

# The United Nations International Convention on the Rights of Persons with Disabilities commented by its Protagonists



GOBIERNO  
DE ESPAÑA

MINISTERIO  
DE ASUNTOS EXTERIORES  
Y DE COOPERACIÓN

SECRETARÍA DE ESTADO  
DE ASUNTOS EXTERIORES

OFICINA  
DE DERECHOS HUMANOS



Federación  
Española  
de Síndrome  
de Down



CAJA MADRID  
OBRA SOCIAL



# The United Nations International Convention on the Rights of Persons with Disabilities commented by its Protagonists

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DOWN ESPAÑA

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## Foreword

Of all the rights included in the International Convention on the Rights of Persons with Disabilities, passed in 2006, the most important and, at the same time, unexpected right is probably ***“freedom to make their own decisions”***, something which nobody would discuss for persons with physical disabilities. Freedom to make their own decisions with individual autonomy and independence, **based on their own set of values** and criteria; be it wrong or right, but **theirs**. This is the first out of eight principles included in the Convention, setting a basis for the rest of the work. It is based on no less than *“the inherent dignity”* of all people.

Even though jurists and other legal professionals, teachers and university lecturers, and any other scientists in different areas all over the world have committed to analysing and getting to grips with the content of every norm and every sentence in the Convention, **the most significant and momentous reading was the one made by persons with disabilities themselves**; and this includes persons with intellectual disabilities as well, even if other people have always been responsible of doing that for them without even asking them.

DOWN ESPAÑA groups 82 organisations all over Spain. It has been working towards providing better living conditions for people with Down syndrome and other intellectual disabilities for the last 19 years. Its main goal, defined many years ago, is to **promote the personal autonomy** of persons with disabilities. That is why this organisation has given persons with intellectual disabilities in general, particularly persons with Down syndrome, the chance to show everybody wanting to listen that they are fully aware of their rights, that they can see the discriminations they suffer and, above all, that they are ready and resolved to

## Foreword

exercise their human rights, as well as condemn and find a solution to the deprivation of rights they might eventually face.

They are ready to **recognise and be thankful to the support they receive**, including specialized support from the institutions and associations they are member of, normalized support from persons in their natural environment, and peer support to one another.

Additionally, in this occasion, **the support provided by DOWN ESPAÑA**, with their means and their Social Networks, but especially the fact of **fully believing in them**.

This Guide on the Convention is the fortunate result of all that. It is **THEIR GUIDE!!!**

Murcia, 17th February 2010  
Pedro Otón Hernández  
President, DOWN ESPAÑA

## Background of this Guide

We have absolutely no doubt that this Guide is the *vehicle of expression* of a group of young people with intellectual disabilities who, with the support provided by their membership to Project Amigo, decide to start working *together* on the International Convention on the Rights of Persons with Disabilities. Their purpose is not just to understand what it is about, but to analyze themselves in order to identify, even with much uncertainty and facing how cruel the reality may be, the way these rights have been and continue to be violated.

The people who have had the chance to accompany them for one year along the elaboration of the Guide have confirmed once again how much these persons have to say and, at the same time, how important it is for us, *people without disabilities*, to start **listening to**

**them** from the respect and a profound belief that, the value of what they have to say is at least so high as ours.

We have positioned ourselves next to persons with disabilities in that belief, aiming to contribute to the realization, once again, of that claim made by a group of American activists fighting for civil rights of persons with disabilities more than four decades ago: *“Nothing about us without us”*. In fact, as already mentioned, the power of this Guide emerges exclusively from persons with disabilities themselves.

**Project Amigo** includes currently more than 150 young people, members of the organisations cooperating with the National Network of Schools of Life (Red Nacional de Escuelas de Vida, RNEV)<sup>1</sup>, which is one of the networks within DOWN ESPAÑA (Spanish Federation of Organizations for Down Syndrome [www.sindrome-down.net](http://www.sindrome-down.net)). This Network, established

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<sup>1</sup> For further information on the National Network of Schools of Life (in Spanish) visit [www.mvai.org](http://www.mvai.org)

## Presentation

in 2005, is constituted by twelve organisations<sup>2</sup>, which came together with a clear purpose: to be gathered together to fight for the autonomy and independence of the persons with intellectual disabilities they represent and to advocate for their rights in every forum. All this, from the conviction that persons with intellectual disabilities are capable and legitimated to exercise full control of their lives.

*Sharing Apartments* (Viviendas Compartidas) and *Project Amigo* are the best examples of the ideals and philosophy behind the **School of Life**. Both initiatives aim to promote autonomous and independent living of persons with intellectual disabilities. Out of the twelve members of the National Network of Schools of Life, eight of them (Fundación Síndrome de Down de la Región de Murcia FUNDOWN -promoter of the School of Life philosophy and coordinator of the Network, Down Granada, Down Málaga, Down Jerez, Down Córdoba, Down

Huelva, Down Lleida and Down Vigo) develop the programme called *Project Amigo*, which constitutes the starting point for training towards independent living and the entry point to *Sharing Apartments* (Viviendas Compartidas), once the will and decision to receive training for independent living is identified. On the other hand, three of these organisations (FUNDOWN, Down Granada and Down Málaga) are already implementing the project *Sharing Apartments- Viviendas Compartidas-*, with about 60 young people receiving training towards independent living together with their mates –university students acting as mediators.

Therefore, *Project Amigo* brings together young persons (users of the services provided by the various member organisations of the National Network of Schools of Life and university students) wishing to know each other and get ready to follow the necessary path towards control of their lives. In

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<sup>2</sup> The member organisations of the National Network of Schools of Life include: Fundación Síndrome de Down de la Región de Murcia FUNDOWN, Down Granada, Down Málaga, Down Jerez, Down Córdoba, Down Huelva, Down Lleida, Down Vigo, Down Menorca, Down Compostela and Down Valladolid.

its five years of existence, *Project Amigo* has recognised that, being part of this mutual knowledge and initial preparation would lead to giving voice and prominence back to persons with disabilities on the one hand, and give opportunities to young university students wishing to take part in the project to work out their values and be able to stay on equal terms with their mates. For both groups, this means tracing back their thoughts and experiences.

### The Guide: sections The Guide

This Guide was conceived at the National Meetings of Project Amigo<sup>3</sup>, which were constituted as the main discussion forum. Young people participating in these meetings have the chance to share their knowledge

about different issues of concern and they finally established the Convention as one of the main working subjects along the year. The Convention has been discussed in each of the three National Meetings celebrated up to now. Thus, this Guide is the result of a process of compilation of the concerns expressed by the participants of the different *Amigo Projects* taking part in its elaboration.

**The process** has been designed and launched in a **Workshop**, after which the various *Amigo Projects* have been bringing in their contributions, from the perspective of the selected working papers<sup>4</sup> and some suggestions made in order to promote reflection and discussion. We decided to organise a workshop because this structure encourages social learning at its best. Both new learning processes and the

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<sup>3</sup> Up to now, three Project Amigo National Meetings have taken place in Coy (Murcia) in 2007, in Sanlúcar de Barrameda (Cádiz) in 2008 and in Bellver de Cerdanya (Lleida) in 2009.

<sup>4</sup> United Nations International Convention on the Rights of Persons with Disabilities in original version and easy read (published by Group UAM-Easy Read and the Royal Board of Trustees on Disabilities, 2007). We Have Human Rights, Harvard Law School Project on Disability ([www.hpod.org](http://www.hpod.org))

## Presentation

solutions found to face difficulties arising during the process emerge from the experience of the participants and the inclusion of new elements in the discussion.

*Amigo Projects* taking part in this initiative carried out a Workshop on the Convention for one year, which gave them the chance to discuss five articles, selected according to their own interests:

- Article 5: Equality and non-discrimination.
- Article 8: Awareness-raising.
- Article 19: Right to living independently and being included in the community.
- Article 24: Education.
- Article 27. Work and employment.

All different sessions, both individual and group sessions, have been recorded and their transcripts have been made available afterwards, aiming to systematize all materials and be able to use them in the Workshop

sessions. At the same time, these videos and transcripts are included in this Guide, showing respect for the ways the participants expressed their opinions and made their judgements and evaluations on the articles of the Convention.

It is very important to notice that we have respected in every occasion and under every circumstance **the words of the persons with disabilities** who have participated, as well as those of their families, who also have a space in this Guide.

The people who have had the opportunity to coordinate this work have now the challenge of communicating, from this tribune, the whole process of a group of young people; we feel the need to highlight the dedication of each and everyone all over the year and therefore the importance of respecting their expressions and words.

In the preparation of this Guide, six organisations **have been involved** –

Fundación Síndrome de Down de la Región de Murcia FUNDOWN, Down Córdoba, Down Granada, Down Jerez ASPANIDO, Down Lleida and Down Málaga, and 84 young persons who are members of several Amigo Projects.

## Sections

This Guide is available digitally and on paper, as well as in two languages (Spanish and English).

In the Guide distributed on paper, the following sections can be identified:

- **Article.** It includes article number and title.
- **The Convention says.** It includes the full text of the Convention article and an easy-read version, which has been published by the Group UAM-Easy Read and the Royal Board of Trustees on Disability, in the Spanish version.
- **We consider that.** This section includes, literally, the way in which participants express what each right means to them.
- **Situations of violations of rights.** It includes two sub-sections:
  - **Subjective perception.** It includes several texts describing different situations of violations of rights, from the perception of those who describe them. This sub-section is related to the videos displayed in the digital version of the Guide.
  - **Perception of families and associations.** This sub-section includes the comments made both by managers in the organisations and parents of persons participating in the *National Network of Schools of Life*, answering to different question posed to them drawing from the comments made by their children in the Workshop.
- **What we request.** After the analysis of every article, its reformulation from the perspective of every participant and the identification of situations of violation of this rights, the next logical step was to include in this section what these youngsters request form citizenship, with the intention of limiting the effects, and why not?, eliminating the violation of the rights of persons with disabilities.

## Presentation

- **Activities.** This last section aims to suggest a series of tips for the analysis of the articles to anyone wishing to carry out similar interventions.

The digital Guide contains a menu including the five articles discussed in this Guide. By clicking on each of the articles, a list of names is displayed. Those are the names of the persons who describe several situations of violation of rights they have been through. Each situation is described in a video recording and a written document.

We need to acknowledge once again the work carried out by the young people taking part in the various Amigo

Projects all over the country and in the Workshop on the Convention. In the same way, we would also like to thank all the organisations, including their Board of Trustees and Managing Boards, parents and professionals who have participated in the preparation of this Guide, for promoting and allowing freedom of expression of their children and users of the services provided, especially regarding such a fundamental issue as their rights.

Murcia, 23<sup>rd</sup> February 2010.

**Nuria Illán Romeu** (Coordinator, National Network of Schools of Life)  
**Carlos Marín Calero** (Vice-president of the Board of Trustees, FUNDOWN and Advisor to the Managing Board, DOWN ESPAÑA)



# Article 5 Equality and non-discrimination



# Article 5

## Equality and non-discrimination

### The convention says

- 1** States Parties recognize that all persons are equal before and under the law and are entitled without any discrimination to the equal protection and equal benefit of the law.
- 2** States Parties shall prohibit all discrimination on the basis of disability and guarantee to persons with disabilities equal and effective legal protection against discrimination on all grounds.
- 3** In order to promote equality and eliminate discrimination, States Parties shall take all appropriate steps to ensure that reasonable accommodation is provided.
- 4** Specific measures which are necessary to accelerate or achieve de facto equality of persons with disabilities shall not be considered discrimination under the terms of the present Convention.

