideration the role of the family as well as that of the State for the rehabilitation of the disabled.

In helping disabled persons in their physical and psychological adjustment to society an interdisciplinary approach should be adopted whereby the different departments and agencies involved in the rehabilitation of the disabled should co-ordinate their activities to achieve this objective. The Department of Health should be primarily concerned with the correction of disabilities and the provision of aids and appliances, while the welfare aspects which help psychological adjustment should be handled by the welfare departments in collaboration with the voluntary agencies and families of the disabled persons.

In developing countries training of the disabled should be the responsibility of the State and this training should be job-oriented so that a trained disabled person will necessarily find employment in some capacity. Training without adequate facilities for placement should be discouraged as the absence of employment after training will adversely affect the trained person psychologically. As job opportunities are scarce in the developing countries, international agencies can help in this field by providing adequate facilities for placement in the form of project-aid. For purposes of integration in society the disabled persons should not be segregated from the normal community and as far as possible they should be found employment within the community in the midst of their relations and friends.

Social research should be made part of the curriculum of development studies in the universities and the training institutions for social administrators and social workers. One aspect of this research should be specially concerned with the disabled persons and the means that should be adopted to enable them to lead a life within the community as normal persons.

The mass communications media, namely, radio, television and the press, should be used to educate the public that the disabled persons are entitled to all the rights that normal citizens enjoy and that they should not be treated as a separate category. Through these sources of information the public must be educated by organizing various programmes in which the disabled should be made to participate so as to impress on the people that the disabled persons also can develop certain skills and thereby make their contribution to the economic and social life of the country.

In a developing country poverty and ignorance are the main reasons which cause disabilities in persons. Blindness is largely due to malnutrition

/...

while deafness can be arrested to some extent if it is detected at an early stage. Other physical disabilities also result partly from poverty and ignorance. Therefore, as an effective measure to prevent disabilities in children a nutritional programme should be started with the assistance of the United Nations Children's Fund and a family health programme should be started with the help of the World Health Organization to educate the parents in family health and nutrition. While adopting these measures to prevent disabilities, effective measures should be adopted to rehabilitate the disabled by recognizing their skills and providing them with equal opportunities where a person's disability is not a drawback. Laws discriminating against disabled persons from seeking employment in the public and private sector should be amended so as to enable disabled persons to compete on an equal basis with the able-bodied in obtaining employment.

Ukrainian Soviet Socialist Republic

The rights of citizens to work, to rest and leisure, to material security and to free medical care, together with guarantees of those rights, are embodied in the Constitution of the Ukrainian SSR. Ensuring the material security of citizens who are unable to work, including disabled persons and mentally retarded persons, and providing them with comprehensive services is a duty and function of the State.

The Ukrainian SSR has an extensive system of medical care for disabled and mentally retarded persons. Since medical care is accessible to all and free of charge, persons who are unable to work, and particularly disabled and mentally retarded persons, can obtain free hospital and outpatient care and, most important of all, medical care at their homes as well as emergency medical care. The visiting sisters of the Red Cross and Red Crescent Society provide medical assistance and home care to disabled persons who do not have families. There are at present more than 1,000 visiting sisters in the Ukrainian SSR. The Republic also has several hundred "health rooms" at house management offices which are directed by public health specialists and operate under the supervision of the district health centres. The main task of the "health rooms" is to organize home care for elderly disabled and sick persons, assist them with their domestic chores etc.

Among the social measures taken to bring about further improvements in the position of disabled persons, nursing homes play a major role. The Ukrainian SSR has an extensive network of such homes for disabled persons without families requiring constant care, aged persons, physically handicapped and mentally retarded children, and mentally ill persons. At the present time, there are 269 nursing homes of various types with accommodations for more than 53,000 persons.

Great concern is shown for disabled children in the Ukraine. One of the most important tasks in providing for severely disabled children is that of ensuring the proper functional differentiation and staffing of children's homes. Scientific advances, particularly in studying the problems of the handicapped, have given rise to new techniques for the care of various

/...

categories of children with developmental abnormalities. In order to improve the organization of educational work with children suffering from severe mental retardation, the public health institutions of the Ukrainian SSR have carried out a functional analysis of children's homes in the light of the patients' condition, the extent of their mental deficiency, their ability to be trained for work and the possibility of adapting them to play a role in society. In addition to providing the rudiments of a general education, the programmes for the labour education and upbringing of institutionalized disabled children give a great deal of attention to preparing the children to perform simple work processes, teaching them to conduct themselves properly in daily life and in public etc.

