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# IMPLEMENTATION OF THE HELSINKI ACCORDS

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## HEARING

BEFORE THE

## COMMISSION ON SECURITY AND COOPERATION IN EUROPE

ONE HUNDRED THIRD CONGRESS

SECOND SESSION

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DISABILITY RIGHTS AND U.S. FOREIGN POLICY

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SEPTEMBER 21, 1994

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## **DISABILITY RIGHTS AND U.S. FOREIGN POLICY**

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**WEDNESDAY, SEPTEMBER 21, 1994**

**COMMISSION ON SECURITY AND COOPERATION IN EUROPE**

*Washington, DC.*

The hearing was held in room 2200, Rayburn House Office Building, Washington, DC, at 2 p.m., Senator Dennis DeConcini, Chairman, presiding.

Present: Hon. Dennis DeConcini, Chairman, Hon. Steny Hoyer, Co-Chairman, and Commissioner Christopher H. Smith.

Chairman DECONCINI. The Helsinki Commission of the United States Congress will come to order.

Congressman Hoyer will be here later and is tied up with some leadership duties right now and he's asked that I proceed.

I want to welcome our distinguished guests to this Helsinki Commission hearing, examining disability rights as they pertain to the United States human rights policy and foreign assistance issues.

I also want to put in the record a letter from Senator Bob Dole congratulating the Commission on holding these hearings. As you know, he's been the leader on the Senate side on this issue.

The United States has, for decades, played a leading role in promoting human rights and democracy around the globe. Yet not until recently have we directly addressed the rights of persons with disabilities in an international context, despite there being an estimated 500 million persons with disabilities worldwide. We must aggressively work to ensure that the unlimited potential of half a billion people is not underestimated in the future. The rights and opportunities of these people must be protected and promoted, just as are the rights of any person who might face discrimination for whatever reason.

With passage of the Americans with Disability Act of 1990, the United States government established new legal standards to ensure unprecedented equality of opportunity to people with disabilities in this country. At the 1991 Moscow CSCE meeting, the U.S. delegation, which included our distinguished Co-Chairman Steny Hoyer, successfully developed language to promote and protect the rights of persons with disabilities. The Moscow document, adhered to by 53 participating states, was the first such CSCE commitment in this area. In 1993, the Disability Rights in American Foreign Policy Act was introduced in the House and Senate to require the Secretary of State to include an examination of discrimination against people with disabilities in the annual report on human rights.

The task before us today, however, is to move beyond these initial steps intended to expand existing international human rights protection to include people with disabilities. The more meaningful challenge facing policymakers lies ultimately in efforts to create through international cooperation, education and technical assistance a fundamental change in attitude towards persons with disability. We must begin to incorporate into our foreign assistance and democracy-building efforts programs which not only aid persons with disabilities but which encourages governments to allow them to contribute to their society worldwide. While we still have a distance to go here in the United States, we have made significant progress in the last two decades and we should share both the good and the bad lessons we've learned in this endeavor with other governments.

Our witnesses today are uniquely qualified to speak on policies at home and abroad which address the rights of persons with disabilities. We hope to learn from them what further steps need to be taken so that our foreign policy and human rights policy reflects the better aspects of our domestic policies with regards to persons with disabilities.

I want to acknowledge the presence of Donna Noland from Arizona. She directs the Arizona office of Americans With Disabilities and has worked tirelessly for many years. She is always so nice to compliment me for my participation in this, but Donna has played a major role in getting members of the Arizona delegation. It hasn't been difficult to get me, but she has consistently brought to our attention many different issues and we've worked hard to see that we have responded to that, and we thank you, Donna, for your continued and tireless effort.

At this time, before I introduce our two first panelists, I'd be glad to yield to the Congressman from New Jersey.

Mr. SMITH. Thank you very much, Mr. Chairman.

As ranking member of the CSCE on the Republican side, I join you in welcoming our very distinguished panel of witnesses. I'm very eager to hear the testimony which they have prepared for our Commission.

I believe that the debate on the issue of disability rights in U.S. foreign policy is not a question of whether or not it should be made a part of the human rights portfolio, but rather what is the most effective means for making it a priority. It's a given that we need to take our view that those who are in any way disabled should be treated with the utmost respect and as our own disability rights legislation in recent years has shown, we are trying to add teeth to the implementation of that right. A right is really a very hollow one if it cannot be adequately secured and exercised by those who are suffering disabilities.

So, I do welcome our distinguished panel and look forward to their testimony.

I would ask that my full statement be made a part of the record.

Chairman DECONCINI. It will be part of the record, and thank you, Congressman, very much for your participation, not only today but throughout this effort that I've been involved with the Commission.

Our two panelists now are first Justin Dart, Jr. is a worldwide advocate of disability rights who played a leading role in national disability policy. Congress, five presidents and five governors have appointed him to positions including Chair of the President's Committee on Employment of People with Disabilities and Chair of the Congressional Task Force on the Rights and Empowerment of Americans with Disabilities. Mr. Dart has represented the United States at various international forums on disability issues for many, many years.

Also, we have Judy Heumann as Assistant Secretary for Special Education and Rehabilitative Services at the United States Department of Education, responsible for Federal programs serving six million disabled persons. She oversees the Office of Special Education Programs, the Rehabilitation Service Administration and the National Institute on Disability and Rehabilitation Research. Ms. Heumann co-founded the World Institute on Disabilities, the world's first disability think tank, and served as its vice president for ten years.

We'll start with you, Mr. Dart. Thank you, sir.

#### **TESTIMONY OF JUSTIN DART, JR. ADVOCATE FOR RIGHTS OF PEOPLE WITH DISABILITIES**

Mr. DART. Thank you.

Mr. Chairman, Congressman Smith, I congratulate the Commission on this historic hearing to initiate an appropriate focus on disability rights in U.S. foreign policy, and it is an honor to participate. Thanks to you, thanks to many in this room, America is at the cutting edge of domestic disability policy, Independent Living, 504, 94-142, Deinstitutionalization, the magnificent Americans with Disabilities Act.

Now the time has come for the United States to establish a foreign policy on disability based on the principles of its outstanding domestic policy. Throughout all history, we who have disabilities have been treated as subhumans. At worst, we have been killed or left to die as beggar-outcasts. At best, we have been subjected to oppressive paternalism, often segregated in prison-like institutions or back rooms. There are still countries in 1994 where children with disabilities are killed, legally. Even in America, after ADA and in those few other nations with aggressive disability rights policies, discrimination remains deeply rooted in attitude and in practice.

My mother and my brother took their own lives as a direct result of the prejudice they faced because of their disabilities.

My beloved foster daughter, Etsuko, a person with cerebral palsy, was incarcerated for many years, raped, prostituted and driven to psychiatric disability and attempted suicide in an institution in the richest country in the world.

More than 500 million people with disabilities are the poorest, most oppressed people on earth. We humans do not even bother to count how many millions of our brothers and sisters with disabilities die each year by murder, suicide or denial of the basic necessities of life.

So, we gather to create a disability foreign policy. What precisely is the task before us? It is not simply to eliminate discrimination against a minority of persons who are tragic victims.

We address the largest human venture in recorded history. The age of science and free enterprise democracy has given birth to a new kind of human being. We are 100 times more independent and 100 times more interdependent than our predecessors who occupied this planet for more than 99 percent of our history. We live twice as long. Disability, chronic illness, the frailties of old age used to signal the end of active life. Now they are simply characteristics of a normal life span.

Science and democracy have given almost all of us, people with and without disabilities, young and old, chronically ill and well, a proven potential to be at least a hundred times more productive than the strongest and healthiest of our ancestors of 1,000 years ago. We have the potential to create a quality of life that was far beyond the grasp of any Roman emperor or pharaoh.

But for the vast majority of today's humans, that potential remains an unreachable dream because in most instances we are trying to use old concepts, old systems and old environments to meet the needs of the new humans.

The task of humanity now is to create a new culture that will empower the new humans to fulfill their magnificent potential. Our task here today is to begin to construct a disability foreign policy that will provide dynamic thrust toward that empowerment culture.

Now, where do we start? A handful of Americans have been pioneer voices for empowerment in a wilderness of paternalism and abuse. Judy Heumann, Paul Silva, Bruce Curtis, Susan Sygall, Ralf Hotchkiss, many among you in the Congress. There have also been a few progressive initiatives by U.S. AID, USIS, the Peace Corps and other entities in our government. Thanks to Senator Dole and Alex Vachon here today, with the help of Senators Harkin and Simon and others among you, last year our State Department made its first annual report on the human rights of people with disabilities in every nation.

But we, as a nation, have not developed anything even close to a comprehensive disability foreign policy. Now, what will our new policy be? Our foreign policy on disability must reflect the philosophy and goals of our domestic policy, independent living and the ADA. In the eloquent words of President Clinton, "inclusion, not exclusion, independence not dependence, empowerment not paternalism."

First, our disability foreign policy must be created and implemented with the full participation of members of the disability community. Not simply as advisors, but as executives, staff at all levels and, yes, as cabinet ministers and ambassadors.

Second, the President, his Administration and the Congress should provide strong visible leadership to ensure that the empowerment of people with disabilities becomes top priority in the overseas operation of all government agencies, of businesses, and of private citizens.

Third, we should encourage and enable the American disability community to support the empowerment of their brothers and sis-

ters with disabilities in every nation. We should support Disabled Peoples International, Rehabilitation International, and other international disability rights entities.

We should encourage other governments to adopt comprehensive policies to empower people with disabilities in the productive mainstreams of their cultures starting with disability rights laws like the ADA, Integrated Education for Empowerment, and independence oriented services.

Fifth, we should ensure that none of our foreign aid, none of our private sector investments abroad, none of our national prestige is expended on inaccessible facilities, segregated services or other discriminatory practices.

I recommend the following steps for immediate action.

The National Council on Disability should act forthwith to formulate specific recommendations for a foreign policy that addresses the empowerment of people with disabilities.

Second, during the time that comprehensive long-range policy is being developed, the Executive Branch and the Congress should cooperate with disability community leaders to initiate interim action, including funding that would enable the American disability community to interact with its counterparts in other nations.

Third, the Administration should act immediately to ensure that U.S. participation in international activities—the preparation and implementation of policy, delegations to meetings—always involves representatives of the disability community. Certainly our delegations to the upcoming U.N. summits on social policy and the status of women must include authentic representatives of our disability community. Among current Presidential appointees, Judy Heumann, Marca Bristo, Tony Coelho, and Bob Williams are only a few of the super qualified candidates. There are many more from the private sector.

Now this is an ambitious agenda. Where will we get the money? That's the wrong question. Investments of modest millions in empowering people to be equal and productive will in the long-term save billions now spent to deal with the disastrous results of discrimination and paternalism. It's a lot cheaper to send Judy Heumann to Haiti than a company of soldiers.

The real question is not where will we get the money, but where will we get the courage to overcome discriminatory attitudes and to eliminate obsolete practices.

Chairman DeConcini, Chairman Hoyer, Congressman Smith, the world is watching. Because we are American, our success to keep the promise of the ADA to empower the new human will trigger the emancipation and the prosperity of billions of people in future generations. Our failure would be a tragedy beyond words and beyond tears.

We need your leadership. We've had it before. I know we will have it now. We of the disability community will do our part. Together we shall overcome.

Chairman DECONCINI. Mr. Dart, thank you very much for a very eloquent statement.

I yield to Co-Chairman, Mr. Hoyer, for any opening statement he cares to make.

Chairman HOYER. Mr. Chairman, I will have my opening statement included in the record, but I want to apologize for just missing the first page of your testimony. I read the first page while you were speaking and caught up with you. Mr. Chairman, as you know, Justin Dart is one of the giants of this country in terms of civil rights, in terms of his commitment to all peoples and of his fight to make sure that the abilities of every American and indeed every world citizen are allowed to be realized to the fullest extent possible.

One of the great joys of my life and particularly in my involvement with the Americans with Disabilities Act has been to become a good friend of Justin Dart's—Judy's as well. Justin Dart is, as I said, a giant in this country in terms of his leadership. Much more general than disabilities, but clearly on disabilities, but much more general than that. This was a very powerful statement. We are faced with a tremendous opportunity and responsibility for leadership for this country. We have already, as you know, taken some steps within the Helsinki process to raise the consciousness of those who participate in the European theater, some 53 nations that are now Helsinki signatories, as to the reality of this being a human rights question which is very much within the purview of the Helsinki document and the Helsinki process. Working together, we will overcome prejudice, we will overcome the barriers both physical and psychological to the realization of the talents of so many people who are now looked upon blindly by so many as having a disabling characteristic which, in fact, is disabling perhaps for one thing but not for so many others.

I liked your concept of the new humans and I think it is a concept that is a very dynamic and exciting one, and one which we all need to be very aware of. So, I thank you for a very compelling statement. But much more importantly than that, I thank you for the leadership you and your wife and those with whom you have been associated with through the years have given to this country and to all of its citizens.

Thank you.

Chairman DECONCINI. Thank you, Chairman Hoyer. Appreciate that. It couldn't be more deserving or better said.