### Easy to read version

All the States:

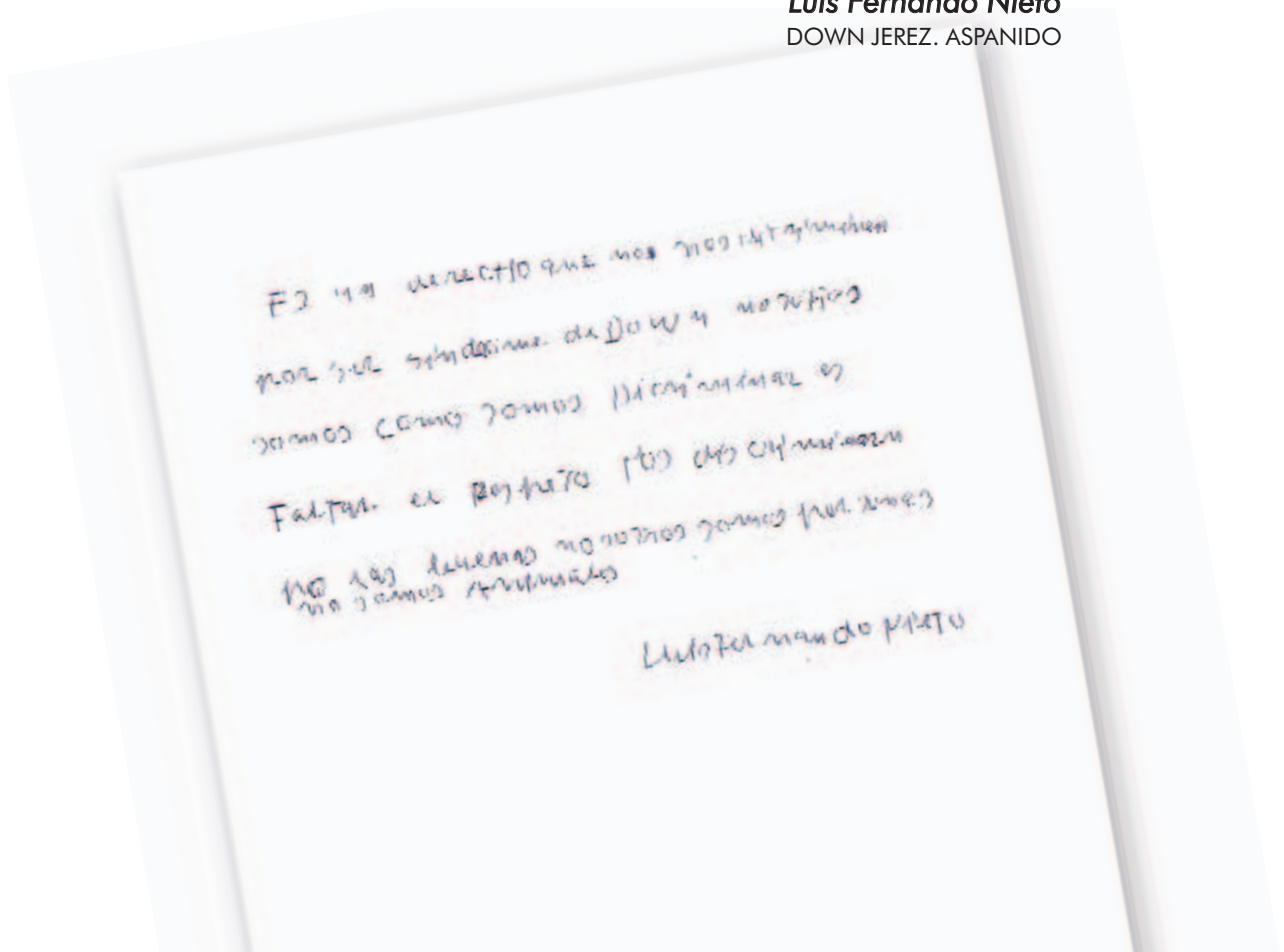
- Recognize that all persons are equal before the law.
- Shall prohibit all discrimination on the basis of disability.
- In order to promote equality, States shall adapt products and services to ensure its use by persons with disability.

# Article 5 Equality and non-discrimination

## We consider that

- It is our right not to be discriminated for having Down syndrome, we are as we are. Discrimination shows lack of respect. We are discriminated without any reason. We are persons, not animals.

**Luis Fernando Nieto**  
DOWN JEREZ. ASPANIDO



# Article 5

## Equality and non-discrimination

### We consider that

- This right defends us from any excuse people may find to deny us access to certain places. We are respectful and we have rights.

**Rubén Cuevas**

DOWN JEREZ. ASPANIDO

- It is useful to avoid rejection and to make us all have the same rights.

**Ana Rubiales**

DOWN JEREZ. ASPANIDO

Si nos piden que cedamos una silla y por eso que todos tengamos los mismos derechos.

Ana Rubiales

Es un derecho que depende que no nos pongan excusas en el momento de entrar en las sillas como personas educadas y con derecho.

# Article 5

## Equality and non-discrimination

### We consider that

- If a person has a disability, we have to help him or her and avoid rejection and discrimination. Every person has the same right to be a person, no matter if it is at the doctor, in a bus... Wherever it is, we are all equal people and we can all fight for the same rights.

**Antonio Almagro**  
FUNDOWN. Murcia



# Article 5

## Equality and non-discrimination

### We consider that

- People ought to respect us, persons with intellectual disabilities, just as everybody else. We have the right to share, to speak, to go to a disco, everywhere. We are equal to everybody else.

**Sonia Salvia**  
DOWN LLEIDA

- To me, it means that I have a right and I have an intellectual disability. I want to be listened to, to be paid attention and to be allowed to enter everywhere.

**Carne Faro**  
DOWN LLEIDA



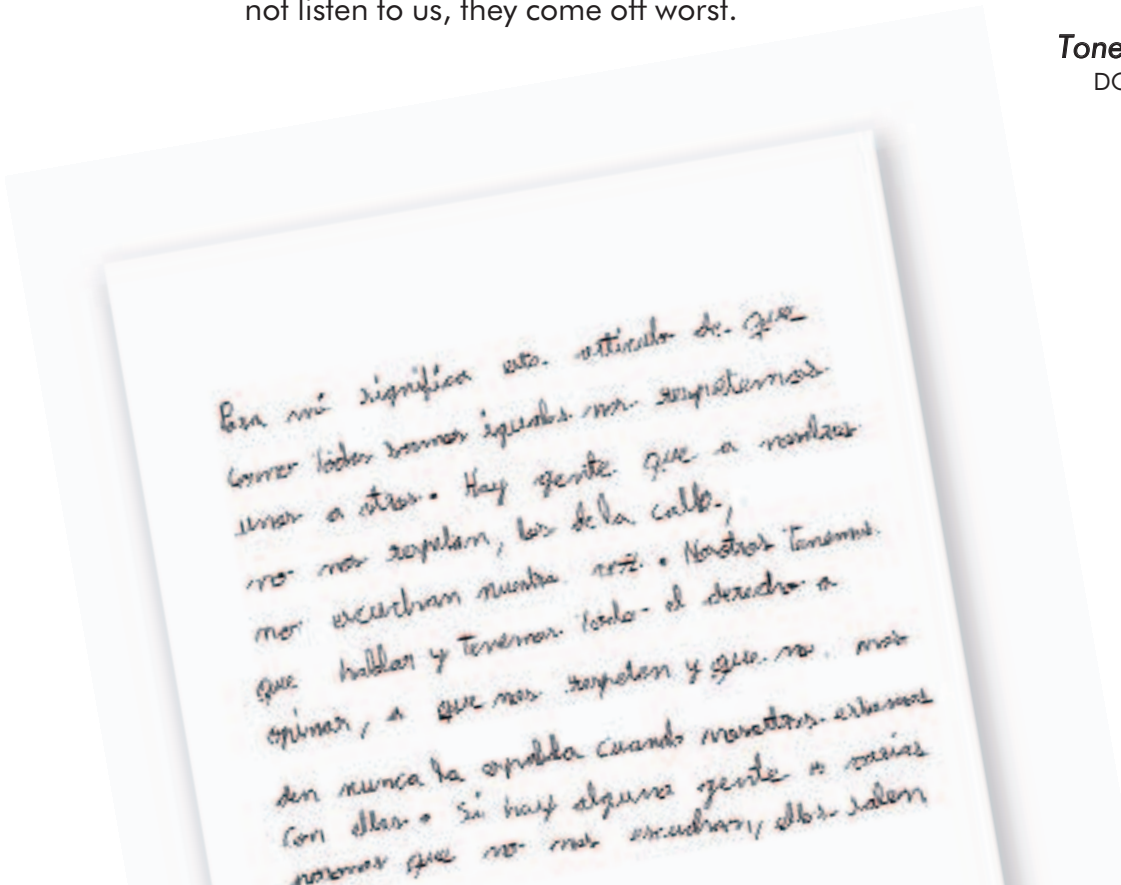
# Article 5

## Equality and non-discrimination

### We consider that

- In my opinion, this article means that we have to respect each other because we are all equal. Some people do not respect us, people out there, our voices are not listened to. We have to speak out and we do have the right to express our opinions, to be respected and not to be turned the back when we are talking to someone else. If some people, or many of them, do not listen to us, they come off worst.

**Tonet Ramírez**  
DOWN LLEIDA



Para mí significa este artículo de que  
querer todos somos iguales. No respetamos  
unos a otros. Hay gente que a nosotros  
no nos respetan, los de la calle,  
nos escuchan nuestra voz. Nosotros tenemos  
que hablar y tener todo el derecho a  
opinar, a que nos respeten y que no nos  
den nunca la espalda cuando nosotros estamos  
con ellos. Si hay alguna gente o cosas  
nosotros que no nos escuchan, ellos hacen

# Article 5

## Equality and non-discrimination



### Situations of violation of rights

#### Subjective perception

“ Jesús, a friend of mine with Down syndrome, wanted to spend a night in a hotel, but the receptionist told him to show his identity card and a credit card in order to book a room. Then, another customer came in and was not asked for any of these documents; he was allowed to make a reservation. Jesús explained that he was not allowed to make a reservation because they thought that, being disabled, he could not afford it. The other customer could make a reservation without being asked for a credit card.

*On the contrary, my friend was not treated as he should have been because of his disability. This happened because they realized that he was disabled. I think they would have accepted a reservation from a person with a very slight intellectual disability and a very articulate language because they would not have noticed the disability”.*

**Fulgencio Cerón**  
FUNDOWN. Murcia

“ I went to a disco with a friend of mine who has Down syndrome and they didn't allow him to get in because he has a disability. I think this is unfair. Security men look at physical features very often. Persons with Down syndrome are not allowed to get in discos and bars very often, because people think they are going to cause trouble or are not going to cope with the situation. Society tends to think like that very often. If someone has a perfect, beautiful face, then he or she can get in. However, if they detect something weird it can be very difficult to get in several places”.

**Antonio Almagro**  
FUNDOWN. Murcia



# Article 5

## Equality and non-discrimination

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### Situations of violation of rights

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#### Subjective perception

“ I could not buy a cell phone battery charger because the shop assistant required my father to come with me. He didn't sell it to me because I have Down syndrome”.