The extremely important social problem of placing disabled persons in employment is also being solved successfully in the Ukraine. The process of dealing with the problem of the social and work rehabilitation of disabled persons proceeds all the way from artels and disabled person's organizations to state industrial enterprises, which are responsible for the labour placement of such persons. In a number of Ukrainian industrial sectors, specialized enterprises have been set up to make use of the labour of disabled persons.

Union of Soviet Socialist Republics

In the Soviet Union, disabled persons enjoy all the rights set out in the Declaration on the Rights of Disabled Persons and the Declaration on the Rights of Mentally Retarded Persons.

The Constitution of the USSR and the legislation based on it do not in any way restrict the rights of persons who have lost their working capacity by comparison with the rights enjoyed by their able-bodied fellow citizens.

Under the Constitution, citizens of the USSR have, among others, the right to maintenance in old age, in sickness, and in the event of complete or partial disability or loss of the breadwinner; this right is guaranteed by social insurance of manual and non-manual workers and collective farmers; by allowances for temporary disability; by the provision by the State or by collective farms of retirement pensions, disability pensions, and pensions for loss of the breadwinner; by providing employment for the partially disabled; by care for the elderly and the disabled; and by other forms of social security.

The legal capacity of an individual may be restricted only in cases and in accordance with procedures specified by law.

Citizens who, because of mental illness or feeble-mindedness, are unable to understand the significance of their actions or to control them may be declared legally incapable by a court in accordance with established procedures.

When a court, on the basis of a psychiatric opinion, renders a decision declaring a citizen to be legally incapable by reason of mental illness of

feeble-mindedness, this forms the basis for the appointment by a curatorship or guardianship authority of a curator in the case of a person having restricted legal capacity and of a guardian in the case of a person who is legally incapable. The guardian performs transactions on behalf of a mentally ill or feeble-minded person who has been declared legally incapable.

A person who makes use of guardianship authority for purposes of gain or who leaves his ward without supervision and necessary assistance is committing a punishable act.

Where a person who has been declared legally incapable recovers his health or shows marked improvement, the court restores his legal capacity. His guardianship status is terminated on the basis of the court's decision.

In the USSR, rehabilitation services are an integral part of the State system of public health, social security and education. A major contribution to the rehabilitation of sick and disabled persons is made by State enterprises and institutions as well as public organizations such as trade unions and voluntary organizations of the blind and deaf.

Where necessary, citizens are provided with prosthetic, orthopaedic and corrective devices, with hearing aids, with equipment for therapeutic exercises and with special means of transport.

Rehabilitating disabled persons in society and employment and enabling them to return to full-fledged socially useful activity is an important State task which is entrusted to various organizations and Government departments.

A major role in the rehabilitation of disabled persons is also played by the medical labour boards.

The findings of the medical labour boards regarding the conditions and type of work permissible for disabled persons are binding on the administration of enterprises, institutions and organizations.

Vocational training for disabled persons is provided at State enterprises, at institutions, at general-education schools, at industrial training enterprises of voluntary organizations for the blind and deaf, and at vocational and technical colleges and secondary schools with boarding facilities, which have been specially set up for disabled persons.

Severely disabled persons require special working conditions. In order to ensure employment for them, a network of specialized enterprises and shops has been created and is being constantly expanded. Disabled persons working at these enterprises and shops receive preferential treatment (a shorter working day, longer vacations, etc.).

The law requires that 2 per cent of all jobs should be reserved for disabled persons, and the administrations of enterprises, organizations and institutions may not refuse to hire such persons.

/...

The State shows particular concern for disabled children. As soon as a child with a mental or physical defect is born and throughout his or her entire life, the State provides the family with the necessary assistance.