Now we will turn to not a new human, but Ms. Heumann, who indeed has an outstanding record of her own, for her statement.

Chairman HOYER. A relatively new human. We want you to know that.

**TESTIMONY OF JUDY HEUMANN, ASSISTANT SECRETARY FOR  
SPECIAL EDUCATION AND REHABILITATIVE SERVICES, U.S.  
DEPARTMENT OF EDUCATION**

Secretary HEUMANN. When I ran for city council in Berkeley, my slogan was, "Another Human for Heumann."

Anyway, I'd really like to thank all of you for having allowed us the opportunity to come and speak with you. I've been involved in doing international work in the area of disability for more than 20 years and it's really only been in the last few years that the Congress has had an interest in even listening to the comments that we have been making. It has really been an embarrassment for me for many, many years to have to be traveling abroad and to see



how other governments have been taking a very proactive position both financially and in assuring that disabled people are a part of the deliberations, and, to see our country not having taken an up front, visible role. So I think you'll see a similarity in all our statements because the handful of us who have remained active and hoping that the Congress would follow us have had a lot of time to speak to each other; I think our views are really very similar.

I, of course, would like to say that I admire very dearly Justin Dart, who has been a very dear mentor and friend, and a very strong leader in this country. His words are, as usual, right on target.

I was fascinated to read recently that Paul Goma, one of Romania's leading writers, who was forced to flee that country after his 1977 petition protesting the regime then in place, has just gotten to know the three blind Rumanians who had also signed that petition at great personal risk. Goma only learned of their experience through our Radio Free Europe broadcasts.

We know from Vaclav Havel, President of the Czech Republic, who spent years of exile in the USA, that many Eastern and Central Europeans found the opening to press for human rights only after the Helsinki Accord gave them a platform to do so. By spelling out in one of its ten principles that the participating countries will respect human rights and fundamental freedoms, this document became a beacon for millions.

Disabled individuals have often joined in the human and civil rights struggles of oppressed groups and minorities, although history sometimes has not recorded our presence. That is why today I am honored to provide testimony about how disability rights, concepts and practices can contribute to the process now underway to review the Helsinki agreements.

Many of the CSCE countries have heard about our Americans with Disabilities Act which you, Congressman Hoyer and other members, worked so hard to adopt in a model of bipartisan efforts. The disability leadership of these countries want information and technical assistance in addressing similar problems.

We need to make our experience in developing strong U.S. legislation and policies available as an extension of our own foreign policy. We need to align our foreign policy objectives with our domestic policies in the disability field. We should be supporting international exchanges of policy makers, legislators, educators, disability leaders and labor leaders. These exchanges would assist those CSCE countries who are just beginning to develop laws and policies for individuals with disabilities to avoid some of our costlier mistakes. We now know, for example, that it is economic folly to maintain people in costly institutions, wasting millions of dollars and lives. We know this also perpetuates second class citizenship. We know that the better an educated person is, the better opportunities they have in being able to obtain employment. We believe they need the same sort of legislative platform as the U.S. has accomplished to enable them to make the same kind of gains.

I'd also like to say that I think one of the important roles that all of you as members can play, and I really would encourage you not to minimize this, is to be able to have exchanges with your peers in other countries because I have found that one of the big-

gest gaps has been that elected representatives in other countries have not had the opportunity to talk to elected representatives in our country to be able to sit down and discuss some of the issues of concern that you had when you were grappling with legislation like the Americans with Disabilities Act, and to be able to retrospectively talk about what your fears were, how the legislation was developed and, in reality, what's actually happened.

I think there's nothing that can replace an elected representative able to have these discussions with other legislators. Advocates unfortunately are too frequently seen as just being advocates and having an agenda that is not necessarily in the best interest of the country.

Around the world, legislation establishing the rights of citizens with disabilities is being debated and adopted. Through U.S. initiatives and 17 years of effort with the Organization of Economic Cooperation and Development, several of OECD's member states have adopted laws or policies providing equal access to education for disabled children and youth. This summer a clause was added to the new German constitution stating that, "No one shall be discriminated against because of a disability," after intervention by Chancellor Kohl.

This spring, an American disability rights team went to New Zealand and Australia to advise on implementation of its human rights laws which is inclusive for disabled people. We also know that new comprehensive disability and rehabilitation legislation is being developed in Hungary, the United Kingdom and India and was recently enacted in Australia, Russia, Sweden, Austria and the Czech Republic. In each case, disability groups had been in touch with their U.S. counterparts. This is because of our international reputation as a leader in laws and policies, affirming the equal access of disabled citizens to society's structures and services.

Disabled people in this country frequently talk about the fact that there is really no country yet that has comprehensive policies which will assure disabled people equal access to all opportunities in society, but see ourselves within the United States as really being the leaders in the civil rights and human rights movement, particularly in the area of disability.

At the same time, many new groups of disabled people are being formed throughout the CSCE "emerging democracies." In some cases, I am glad to report they are receiving modest U.S. technical assistance in developing disability rights and independent living approaches. In other cases, they are receiving support from the older European democracies. Most, however, are working in isolation and could benefit greatly from broader CSCE initiatives to provide support and exchange of experience.

I believe that what the U.S. has to offer the CSCE states is our substantial experience of the last decades in creating the building blocks of equal access. We all know about the passage of the Rehabilitation Act and the importance of Title V, Section 501, 2, 3, 4, which are really not similarly found in many other countries. Access to education in the least restrictive environment with most inclusive settings for disabled children as a result of the Individuals with Disabilities Education Act. I think as you review the educational laws in other countries, you'll see that our legislation is

really much more forthright and is resulting in disabled children in many cases receiving a better education.

U.S. citizens with disabilities also have better access to rehabilitation and independent living services afforded by the Rehabilitation Act of 1973. The rehab programs that we have in this country are not found in many other countries. I think from an employment perspective we have a lot to offer the world.

Architectural barrier laws and the Americans with Disabilities Act have committed the U.S. to a time table to make its structures and transport systems accessible and to prevent discrimination against disabled Americans trying to enter the work force. Federal and state monitoring and compliance mechanisms make sure that these laws impact on the everyday realities of the estimated 49 million Americans with disabilities and their families.

Hundreds of thousands of Americans with disabilities have formed coalitions and networks to press for key laws and participation in their drafting. Because disabled Americans and their supporters in Congress—many of whom are here today—worked together on these laws, they reflect the National consensus on the necessary building blocks of disability policy.

I believe that the U.S. disability community has demonstrated that with the supportive laws and policies that encourage our active engagement in society, we have become productive contributors to the economy and the overall American culture. A recent longitudinal study produced in my Office of Special Education has shown that the longer disabled youths remain in school, the more likely it is that they will become employed and have greater earning power. We need to share these experiences with some other of the CSCE countries that are still discouraging disabled children from attending school at all or are isolating them from their peer groups in segregated settings.

We need to pull together the lessons we have learned in this country about how to reduce financial and physical dependency of disabled populations by supporting independence and productivity.

Our tool for sharing our accomplishments is contained in the philosophies which govern the crafting of the Individual With Disabilities Education Act, the Rehabilitation Act, and so forth. We need to extend this domestic policy into the international arena through foreign policy, making sure that we export the philosophy and best practices in disability rights and independent living. This means our foreign aid dollars, for example should go towards building accessible not inaccessible structures and our technical assistance and bilateral aid should be inclusive of disabled persons. Foreign disability policy should reflect the American way.

The U.S. disability community can also learn from many of the CSCE states. For example, some regions of Italy have succeeded in creating a higher degree of parental, teacher and community support for integrated education for disabled individuals than we have. The Italians and Germans are also showing some good results in employment of people with mental impairments, working with small companies with a long-term social commitment. Sweden has just adopted major legislation establishing personal assistance services or attendant services as a right for all who need them, as has Finland. The trend is Scandinavia, led by Denmark, is to rede-

sign such services around the need of consumers rather than service-providing agencies. We have reports that in Germany 80 percent of disabled persons who undergo vocational training obtain appropriate jobs. The British have for more than 20 years experience in applying their mobility benefits to the purchase of adaptive cars. We need to study these and other approaches in order to stay current with new developments.

I would like to recommend that to formalize and increase this information exchange among CSCE states, the review meetings which will take place in Budapest include a discussion of the parameters and definition of disability rights, as well as an exchange of practical information about domestic and international disability policies. This process should be supported by the international exchange of leaders, as mentioned earlier, to enable CSCE countries to send their disability leaders to study what we have accomplished and to enable our disability leadership to provide technical assistance in the countries that request it. Our foreign assistance and development dollars should support this important technical exchange of expertise.

Secondly, I would like the U.S. to support the initiative of the Finnish disability organizations which are proposing to the CSCE that the observable progress of some disabled populations towards obtaining rights and opportunities be studied as examples of how these advances can be encouraged in all member states.

In closing, I would like to say that we are often closer in spirit and outlook to many of the Helsinki Accord partners than it appears. For example, a Russian film on disability has just won UNESCO's Silver Prize. Called, "Invalid," with intended irony, the film portrays the story of a disabled man who was told by his doctors that he was, "more suited to a scientific experiment than a normal life." The man turns to the camera, introduces his wife, and proudly describes his work as a repairman.

The lesson I see here is that if we can achieve this much in spite of the low expectations of many societies, think what we can contribute when our countries begin to expect us to learn, earn, create, and produce to the same degree as non-disabled citizens.

Thank you.

Chairman DECONCINI. Thank you, Secretary Heumann. I appreciate that very, very fine statement.

Let me just ask a couple questions and then we'll proceed with other members.

Mr. Dart, in your very fine statement you get to the crux of the problem in a most—not unique way but a most dramatic way when you say don't ask the question or it's the wrong question about what does it cost. I understand what you said and I understand that some things you should not weigh in the cost of dollars because of the human involvement and the benefits that can be derived at. But in Congress, we have to, at least I have always had to, deal with the cost, with the real question of cost.

The question then comes to my mind is how can developing states whose resources are strained, providing even general services to their people and whose human rights records may or may not be very good and are probably poor be encouraged to protect the rights and to provide services for persons with disabilities?

Mr. DART. I believe that one way we could do that is to have some very modest funding to send some of our great disability rights leaders in this country to those countries to deal directly with people with disabilities and to encourage them to become advocates and to help them to empower themselves. One of our great leaders, Ralf Hotchkiss, goes to developing countries and he does not give people wheelchairs, he teaches them how to make wheelchairs with their own resources and to sell them. He sets up industries that pay for themselves and that make wheelchairs that those people can afford to make, that they have the resources to make, and they become empowered to solve their own problems.

Now, I would submit this to you, Mr. Chairman. The reason under developed countries are under developed countries is because they do not empower their people to be productive. When we are helping them to empower people with disabilities to be productive, we are helping them to get off on the right foot towards prosperity and productivity. Those nations could avoid a lot of the problems that we in the developed nations have made in our experiments with paternalism and welfare, by starting off right. I think what we ask them to do is not to spend vast amounts of money doing things that we do here in America, but to take the resources that they have to empower their people, and to inject part of those resources in empowering people with disabilities because that's going to save them money in the long run.

Chairman DECONCINI. Thank you.

Yes, Ms. Heumann?

Secretary HEUMANN. I appreciate very much your honesty in asking the question and I'd like to make a couple of comments on this.

One, I think particularly in developing countries they have no money to waste. So, in things like the design and construction of new buildings, I think it is the right approach to say that in new construction the dollars must be used for including accessibility-related issues. We know from our studies here and abroad it does not cost a great deal more money to build a new accessible building. It does cost great deal of money to have to go back and then renovate it.

I think also that as far as our aid is concerned——

Chairman HOYER. Judy, excuse me.

The Speaker's office is calling me and I have to go over to the Speaker's office. I apologize, Mr. Chairman. We have some issues that are related to another bill, our bill, that I have to deal with today.

I apologize for leaving. But I want you to know that both Senator DeConcini and I, and I know Mr. Smith, believe this is a critical issue for CSCE. We wanted to have this hearing in order to start this ball rolling. I thank you for your comments. I probably won't get back because I've got a feeling this is going to take a little longer than I would like, but I apologize for having to leave. But thank you for your leadership.

Secretary HEUMANN. Thank you.

I also think that we shouldn't look at dollars as always having to be new dollars. We spend a lot of money in foreign aid. Most of those dollars right now are not addressing issues affecting disabled individuals. There is no reason why some of the existing dollars

cannot address issues affecting disabled individuals. If dollars are being spent on agriculture, if dollars are being spent on education, whatever the particular area may be, if the needs of disabled individuals are taking into consideration under the broad framework, that's not new dollars.

I think in relationship to our interest of developing a seamless system where disabled people are becoming an integrated part of society, this is a wise way of looking at our expenditure of dollars.

Chairman DECONCINI. Ms. Heumann, you mentioned in your statement, and I should know this but I don't, I'm embarrassed, that there are—that you've been embarrassed that the United States is behind the curve. What countries have been the leaders?