**Jesús Guerrero**

DOWN JEREZ. ASPANIDO

“ I arrived home and there was no light. I then called the technical service but they didn't take me seriously, none of the technicians did. I didn't get an answer, they just put down the phone immediately, they were not patient enough to let me speak and explain what the problem was.

*They thought that, since I have Down syndrome and I find it hard to speak faster, and they were not patient enough to try to understand me, but I think they should listen to us as they do with everybody else”.*

**Tonet Ramírez**

DOWN LLEIDA

# Article 5

## Equality and non-discrimination

### Situations of violation of rights

Perception of families and associations

#### Managers of the organizations

QUESTION:

**What fundamental legal discriminations face persons with intellectual disabilities? Try to give an example of every kind of discrimination identified.**

- We were once travelling by plane with our son and he was seated at the emergency exit (window seat). The cabin crew made him stand and move to a different place because of his intellectual disability. This happened in front of the other passengers. They argued that, in case of emergency, he could block and not be able to react speedily. I guess we could all block in case of emergency.
- Universal suffrage (full age; free, secret and direct ballot)
  - 1 a) If he knows that he wants to vote and has also decided whom, why forbid him to vote? Why is this right neglected?  
This is the consequence of judges' decision to recognize only their partial competence. As a result, they are not partially but fully incompetent.
  - 1 b) Why is a person allowed to vote when it is clear that he/she has been 'bought' by a political group and not someone who wants to vote freely according to his/her beliefs?
- I have never faced any problem at all up to now.

# Article 5

## Equality and non-discrimination

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### Situations of violation of rights

---

Perception of families and associations

#### Parents

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QUESTION:

**Has your son or daughter ever been discriminated in any aspect?**

- At a wedding celebration: some months ago, we attended a wedding. At the wedding reception, my daughter had been reserved a seat at the children's table, and consequently children's menu. That happened despite knowing very well the person who invited us. We made of course all necessary arrangements that she could seat with the grown-ups.
- When she made her first Holy Communion every child had to read a sentence but she was left out without her sentence.
- Yes, it began at school. She was so shy that everybody said she was dumb and was ignored. Children pointed at her and left her alone in the playground.
- At high-school, when people noticed she had a disability they reacted as if it was a pity, so they just let days go by, with a couple of support lessons, without giving her real opportunities to show what she was able to achieve.
- I think so for the following reasons:
  - a) To assess the degree of disability, tests for regular people are administered.
  - b) Regarding job offers, firstly, no quota is respected as established by law, and secondly, test for normal people are administered applying the same standards.

# Article 5

## Equality and non-discrimination

### Situations of violation of rights

#### Perception of families and associations

- At school: when he had to move to the next level (primary school), he could only find a place in a school for poor, marginal social groups (ethnic minorities, social-housing residents, etc.). However, for our daughter we decided to take a place in a private school (even if it was not in her assigned area), kind of an elite school, but lacking human resources to work with children with disabilities. “ DISCRIMINATION!”
- Yes, my son Diego was discriminated when he started to go to public school and also at church, when we wanted that he made his first Holy Communion. We had to overcome many difficulties.

# Article 5

## Equality and non-discrimination

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### What we request

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- To be treated like everybody else and not to be discriminated, because we can do things like everybody else despite our intellectual disability.
- When we go to a bank, to pay a bill, to a public office, to ask for information, etc. we request to be respected and looked at as we are, to be paid attention.
- To be hired for work in companies. Subsidies for companies are positive, but we believe that public administration must supervise companies to hire disabled people.
- It would be very important for us that the lists of topics for public sector competitive examinations be adapted so that we can also take part.

# Article 5

## Equality and non-discrimination

### Activities

1

We suggest you watch with your colleagues the three videos in the DVD regarding this article. In these videos you will find the description of three situations in which someone's rights have been violated.

- Do you remember having gone through a situation similar to the one described by Pedro José, Ester and Raúl?
- Try to explain each other what happened to you.
- While telling your colleagues, some of you could make a poster with this information on it.

2

Using this poster with the information gathered in group, we suggest you move a step forward.

- Do you think you have been discriminated for having a disability in the different situations described in the poster?
- What aspects of your disability may have influenced the situations of violation of your rights described here?

# Article 5

## Equality and non-discrimination

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### Activities

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3

Ask for someone's help, for example a politician in your community related to the area of disability, or a lawyer familiar with these issues, in order to discuss together the importance of having laws to defend your right to be treated on an equal and non discriminatory basis.

4

People who have participated in the elaboration of this guide have written down their requests in the section called "What we request". Finally, we suggest that you do the same: write down and disseminate your requests and advocate for the rights included in the Convention to be respected.





# Article 8 Awareness-raising



# Article 8

## Awareness-raising

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### The convention says

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- 1** States Parties undertake to adopt immediate, effective and appropriate measures:
  - a** To raise awareness throughout society, including at the family level, regarding persons with disabilities, and to foster respect for the rights and dignity of persons with disabilities;
  - b** To combat stereotypes, prejudices and harmful practices relating to persons with disabilities, including those based on sex and age, in all areas of life;
  - c** To promote awareness of the capabilities and contributions of persons with disabilities.
  
- 2** Measures to this end include:
  - a** Initiating and maintaining effective public awareness campaigns designed:
    - (i) To nurture receptiveness to the rights of persons with disabilities;
    - (ii) To promote positive perceptions and greater social awareness towards persons with disabilities;
    - (iii) To promote recognition of the skills, merits and abilities of persons with disabilities, and of their contributions to the workplace and the labour market;
  - b** Fostering at all levels of the education system, including in all children from an early age, an attitude of respect for the rights of persons with disabilities;

# Article 8

## Awareness-raising

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### The convention says

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- c** Encouraging all organs of the media to portray persons with disabilities in a manner consistent with the purpose of the present Convention;
- d** Promoting awareness-training programmes regarding persons with disabilities and the rights of persons with disabilities.

### Easy to read version

#### **1** States shall:

- Foster respect for the rights of persons with disabilities throughout society.
- Combat existing prejudices\* relating to disability.
  - \* **Prejudices** are false ideas, normally negative, that some people have about something or someone because they do not know the reality.
- Promote within society the skills of persons with disabilities.

#### **2** In order to achieve this goal, all States will:

- Organise information activities to promote positive perceptions of persons with disability within society.
- Foster respect to the rights of persons with disabilities at school.
- Encourage media to portray persons with disabilities in a respectful and positive way.

# Article 8

## Awareness-raising

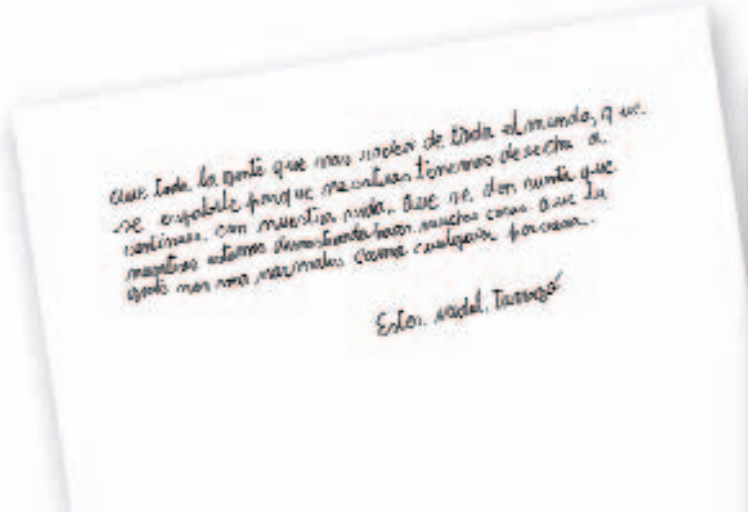
### We consider that

- Everybody around us needs to wake up because we have the right to go on with our lives. They have to realize that we are showing the many things we can do. People have to consider us regular people, as any other person.

**Ester Nadal**  
DOWN LLEIDA

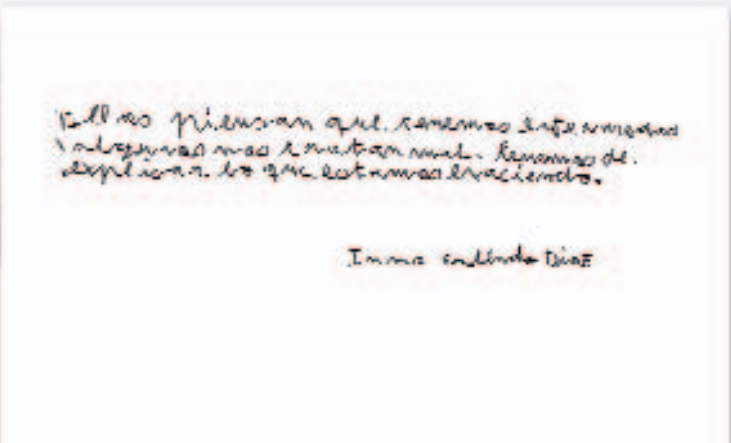
- They think we are sick, some people treat us badly. We have to explain what we are doing.

**Inma Galindo**  
DOWN LLEIDA



Que toda la gente que nos rodea de toda el mundo, que se espabile porque nosotros tenemos derecho a vivir con nuestra vida. Que se den cuenta que nosotros estamos demostrando hacer muchas cosas que todo el mundo nos miran como cualquier persona.

Ester Nadal Tarragona



Algunos piensan que somos enfermos y algunos nos tratan mal. Tenemos que explicar lo que estamos haciendo.

Inma Galindo Tarragona

# Article 8

## Awareness-raising

### We consider that

- People think that we are different because we have a disability. We are not different, we are the same. We are a community of persons, respect us.

**Albert Forcada**

DOWN LLEIDA

- Society has to accept us the way we are.

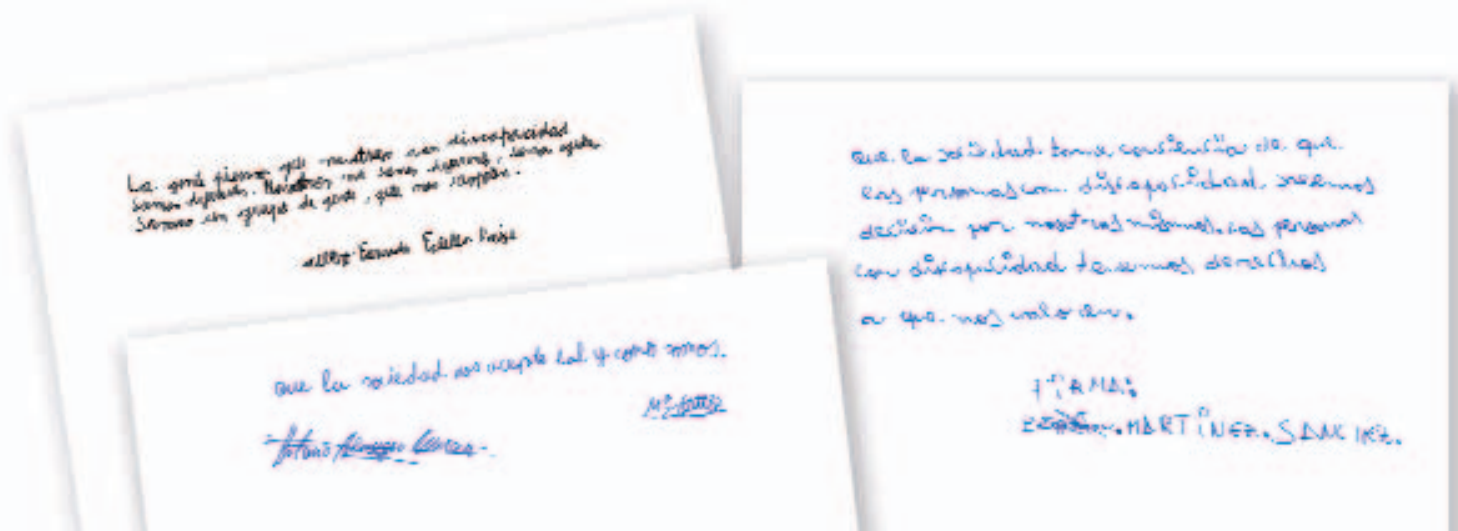
**M<sup>a</sup> Cruz Lucas and Antonio Almagro**

FUNDOWN. Murcia

- Society has to gain awareness that we, persons with disabilities, can make our own decisions. We, persons with disabilities have the right to be valued.