Like all Soviet citizens, disabled persons are entitled to qualified legal assistance; this also applies where they are defendants in criminal cases. In cases involving deaf, dumb and blind persons or other persons who are prevented by physical or mental handicaps from exercising their right to defend themselves, a legal counsel must take part in the judicial proceedings even if the defendant declines counsel; in these cases, the legal counsel is permitted to enter the case at a much earlier stage than in ordinary cases.

Disabled persons and their families are informed of their rights both through the ordinary mass media (press, radio and television) and through periodicals published by organizations and the journal Social Security. Necessary advisory services are provided by the social security authorities, trade-union organizations and the pensioners' boards attached to enterprises and organizations.

Yugoslavia

In Yugoslavia, the social protection of various categories of disabled persons was organized already during the National Liberation War and Revolution and has been constantly improved since then.

The situation of these peoples is clearly defined. It is based on the principles and positions embodied in numerous legal and political documents, primarily in constitutional acts and in the Programme of the League of Communists. This care of the society has not a samaritanian character or character of charity, but constitutes a moral and constitutional obligation of the socialist self-management society to create conditions for the rehabilitation and care of disabled persons in order to integrate them into the living and working environment and to make them feel that they are useful and equal members of the social community.

The Constitution of the Socialist Federal Republic of Yugoslavia and a number of laws guarantee the right of citizens with psychophysical defects to special social care. Social factors are under obligation to create conditions for the training and appropriate employment of citizens who are partially able to work. This duty is also linked substantively with the right to work, which is guaranteed to all disabled persons.

An important role in initiating the solution and actual solving of problems in this field is played by numerous organizations of the disabled and socio-humanitarian organizations as well as professional associations engaged in this field. By voluntary work they have complemented and, at the same time, initiated the work of appropriate social and self-management bodies, contributing towards informing the public of the problems of disabled persons and the development of socialist humanism.

In the course of the implementation of the above-mentioned social policies, many programmes and plans have been launched and various measures taken for the constant improvement of the situation and care of disabled persons and, consequently, for a more effective implementation of the aforementioned declarations of the United Nations.

This has made it possible to achieve significant results in implementing the rehabilitation and protection of disabled persons, particularly with regard to early detection and diagnostics, medical, educational, professional and social rehabilitation of children, of the youth and adults with psychophysical defects.

A qualitatively new and modern system of rehabilitation and protection has been built and established within the framework of integral social policy. Founded on a scientific and constitutional basis, this system has at its disposal, at present, an important network of institutions, services, social and scientific personnel, legal regulations and an important material basis. Schools for training personnel for work with disabled persons have been opened. These highly trained cadres, working with great enthusiasm, apply in practice all the modern achievements of science in this field. Three hundred and fifty rehabilitation institutions are engaged in the rehabilitation of psychophysically handicapped persons.

Over 5,000 defectologists, 6,000 specialized workers and a large number of experts of other profiles (physicians, psychologists, jurists etc.) are actively involved in work in this field.

A network of institutions for providing elementary education to almost all categories of disabled persons has been established in a relatively short space of time.

Even more satisfactory results are being achieved with regard to the employment of disabled persons on the basis of complex professional, legal, social and economic measures. In the case of equal professional skill, a disabled person may be accorded priority in obtaining a job that is convenient to him.

Medical, educational, professional and social rehabilitation, including employment under normal or protected conditions are ensured on the basis of existing legislation.

Within this framework, and in accordance with the above-mentioned normative acts, disabled persons enjoy various rights and benefits. This includes, for instance, the right to social protection, medical treatment, prosthetic and orthotic appliances, professional orientation and training, employment and, in the case of children or youth, special schooling; the right to receive various cash benefits (pensions, disablement allowances, child allowances, allowances for the care of third person) as well as various services (placement in appropriate institutions, help in the household, solving of housing problems etc.). This system of rights and benefits is being constantly

/...

improved. The basic intention is to create conditions propitious for training whenever this is possible.

Programmes of measures and actions in the field of protection and rehabilitation of disabled persons aimed at ensuring the successful integration of such persons into the normal living and working environment have been adopted in the republics and provinces during the past years.

Self-management communities of interest, socio-political and social organizations and, in particular, the disabled persons and professional organizations, have participated in the elaboration of these programmes.