Secretary HEUMANN. Canada, Japan, England, all the Scandinavian countries have really been—France, Germany—

Chairman DECONCINI. Far ahead of the United States?

Secretary HEUMANN. Yes in developing disability leadership, Japan has had a very interesting program where they have, with government money, been paying for a disabled individual in SCAP for about 6 or 7 years now, providing direct technical assistance in the Asian communities. The other countries, the governments have been putting money both into the development of disability rights organizations within their own countries as well as providing funding to other countries. In some of these countries, the disability organizations are directly involved in the selection of the organizations in other countries that are going to receive money. They've been directly involved in foreign aid development plans of how to distribute the dollars. They've been supported to go overseas and provide technical assistance to developing disability rights organizations. Money has been utilized to bring people into their own countries. But I think what you'll see in Paul Silva's statement, a report that came out from the GAO a few years ago, our dollars have been hit and miss. They haven't been coordinated. I think we've done much less than we should be doing given our standing in the international arena.

Chairman DECONCINI. Thank you.

Mr. Smith?

Mr. SMITH. Thank you very much, Mr. Chairman.

I want to join my colleagues in saying how grateful we are for that very, very eloquent testimony.

You know, I get around to a number of our embassies around the world and to foreign governments, most recently in South America and in Cairo within the last two months, both areas. I find whenever I ask questions—you know, if you bring up disabled persons, it is often seen as a luxury rather than a necessity. I think there is a missed vision that by integrating the handicapped and disabled persons into your whole approach, society is the net winner, the individuals absolutely are the net winners, but society itself will be a net winner as well. Rather than seen as something that the rich countries can do because they can afford it, I think we need to shatter that myth that developing countries have to wait until they achieve a certain plateau before embarking on that.

I think all of us, Mr. Chairman, that I serve as Ranking Member on the Western Hemisphere Subcommittee, I need to do more and I think we all need to do more and encourage our own State De-

partment and foreign governments, member to member, as was mentioned earlier, that talking to other parliamentarians is very useful to have that sensitivity. I think this hearing helps me and I think all of us to be more persuaded to go out and do that and not just talk about it.

If you could answer just a couple of questions. One would be with regards to how United States firms might be helpful in not discriminating against the handicapped where they employ nationals in other nations, but how they might also be more proactive.

Secondly, I led a delegation to China in January on behalf of human rights. I've been working human rights and pushing human rights in China for each of the 14 years that I've been in Congress. One of the areas has been in the area of coercion, population control. Since 1988 there has been a shameless policy aggressively pushed in a number of the provinces in China, eugenics laws, harkening back to the Nazi era where certain people were deemed to be undesirable, unwanted and therefore expendable and throw-aways. It has gained such popularity in the PRC that a draft eugenics law in December, as I know you know, was considered. Because of some of the outcry that was received, it was shelved. But it nevertheless is being promoted at the province level because, again, people who are disabled are seen as a burden rather than a blessing.

The net result there is that many children are being killed by forced abortion. Parents are being sterilized against their will. It fits into the larger picture of the one child per couple policy pushed by that government. But this is a very cruel form, I think, of discrimination against disabled persons, in this case the child in the womb or the mother to be who will never be because of a coerced government sterilization.

If you could perhaps address both of those issues, how U.S. corporations could be admonished, pushed, cajoled into being more proactive, what we could do perhaps, and then secondly on this issue of the eugenics law. That law is not, even though it has been quietly shelved for the time being by the Congress of China, which is obviously a rubber stamp of the ruling dictatorship there, at the provincial level it is very much being embraced and expanded upon because it does work. There are fewer handicapped and disabled persons in many of these provinces because they are simply getting rid of the children, which I think is very cruel.

Mr. Dart, if you might want to start, or Ms. Heumann?

Mr. DART. I think that we have to urge business to take leadership for disability rights and empowerment in foreign countries and to give them recognition when they do it. In this country, there are many business firms that give magnificent leadership for the rights and empowerment of people with disabilities. One has the impression that they perhaps do not give it the same push in foreign countries. But we do need to have a much greater emphasis on that. They need to understand that, as Judy pointed out, they need to build accessible facilities in foreign countries even though they may not have a disability rights act. They need to pursue vigorous action to employ people with disabilities, even though that may not be required or encouraged by the law there.

I think we need to recognize in our overall approach to foreign policy, as we have in domestic policy, that social change comes about always more by the advocacy and action of business and private citizens than it does by government.

Secretary HEUMANN. I think it would be good for us to ask some of our companies that are working overseas in fact what they're doing in this area. I would suspect that some of the better companies already are transferring their good policies in country overseas. It would, however, be very revealing to ascertain that information.

I know that in many of the European countries are "quota" systems in the area of disability hiring, and that the disabled people there are pretty unsatisfied with it. We've stayed away from quota systems here and I think that's been very beneficial. The way the quota systems operate in many of these countries: they have to hire X percentage or pay a fee. The fee then goes into a fund. The reality is that it's a very broad definition of disability; it may in fact cover people that we would never cover here in that limited percentage. Also, there's no requirement in those countries that the individuals actually be at a regular work site. So, when you'll visit some countries, you'll see X company that has like a sheltered workshop; they're hiring some disabled individuals and it goes towards their quota hiring, but they are excluding these persons from social contact with non-disabled persons.

I think we have good experience, as Justin was saying, through the President's Committee of model companies and I think we could also look at doing some exchanges where we could facilitate employers from both our country and in European countries. Regardless of the country in Europe, I think we have a lot to share. So, I think that would be a wonderful way of allowing us again to put our best foot forward, allowing companies to see how our laws work, how they can work effectively, how the laws effectively addresses issues of diversity.

On your second question regarding China, I'd like to say that obviously my concern with the Chinese policy is that a woman should have a right to choose whether or not she wishes to have an abortion. There has been great concern in this country within the disability community and other countries about the policy that China has developed in relationship to mandatory abortion and also sterilization of disabled women—not allowing them to subsequently have children. So, the issue of human rights—or disability rights—is something that we're aware of and I think it's an issue that needs to be addressed.

There has also been a lot of concern, for example, in what's been going on within Germany, the government not taking a strong enough position in relationship to the attacks against disabled individuals. So, I think this issue really carries across all nations; I think our position in this country of respecting all life is very valuable.

Mr. SMITH. If I could just follow-up briefly on the—if I may, Mr. Chairman, on the issue of the companies. Perhaps we need—and this is something I will pursue myself—to not just have the human rights people within our embassies deal with the issue, but most importantly I think get the people working in Commerce and those



who are dealing with the business community to make it part of their portfolio. So, it's not an adjunct or an add-on, it's something that's added in a dialogue with some foreign ministry or some other person that, "Oh, by the way, we're also concerned about disability rights." It's something that has to be absolutely mainstreamed into the business dialogue. I think that's something we should really pursue. I'm in agreement there.

We do have a disagreement on the right to life, I think, of the unborn. I happen to believe that they are precious and birth is an event that happens to all of us and they ought to be afforded a universal protection.

But that having been said, China is a case where it goes so far beyond that with this emphasis on coercion and this government-imposed policy of weeding out, as the Post put it, and as China plans to restrict, "inferior births." The audacity of a government to say that people, because of a disability, are not entitled to life is frightening and it calls forth, I think, every bit of outrage that we can express in any fora, in any way possible because that again is reminiscent of what happened in the Nazi experience when people were deemed undesirable, useless eaters and all the other things that led to their destruction in that country.

Thank you very much.

Chairman DECONCINI. Thank you, Mr. Smith, and thank you very much for your fine, fine testimony. We'll go to the next panel now.

Our next panel will be Charles Henry, Director of the Office of External Affairs, United States Department of State Bureau on Democracy, Human Rights and Labor. His bureau reports on disability rights issues in the annual human rights country reports. Mr. Henry, a civil liberties expert, has held teaching positions at four prominent universities. He's served as Chair of the Amnesty International USA's Board of Directors and is a member of Amnesty International Executive Committee.

Also joining us is Paul Silva. He's a founding member of the National Coalition for Foreign Policy and Disabilities, which advises Congress on inclusion of disabled persons in the United States foreign assistance development programs. He is Overseas Operations Director of the Cooperative Association of States for Scholarships, Center for Intercultural Education and Development, Georgetown University. Mr. Silva has worked 20 years developing and managing rehabilitation, education and training programs in a dozen different countries.

So, we'll start with you, Doctor Henry.

**TESTIMONY OF DR. CHARLES HENRY, DIRECTOR OF THE OFFICE OF EXTERNAL AFFAIRS, U.S. DEPARTMENT OF STATE BUREAU ON DEMOCRACY, HUMAN RIGHTS AND LABOR**

Dr. HENRY. Thank you, Mr. Chair.

Mr. Chair, Assistant Secretary Shattuck sends his regrets that he's not able to be here, due to events in Haiti, to deliver this testimony personally.

Mr. Chairman and distinguished members, I'm pleased to appear before you today to address the subject of the rights of persons with disabilities. Specifically I am pleased to report on the additional

section we have added to our annual country reports on the rights of individuals with disabilities.

Mr. Chairman, for well over a century, American experts, advocates, organizations and programs have made major contributions toward the full participation of citizens with disabilities in this country and worldwide.

As early as the late 18th century, new European views on disability began to attract interest in the United States, especially in the areas of deafness and blindness. American professionals and advocacy groups began to participate in an international dialogue on disability issues. By 1864, Americans were taking the lead by establishing the first college for deaf students. It's located here in the Nation's capital, Gallaudet University.

Following the Civil War, the medical and surgical care of a whole generation of survivors became a national concern. However, well into this century the tendency was to develop care that was convenient for the caretakers.

In 1920, Congress passed the Vocational Rehabilitation Act establishing the Office of Vocational Rehabilitation. The United States began to play a more prominent international role. Outside the government, Rehabilitation International was founded in Elyria, Ohio in 1922. But the Great Depression severely eroded the funding available both at governmental and non-governmental levels. It was not until the close of World War II that interest in rehabilitation programs was renewed. Returning veterans with disabilities sparked a resurgence of activity and led to President's Truman's establishment of the President's Committee on the Employment of the Physically Handicapped.

Mr. Chairman, with the United States' emergence as a center of new rehabilitation initiatives in the 1950's, the United States government, through the Marshall Plan and Fulbright scholarship program, allowed a number of experts in various disability fields to study in this country. The tremendous nationwide fervor created by the Civil Rights Movement in the 1960's paved the way for a new disability rights movement in the 1970's. Along with a host of new disability rights organizations, the United Nations began to raise the consciousness of the international community.

In 1971 the General Assembly adopted the "Declaration on the Rights of Mentally Retarded Persons." This declaration was followed by a "Declaration on the Rights of Disabled Persons" adopted by the General Assembly in 1975. This Declaration defines the term "disabled person" to mean "any person unable to ensure by himself or herself, wholly or partly, the necessities of a normal individual and/or social life as a result of deficiency, either congenital or not, in his or her physical or mental capabilities." The Declaration proclaims that people with disabilities have the same civil and political rights as other citizens.

Following quickly after the Declaration, the General Assembly proclaimed 1981 as the "International Year of Disabled Persons," which led to the World Program of Action Concerning Disabled Persons in 1982.

Finally, the United Nations Decade of Disabled Persons (1983-1992) served to ensure full participation and equality in society for all persons with disabilities.

Mr. Chairman, the United States has been a full and energetic participant in all of these international efforts to guarantee the rights of persons with disabilities. In fact, under President Clinton, the United States has worked more closely than ever with multilateral organizations to foster worldwide cooperation on this issue. In June 1993, the World Conference on Human Rights in Vienna adopted a program of action which reaffirmed that "all human rights and fundamental freedoms are universal and thus unreservedly include persons with disabilities." The 48th General Assembly adopted four resolutions concerning international plans and programs of action on disability. These resolutions, which the United States strongly supported, accomplished the dual goals of promoting the full participation of persons with disabilities in society and urging the United Nations to reform and streamline its efforts in this field.

This year, at preparatory committee meetings of the World Summit for Social Development, the United States joined other countries in supporting language in the Summit's draft documents that would lead to concrete measures empowering all people, including specific reference to people with disabilities, to be full participants in political, social and economic life.

Your Commission, of course, is familiar with U.S. efforts to include the right of persons with disabilities in the broad human dimension of CSCE. At the 1991 Moscow meeting of the CSCE, the United States delegation led the effort to adopt for the first time a commitment ensuring protection of the human rights of persons with disabilities. We recognize the leading role that you and members of your staff who served on the delegation played in that effort.

Mr. Chairman, under your leadership, along with that of Senators Dole and D'Amato, the United States included an examination of discrimination against people with disabilities in its annual Country Reports for the first time in 1993. Section 5 is now entitled "Discrimination Based on Race, Sex, Religion, Disabilities, Language or Social Status."

Every report must indicate the extent to which persons with disabilities are subject to discrimination in employment, education and provision of other state services. Reports must also indicate whether governments have enacted legislation or otherwise mandated provision of accessibility for persons with disabilities.