**Begoña Martínez**

FUNDOWN. Murcia



## Article 8

# Awareness-raising



### Situations of violation of rights

#### Subjective perception

“ I went with my father and my grandfather to buy my first car, but I was not allowed to choose the colour of the car. It’s easier for them to change my mind; it would be harder with my brothers. Within my family, I am treated differently because I am younger, I am a woman and I have a disability”.

When I want to go out, they want to know where I am, at what time I am going to come back... To my brothers they just say: “If they want to go out, let them go” and if you ask where they are, nobody knows. We have stronger arguments; it’s easier with my brothers because my parents know they are going to be easily annoyed”.

**Mónica Bravo**

FUNDOWN. Murcia

“ My grandmother didn’t let me live independently with my friends. Neither did my grandfather. They said something bad could happen to me, I could get lost. My grandmother doesn’t want that I live here (in Shared Apartments), she disagrees. My grandmother is not indifferent and tries to convince me and my mother. So does my grandfather. My grandmother wants me to live with her

# Article 8

## Awareness-raising

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### Situations of violation of rights

---

#### Subjective perception

*forever, so that I can help her do everything. Nobody tells my siblings what they tell me.*

*My siblings and I, we are not equal. They can go out with friends and I cannot”.*

**Pedro Jesús Rosell**

FUNDOWN. Murcia

“*My father says I am prize idiot”.*

*“My siblings reject me because I have a disability. They only count on me when they need a favour, only say bad things to me and I am very sad. I don’t want to be discriminated for how I am”.*

**Esmeralda Roldan**

DOWN JEREZ. ASPANIDO

“*My brother says I have to do everything he says because he is older”.*

**Juan Flores**

DOWN JEREZ. ASPANIDO

“*My family still thinks I am a child”.*

**Maria Miguel**

DOWN JEREZ. ASPANIDO

# Article 8

## Awareness-raising

### Situations of violation of rights

#### Subjective perception

“Parents are worried about our freedom and security. We are old enough to know how to face different situations, when we go somewhere and something happens to us, we are old enough to know how to react.

*Why are my siblings allowed to study and work in a different town and I am not? Before, I could not do anything; now I am going to keep struggling”.*

**Luis Fernando Nieto**  
DOWN JEREZ. ASPANIDO

“When I was young and went to the village school, a friend of mine used to throw stones at me and when she saw me, she used to beat me up, throw stones, swear at me, ignore me, be bossy, and tell everybody to ignore me and leave me alone.

*I was 14 and was the only one to be treated like that. I felt bad, sad and cried because this girl did not respect me”.*

**Sonia Salvia**  
DOWN LLEIDA



### Situations of violation of rights

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#### Perception of families and associations

##### Parents

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###### QUESTION:

**As a father/mother, do you think you trust your son/daughter's possibilities and respect his or her decisions, even if you know they can make mistakes?**

- As a mother, my experience over the years has been of full confidence in my son, since I consider it is fundamental as parents to show how confident we are and to be an example for life. Otherwise, it would be strange to expect this confidence in our children from society. I have always tried to show respect for my son, listening to his opinions and supporting him.
- I am confident in the possibilities my daughters with disabilities have and I respect their decisions, but that doesn't mean that they are respected by all the members of the family unit. They complain that their siblings do not count on them, as they would do with the others. For instance, they would love to be godmothers of their nephews but there is no chance.
- Over the years, we all learn out of our own mistakes. We have no right to limit their opportunities and to set goals for their lives. We have to be positive and optimistic because their future is in our hands. As parents, we must trust them, so that the rest will also trust them.
- As a mother of a boy with disability, I try that my fears do not interfere but I must admit that sometimes my concerns are "stronger", even if I try to avoid it. I know I can trust him because he is highly responsible, but I think in my case the problem falls upon me. I have been for half of my life fighting for

## Article 8

# Awareness-raising

### Situations of violation of rights

#### Perception of families and associations

his rights to be recognised and respected, and now that we have arrived at implementing them, it seems to be more difficult than expected. He once taught me an important lesson: he came back home late after going out for dinner and a couple of drinks and he told me the next day, “don't worry; I was brought back home by a friend who only drinks Coke”.

- I have been often surprised when she has had trouble with her credit card and it has been blocked at the cash dispenser. She has looked for a policeman to explain her problem and she has been indicated to go to the head office to report this problem. She has always called me, a bit nervous, but having already found a solution.
- Of course I do trust my son completely because he has proved, and keeps doing it every day, that he can do anything he wants to. We are trying to help him be as much independent as possible and to be like our other children, although we don't think it is realistic. However, we keep all our trust in him because he proves everyday that he deserves our confidence.
- Yes, I am confident in his possibilities. Yes, I respect his decisions even if he is wrong. When I am wrong, I am the first one to recognize it and to make it public, so that they all learn how to recognize and correct their faults. I have always tried to treat him as the others but I have to acknowledge that I have protected and spoiled him more.

### Situations of violation of rights

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Perception of families and associations

#### **Give some examples of things forbidden for your son/daughter with disability but not for the rest of your children.**

- To go alone to public places (e.g. disco) where some might have fun at his/her expense; to travel medium-large distances alone.
- I never ban anything, I just give my advice.
- If I do ever forbid my daughter to do something, her siblings defend her right to be treated on an equal basis.
- We cannot think about anything banned for her and allowed for the others, except for having children.
- I never let her take the door keys before, but now I do it, even if she has lost them once and I have had to change the lock. She used to tell me: “my brother takes the door keys, why is it I cannot do the same?” Having the keys with her makes her feel safe and she feels equal to the others.
- It was not exactly banning some things, but rather not supporting her in certain decisions, like taking the driving licence exam. I made up excuses, but what I really thought is that she was not going to be able to learn how to drive and respect traffic signs. My fear was mixed up with the frustration of her attending driving lessons and being told to give up.

# Article 8

## Awareness-raising

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### What we request

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- To governments, that we, as persons with disabilities, have the right to living independently and be autonomous as any other person. To raise people's awareness, governments need to talk about us on the radio, on TV. It needs to be seen that we are of great worth and that we fight for our rights.
- There needs to be exchanges between schools and associations of persons with disabilities. Persons with disabilities could visit schools to talk to children and young people, for them to know us and understand the way we are, as well as to discuss our rights.
- To talk to students at University about disabilities and the rights of persons with disabilities for them to be respected, organizing round tables with young people with disabilities. So, when these young people will be lawyers, doctors, architects, etc. they will respect our rights and will not consider us weirdoes.
- It is necessary that, when we start working in a company, training is provided, not only for us, but also for our colleagues and bosses. It is sometimes very difficult for us because they do not know how to treat us.

### Activities

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Differences between groups of people around the world (on the ground of race, religion, gender, etc.) may be considered in a positive or in a negative sense.

If we consider these differences in a positive sense, we will highlight the importance of difference as a way to enrich all people living in the same community. On the other hand, if we consider differences in a negative sense, we will have to exclude and segregate those who are different.

In short, difference per se is not the factor of exclusion, but the way people perceive difference.

Therefore, in this article our proposal is that you do some activities in order to find out what is the existing image of persons with disabilities in your community.

# Article 8

## Awareness-raising

### Activities

1

Prepare a simple questionnaire reflecting what other people think beforehand and without knowing what you are able to do and what you are not.

In short, the idea is to find people's negative prejudices towards you, because of your intellectual disability. In order to do so, we suggest:

- Clarify the meaning of the word 'prejudice'.
- Make a list of negative prejudices that, in your opinion, people link to your group.
- Discuss on the themes on the list in order to obtain some questions for your questionnaire.
- Prepare the questionnaire and pass it out to different groups in your community (religious organisations, politicians, people working for the media, teachers, students, etc.)
- Analyze the results and disseminate them.

# Article 8

## Awareness-raising

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### Activities

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2

In relation to the activity no. 1, we suggest now that you make a list of the negative prejudices identified when analysing the questionnaires. The list should begin with the more often mentioned prejudice, and so on.

Next to each prejudice, you can indicate what you, as a group and as an individual, consider that can be done to eliminate them.

3

People who have participated in the elaboration of this guide have written down their requests in the section called "What we request". Finally, we suggest that you do the same: write down and disseminate your requests and advocate for the rights included in the Convention to be respected.





Article 19

Right to living independently and being included in the community

## Article 19

# Right to living independently and being included in the community

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## The convention says

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*States Parties to the present Convention recognize the equal right of all persons with disabilities to live in the community, with choices equal to others, and shall take effective and appropriate measures to facilitate full enjoyment by persons with disabilities of this right and their full inclusion and participation in the community, including by ensuring that:*

- a** *Persons with disabilities have the opportunity to choose their place of residence and where and with whom they live on an equal basis with others and are not obliged to live in a particular living arrangement;*
- b** *Persons with disabilities have access to a range of in-home, residential and other community support services, including personal assistance necessary to support living and inclusion in the community, and to prevent isolation or segregation from the community;*
- c** *Community services and facilities for the general population are available on an equal basis to persons with disabilities and are responsive to their needs.*

# Right to living independently and being included in the community

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## The convention says

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### Easy to read version

*Persons with disabilities have the right to live independently and to enjoy full inclusion in the community.*

*The Convention will guarantee that persons with disabilities*

- *Have the opportunity to choose freely where and with whom they want to live.*
- *Have all necessary assistance to support living well and to prevent isolation from the community.*
- *Have access to the same facilities and services as the rest of the population.*

*These facilities and services will be adapted to their capacities.*

## Article 19

# Right to living independently and being included in the community

## We consider that

- Living independently means living with the people you want to live and not being forced to live where you do not want to.

**Ángel David Pericet**  
DOWN CÓRDOBA

- The right to living independently means to me that we have the right to say no to our parents; they cannot decide if I ought to go to a residence with other persons with disabilities, I have the right to say that I do not want to go there.

**Raúl Rodríguez**  
DOWN CÓRDOBA

Vivir de forma independiente significa  
vivir con la persona que quieras  
y que no te obliguen a vivir donde  
tu no quieras.  
Ángel David Pericet  
(DOWN CÓRDOBA)

EL DERECHO A VIVIR DE FORMA INDEPENDIENTE  
PARA MI SIGNIFICA QUE TENEMOS EL  
DERECHO A DECIR NO A NUESTROS PADRES,  
ELLOS NO PODRÁN DECIDIR SI TENGO QUE IR  
A UNA RESIDENCIA CON OTRAS PERSONAS CON  
DISCAPALIDAD, TENGO EL DERECHO A DECIR QUE  
NO QUIERO IR A ESE SITIO.

