

# INTERNATIONAL DISABILITY RIGHTS DEFENDERS NETWORK

## Notes from Meeting May 31 2018 in Stockholm

The need for an international Disability Rights Defenders Network was the topic for a workshop on Thursday 31<sup>st</sup> of May. The proposed questions for discussion were:

- the potential value of such a network;
- proposed activities;
- target groups;
- feasibility;
- and financing.

### Introduction

Adolf Ratzka introduced the day by stating that, litigation can be useful and appropriate when it comes to disability rights, but we need more cases. This is the conclusions from yesterday's conference. However, there are obstacles preventing access to justice working against an increase in cases. There is also a lack of awareness of what disability discrimination is: both because the medical model of disability still positions the "problem" at the individual level, and because knowledge of the special features of disability discrimination is scant. More cases could mean generate more expertise and create a critical mass opening the judicial area. The question is, how to spread the legal approach, litigation and the effect of implied litigation. One way, to change people's perceptions is by information about other cases that, will create awareness of what litigation can achieve in the form of social change and respect. A newsletter could be used to spread information about cases and other issues as what is happening at universities and NGOs in the field.

### What is the problem: awareness or access to justice?

The discussion started with differing opinions on where the problem lies. What is needed to increase the number of cases? While, in some countries, people might know about the possibility to litigate, in others the awareness is low. In the Nordic countries, disabled people usually know their welfare rights but not legal rights connected to discrimination, harassment and violence. Non-discrimination is viewed through the lens of welfare rights as something fit for progressive realisation. A newsletter needs to be global and present cases raising awareness on these issues to disabled people. It also needs to be accessible both in different formats but also in the way it is written. The fact that a newsletter would have to have two levels and at least two target groups – disabled people and lawyers – was emphasised later during the discussion.

### Do we need a newsletter or something else?

A certain scepticism was also voiced during the discussion on whether a newsletter really would be of use, or if there was room for yet another newsletter. From the lawyering

perspective, the usefulness of a listing of all legal cases with referrals to the legal texts was lifted. From the perspective of the disability community, a newsletter was thought to drown in the existing flood of information. The opinion was also that it did not solve the problem of disabled people not daring to take cases to court.

Instead of a newsletter, there were talks about social media and new ways of thinking to reach the younger generations. Amnesty International could perhaps be the role model for a new and common strategy.

### **Awareness of what discrimination is, is more complicated.**

While the idea of focussing on disability discrimination is easy to understand, it was pointed out that there were more common features between discrimination irrespective of ground, for example, reasonable accommodation which initially related to religion. You might lose a more substantial connection and knowledge and legal network by not widening the view of which type of discrimination to cover. Also, it is more important to share knowledge of what discrimination is, or maybe what constitutes discrimination, than what remedies other countries have. As a disabled person, you get used to negotiating the ordinary things in life and do not see that it is discrimination.

Later during the workshop views on the complexity of the problem, and the need for empowerment was raised again. The fact is, there are at least three parts to the problem: getting rights, making people aware of their rights and getting people to act on their rights. Because there are so many different issues, they cannot be solved with one tool. Regional conferences were suggested as a solution based on American experience working within eastern Europe. Telling people how to do things does not work, but if you allow people to exchange experiences and views on new ways, this can lead to empowerment.

It was emphasised that if you empower people, they will pull the lawyers with them. And it is possible to empower people from the office in Stockholm if you use webinars in the same way as ENIL does.

### **One newsletter or two, or none?**

It was clear, halfway through the workshop that there were two diverging needs, the legal community and the disabled community's. A proposed way to satisfy both was a newsletter disseminating cases primarily with the legal profession as the target group. The content of this newsletter could form the basis of an alternative one, presenting those cases to the disability community and civil society from an empowerment and awareness perspective. As is shown by the development in the US, it is hard to enact social change without pressure from the civil society, even when litigation is the tool.

Later during the discussion, it was pointed out that the CRPD connects disabled people, so a newsletter should have the convention as a base. It is also good if it could cater to the needs of the leadership within the disability community.

A newsletter could have thematic issues directed to differing readership. A newsletter should start small and then grow depending on demand. Funding could be sought from the European Bar Association, the Independent Living-organisations Threshold and ULOBA.

### **Practical steps forward.**

After a lengthy discussion on which tools to use, it was decided to focus on a closed Facebook group and a newsletter which could combine content.

The Facebook group *Law as a Tool* was created, as a platform to network, and share information about cases on discrimination. The content of the Facebook group can be used as a basis for a newsletter with up to four issues per year. The Facebook group can also be used to discuss things such as subjects for webinars etcetera. It was decided, to evaluate the usefulness of the Facebook group in 6-months.

A strategic planning committee to develop the network was elected, consisting of Jamie Bolling, Adolf Ratzka and Vibeke Melroy Melström.

The project Med Lagens som Verktyg has a mailing list. The people on the mailing list will be invited to the Facebook group.

There is a LinkedIn group called Disability Rights Defenders, and also a Facebook group called *Human Rights, Disability and Development*, which it is recommended to join.

/Susanne Berg