This addition effectively extends our commitment to equality of opportunity and full inclusion of persons with disabilities into the international arena. The reporting ranges from Afghanistan to Zimbabwe. In the former country, many patients in Kabul's 600 bed Marastan home for people who were blind, destitute and mentally ill were abandoned by the staff as the stability of the country deteriorated. In the latter country, the government passed a Disabled Persons Act in April that specifically prohibits discrimination against people with disabilities in employment, admission to public places or provision of services.

With regard to Europe, several of the countries in Central and Eastern Europe have recently passed laws providing individuals with disabilities with access, but scarce resources make their implementation difficult. Much of Western Europe has passed legisla-

tion prohibiting discrimination against persons with disabilities and providing for access to public buildings and transportation. However, the enforcement of such laws is often lax and the rights of persons with disabilities are not given high priority.

Mr. Chairman, the empowerment of persons with disabilities is part of a new approach in the field of human rights. The traditional approach emphasized legal rights, including the rights of individuals with disabilities. These rights are fundamental and our annual Country Reports document the continued discrimination against persons with disabilities across the globe. However, the movement to empower persons with disabilities has the larger goal of changing societal attitudes. It seeks to promote the inclusion of persons with disabilities in society as full and active contributors. The Americans with Disabilities Act of 1990, which many of your members supported, was a pioneering first step in achieving this objective.

Mr. Chairman, only by empowering persons with disabilities will we be able to end the abuses outlined in our 1993 Country Reports. Only by using the full capacities of the nearly 50 million citizens with disabilities in this country will our nation reach its full potential.

On a larger scale, the world cannot afford to ignore the talents of its estimated 500 million persons with disabilities. As President Clinton stated last year, "We've begun to shift disability policy in America," and I might add in the world, "away from dependence towards independence, away from paternalism and toward empowerment."

Thank you.

Chairman DECONCINI. Thank you very much, Dr. Henry. Mr. Silva?

**TESTIMONY OF PAUL SILVA, OVERSEAS OPERATIONS DIRECTOR OF THE COOPERATIVE ASSOCIATION OF STATES FOR SCHOLARSHIPS, CENTER FOR INTERCULTURAL EDUCATION AND DEVELOPMENT, GEORGETOWN UNIVERSITY**

Mr. SILVA. Mr. Chairman, I would like to thank you for the opportunity to be here today to speak on the issue of foreign policy and foreign assistance programs which promote rights for persons with disabilities.

The inclusion of disabled persons in U.S. foreign policy and foreign assistance policy and practice is one which, unfortunately until recently has largely been neglected and ignored. I would like to commend this Committee, as well as the distinguished members of the Senate, Senator Robert Dole of Kansas, Tom Harkin of Iowa, Paul Simon of Illinois, and Patrick Leahy of Vermont, for beginning the process for inclusion of disabled persons into U.S. foreign policy and foreign assistance programs. Likewise, I wish to congratulate the distinguished co-chairs of this Commission, you, Senator DeConcini and Representative Hoyer, for addressing the human rights disability issues facing our nation in the foreign policy arena.

I've organized my testimony around two salient issues. One, U.S. monitoring of the human rights of disabled persons; and, two, how

the U.S. monitoring of disability human rights requires a coordinated disability foreign assistance policy.

The U.N. estimates that fully one in ten persons in the world has a disability; a functional disability. Estimates from developing countries show the incidence to be higher and countries involved in current and past civil strife to be higher yet. In many of these countries, persons with physical and/or mental disabilities are subject to, and I quote from the State Department reports, "cruel, inhuman and degrading conditions." My personal experience is to have spent years in rural villages where I go into a house. There is a poster of JFK with the Alliance for Progress and there's someone chained into their back room. *It's commonplace.*

Monitoring human rights of disabled persons in both CSCE countries and developing countries is of great importance to the American public and the international community. By documenting these rights, it not only allows for public recognition of the rights of disabled persons in developing countries, but also allows for U.S. foreign assistance policymakers to monitor and design country-appropriate programs and projects empowering disabled persons such as we have so effectively done with women, children and other populations.

Two of the most common and disturbing findings of the State Department Country Reports are that in most developing countries, and I quote, "there are not constitutional or legal provisions for persons with physical or mental disabilities," and that, "disabled persons are impoverished, often forced by necessity into beggary."

However, there are signs of great progress; a move from the 1940's, 1950's, and 1960's "medical-welfare" conception of disability to one of civil rights and self-empowerment.

Thus, how can these human rights findings be addressed?

In 1991, the Nordic Council of Ministers for Nordic development cooperation from six Nordic countries ratified and received full support for the historic Hanaholm Resolution. This resolution established comprehensive national and regional policy for inclusion of disabled persons from developing countries in Nordic development efforts. These overall national development efforts, I might add, are anywhere from .62 percent to 1.3 percent of their GNP. This landmark resolution states that, "Disability issues should be a principal objective of the development cooperation policies of the Nordic countries in line with women, environment and democracy as well as human rights." It further states that, and I quote, "disabled-oriented development programs are part of the goal of the elimination of poverty in the Third World." I respectively have submitted a copy of this resolution with my written testimony.

In 1993 I had the opportunity to travel to Denmark to research the effectiveness of this resolution and the implications this could have for U.S. foreign assistance policies. My findings were that Denmark, Sweden, Norway, and Finland have each established effective and intensive foreign assistance programs empowering disabled persons in developing countries. They've established national foreign assistance development policy on disability.

In 1991, at the request of Senator Paul Simon, the Committee on Foreign Relations requested that the General Accounting Office investigate the U.S. foreign assistance role with disabled persons.

This report, as Judy Heumann had made reference to, "Foreign Assistance: Assistance to Disabled Persons in Developing Countries" states, "U.S. agency assistance has been sporadic rather than part of planned programs with specific objectives to target disabled persons." Although U.S. foreign assistance programs effectively fund projects in developing countries such as disability prevention and treatment through vaccination development and immunization delivery and, might I add, the Civilian War Victims Fund, U.S. AID officials reported that "the agency does not assign a specific priority to helping disabled persons through its development programs."

In 1986, I did an evaluation of the role of the Inter-American Foundation from their inception in 1973, I believe, to 1986. They had funded many disability projects, but they had no policy. It was a scatter gun approach.

The report further states that U.S. AID officials, both in field offices and in Washington, cited many examples of existing opportunities for integrating disabled persons into the ongoing development programs. Over the past 5 years, Congress has begun to take a visionary role in attempting to include disabled persons in U.S. foreign assistance programs. Begun in 1989, the congressionally mandated Civilian War Victims Fund, administered by U.S. AID and directed by Allan Randlov, received appropriations totaling \$25 million, over 5 years and has operated in 13 countries. The United States Information Agency has been urged to increase its involvement with disability exchange programs between disabled leaders.

In 1992 and 1993, the late Jim Sweeney, a staffer of Senator Harkin, worked tirelessly to pass Foreign Operations Appropriations language, reporting language urging U.S. AID to implement development programs empowering disabled persons through vocational technical education, business, assistive devices development and assistance to local disabled-directed NGOs. Unfortunately, specific monies to this end were not allocated, projects were not implemented and the intent of the Committee was not followed. The 1994 human rights Country Report findings subsequently show that disabled persons in developing countries continue to live in poverty without access to education, health services and opportunities to become contributors to their country's economy and society.

Through the grassroots efforts of the disability leadership community in the U.S., disabled Americans have organized to promote the inclusion of disabled persons in U.S. foreign policy and foreign assistance programs. I'd like to add that this was the impetus in the Nordic countries as well. In '94, after years of individually promoting disabled-directed development projects, disabled American leaders such as Ed Roberts and Judy Heumann, co-founders of the World Institute on Disability; Mr. Bruce Curtis, international disability activist; Susan Sygall, founder of Mobility International USA; Robert Betts of UNLV; Todd Groves on the World Institute on Disability; and Jeannette Harvey of the University of San Francisco; and, of course, Mr. Justin Dart, as well as many others, organized to form the National Coalition on Foreign Policy and Disability. This volunteer ad hoc coalition was founded with the mission to ensure that current U.S. efforts to create a new foreign assistance act as follow-up to the Alliance for Progress clearly includes

language that affirms the inclusion of persons with disabilities in U.S. foreign assistance policy and programs.

In the arena of international aid and development, there is already a strong precedent for redesigning programs to reflect basic human rights. In the early 1970's, women were rarely considered or included in U.S. foreign assistance policy or programs. The addition of the Percy Amendment to the Foreign Assistance Act in 1973 made a review of the impact of new programs on women a requirement of all foreign assistance programs. Our international programs now reflect our domestic policy on gender equity and promote a fuller participation of members of our great society. We of the National Coalition on Foreign Policy and Disability suggest a similar approach be taken for inclusion of persons with disabilities, especially women with disabilities.

With the passage of the recent Americans with Disabilities Act, we as a nation have clearly set forth our belief that in a democracy every individual is entitled to full participation in society. I believe that our nation's human rights and foreign assistance activities overseas should reflect and be consistent with the laws and the ideals that we cherish at home.

Thank you, Mr. Chairman.

Chairman DECONCINI. Mr. Silva, thank you, and Dr. Henry, thank you for the very fine statement, very comprehensive and complex subject matter in some detail.

Let me pose the same question I did to Secretary Heumann on dealing with developing countries whose resources are strained and just to provide the general services and whose human rights records are awful and dismal as well. How do we encourage them to protect the rights of and provide services for their disabled? Do you care to start, Mr. Silva?

Mr. SILVA. I concur with Assistant Secretary Heumann's point supporting communication between parliamentarians and members of our Congress. In addition to that, our country has foreign assistance has many programs which currently exist and don't have to be added on rather they need to integrate persons with disabilities. I will cite the example of the Czech Republic. Georgetown University, with U.S. AID funds approved by Congress, brought over the new Secretary for Special Education of the Czech Republic. Vaclav Havel wanted to redesign the entire special education program for that nation. That individual came over as part of an existing program, studied here in the United States for 2 years, interned with Judy Heumann and has gone back to his country and is utilizing that "person-to-person experience" for redesigning the special education system of the Czech Republic.

Sixty-eight deaf, young, economically disadvantaged people from Central America have studied in a rural campus in Pennsylvania and also in Florida. The 68 people have all gone back to their countries. We have 88 percent incountry employment of these deaf individuals. Two are presidents of their national deaf associations.

Chairman DECONCINI. So they're not costly programs?

Mr. SILVA. It's not costing additional monies for the programs. Additionally, the Central American Parliament 2 years ago passed a proclamation urging foreign assistance programs and their own countries to focus on persons with disabilities. The ex-president of

Honduras sent us a letter urging the very same. I think the countries are getting the message and I think we need to continue with integrating disability into existing programs. We don't have to start anything new.

Chairman DECONCINI. Doctor Henry, you have any suggestions or comments?

Dr. HENRY. Well, I would just make three brief comments. One, of course, as was said by our previous panelists, preventive programs are often less costly than after-the-fact kinds of programs that might require expensive services. Things like immunization, and so forth, are extremely important.

Secondly, warehousing, as was done for so many years, is an expensive proposition whereas involving people as productive members of society, contributes to the development of that society.

Finally, as I'm sure you're aware, in 1993 at the World Conference in Vienna, the United States for the first time took a position on the right to development. That right to development stressed the right of each individual to reach his or her full potential and didn't focus on the right of a government or a state.

Certainly that notion leads to the kinds of empowerment we're talking about where people have a right to education, a right to access equal opportunity and the other component of that is, of course, the emphasis on democracy. Those persons in developing countries need to hold their officials accountable. As Justin Dart stated, the real engine for progress in the area of disability, as it is in almost every other area, is the individual citizen, is private action. Democracy can and must play a role in empowering those persons with disability.

Chairman DECONCINI. By pushing democracy, you think that will give some of these Third World countries more exposure to the individual rights which includes disability, of course.

Doctor Henry, will the United States delegation to the upcoming CSCE review conference in Budapest push for increased commitments to protect the right of disabled?

Dr. HENRY. I wouldn't be in a position to give you an answer on that at this time. I could certainly get back to you. I've not been in communication with any of the participants that will be going to that conference.

Chairman DECONCINI. I would like to know if you could help us with that just to see what is on the agenda, if anything.

Gentlemen, thank you very much for your testimony. I have the Intelligence Committee to go to at 3:30 and I could spend considerably more time. But your statements have been most helpful and most explicit and detailed. So, we appreciate it very much.

The Commission will stand in recess.

[Whereupon, at 3:23 p.m., the meeting was concluded.]



## APPENDIX

COMMISSION ON  
SECURITY AND COOPERATION IN EUROPE237 FORD HOUSE OFFICE BUILDING  
WASHINGTON, DC 20515

(202) 225-1901

Statement of: DENNIS DeCONCINI

Chairman: Commission on Security and Cooperation in Europe

Hearing on:

**Disability Rights and U.S. Foreign Policy**  
September 21, 1994

I would like to welcome our distinguished guests to this Helsinki Commission hearing examining disability rights as they pertain to U.S. human rights policy and foreign assistance issues. The United States has for decades played a leading role in promoting human rights and democracy around the globe. Yet not until recently have we directly addressed the rights of persons with disabilities in an international context -- despite there being an estimated 500 million persons with disabilities worldwide. We must aggressively work to ensure that the unlimited potential of half-a-billion people is not underestimated in the future. The rights and opportunities of these people must be protected and promoted just as are the rights of any person who might face discrimination for whatever reason.