RAÚL RODRÍGUEZ (DOWN CÓRDOBA)

# Right to living independently and being included in the community

## We consider that

- We have the right to be independent; we can live on our own in an apartment and share it with people with Down syndrome or other people without disabilities. And we also have the right to decide if we want to be with our friends or our partner.

**Sonia Salvia and Inma Galindo**

DOWN LLEIDA

- The right to decide where and with whom we want to live in order to have an independent life.

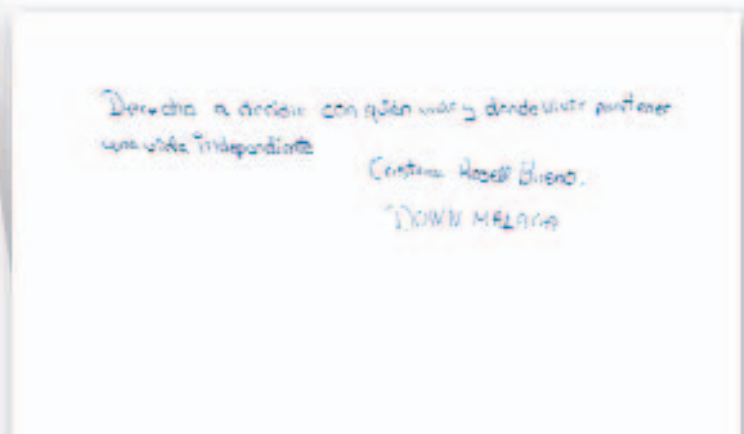
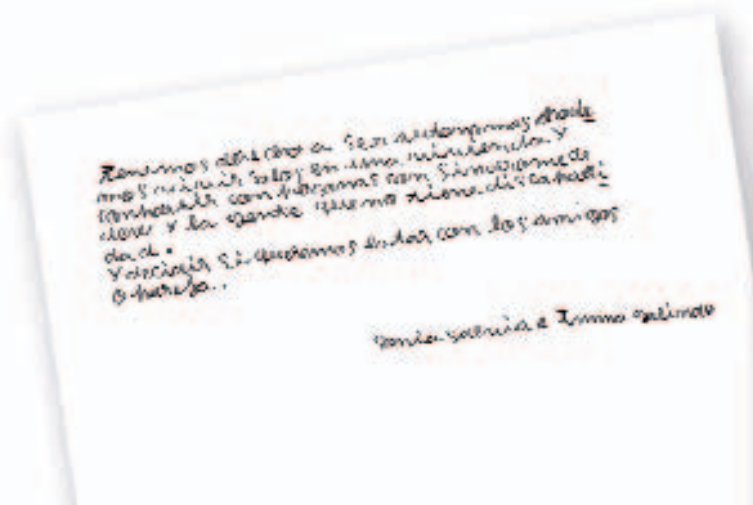
**Cristina Rosell**

DOWN MÁLAGA

- The right to live on our own or with friends in an apartment in an autonomous way, as well as being able to make my own decisions.

**Ingrid Martín**

DOWN MÁLAGA



## Article 19

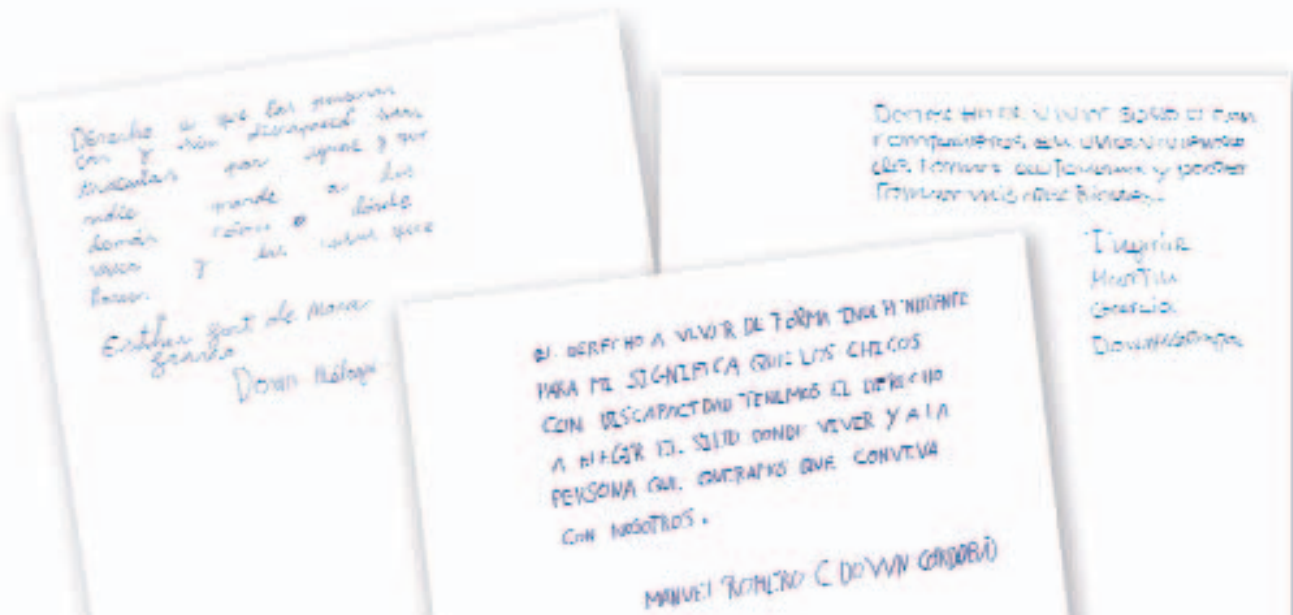
# Right to living independently and being included in the community

## We consider that

- To me, the right to living independently means that young people with disabilities have the right to chose where to live and the person with whom we want to live.
- The right for persons with disabilities to be treated on an equal basis with others and not to be told how and where to live and what to do.

**Manuel Romero**  
DOWN CÓRDOBA

**Esther Font**  
DOWN MÁLAGA



# Right to living independently and being included in the community



## Situations of violation of rights

### Subjective perception

“I am an independent person and have the right to be independent. I think our decision regarding where and with whom we want to live needs to be respected. Because I would like to live with my friends, but not in those places I have seen on TV, like residences, where I don't know anybody. I don't need that. I can live at home with my friends”.

**Ana Maria Aguilera**  
DOWN GRANADA

“Maybe not today, but I might decide in the future to live with a friend and I wouldn't probably be allowed to do it because I have a disability. A person without a disability can decide to live with his/her partner easily. If people without disability can choose with whom they live, why is it not possible for me, with my disability, to live with a friend?”

I have the same rights as anybody else to decide where and with whom I want to live. Having a disability doesn't mean being stupid or unable to live independently and if someone doesn't let me do it, my right is violated”.

**Begoña Martínez**  
FUNDOWN. Murcia

## Article 19

# Right to living independently and being included in the community

## Situations of violation of rights

### Subjective perception

“ My family would probably be very scared, they are worried if they know I am in an apartment on my own, and nobody could save me if something happens, like fire, or an accident falling down, etc. Even though those are things that can happen to anybody, they are especially worried for me because I have a disability. That’s why they don’t want me to live on my own. At the beginning, I have to learn, but I would like to live on my own, or with my boyfriend, for instance”.

**M<sup>a</sup> Cruz Lucas**  
FUNDOWN. Murcia

“ I would like to live with a friend but I will have to fight for that, step by step, showing I can do it”.

**Raúl Tavira**  
FUNDOWN. Murcia

“ When I started to live independently in a Shared Apartment, my parents were frightened; my mother is worried because sometimes she does not get me on the phone, or is scared if I get lost when I take a bus, or just worried that something bad can happen to me. I am not allowed to go out with my friends if the mediator is not there because they are scared.

*I would like to live with my girlfriend, but my parents do not because they are afraid, because they do not trust me”.*

**Pedro Jesús Rosell**  
FUNDOWN. Murcia



# Right to living independently and being included in the community

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## Situations of violation of rights

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### Perception of families and associations

#### Parents

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##### QUESTION

**How far would you be ready to go in order to support your son or your daughter to live independently?**

- Completely. He/she has been living independently for two years in a Shared Apartment.
- Today, supporting his independency is still a challenge we are fighting for. We know it is difficult and many problems need to be faced, but it is fundamental to start working for it. Although I have fear and insecurity, I try to fight them everyday. Every new experience raises doubts, but I think this is normal. His future depends on this and this is our main concern as parents. I think we need to support them in everything we can do.
- Maximum support, my aspiration is to see my daughter living alone or with a friend or partner, without having the need to get to me or to my support, even if it is very difficult as a mother to have the impression that your child does not need you any more.
- It is not the easiest for me to have my daughter at home, without fears and difficulties; I could not see her like that. She needs to live, to learn, to laugh, to make her decisions, with her doubts, to feel failure if she makes a mistake and joy and triumph if she get things right.
- It was her who pulled to reach it, because she has asked for more and more... Every time she starts up something new she shows she is able to do it (with reasonable support) and that makes her (and us) happier every day.

## Article 19

# Right to living independently and being included in the community

## Situations of violation of rights

### Perception of families and associations

- I am ready to do everything. I think she needs to show herself she is able to do it. I also consider that, under certain supervision, we will be able to feel more confident some day, it would be ideal. I was scared before, I think I was not ready to see her having a partner and living with him. Now I can accept it if I know they take precautions for sexual intercourse. We protect her, we are aware that she has the right to have sexual relations and if it doesn't work, to say no and move forward as any other person would do.
- I am scared to face the situation in which she will tell me that she wants to live with her partner. She says she wants to have a boyfriend and children, adopted children. Sometimes she wants to get married in a registry office, sometimes in church (it's more beautiful). Of course she talks about sex with her siblings, but she is a bit shy to do that with me. However, I see her so helpless and I am scared when I think about all that.

## Article 19

# Right to living independently and being included in the community

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### Situations of violation of rights

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#### Perception of families and associations

- Mothers are not going to live forever and that is our greatest responsibility and concern.
- He is the one who has worked a lot in his life to be the person he is and wants to be, and what we expect from him. He can only be independent, able to make decisions, as well as mistakes and learn from them, etc. if he controls and governs his life (for the moment, with support).
- He already has our support to live independently.
- We believe we are ready to do everything because we can see he is really responsible and can live completely independently and reach full autonomy.
- So far it is necessary and even a bit more, including economic, affective and moral support.

## Article 19

# Right to living independently and being included in the community

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## What we request

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- If we have the right to choose where we want to live, our decision must be respected.
- If we need support or help in order to live where and with whom we want to, we should receive it and not be locked up in a residence.
- Family cannot impose where we have to live.
- We must use community services as everybody else does and not be excluded on the basis of our disabilities.

# Article 19

## Right to living independently and being included in the community

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### Activities

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1

Since there are many alternatives for adult life for people with disabilities (living with their family, residences, hospices or shelters, sharing apartments, etc.), we suggest that you collect information on the different possibilities, asking for help from someone working at Social Services in your community.

2

Using as a reference the information compiled at the meeting with an expert within your community, prepare a poster showing the different models, including for example:

- a) Main features of each model
- b) Positive aspects (pros)
- c) Negative aspects (cons)

Do not forget when you state your opinion (positive or negative) on the different possibilities to take the Convention as the point of reference.