With passage of the American with Disabilities Act of 1990, the United States government established new legal standards to ensure unprecedented equality of opportunity to people with disabilities in this country. At the 1991 Moscow CSCE meeting, the U.S. delegation, which included our co-chairman Steny Hoyer, successfully developed language to promote and protect the rights of persons with disabilities. The Moscow document, adhered to by 53 participating states, was the first such CSCE commitment in this area. In 1993, the "Disability Rights in American Foreign Policy Act" was introduced in the House and Senate to require the Secretary of State to include an examination of discrimination against people with disabilities in the annual report on human rights.

The task before us today, however, is to move beyond these initial steps intended to expand existing international human rights protections to include people with disabilities. The more meaningful challenge facing policymakers lies ultimately in efforts to create -- through international cooperation, education and technical assistance -- a fundamental change in attitude towards persons with disabilities. We must begin to incorporate into our foreign assistance and democracy building efforts programs which not only aid persons with disabilities, but which encourage governments to allow them to contribute to their societies worldwide. While we still have a distance to go here in the U.S., we have made significant progress in the last two decades and we should share both the good and bad lessons we have learned in this endeavor with other governments.

Our witnesses today are uniquely qualified to speak on policies at home and abroad which address the rights of persons with disabilities. We hope to learn from them what further steps need to be taken so that our foreign policy and human rights policy reflect the better aspects of our domestic policy with regard to persons with disabilities.

COMMISSION ON  
SECURITY AND COOPERATION IN EUROPE

237 FORD HOUSE OFFICE BUILDING  
WASHINGTON, DC 20515

(202) 225-1901

Statement of: STENY H. HOYER  
Co-Chairman: Commission on Security and Cooperation in Europe

Hearing on:  
**Disability Rights and U.S. Foreign Policy**  
September 21, 1994

I am pleased and honored to be here today among our distinguished guests and audience members to examine an issue that has long been near and dear to me. Today, the Helsinki Commission will examine disability rights in the context of U.S. foreign policy, foreign assistance and human rights policy. We aim to: reaffirm our nation's commitment to the rights of all people; reiterate our belief that respect for the rights of the disabled is an important component of our government's human rights policy; and establish that the rights of the disabled should be an important part of our human rights and foreign policy dialogue with other nations.

As Co-chairman of the Commission on Security and Cooperation in Europe, I have witnessed first-hand how international attention and concern can speed the promotion and protection of human rights. The CSCE process, by setting human rights standards and commitments for all persons or groups who face discrimination, has been instrumental in helping focus both governmental and nongovernmental efforts on improving the lives of countless people.

At the CSCE Moscow meeting in 1991, I advocated the establishment of CSCE commitments on the human rights of persons with disabilities. For the first time in CSCE history, the participating states agreed to take steps to ensure the equal opportunity of persons with disabilities to participate fully in the life of their society. They agreed to promote the appropriate participation of all such persons in decision-making on issues concerning them, and to encourage favorable conditions for the access of persons with disabilities to public buildings and services, housing, transportation and cultural and recreational activities. The CSCE states also agreed to encourage services and training of social workers for the vocational and social rehabilitation of persons with disabilities. Commitments like these, now an established component of CSCE human rights standards, can be an important yardstick against which to measure performance. And it is critical that we use that yardstick on a constant and regular basis in our dealings with other states. The rights of the disabled must and should be an important aspect of U.S. human rights dialogue with other nations.

This hearing offers the opportunity to make a positive contribution to the cause of human rights around the world, one that concerns not only the 500 million individuals with disabilities, but every single member of society. Prohibiting discrimination and promoting inclusion are practices that certainly benefit us all.

**Senator Bob Dole**

**Testimony Before a Hearing of the  
Commission on Security and Cooperation in Europe  
Regarding  
The Human Rights of People with Disabilities in  
American Foreign Policy**

**September 21, 1994**

**2200 Rayburn House Office Building  
Washington, D.C.**

Mr. Chairman and Mr. Co-Chairman, I appreciate the opportunity to submit this testimony for the record to the Commission's hearing on the human rights of people with disabilities. I commend the Commission for its initiative in holding this hearing, which is of course its first hearing on this topic.

As Commission members may know, last year I introduced a bill to require the State Department to report on discrimination against people with disabilities. I will discuss that bill shortly, but first will begin with some brief historical remarks about Nazi crimes against the disabled.

#### **Nazi Crimes Against the Disabled**

Mr. Chairman, throughout this hearing let us remember the hundreds of thousands of people with disabilities killed by the Nazis in Germany and the occupied countries. Fifty-five years ago this month, in September 1939, Adolf Hitler signed a secret order authorizing Aktion T-4, a systematic program of killing of people with disabilities. Although Hitler rescinded that order in 1941 under considerable pressure, particularly from churches, the program in fact continued until the end of World War II.

As described by the author and historian Hugh Gallagher, Aktion T-4 was the Nazis's first effort at mass killing, and was the prototype for the Holocaust and other atrocities.

The killing of people with disabilities by the Nazis was justified with phrases like "final medical assistance" and "natural selection." But it was simply murder committed with an

utter disregard for the worth of people with disabilities.

**American Leadership in Human Rights**

With its scope and government sanction and organization, the Nazi T-4 program was perhaps history's most egregious violation of the human rights of people with disabilities.

But, frankly, we know little about the human rights situation of people with disabilities today. In my view, as a nation that has been a pioneer in promoting the dignity of its own citizens with disabilities, we have a special obligation to assume leadership in this area.

Indeed, just as American leadership of the Allies defeated Germany and the other Axis Powers, American leadership after World War II led to the first international accords on human rights, including the United Nations Charter in 1945 and the Universal Declaration of Human Rights in 1948, to help prevent tragedies such as the Holocaust from happening again.

Although these agreements and others provide an essential foundation for respect for the human rights of people with disabilities, they tell us nothing about the actual human rights situation.

**Disability Rights in American Foreign Policy Act (S. 1256)**

To remedy this lack of information, in July 1993 I introduced a bill, the "Disability Rights in American Foreign Policy Act" (S. 1256), to instruct the Secretary of State to examine discrimination against people with disabilities in the State Department's annual Country Reports on Human Rights

Practices. Since 1977, the Country Reports have become an authoritative survey of human rights worldwide, closely read by other governments and human rights organizations.

I was very pleased that my bill quickly gained strong bipartisan support, across the political spectrum. I was also pleased that the Chairman of the this Commission was a co-sponsor of my bill in the Senate, and that the Co-Chairman introduced a corresponding bill in the House, again with bipartisan support.

Let me briefly describe my thinking in introducing S. 1256. First, I felt that Country Reports could provide the information we need about the human rights situation of people with disabilities that seems unavailable anywhere else. The experience and reporting system of the State Department on human rights is unique.

Second, I believed it was timely -- perhaps even overdue -- to examine how we might apply the principles of the Americans with Disabilities Act ("ADA") to our human rights policy. As Commission members surely know, ADA heralded a new approach to disability in our nation, by providing for the first time a clear, comprehensive national mandate for the elimination of discrimination against people with disabilities and for a national disability policy based on the positive values of equality of opportunity and full participation.

As I said in my floor statement introducing S. 1256, "America's greatest export has been its concept of human rights. Let us continue that tradition with this bill."

Fortunately, the Secretary of State was listening. Even before any legislative action, the Country Reports for 1993 included for the first time a short section on the status of people with disabilities in 190 countries, from Afghanistan to Zimbabwe. Although as might be expected in the first year, individually the country reports are somewhat uneven, overall they are a very credible first effort.

Some accounts are disturbing. In one country, for example, infants born with birth defects are considered sorcerers, and sometimes killed at birth. However, the government of that country does punish such acts under criminal law.

But others are encouraging. Even in some low-income countries, there are real efforts at advocacy and opportunity.

And the Country Reports are a powerful reminder that the manufacture of disability, through war and civil strife, is sadly one of the world's growth industries.

I would like now to briefly describe some of the objections I encountered while drafting S. 1256. First, some wondered if it were even possible to report on the human rights of people with disabilities. The State Department has proven it is.

Others pointed out that attitudes or treatment of people with disabilities, their exclusion from social life, is really often a matter of cultural practices, and not a human rights issue. I disagree, and hope that argument has been discredited.

It was also implied that attention to people with disabilities is a luxury for low-income countries. Frankly, I

believe the need is probably greatest in such countries, who can ill afford potentially productive members of society forced into idleness.

In this regard, I am reminded of a conversation a member of my staff had with a cab driver here in Washington several years ago. The cab driver asked what the staff member did. He explained he worked on disability matters. The driver then told him that when he first arrived in the U.S. he did not understand curb cuts and other accommodations for the disabled, and thought they were another foolish whim of Americans. But now he feels quite different -- he was from Somalia, and as a result of their civil war thousands of people have acquired disabilities. He said the architecture of Somalia is almost wholly inaccessible, and this was a great problem and would need to be fixed.

In any case, the Country Reports now send the message around the world that the United States considers discrimination against people with disabilities a human rights issue and that people with disabilities are included in our human rights agenda.

#### **Future Directions**

Although we have made a good beginning with the Country Reports, there is much more work to be done. The United States needs to look at how well its support for programs of bilateral and multinational economic development include people with disabilities, and what kinds of assistance we can provide to other nations as they struggle to provide medical and rehabilitation services for their citizens.



Three years ago I joined with Senators Simon, Harkin, and Helms in adding amendments to a reauthorization of the Foreign Assistance Act that would provide for the first time a specific charter for aid to people with disabilities. That legislation never made it into law, but I intend to take up this matter again at an appropriate time.

In closing, let me note that Americans have never shied away from challenges. The fight for full participation by the world's 500-million people with disabilities is one we accept willingly and with enthusiasm, and I look forward to any recommendations the Commission might have in this regard.

# # #

[helsinki.ts6]

COMMISSION ON  
SECURITY AND COOPERATION IN EUROPE

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WASHINGTON, DC 20515

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Hearing on:

**Disability Rights and U.S. Foreign Policy**

September 21, 1994  
2200 Rayburn House Office Building

**WITNESS BIOGRAPHIES**

**JUDY E. HEUMANN** is Assistant Secretary for Special Education and Rehabilitative Services, U.S. Department of Education. Responsible for federal programs serving six million disabled persons, she oversees the Office of Special Education Programs, the Rehabilitation Services Administration and the National Institute on Disability and Rehabilitation Research. Ms. Heumann is a co-founder of the World Institute on Disability (WID), the world's first disability think-tank and served as its vice-president for ten years.

**CHARLES HENRY** is Director, Office of External Affairs, U.S. Department of State Bureau on Democracy, Human Rights and Labor. His bureau is responsible for reporting on disability rights issues in the annual human rights country reports. Mr. Henry, a civil liberties expert, has held teaching positions at four prominent universities. He has served as Chair of Amnesty International USA's Board of Directors and is a member of Amnesty's International Executive Committee.

**JUSTIN DART, JR.** is a recognized worldwide advocate of disability rights and has played a leading role in developing and advocating a national disability policy. Congress, five presidents and five governors have appointed him to positions which include Chairperson of the President's Committee on Employment of People with Disabilities (1989-93) and Chairperson of the Congressional Task Force on the Rights and Empowerment of Americans with Disabilities (1988-90). Mr. Dart has published and lectured widely and has represented the United States at various international fora on disability issues.

**PAUL SILVA** is a founding member of the National Coalition for Foreign Policy and Disability, which advises the Congress on drafting and implementing legislation to mandate the inclusion of disabled persons in U.S. foreign assistance development programs. He is Overseas Operation Director of the Cooperative Association of States for Scholarships, Center for Intercultural Education and Development, Georgetown University. A consultant to WID, the Inter-American Foundation, Appropriate Technology International, and others, Mr. Silva has worked 20 years in dozens of countries promoting rights of disabled persons and developing and managing rehabilitation, education and training programs.

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Remarks by Justin Dart, International Representative of the President's Committee on Employment of People with Disabilities before the Commission on Security and Cooperation in Europe hearing to examine U.S. foreign policy and foreign assistance programs which promote rights for people with disabilities, September 21, 1994.

CHAIRMAN DECONCINI, CHAIRMAN HOYER, DISTINGUISHED MEMBERS, I CONGRATULATE THE COMMISSION ON THIS HISTORIC HEARING TO INITIATE AN APPROPRIATE FOCUS ON DISABILITY RIGHTS IN U.S. FOREIGN POLICY. IT IS AN HONOR TO PARTICIPATE.

THANKS TO MANY PEOPLE IN THIS ROOM. AMERICA IS AT THE CUTTING EDGE OF DOMESTIC DISABILITY POLICY - PRODUCTIVITY ORIENTED REHABILITATION, INDEPENDENT LIVING, 504, 94-142, DEINSTITUTIONALIZATION, THE MAGNIFICENT ADA.

THE TIME HAS COME FOR THE UNITED STATES TO ESTABLISH A FOREIGN POLICY ON DISABILITY BASED ON THE PRINCIPLES OF ITS OUTSTANDING DOMESTIC POLICY.

THROUGHOUT ALL HISTORY WE WHO HAVE DISABILITIES HAVE BEEN TREATED AS SUBHUMANS. AT WORST, WE HAVE BEEN KILLED OR LEFT TO DIE AS BEGGAR-OUTCASTS. AT BEST WE HAVE BEEN SUBJECTED TO OPPRESSIVE PATERNALISM, OFTEN SEGREGATED IN PRISON-LIKE INSTITUTIONS OR BACK ROOMS.

THERE ARE STILL COUNTRIES WHERE CHILDREN WITH DISABILITIES ARE KILLED - LEGALLY.

EVEN IN AMERICA AFTER ADA, AND IN THOSE FEW OTHER NATIONS WITH AGGRESSIVE DISABILITY RIGHTS POLICIES, DISCRIMINATION REMAINS DEEPLY ROOTED IN ATTITUDE AND PRACTICE.

MY MOTHER AND MY BROTHER, TOOK THEIR OWN LIVES, AS A DIRECT

HEALTH CARE FOR ALL AMERICANS NOW

RESULT, I BELIEVE, OF THE PREJUDICE THEY FACED BECAUSE OF THEIR DISABILITIES.

MY BELOVED FOSTER DAUGHTER ETSUKO, A PERSON WITH CEREBRAL PALSY, WAS INCARCERATED FOR MANY YEARS, RAPED, PROSTITUTED AND DRIVEN TO PSYCHIATRIC DISABILITY AND ATTEMPTED SUICIDE, IN AN INSTITUTION IN THE RICHEST COUNTRY IN THE WORLD.

MORE THAN 500 MILLION PEOPLE WITH DISABILITIES ARE THE POOREST, MOST OPPRESSED PEOPLE ON EARTH.

WE HUMANS DO NOT EVEN BOTHER TO COUNT HOW MANY MILLION OF OUR BROTHERS AND SISTERS WITH DISABILITIES DIE EACH YEAR BY MURDER, SUICIDE, OR DENIAL OF THE BASIC NECESSITIES OF LIFE.

AND SO WE GATHER TO CREATE A DISABILITY FOREIGN POLICY. WHAT PRECISELY IS THE TASK BEFORE US?

IT IS NOT SIMPLY TO ELIMINATE DISCRIMINATION AGAINST A MINORITY OF PERSONS WHO ARE TRAGIC VICTIMS.

WE ADDRESS THE LARGEST HUMAN VENTURE IN RECORDED HISTORY.

THE AGE OF SCIENCE AND FREE ENTERPRISE DEMOCRACY HAS GIVEN BIRTH TO A NEW KIND OF HUMAN BEING. WE ARE 100 TIMES MORE INDEPENDENT AND 100 TIMES MORE INTERDEPENDENT THAN OUR PREDECESSORS WHO OCCUPIED OUR PLANET FOR MORE THAN 99% OF OUR HISTORY.

WE LIVE TWICE AS LONG. DISABILITY, CHRONIC ILLNESS, THE FRAILTIES OF OLD AGE USED TO SIGNAL THE END OF ACTIVE LIFE. NOW THEY ARE SIMPLY CHARACTERISTICS OF A NORMAL LIFE SPAN.

SCIENCE AND DEMOCRACY HAVE GIVEN ALMOST ALL OF US, PEOPLE WITH AND WITHOUT DISABILITIES, YOUNG AND OLD, CHRONICALLY ILL AND WELL A PROVEN POTENTIAL TO BE AT LEAST A HUNDRED TIMES MORE PRODUCTIVE THAN THE STRONGEST AND HEALTHIEST OF OUR ANCESTORS OF 1,000 YEARS AGO, AND TO CREATE A QUALITY OF LIFE THAT WAS FAR BEYOND THE GRASP OF ANY EMPEROR OR PHARAOH.

BUT FOR THE VAST MAJORITY OF TODAY'S HUMANS, THAT POTENTIAL REMAINS AN UNREACHABLE DREAM, BECAUSE IN MOST INSTANCES WE ARE TRYING TO USE OLD CONCEPTS, OLD SYSTEMS AND OLD ENVIRONMENTS TO MEET THE NEEDS OF THE NEW HUMANS.

THE TASK OF HUMANITY NOW IS TO CREATE A NEW CULTURE THAT WILL UTILIZE THE RESOURCES OF SCIENCE AND DEMOCRACY TO EMPOWER THE NEW HUMANS TO FULFILL THEIR MAGNIFICENT POTENTIAL.

OUR TASK IS TO CONSTRUCT A DISABILITY FOREIGN POLICY THAT WILL PROVIDE DYNAMIC THRUST TOWARD THAT NEW CULTURE.

WHERE DO WE START?

A HANDFUL OF AMERICANS - MANY OF THEM IN THIS ROOM TODAY - HAVE BEEN PIONEER VOICES FOR EMPOWERMENT IN A WILDERNESS OF PATERNALISM AND ABUSE - JUDY HEUMANN, PAUL SILVA, BRUCE CURTIS, SUSAN SYGALL, RALF HOTCHKISS, SOME AMONG YOU IN THE CONGRESS - THERE HAVE ALSO BEEN A FEW PROGRESSIVE INITIATIVES BY USAID, USIS, THE PEACE CORPS, AND OTHER ENTITIES,

THANKS TO SENATORS DOLE, HARKIN, SIMON AND OTHERS AMONG YOU, LAST YEAR OUR STATE DEPARTMENT MADE ITS FIRST ANNUAL REPORT ON THE HUMAN RIGHTS OF PEOPLE WITH DISABILITIES IN EVERY NATION.

BUT WE AS A NATION HAVE NOT DEVELOPED ANYTHING EVEN CLOSE TO

A COMPREHENSIVE DISABILITY FOREIGN POLICY.

WHAT WILL OUR NEW POLICY BE?

OUR FOREIGN POLICY ON DISABILITY MUST REFLECT THE PHILOSOPHY AND GOALS OF OUR DOMESTIC POLICY - INDEPENDENT LIVING AND THE ADA.

SUCH POLICY WAS ELOQUENTLY SUMMARIZED BY PRESIDENT CLINTON: INCLUSION, NOT EXCLUSION; INDEPENDENCE, NOT DEPENDENCE; EMPOWERMENT, NOT PATERNALISM.

1. OUR DISABILITY FOREIGN POLICY MUST BE CREATED AND IMPLEMENTED WITH THE FULL PARTICIPATION OF MEMBERS OF THE DISABILITY COMMUNITY, NOT SIMPLY AS ADVISERS, BUT AS EXECUTIVES, STAFF AT ALL LEVELS - AND YES, CABINET MINISTERS AND AMBASSADORS.

2. THE PRESIDENT, HIS ADMINISTRATION, THE CONGRESS, AND STATE AND LOCAL GOVERNMENT SHOULD PROVIDE STRONG, VISIBLE LEADERSHIP TO ENSURE THAT THE EMPOWERMENT OF PEOPLE WITH DISABILITIES BECOMES TOP PRIORITY IN THE OVERSEAS OPERATIONS OF ALL GOVERNMENT AGENCIES.

3. WE SHOULD ENCOURAGE AND ENABLE THE AMERICAN DISABILITY COMMUNITY TO SUPPORT THE EMPOWERMENT OF THEIR BROTHERS AND SISTERS WITH DISABILITIES IN EVERY NATION. WE SHOULD SUPPORT DISABLED PEOPLE'S INTERNATIONAL, REHABILITATION INTERNATIONAL, AND OTHER INTERNATIONAL DISABILITY RIGHTS ENTITIES WITH FUNDING AND DIPLOMACY.

4. WE SHOULD ENCOURAGE AMERICAN BUSINESS AND PRIVATE CITIZENS TO PROMOTE THE EMPOWERMENT PROCESS IN ALL OF THEIR FOREIGN RELATIONSHIPS.

5. WE SHOULD ENCOURAGE OTHER GOVERNMENTS TO ADOPT COMPREHENSIVE POLICIES TO EMPOWER PEOPLE WITH DISABILITIES IN THE PRODUCTIVE MAINSTREAMS OF THEIR CULTURES.

DISABILITY RIGHTS LAWS LIKE ADA; INDEPENDENCE ORIENTED, CONSUMER DRIVEN REHABILITATION AND COMMUNITY SERVICES, INCLUDING PERSONAL ASSISTANCE SERVICES; INTEGRATED EDUCATION FOR EMPOWERMENT; AFFORDABLE, ACCESSIBLE HEALTH CARE, INCLUDING CONSUMER DRIVEN PSYCHIATRIC SERVICES; ACCESSIBLE TRANSPORTATION, HOUSING, COMMUNICATIONS AND PUBLIC FACILITIES; DEINSTITUTIONALIZATION; FULL PARTICIPATION IN THE DEMOCRATIC AND PRODUCTIVE PROCESSES.

6. WE SHOULD ENSURE THAT NONE OF OUR FOREIGN AID, NONE OF OUR PRIVATE SECTOR INVESTMENTS ABROAD, NONE OF OUR NATIONAL PRESTIGE IS EXPENDED ON INACCESSIBLE FACILITIES, SEGREGATED SERVICES OR OTHER DISCRIMINATORY PRACTICES.

7. WE SHOULD ENCOURAGE THE UNITED NATIONS TO EMPOWER PEOPLE WITH DISABILITIES IN ALL OF ITS PROCESSES, AND TO PROVIDE AGGRESSIVE SUPPORT FOR THE RIGHTS AND EMPOWERMENT OF PEOPLE WITH DISABILITIES IN EVERY NATION.

I RECOMMEND THE FOLLOWING STEPS FOR IMMEDIATE ACTION:

1. THE NATIONAL COUNCIL ON DISABILITY SHOULD ACT FORTHWITH TO FORMULATE SPECIFIC RECOMMENDATIONS FOR A FOREIGN POLICY THAT ADDRESSES THE EMPOWERMENT OF PEOPLE WITH DISABILITIES. I UNDERSTAND THAT NEW COUNCIL CHAIRPERSON MARCA BRISTO HAS ALREADY INITIATED THIS PROCESS. SOME TEMPORARY ADDITIONAL FUNDING WOULD BE APPROPRIATE.

2. DURING THE TIME THAT COMPREHENSIVE, LONG RANGE POLICY IS

BEING DEVELOPED, THE EXECUTIVE BRANCH AND THE CONGRESS SHOULD COOPERATE WITH DISABILITY COMMUNITY LEADERS TO INITIATE INTERIM ACTION, INCLUDING FUNDING THAT WOULD ENABLE THE U.S. DISABILITY COMMUNITY TO INTERACT WITH ITS COUNTERPARTS IN OTHER NATIONS, PARTICULARLY THE DEVELOPING NATIONS WHERE PEOPLE WITH DISABILITIES EXIST IN SITUATIONS OF MORTAL CRISIS.

3. THE ADMINISTRATION SHOULD ACT FORTHWITH TO ENSURE THAT U.S. PARTICIPATION IN INTERNATIONAL ACTIVITIES - THE PREPARATION AND IMPLEMENTATION OF POLICY, DELEGATIONS TO MEETINGS - ALWAYS INVOLVES REPRESENTATIVES OF THE DISABILITY COMMUNITY.

CERTAINLY OUR DELEGATIONS TO THE UPCOMING U.N. SUMMITS ON SOCIAL POLICY AND THE STATUS OF WOMEN MUST INCLUDE AUTHENTIC REPRESENTATIVES OF OUR DISABILITY COMMUNITY. AMONG CURRENT PRESIDENTIAL APPOINTEES JUDY HEUMANN, MARCA BRISTO, TONY COELHO AND BOB WILLIAMS ARE ONLY A FEW OF THE SUPER QUALIFIED CANDIDATES. THERE ARE MANY MORE FROM THE PRIVATE SECTOR.

THIS IS AN AMBITIOUS AGENDA. WHERE WILL WE GET THE MONEY? WRONG QUESTION. INVESTMENTS OF MODEST MILLIONS IN EMPOWERING PEOPLE TO BE EQUAL AND PRODUCTIVE WILL, IN THE LONG TERM, SAVE BILLIONS NOW SPENT ON AID AND THE MILITARY TO DEAL WITH THE CONSTANT ECONOMIC AND SOCIAL CRISES CAUSED BY AUTHORITARIAN PATERNALISM. IT'S A LOT CHEAPER TO SEND JUDY HEUMANN TO HAITI THAN A COMPANY OF SOLDIERS.

THE REAL QUESTION IS NOT WHERE WILL WE GET THE MONEY, BUT WHERE WILL WE GET THE COURAGE TO OVERCOME DISCRIMINATORY ATTITUDES, AND TO ELIMINATE OBSOLETE PRACTICES.