## Article 19

# Right to living independently and being included in the community

## Activities

3

Once you have obtained all information and discussed it internally, it might be interesting to arrange visits to the different places you have been compiling info of. Remember that it could be very useful to record these visits and interview some people responsible for the institution, as well as people living in it. If you are not allowed to make a video, you can also take notes.

4

Finally, we suggest that you do the same as the people who have participated in the elaboration of this guide in the section called “What we request”: write down and disseminate your requests and advocate for the rights included in the Convention to be respected.

# Article 24 Education



# Article 24

## Education

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### The convention says

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- 1** *States Parties recognize the right of persons with disabilities to education. With a view to realizing this right without discrimination and on the basis of equal opportunity, States Parties shall ensure an inclusive education system at all levels and lifelong learning directed to:*
  - a** *The full development of human potential and sense of dignity and self-worth, and the strengthening of respect for human rights, fundamental freedoms and human diversity;*
  - b** *The development by persons with disabilities of their personality, talents and creativity, as well as their mental and physical abilities, to their fullest potential;*
  - c** *Enabling persons with disabilities to participate effectively in a free society.*
  
- 2** *In realizing this right, States Parties shall ensure that:*
  - a** *Persons with disabilities are not excluded from the general education system on the basis of disability, and that children with disabilities are not excluded from free and compulsory primary education, or from secondary education, on the basis of disability;*
  - b** *Persons with disabilities can access an inclusive, quality and free primary education and secondary education on an equal basis with others in the communities in which they live;*
  - c** *Reasonable accommodation of the individual's requirements is provided;*
  - d** *Persons with disabilities receive the support required, within the general education system, to facilitate their effective education;*



## The convention says

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- e** *Effective individualized support measures are provided in environments that maximize academic and social development, consistent with the goal of full inclusion.*
- 3** *States Parties shall enable persons with disabilities to learn life and social development skills to facilitate their full and equal participation in education and as members of the community. To this end, States Parties shall take appropriate measures, including:*

  - a** *Facilitating the learning of Braille, alternative script, augmentative and alternative modes, means and formats of communication and orientation and mobility skills, and facilitating peer support and mentoring;*
  - b** *Facilitating the learning of sign language and the promotion of the linguistic identity of the deaf community;*
  - c** *Ensuring that the education of persons, and in particular children, who are blind, deaf or deafblind, is delivered in the most appropriate languages and modes and means of communication for the individual, and in environments which maximize academic and social development.*
- 4** *In order to help ensure the realization of this right, States Parties shall take appropriate measures to employ teachers, including teachers with disabilities, who are qualified in sign language and/or Braille, and to train professionals and staff who work at all levels of education. Such training shall incorporate disability awareness and the use of appropriate augmentative and alternative modes, means and formats of communication, educational techniques and materials to support persons with disabilities.*

# Article 24

## Education

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### The convention says

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- 5** *States Parties shall ensure that persons with disabilities are able to access general tertiary education, vocational training, adult education and lifelong learning without discrimination and on an equal basis with others. To this end, States Parties shall ensure that reasonable accommodation is provided to persons with disabilities.*

### The convention says

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#### Easy to read version

*Every person with disability has the right to education, on the basis of equal opportunity with others.*

**1** *The States will ensure education at all levels and lifelong learning for everybody.*

*In order to achieve this, they will establish an education system for persons with disabilities to develop:*

- *Their talents and creativity.*
- *Their dignity and self-worth.*
- *Their mental and physical abilities.*

**2** *The States will ensure that persons with disabilities:*

- *Are included in the general education system.*
- *Can access free and compulsory education, both primary and secondary, on an equal basis with others.*
- *Receive the support required to facilitate their effective education.*

**3** *The States will enable persons with disabilities to acquire life, learning and social development skills to be able to live in community.*

# Article 24

## Education

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### The convention says

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To this end, States will:

- *Facilitate the learning of Braille and other alternative communication systems, such as sign language, natural language of the deaf community.*
- *Ensure that the education is delivered in the most appropriate languages for persons with disabilities.*
  
- 4** *The States will employ teachers who are qualified in sign language and/or Braille, and train professionals on these languages. Teachers employed will include teachers with disabilities.*
  
- 5** *The States will ensure that persons with disabilities are able to:*
  - *Access tertiary education and vocational training.*
  - *Access adult education and lifelong learning, without discrimination and on an equal basis with others.*

## We consider that

- The right to education is the right a person with Down syndrome has to learn, to go to school, to a school where other classmates don't have a disability, to have teachers that pay attention to you, that explain things to us and to have the chance to learn.

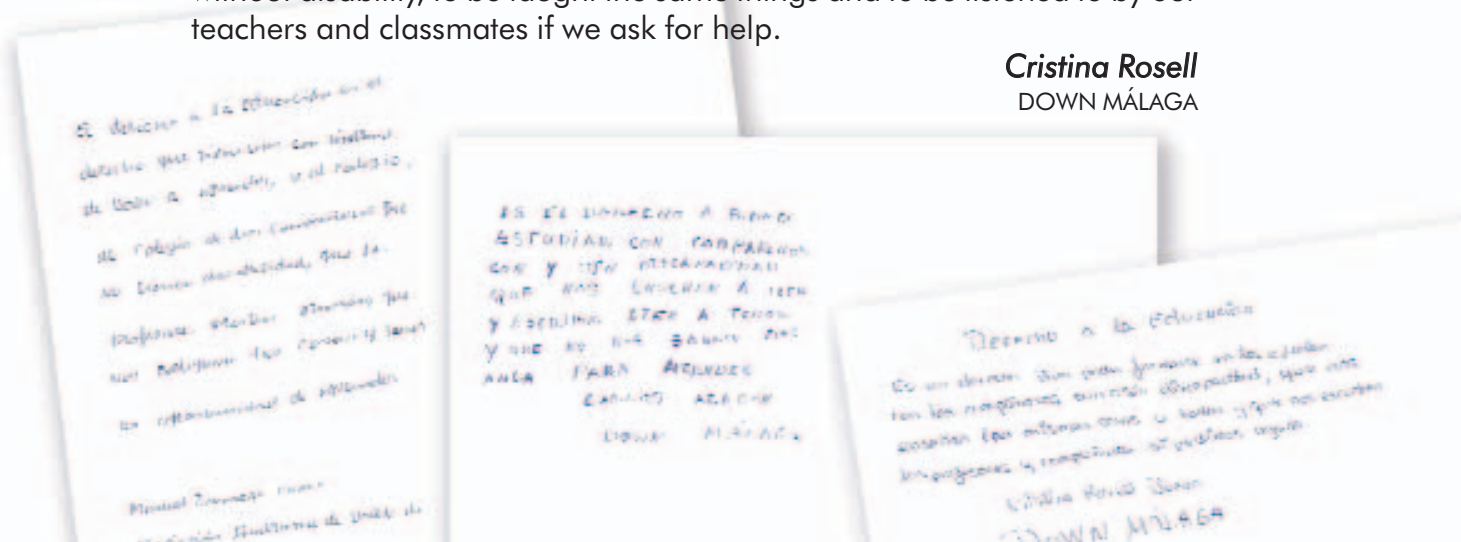
**Manolo Zamora**  
DOWN GRANADA

- It is the right to be able to study with other classmates with or without disability. To be taught how to read and how to write well together with everybody else and not to be taken apart for the lessons.

**Carlos Aragón**  
DOWN MÁLAGA

- It is a right to be able to learn and study with other classmates with or without disability, to be taught the same things and to be listened to by our teachers and classmates if we ask for help.

**Cristina Rosell**  
DOWN MÁLAGA



# Article 24 Education

## We consider that

- It is the right to learn, to do teamwork with non-disabled classmates, to participate in a group and not to be treated as a piece of furniture.

To show the other classmates that they should not ignore us, to be allowed to work all together.

**José Miguel Esteban**  
DOWN MÁLAGA

- This right means that, as persons, we have the right to receive education, to be treated on an equal basis with other classmates at school or high-school, to be taught, to be assisted, to be able to express our opinions and to be respected for that, to be allowed to have our space and freedom.

**Ester Nadal**  
DOWN LLEIDA

Este derecho quiere decir, que como personas  
tenemos derecho a tener una educación, a que  
nos traten igual que a otros compañeros de  
la escuela o instituto, a que nos enseñen, a que  
nos ayuden, a que respeten nuestra forma de hablar,  
a que nos respeten nuestra espacio y nuestra libertad.

Ester Nadal

Es el derecho a aprender, a realizar  
trabajo en equipo con compañeros sin  
discapacidad, a participar en el grupo y  
a que no nos traten como un mueble.  
A enseñar a los demás compañeros a que  
no piensen de nosotros y no digan bromas  
con ellos.

José Miguel Esteban  
Down Málaga



## Situations of violation of rights

### Subjective perception

“ I am a person who has Down syndrome. I went to school because I wanted to learn many things: read, write, count... I liked my school but I remember many kids, classmates, used to laugh at me, to insult me. I think they did it because I have Down syndrome.

I also remember that I did not learn the same things as my classmates. Sometimes they were doing some things in the room that I didn't, because I didn't know or I couldn't understand. I then had to wait doing nothing. However, I could see everybody doing the same things: maths... I would have loved to learn maths, too.

I found it very difficult to learn some things, and when the teacher explained them I couldn't understand them well. I didn't know what to do.

Now that I am older, there are also some things that I find very hard, but if someone tells me how to do it, then I can.

*That's why things need to be very well explained, in a clear and slow manner”.*

**Fuensanta Martí**  
DOWN GRANADA

# Article 24

## Education

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### Situations of violation of rights

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#### Subjetive perception

“I did well at school. I felt at ease. I liked to be there because I could learn many things. If I was taught how to read at school, I could then read the books I was interested in. I used to learn at school, even if apart from school I had some assistance to help me read, or understand maths.

However, there was something I didn't like very much: at school, I wanted to be seated side by side with all my classmates; however, if there were other persons with disabilities in my school, then I had to be apart with them, even if what I wanted was to be with all my classmates, with and without disabilities.

Why I wanted that? Well..., because even if I have Down syndrome, I like to be and to learn with all my classmates. Because I am also like them, isn't it? And I should be able to be with them.

Therefore, every person with Down syndrome, like me, can be with other people who don't have Down syndrome. It is a right we have. We should not be separated at school, we can all be together. Equal”.

**Sonia Sánchez**  
DOWN GRANADA



## Situations of violation of rights

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### Subjective perception

“ I don't want to remember the special school I attended, nor my classmates. After that, at public school, I had good and bad moments.

*I did not have any contact to my classmates. They told me to seat down next to another person with Down syndrome, I don't even want to remember that, it was very hard. My classmates kicked me off and scratched me every time I played football with them. I used to throw the chalk to the blackboard as my classmates did, but it was only me who got punished.*

*When I had to do teamwork, my classmates didn't let me participate. I said something, they said something different and then they ignored me. My mind went blank, I didn't know what to do. It was very hard. My classmates didn't tell me anything, I didn't know what homework I had to do. Sometimes, my teacher helped me. Sometimes, she did not. She did not help me because I was throwing toys in the wardrobe. I felt bad, they didn't pay attention to me and that's why I was doing those bad things.*

*I felt like a piece of furniture, my teacher treated me so, staying there, silent”.*

**José Miguel Esteban**  
DOWN MÁLAGA

# Article 24

## Education

### Situations of violation of rights

#### Subjective perception

“I did not have a book. I did not learn much at school. When the teacher explained things for everybody, I did not understand anything. I was set apart in a different room with a support teacher, and that’s where I got some explanations. I didn’t like to be set apart to a different room.