CHAIRMAN DECONCINI, CHAIRMAN HOYER, DISTINGUISHED MEMBERS, WE HAVE AN OPPORTUNITY TO CREATE AN EMPOWERMENT FOREIGN POLICY



THAT WILL ENHANCE THE REPUTATION OF THE UNITED STATES, SAVE MONEY, PROMOTE PEACE AND TRADE, AND MAKE A MAJOR CONTRIBUTION TO A QUALITY OF HUMAN LIFE THAT WILL EXCEED THE IMAGINATION OF SCIENCE FICTION.

THE WORLD IS WATCHING. BECAUSE WE ARE AMERICA, OUR SUCCESS TO KEEP THE PROMISE OF THE ADA, TO EMPOWER THE NEW HUMAN, WILL TRIGGER THE EMANCIPATION OF BILLIONS OF PEOPLE IN FUTURE GENERATIONS. OUR FAILURE WOULD BE A TRAGEDY BEYOND WORDS OR TEARS.

WE HAVE THE RESOURCES, DO WE HAVE THE COURAGE?

DISTINGUISHED MEMBERS, WE NEED YOUR LEADERSHIP. WE HAVE HAD IT BEFORE. I KNOW WE WILL HAVE IT NOW. WE OF THE DISABILITY COMMUNITY WILL DO OUR PART.

TOGETHER, WE SHALL OVERCOME!

***TESTIMONY BEFORE THE COMMISSION ON SECURITY AND  
COOPERATION IN EUROPE***

***SEPTEMBER 21, 1994***

***JUDY HEUMANN  
ASSISTANT SECRETARY for  
OFFICE OF SPECIAL EDUCATION  
and REHABILITATIVE SERVICES  
U.S. DEPARTMENT OF EDUCATION***

# DISABILITY RIGHTS AND THE HELSINKI ACCORD

## CONFERENCE ON SECURITY AND COOPERATION IN EUROPE

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I was fascinated to read recently that Paul Goma, one of Romania's leading writers, who was forced to flee that country after his 1977 petition protesting the regime then in place, has just gotten to know the three blind Romanians who had also signed that petition at great personal risk. Goma only learned of their existence through our Radio Free Europe broadcasts.

We know from Vaclav Havel, President of the Czech Republic, who spent years of exile in the USA, that many Eastern and Central Europeans found the opening to press for human rights only after the (1975) Helsinki Accord gave them a platform to do so.

By spelling out in one of its ten principles that the participating countries "will respect human rights and fundamental freedoms," this document became a beacon to millions.

Disabled individuals have often joined in the human and civil struggles of oppressed groups and minorities, although history sometimes does not record their presence. That is why today I am honored to provide testimony about how disability rights, concepts, and practices can contribute to the process now under way to review the Helsinki agreements.

### US LEADERSHIP

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Many of the CSCE countries have heard about our Americans with Disabilities Act, which you, Congressman Hoyer, and others worked so hard to have adopted in a model of bi-partisan efforts. The disability leadership of these countries want information and technical assistance in addressing similar problems.

We need to make our experience in developing strong U.S. legislation and policies available as an extension of our foreign policy. We need to align our foreign policy objectives with our domestic policies in the disability field. We should be supporting international exchanges of policy makers, legislators, educators, disabled leaders, and labor leaders. These exchanges would assist those CSCE countries who are just beginning to develop laws and policies for individuals with disabilities to avoid some of our costlier mistakes. We now know, for example, that it is economic folly to maintain people in costly institutions, wasting millions of dollars and lives. We know this also perpetuates second-class citizenship. We know that the better an education people receive, the better jobs they can obtain. We believe they need the same sort of legislative platform as the U.S. has accomplished to enable them to make the same kind of gains.

Around the world, legislation establishing the rights of citizens with disabilities is being debated and adopted. Through U.S. initiatives and 17 years of effort with the Organization of Economic Cooperation and Development, several of OECD's Member States have adopted laws or policies providing equal access to education for disabled children and youth. This summer, a clause was added to the new German Constitution stating that, "No one shall be discriminated against because of a disability," after intervention by Chancellor Kohl.

This spring, an American disability-rights team went to New Zealand to advise on implementation of its new human rights law, which is inclusive of disabled people.

We also know that new comprehensive disability and rehabilitation legislation is being developed in Hungary, the United Kingdom, and India and was recently enacted in Australia, Russia, Sweden, Austria, and the Czech Republic. In each case, disability groups had been in touch with their US counterparts. This is because of our international reputation as a leader in laws and policies affirming the equal access of disabled citizens to society's structures and services.

At the same time, many new groups of disabled people are being formed throughout the newest CSCE "emerging democracies". In some cases, I am glad to report, they are receiving modest US technical assistance in developing disability rights and independent living approaches. In other cases, they are receiving support from the older European democracies. Most, however, are working in isolation and could benefit greatly from broader CSCE initiatives to provide support and an exchange of experience.

#### WHAT DO WE HAVE TO OFFER THE CSCE STATES?

I believe that what the U.S. has to offer the CSCE states is our substantial experience of the last decades in creating the building blocks of equal access.

1. We created the "504" clause of the Rehabilitation Act, spelling out our equality with other citizens under Federal law and setting a legal and policy precedent;
2. Access to education in the least restrictive and most inclusive setting for disabled children and youths is mandated by the Individuals with Disabilities Education Act;
3. Access to rehabilitation and independent living services is afforded by the Rehabilitation Act of 1973;
4. Architectural barrier laws and the Americans with Disabilities Act have committed the US to a timetable to make its structures and transport systems accessible and to prevent discrimination against disabled Americans trying to enter the workforce;
5. Federal and State monitoring and compliance mechanisms make sure that these laws impact on the everyday realities of the estimated 49 million Americans with disabilities and their families; and
6. Hundreds of thousands of Americans with disabilities have formed coalitions and networks to press for key laws and participate in their drafting. Because disabled Americans and their supporters in Congress, many of whom are here today, worked together on these laws, they reflect a national consensus on the necessary building blocks of disability policy.

### WHAT HAVE WE ACHIEVED?

I believe that the US disability community has demonstrated that with the support of laws and policies that encourage our active engagement in society, we have become productive contributors to the economy and the overall American culture. A recent longitudinal study has shown that the longer disabled youths remain in school, the more they achieve. We need to share this experience with some CSCE countries that are still discouraging disabled children from attending school or isolating them from their peers in segregated settings.

We need to pull together the lessons we have learned in this country about how to reduce financial and physical dependency of disabled populations by supporting independence and productivity.

Our tool for sharing our accomplishments is contained in the philosophies which governed the crafting of the Individuals with Disabilities Act, the Rehabilitation Act of 1973, Section 504, the Americans with Disabilities Act, and other legislation. This philosophy is known in international circles as a civil rights philosophy: that individuals with disabilities have the same rights to opportunities for education, jobs, social interactions and independent living as non-disabled individuals. We need to weave these principals together. We need to compile an American disability policy.

We need to extend this domestic policy into the international arena through foreign policy, making sure that we export the philosophy and best practices in disability rights and independent living. This means our foreign aid dollars, for example, should go towards building accessible, not inaccessible, structures; and our technical assistance and bilateral aid should be inclusive of disabled persons. Foreign disability policy should reflect "The American Way".

### WHAT CAN WE LEARN?

The US disability community can also learn from many of the CSCE states. For example, Some regions of Italy have succeeded in creating a higher degree of parental, teacher, and community support for integrated education than we have. The Italians and Germans are also showing some good results in employment of people with mental impairments working with small companies with a long-term social commitment. Sweden has just adopted major legislation establishing personal assistance services as a right for all who need them. The trend in Scandinavia, led by Denmark, is to redesign such services around the need of consumers rather than service-providing agencies. We have reports that in Germany, 80% of disabled persons who undergo vocational training obtain appropriate jobs. The British have more than 20 years experience in applying their mobility benefits to the purchase of adapted cars. We need to study these and other approaches in order to stay current with new developments.

### RECOMMENDATIONS

1. I would like to recommend that to formalize and increase this information exchange among CSCE states, the review meeting which will take place in Budapest include a discussion

of the parameters and definition of disability rights, as well as an exchange of practical information about domestic and international disability policies. This process should be supported by an international exchange of leaders, as mentioned earlier, to enable CSCE countries to send their disability leaders to study what we have accomplished and to enable our disability leadership to provide technical assistance in the countries that request it. Our foreign assistance and development dollars should support this important technical exchange of expertise.

2. Secondly, I would like the US to support the initiative of the Finnish disability organizations which are proposing to the CSCE that the observable progress of some disabled populations towards obtaining rights and opportunities be studied as examples of how these advances can be encouraged in all members states.

#### CONCLUSION

In closing, I would like to say we are often closer in spirit and outlook to many of the Helsinki Accord partners than it appears. For example, a Russian film on disability has just won UNESCO's Silver Prize. Called "Invalid" with intended irony, the film portrays the story of a disabled man who was told by doctors that he was "more suited to a scientific experiment than a normal life." The man turns to the camera, introduces his wife, and proudly describes his work as a repairman.

The lesson I see here is that, if we can achieve this much in spite of the low expectations of many societies, think what we can contribute when our countries begin to expect us to learn, earn, create, and produce to the same degree as other citizens.

*People with Disabilities Coverage in the  
"Country Reports on Human Rights Practices"*

*Statement of*

*Dr. Charles P. Henry  
Director of External Affairs  
Bureau of Democracy, Human Rights, and Labor  
U.S. Department of State*

*at a hearing entitled*

*"Disability Rights in U.S. Foreign Policy"*

*before the*

*Helsinki Commission*

*September 21, 1994*

Mr. Chairman and distinguished Members, I am pleased to appear before you today to address the subject of the rights of persons with disabilities. Specifically, I am pleased to report on the additional section we have added to our annual Country Reports on the rights of individuals with disabilities.

Mr. Chairman, for well over a century, American experts, advocates, organizations, and programs have made major a contribution toward the full participation of persons with disabilities in this country and worldwide. As early as the late Eighteenth Century, new European views on disability began to attract interest in the United States, especially in the areas of deafness and blindness. American professionals and advocacy groups began to participate in an international dialogue on disability issues. By 1864, Americans were taking the lead by establishing the first college for deaf students. It is located here in the nation's capital--Gallaudet University.

Following the Civil War, the medical and surgical care of a whole generation of survivors became a national concern. However, well into this century, the tendency was to develop care that was convenient for the caretakers.

In 1920 Congress passed the Vocational Rehabilitation Act, establishing the Office of Vocational Rehabilitation. The United States began to play a more prominent international role. Outside the Government, Rehabilitation International was founded in Elyria, Ohio, in 1922. But the Great Depression severely eroded the funding available at both governmental and nongovernmental levels. It was not until the close of World War II that interest in rehabilitation programs was renewed. Returning veterans with disabilities sparked a resurgence of activity and led to President Truman's establishment of the President's Committee on the Employment of the Physically Handicapped.

Mr. Chairman, with the United States' emergence as a center of new rehabilitation initiatives in the 1950s, the United States Government, through the Marshall Plan and Fulbright scholarship program, allowed a number of experts in various disability fields to study in this country. The tremendous nationwide fervor created by the civil rights movement in the 1960s paved the way for a new disability rights movement in the 1970s. Along with a host of new disability rights organizations, the United Nations began to raise the consciousness of the international community.

In 1971 the General Assembly adopted the "Declaration on the Rights of Mentally Retarded Persons." This Declaration was followed by a "Declaration on the Rights of Disabled Persons" adopted by the General Assembly in 1975. This Declaration defines the term "disabled person" to mean "any person unable



to ensure by himself or herself, wholly or partly, the necessities of a normal individual and/or social life, as a result of deficiency, either congenital or not, in his or her physical or mental capabilities." The Declaration proclaims that people with disabilities have the same civil and political rights as other citizens. Following quickly after the Declaration, the General Assembly proclaimed 1981 as the "International Year of Disabled Persons," which led to the World Programme of Action Concerning Disabled Persons in 1982. Finally, the United Nations Decade of Disabled Persons (1983-1992) served to ensure full participation and equality in society for all persons with disabilities.

Mr. Chairman, the United States has been a full and energetic participant in all of these international efforts to guarantee the rights of persons with disabilities. In fact, under President Clinton, the United States has worked more closely than ever with multilateral organizations to foster worldwide cooperation on this issue. In June 1993, the World Conference on Human Rights in Vienna adopted a Programme of Action which reaffirmed that "all human rights and fundamental freedoms are universal and thus unreservedly include persons with disabilities." The 48th General Assembly adopted four resolutions concerning international plans and programs of action on disability. These resolutions, which the United States strongly supported, accomplish the dual goals of promoting the full participation of persons with disabilities in society and urging the United Nations to reform and streamline its efforts in this field.

This year, at preparatory committee meetings of the World Summit for Social Development, the United States joined other countries in supporting language in the Summit's draft documents that would lead to concrete measures empowering all people, including specific reference to people with disabilities, to be full participants in political, social, and economic life.