*Sometimes I was mad at my classmates; they liked to make fun of me”.*

**Carlos José Aragón**

DOWN MÁLAGA

“At high school, my computing teacher used to set me apart to work on some support homework, in a separate desk, completely alone, to do my homework on my own. I used to ask him for help, but he didn’t help me and acted as if I were not there. My classmates also ignored me and I felt very bad, I didn’t want to go there, or anything.

*I wanted to sit down side by side with everyone else, but the computing teacher made me sit down alone, I think it was because I have a disability. I didn’t learn any computer science at high school.*

*I think teachers should treat us all equally and not set persons with disabilities apart. We should be all treated on an equal basis and some materials need to be adapted for us to be able to learn. We have to be integrated in the group and not apart”.*

**Teresa Irlles**

FUNDOWN. Murcia

## Situations of violation of rights

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### Perception of families and associations

#### Parents

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##### QUESTION:

**Assess the school years of your son/daughter (level of integration, relationship to other classmates and teachers, difficulties faced, not on the ground of his/her disability, but due to the school general functioning).**

- My daughter's school years were very positive. Her peers treated her as any other member of the group. Except for some exception, her relationship with teachers was also good, maybe because both parents are school teachers at the same school, where her siblings also attended lessons.
- Her nursery teacher told me she ought to be in a special school for retarded children, because her only achievement could be interrupting her lessons, because she had been educated to teach normal children. She was extremely cruel and did not bother to build an affectionate relationship.

# Article 24

## Education

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### Situations of violation of rights

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#### Perception of families and associations

- Every school year meant starting up again! Getting to know a new teacher, who was going to pose problems for the course or not. The support teacher provided some help, but the important part of the work was done in the classroom. She also reacted in a different way: if the teacher treated her as anybody else, she performed better. However, if she was treated as someone special, making her “sit next to him”, she felt less capable and did not make so much progress.
- School time has been just another experience.
- She couldn't be treated by a speech therapist because not enough staff was available. Priority was given to another group of children; school management had to set priorities. Our reaction was to warn the education inspectorate about it.

## What we request

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- It is fundamental that all States realize that we and every child with or without disabilities have the right to education. They have the right to be respected and accepted the way they are. This is very important for them.
- We want to have the opportunity to learn things and to receive education as any other person.
- To be allowed some extra time to think. If there is something we do not know or if we need help, it will be us who will ask for it and it is not necessary to have everybody around to help us.

# Article 24

## Education

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### Activities

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The right to education for persons with disabilities established in article 24 of the Convention requires the creation of an **inclusive educational system, for everybody at all school levels.**

It is very important that you have information on what inclusive education is and that you defend its application.

A non-inclusive education system is one that:

- Generates marginalization within the school
- Excludes, discriminates y segregates everybody off the idea of “normality”
- Places in special classes or schools people with any disability or special need

## Activities

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1

As activity no. 1, we suggest that you ask someone responsible of education policy in your community for collaboration, in order to obtain information about what it is and what it means inclusive education, and to clarify if it is being applied or not in your town.

2

Bearing in mind, on the one hand, the information you have been able to compile on inclusive education and, on the other hand, your own experiences on the education system as you were students, you will be able to:

- Define the basic education conditions you have experienced (in a normalized and inclusive classroom, in a classroom for people with disabilities only, in a mixed classroom in which people with disabilities made different things as people without disabilities, etc.)
- Make a list of specific situation you can remember, that reflect the way (inclusive or discriminative) you were educated.

# Article 24

## Education

### Activities

3

Many of you will have different experiences. This is normal. Some of you will have gone through education very close to inclusion; however, other people will refer more segregation and discrimination.

In this activity, we suggest that you:

- Note down the first three feelings that come to your mind, when you remember your school years, and which are related to your participation in ordinary tasks and integrated functioning of the lessons and activities.
- Share these feelings with the group and think about them together.

4

People who have participated in the elaboration of this guide have written down their requests in the section called “What we request”. Finally, we suggest that you do the same and write down your requests, disseminate them and advocate for the rights included in the Convention to be respected.



Article 27  
Work and employment



# Article 27

## Work and employment

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### The convention says

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- 1** *States Parties recognize the right of persons with disabilities to work, on an equal basis with others; this includes the right to the opportunity to gain living by work freely chosen or accepted in a labour market and work environment that is open, inclusive and accessible to persons with disabilities. States Parties shall safeguard and promote the realization of the right to work, including for those who acquire a disability during the course of employment, by taking appropriate steps, including through legislation, to, inter alia*
- a** *Prohibit discrimination on the basis of disability with regard to all matters concerning all forms of employment, including conditions of recruitment, hiring and employment, continuance of employment, career advancement and safe and healthy working conditions;*
  - b** *Protect the rights of persons with disabilities, on an equal basis with others, to just and favourable conditions of work, including equal opportunities and equal remuneration for work of equal value, safe and healthy working conditions, including protection from harassment, and the redress of grievances;*
  - c** *Ensure that persons with disabilities are able to exercise their labour and trade union rights on an equal basis with others;*
  - d** *Enable persons with disabilities to have effective access to general technical and vocational guidance programmes, placement services and vocational and continuing training;*

# Article 27

## Work and employment

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### The convention says

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- e** *Promote employment opportunities and career advancement for persons with disabilities in the labour market, as well as assistance in finding, obtaining, maintaining and returning to employment;*
  - f** *Promote opportunities for self-employment, entrepreneurship, the development of cooperatives and starting one's own business;*
  - g** *Employ persons with disabilities in the public sector;*
  - h** *Promote the employment of persons with disabilities in the private sector through appropriate policies and measures, which may include affirmative action programmes, incentives and other measures;*
  - i** *Ensure that reasonable accommodation is provided to persons with disabilities in the workplace;*
  - j** *Promote the acquisition by persons with disabilities of work experience in the open labour market;*
  - k** *Promote vocational and professional rehabilitation, job retention and return-to-work programmes for persons with disabilities.*
- 2** *States Parties shall ensure that persons with disabilities are not held in slavery or in servitude, and are protected, on an equal basis with others, from forced or compulsory labour.*

# Article 27

## Work and employment

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### The convention says

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#### Easy to read version

- 1** *Persons with disabilities have the right to work and to earn their living by work freely chosen.*

*In order to promote the realization of this right, the States will:*

- *Prohibit discrimination on the basis of disability with regard to work and employment.*
  - *Protect the rights of persons with disabilities, on an equal basis with others, to just conditions of work, equal remuneration and equal protection against labour harassment.*
  - *Ensure that persons with disabilities are able to exercise their labour and trade union rights.*
  - *Promote vocational guidance and placement programmes for persons with disabilities.*
  - *Promote employment opportunities for persons with disabilities in the labour market, so that they can find employment, or develop cooperatives or one's own businesses.*
  - *Employ persons with disabilities in the public sector and promote their employment in the private sector through incentives to enterprises.*
  - *Ensure reasonable accommodation in work and employment to persons with disabilities.*
- 2** *States will ensure that persons with disabilities are not held in slavery and are protected, on an equal basis with others, from forced or compulsory labour.*

# Article 27

## Work and employment

### We consider that

- It is a right we have for companies to commit to adapt their positions to our abilities and to be able to obtain a permanent job.

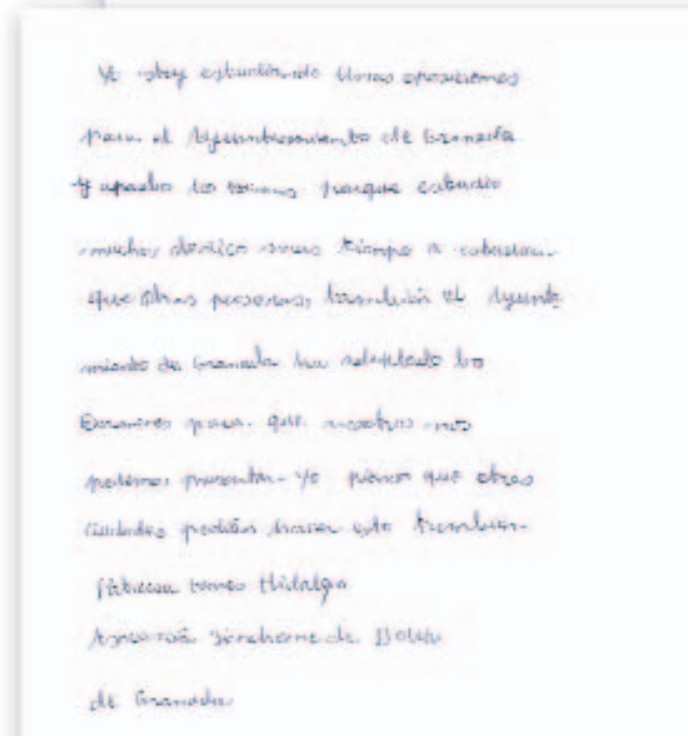
**Jesús Juárez and Javier López**

DOWN MÁLAGA

- I am preparing for a civil service competitive examination for the town council in Granada and I pass the exams because I am studying a lot, much longer as other people. In addition to that, the examinations have been adapted for us to be able to enter in competition. I think this should also be done in other cities.

**Patricia Torres**

DOWN GRANADA



# Article 27

## Work and employment

### We consider that

- Persons with disabilities have the right to work without being discriminated. We need to be allowed to make a living.

**Raúl Rodríguez**  
DOWN CÓRDOBA

- The right to work is a right we all have. Persons with Down syndrome also have the right to work, to look for employment in what we like to do and to be paid for our work. We can do our work really good, we also have the right to participate in competitive public examinations and to work in town halls.

**Ana Maria Aguilera**  
DOWN GRANADA

- We have the right to have a job, permanent positions, a monthly salary... Our right to work and to promote should not be violated.

We have to fight very hard for our future.

**Tonet Ramírez**  
DOWN LLEIDA

LAS PERSONAS CON DISCAPACIDAD TENEMOS EL DERECHO A TRABAJAR SIN QUE NOS DISCRIMINEN A NOSOTROS. TENEMOS QUE PODER GANARNOS LA VIDA.

RAÚL RODRIGUEZ (DOWN CÓRDOBA)

Tenemos el derecho a tener un trabajo, un sueldo fijo, una mínima al mes, a que nos nos discriminen nuestro derecho a trabajar y a salir de categoría. Tenemos que luchar muy duro hacia el futuro.

Tonet Ramírez



### Situations of violation of rights

#### Subjective perception

“ My colleagues proposed that I earn half of what they do, because they say I work less”.

**Jesús Juárez**  
DOWN MÁLAGA

“ I was working in a company but I didn’t get a new contract... because they wanted to hire someone... who could do more work and faster”.

**José Ángel Arambilet**  
DOWN MÁLAGA

“ In the company where I was working as a trainee, a co-worker was not respectful. He didn’t appreciate my work. He thought I was not working well because I got distracted. I have no distractions, I just do my job. He was bossy to me, but he didn’t appreciate me.

*This colleague didn’t ask me anything, didn’t talk to me. He told me I should not listen to other co-workers, he was always upset with his work. I also heard him saying bad things about me to other co-workers.*

*He didn’t take me into account because I have a disability. I was different, I have Down syndrome and he doesn’t. I was treated differently. He didn’t appreciate my work and he said I did things badly, or that I don’t do anything. But I did! If I didn’t have Down syndrome this would be different. I have capabilities.*

# Article 27

## Work and employment

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### Situations of violation of rights

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#### Subjective perception

*I could realize what was happening: he hurt me, discriminated me, and made me feel bad. I don't care about him any more".*

**José Miguel Esteban**

DOWN MÁLAGA

“ I got a job offer from the employment office. When the employment officer called the company, he said: “I have a young woman with a disability who is looking for a job. Because of her disability, she is entitled to free public transport and you will get your Social Security expenses refunded”. However, the person responsible for human resources in this company said they didn't employ persons with disabilities because they are disabled. Thus, this means I have never had the same opportunities to get employment as anybody else”.

**Teresa Irlles**

FUNDOWN. Murcia



# Article 27

## Work and employment

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### Situations of violation of rights

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#### Subjective perception

“ When I was looking for employment through my association I used to face many excuses: I didn't have a car or I was not prepared enough to work. These were excuses: if I needed a car, I could use public transport to get to the office; if I needed extra training, they could at least give me one week, some time, a chance. Some people learn in five minutes, I might need one hour, other people need a whole day; but we all learn sooner or later. And once I have learnt something, I can do it as anybody else. However, I didn't get the job because it would have meant a waste of time for the employer: while wasting her time with me, she would be losing clients. If someone is learning how to do the job, someone else needs to be next to you to show you how it is, and people lose their interest. I think this happened because I was coming as a member of an association and they knew I had a disability. Someone without disabilities wouldn't find so many excuses and would be easily hired. People don't know how to teach us, or they even think we will never learn anything”.

**Mónica Bravo**  
FUNDOWN. Murcia

# Article 27

## Work and employment

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### Situations of violation of rights

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#### Perception of families and associations

##### Parents

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###### QUESTION:

**Imagine your son or daughter, already in employment, decides to quit (for several reasons, lack of motivation, weariness, desire to change direction in his/her life, etc.) Would you let him/her make this decision? Would you support him/her?**

- I would first talk to him to understand his reasons and be sure that this decision is not the result of a “fleeting mood”.
- Yes, I have done it before.
- I wouldn't like to and I would explain him that you cannot simply quit a job. However, I would respect his decision even if it is against my mind.
- I think I would discuss it thoroughly with her to understand her reasons to want to quit her job. I think I could accept it if I can see it reasonable, as I would do with such a decision from any other of my children. I don't think I would react differently.
- I would talk to her to help her make her decision freely, so that she can have all necessary information to assess the pros and cons.
- As with any other child, we would try to make her understand how difficult it might be to find a job, especially for her, because she has a disability and the labour market is very competitive and full of barriers.

### Situations of violation of rights

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#### Perception of families and associations

- If he is old enough and has resources to work, it is perfectly justifiable that he quits his job if he is not happy with it. Even though, we would like to be consulted (as parents) and to discuss the issue with him before taking any decision. Then, I would support or not his decision depending on his reasons.
- Nobody can be forced (father, son, brother) to take up employment when he does not feel comfortable with it for whatever reason. Let alone a person with disabilities.
- I would have to make him aware of all the things he had achieved in employment and assess the pros and cons of this change, but I think I could accept his decision. In his new job, he would have to receive all necessary support as in the previous one.
- Yes, I would support my son as far as I could see he cannot continue in employment or that his jobs demands too much and is too hard for him.
- I think I could accept it if I can see how she feels and can understand her true reasons to do it.
- I guess I would want him to be happy, so if it means accepting his choices, I think I would support him.

# Article 27

## Work and employment

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### Situations of violation of rights

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Perception of families and associations

QUESTION:

**If your son/daughter would have the chance to take up employment, would you let him/her make this decision once he/she has all the information? Or would you rather be the one primarily influencing the decision to accept or not the job?**

- I would need to be a job adapted to his physical and psychic features, as well as well connected for him to commute, etc. I would oppose if I would not consider it suitable for him.
- I think we would support her to take it up and to have the chance to work, but if she is not sure or doesn't like the job and is going to feel bad, I would respect her decision. I am accepting more and more her decisions, as long as they are coherent and I support her.
- We have gone through this situation some months ago and we have let her make her decision. Of course, we have helped her gather all the information about the consequences of her decision in any sense, both if she takes it or not.

# Article 27

## Work and employment

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### Situations of violation of rights

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#### Perception of families and associations

- Of course I would let her make the final decision. I would always give my advice, but the decision would always be in her hands.
- I wouldn't necessarily play a role in such a situation. I would respect her opinion and her decision.
- I think, or rather we think, we always have to consult with him and inform him about everything and then support and convince him as long as the job is suitable for him.
- I would let him make his decision once he has all necessary information. I must be realistic and I know it is impossible to choose, and many job offers are just an excuse to get them do something, especially for our children; sometimes they have no choice but to accept the options they have. Neither the authorities nor the private sector comply with the regulation. We must advocate for it.

# Article 27

## Work and employment

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### What we request

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- To have the same opportunities on an equal basis with others to obtain a job position.
- To receive vocational training to be able to work in what we like and choose our occupation.
- To make trade unions take adequate measures for persons with disabilities to be aware of our labour rights.
- To have someone attending persons with disabilities at trade union offices.

# Article 27

## Work and employment

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### Activities

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The Convention recognizes the right of persons with disabilities to work on an equal basis with other people, to be able to choose their job freely, to exercise their labour in inclusive environments and to have a salary in order to make a living.

It is extremely important to clarify that the right to work does not mean that employers are obliged to offer a job or that the associations must obtain a job contract for people with disabilities. What it means is that persons with disabilities must have the same opportunities to achieve it, but there are also many people without disabilities who are unemployed, or working under inadequate work conditions. (This idea is very clearly expressed by people explaining their experience in the DVD.)

Therefore, it is important that you are aware of your right to work and that you know, with as many details as possible, both the content of the Convention and the measures adopted in your community to make this happen.

# Article 27

## Work and employment

### Activities

1

Read carefully article 27 “Work and employment”. In this guide, both the original and the easy to read versions are available.

- Make notes or mark in the text those things that you cannot understand. You can ask for help in the public bodies in your community, which are responsible for employment policies for persons with disabilities.
- You can ask the person attending you to explain the way in which this article of the Convention is being applied in your community and which measures have been adopted for a better application in the future.

2

You can organize visits to different companies in your community and then write a report to be disseminated. In order to do so, you need to:

- Elaborate an interview model to be carried out by the person in the company who will be attending you. You could include questions like:
  - Are there any people with intellectual disabilities in employment in your company?
  - Are there any adaptations made to the different job positions?
  - What kind of adaptations to the job position are made?
  - Other questions



# Article 27

## Work and employment

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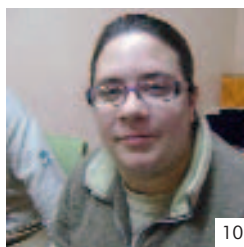
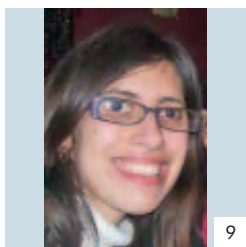
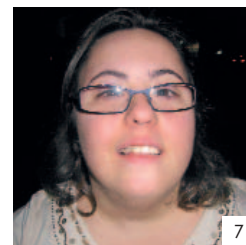
### Activities

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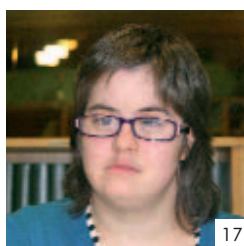
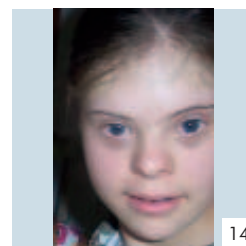
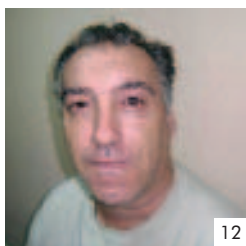
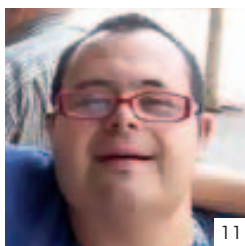
- When you arrive to the company, you ask for the owner or the person in charge of human resources. You will introduce yourselves and will explain what you are trying to do.
- You must take notes of all questions and answers. You can also take a photo or video camera and, after asking for permission to use it, you can make a full report on the interview.
- Finally, with all the material you can write a report.

3

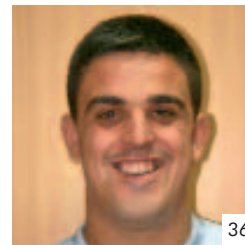
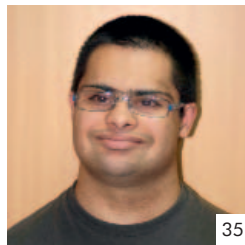
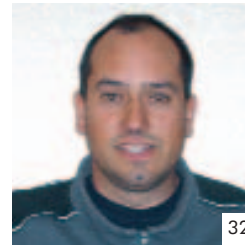
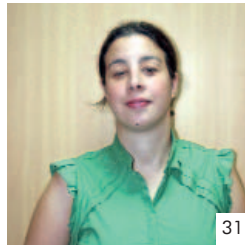
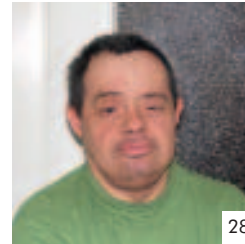
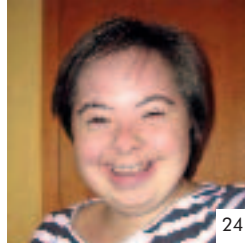
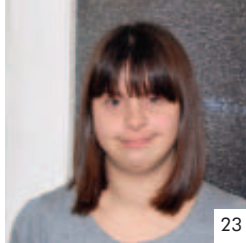
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**AND  
THAT'S**



*1 Ángel David Pericet, 2 Manuel Romero, 3 Raúl Rodríguez, 4 Ana María Aguilera, 5 Fuensanta Martí, 6 Manuel Zamora, 7 Patricia Torres, 8 Sonia Sánchez, 9 Ana Rubiales, 10 Esmeralda Roldán, 11 Jesús Guerrero, 12 Juan Flores, 13 Luis Fernando Nieto, 14 María Miguel, 15 Rubén Cuevas, 16 Albert Forcada, 17 Carme Faro, 18 Ester Nadal,*



## HOW THEY LOOK

19 Inma Galindo, 20 Sonia Salvia, 21 Tonet Ramírez, 22 Carlos José Aragón, 23 Cristina Rosell, 24 Esther Font, 25 Ingrid Martín, 26 Javier López, 27 Jesús Juárez, 28 José Ángel Arambillet, 29 José Miguel Esteban, 30 Antonio Almagro, 31 Begoña Martínez, 32 Fulgencio Cerón, 33 Mª Cruz Lucas, 34 Mónica Bravo, 35 Pedro Jesús Rosell, 36 Raúl Tavira, 37 Teresa Irlas

We would like to thank

Persons with intellectual disabilities and Down syndrome,  
for being an example for society, for their effort, their  
interest and the capacity of change they show everyday.  
Families, who trust them.

Pedro Otón Hernández  
President, DOWN ESPAÑA

**OBRA SOCIAL CAJA MADRID**

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