Your Commission, of course, is familiar with U.S. efforts to include the right of persons with disabilities in the broad human dimension of the CSCE. At the 1991 Moscow Meeting of the CSCE, the U.S. delegation led the effort to adopt for the first time a commitment ensuring protection of the human rights of persons with disabilities. We recognize the leading role that you and members of your staff, who served on the delegation, played in that effort.

Mr. Chairman, under your leadership, along with that of Senators Dole and D'Amato, the United States included an

examination of discrimination against people with disabilities in its annual Country Reports for the first time in 1993. Section 5 is now entitled Discrimination based on Race, Sex, Religion, Disabilities, Language, or Social Status.

Every report must indicate the extent to which persons with physical disabilities are subject to discrimination in employment, education, and provision of other state services. Reports must also indicate whether governments have enacted legislation or otherwise mandated provision of accessibility for persons with disabilities.

This addition effectively extends our commitment to equality of opportunity and full inclusion of persons with disabilities in the international arena. The reporting ranges from Afghanistan to Zimbabwe. In the former country, many patients in Kabul's 600-bed Marastan home for people who were blind, destitute, and mentally ill, were abandoned by the staff as the stability of the country deteriorated. In the latter country, the government passed a Disabled Persons Act in April that specifically prohibits discrimination against people with disabilities in employment, admission to public places, or provision of services. With regard to Europe, several of the countries in Central and Eastern Europe have recently passed laws providing individuals with disabilities with access, but scarce resources make their implementation difficult. Much of Western Europe has passed legislation prohibiting discrimination against persons with disabilities and providing for access to public buildings and transportation. However, the enforcement of such laws is often lax and the rights of persons with disabilities are not given high priority.

Mr. Chairman, the empowerment of persons with disabilities is part of a new approach in the field of human rights. The traditional approach emphasized legal rights, including the rights of individuals with disabilities. These rights are fundamental and our annual Country Reports document the continued discrimination against persons with disabilities across the globe. However, the movement to empower persons with disabilities has the larger goal of changing societal attitudes. It seeks to promote the inclusion of persons with disabilities in society as full and active contributors. The Americans With Disabilities Act of 1990, which many of your members supported, was a pioneering first step in achieving this objective.

Mr. Chairman, only by empowering persons with disabilities will we be able to end the abuses outlined in our 1993 Country Reports. Only by using the full capacities of the nearly 50

million citizens with disabilities in this country will our nation reach its full potential on a larger scale. The world cannot afford to ignore the talents of its estimated 500 million persons with disabilities. As President Clinton stated last year, "we've begun to shift disability policy in America--and I might add the world--away from dependence towards independence; away from paternalism and toward empowerment."

Thank you.

**U.S. Congress**

**Commission on Security and**

**Cooperation in Europe**

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***Disability Rights in U.S. Foreign Policy***

***Focus of Helsinki Commission Hearing***

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**Testimony**

**September 21, 1994**

**by**

**Paul L. Silva**

Mr. Chairman, distinguished members of the Helsinki Commission and Commission on Security and Cooperation in Europe, I would like to thank you for the opportunity to be here today to speak on the issue of foreign policy and foreign assistance programs which promote rights for persons with disabilities.

The inclusion of disabled persons in United States foreign policy and foreign assistance policy and practice is one, which, unfortunately until very recently has been neglected and ignored. I would like to commend this committee as well as distinguished members of the Senate, Senator Robert Dole of Kansas, Senator Tom Harkin of Iowa, Senator Paul Simon of Illinois, and Senator Patrick Leahy of Vermont for beginning the process for inclusion of disabled persons into U.S. foreign policy and foreign assistance programs. Likewise, I wish to congratulate the distinguished Co-chairs of this commission, Senator DeConcini and Representative Steny Hoyer for addressing the human rights disability issues facing our nation in the foreign policy arena.

I have organized my testimony around two salient issues: 1) United States monitoring of the human rights of disabled persons; and, 2) How the United States monitoring of disability human rights requires a coordinated disability foreign assistance policy.

The United Nations estimates that fully one in ten persons in the world has a disability. Estimates from developing countries show the incidence to be higher, and, countries involved in current and post civil strife to be higher yet. In many of these countries, persons with physical and/or mental disabilities are subject to

**"cruel, inhuman and degrading conditions".**

**Monitoring human rights of disabled persons in both CSCE countries and developing countries is of great importance to the American public and the international community. By documenting these rights, it not only allows for public recognition of the rights of disabled persons in developing countries but also allows for United States foreign assistance policy makers to monitor and design country appropriate programs and projects empowering disabled persons such as we have so effectively done with women, children and other populations.**

**Three of the most common and disturbing findings of the U.S. State Department Country Reports are that in most developing countries, "there are no constitutional or legal provisions for persons with physical or mental disabilities," and that, "disabled persons are impoverished, often forced by necessity into beggary". However, there are signs of great progress;- a move from a "medical-welfare" conception of disability to one of civil rights and self-empowerment".**

**How can these human rights findings be addressed?**

**In 1991, the Nordic Council of Ministers for Nordic development cooperation from six countries ratified and received full support for the historic Hanaholm Resolution. This resolution established comprehensive policy for inclusion of disabled persons from developing countries in Nordic development efforts. This landmark resolution states that, "Disability issues should be a principle objective of the development cooperation policies of the Nordic countries in line with women, environment and democracy as well as human rights". It further states that, "disabled-oriented**

development programmes are part of the goal of the elimination of poverty in the Third World". I respectfully submit a copy of this resolution with my written testimony.

In 1993, I had the opportunity to travel to Denmark to research the effectiveness of this resolution and the implications this could have for United States foreign assistance policies. My findings were that Denmark, Sweden, Norway, and Finland have each established effective and intensive foreign assistance programs empowering disabled persons in developing countries.

In 1994, at the request of Senator Paul Simon, the Committee on Foreign Relations requested that the General Accounting Office (GAO) investigate the United States foreign assistance role with disabled persons. This report, *Foreign Assistance: Assistance to Disabled Persons in Developing Countries*, states, "U.S. agency assistance has been sporadic...rather than part of planned programs with specific objectives to target disabled persons". Although United States foreign assistance programs effectively fund in developing countries prevention and treatment through both vaccination development and immunization delivery and the Civilian War Victims Fund, USAID officials reported that, "the agency does not assign a specific priority to helping disabled persons through its development programs". However, the report further states that, "USAID officials both in field offices and in Washington, cited many examples of existing opportunities for integrating disabled persons into their on-going development programs".

Over the past five years, Congress has begun to take a visionary role in attempting to include disabled persons in United States foreign assistance programs. Begun in

1989, the Congressionally mandated Civilian War Victims Fund administered by USAID and administered by Allan Randlov, received appropriations totalling 25 million dollars over five years to assist disabled persons from 13 post civil war countries. The United States Information Agency (USIA) has been urged to increase it's involvement with *disability exchange programs*.

In 1992 and 1993, the late Jim Sweeney, staffer of Senator Harkin, worked tirelessly to pass Foreign Operations Appropriations language urging USAID to implement development programs empowering disabled persons through education business and assistive devices development and assistance to local disabled-directed Nongovernment Organizations (NGO's). Unfortunately, specific monies to this end were not allocated and projects were not implemented. The 1994 human rights Country Report findings subsequently show that disabled persons in developing countries continue to live in poverty, often without access to education, health services, and the opportunities to become contributors to their countries economy and society.

Through the grassroots efforts of the disability leadership community in the United States, disabled Americans have organized to promote the inclusion of disabled persons in United States foreign policy and foreign assistance programs. In 1994, after years of individually promoting disabled-directed development projects, Disabled American leaders such as Ed Roberts and Judy Heumann, Co-founders of the World Institute on Disability, Bruce Curtis, International Disability Activist, Susan Sygall, Founder of Mobility International USA, Robert Betts of the University of Nevada Las Vegas, Todd Groves of WID and Jeanette Harvey of the University of San Francisco and Mr. Justin Dart as well as many others organized to form the



National Coalition on Foreign Policy and Disability. This coalition was founded with the mission to ensure that current United States efforts to create a new Foreign Assistance Act clearly include language that affirms the inclusion of persons with disabilities in United States foreign assistance policy and programs.

In the arena of international aid and development, there is already a strong precedent for redesigning programs to reflect basic human rights. In the early 1970's, women were rarely considered or included in international policy or programs. The addition of the Percy Amendment to the Foreign Assistance Act in 1973 made a review of the impact of new programs on women a requirement of all foreign assistance programs. Our international programs now reflect our domestic policy on gender equity and promote a fuller participation of members of our great society. We, of the National Coalition on Foreign Policy and Disability, suggest a similar approach be taken for inclusion of persons with disabilities, especially women with disabilities.

With the passage of the recent Americans with Disabilities Act, we as a nation have clearly set forth our belief that in a democracy, each individual is entitled to full participation in society. I believe that our nation's human rights and foreign assistance activities overseas should reflect and be consistent with the laws and ideals we cherish at home.

Thank you Mr. Chairman.

## **Hanaholm Resolution**

**6 March 1991**

Delegates representing various private organizations, including the Nordic handicap movement, development workers and rehabilitation professionals, who attended the **Nordic Development Assistance Seminar on Disability Issues at Hanaholmen in Finland on 4 - 6 March 1991**, announced their full support to the programme of the Nordic Council of Ministers for Nordic development cooperation, of 19 May 1988, which includes the following recommendation:

**"The Council of Ministers recommends to the development cooperation agencies:**

- 1) To work actively within the UN and other international bodies and organizations to call attention to the cause of disabled persons,
- 2) to cooperate with private organizations to assist disabled people in developing countries in building up and strengthening their own interest organizations,
- 3) to cooperate with the organizations of disabled persons to ensure that consideration for persons with disabilities is integrated to a wider extent in project work and planning, especially planning of education, training and employment measures in developing countries, and
- 4) to make separate assessments of experience from the integration efforts referred to in 3) above."

**In continuation of this recommendation, the Seminar would like to point out:**

- That disability-oriented development programmes are part of the goal of eliminating poverty in the Third World
- that disability issues should be a principal objective of the development cooperation policies of the Nordic countries in line with women, environment and democracy as well as human rights
- that disability-oriented development programmes should be aimed at enhancing equality, full participation and equal opportunity for disabled persons and at the same time focus in particular on the situation of disabled women.

To achieve these objectives the following action is recommended:

- that disability aspects should be taken into account in all development cooperation, wherever there are no objective reasons for not complying with this requirement
- that better cooperation and coordination should be ensured within Nordic development cooperation for disabled persons, in each country as well as at the Nordic level
- That assessments should be made to uncover whether separate bodies are required for this cooperation
- that the organizations of disabled persons should be involved to a higher degree in the planning, implementation and assessment of measures in this area
- that Nordic organizations of disabled persons should be given wider scope for assisting their counterparts in recipient countries
- that the assistance rendered by these organizations for disability-oriented development programmes should be tuned to the financial resources of the assisting organizations, and not exceed 10 per cent
- that propagation of knowledge about Nordic disability cooperation measures should be improved through increased exchange of experience and information
- that training in disability issues should be improved for the permanent staff as well as the field staff of development organizations and that better scope for further training should be provided
- that disabled persons should be given far greater opportunity of active involvement in development cooperation
- that disabled persons in recipient countries should be provided with possibilities of active participation in all decisions concerning themselves
- that development activity should be based to the widest possible extent on existing structures and be planned in cooperation with organizations and authorities of recipient countries
- that long-term support is often a prerequisite for making activities in recipient countries self-sustaining

- that the needs of disabled persons should, above all, be met in the community and that further measures that may be required must be a complement to action at the local level
- that initiatives should be taken to lay down a common Nordic policy for disability issues of multilateral development cooperation programmes
- that representatives of organizations of disabled persons should be integrated in national delegations to the UN and other international bodies.

Now that the Nordic countries have ratified the **UN Convention of the Rights of the Child**, it should also be endeavoured to realize this convention in practical work for disabled children in the Third World. The principal objective of the Convention is, in outline:

"The Convention reaffirms that education is a human right and makes special reference, in Article 23, to the right of the mentally or physically handicapped child to receive education and training conducive to the child's achieving the fullest possible social integration and individual development."

The seminar calls on the Nordic Ministers of development cooperation to establish an overall objective for the development cooperation policy for disabled persons and to give a Nordic working group the assignment of preparing a specified action plan in accordance with the above recommendations and principles.

The organizations of disabled persons are prepared to act as a source of reference and resource for the continuous work with these issues through the **Nordic Council of Organizations of People with Disabilities**.

6 March 1991

**Testimony of the National Council on Disability  
Regarding the Need to Forward the Human Rights of People  
with Disabilities on an International Basis<sup>1</sup>**

*before the*

**Commission on Security and Cooperation in Europe**



**September 21, 1994**

**2:00 P.M.**

**2212 Rayburn House Office Building**

**Marca Bristo, Chairperson**

**Edward P. Burke, Acting Executive Director**

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<sup>1</sup> Note: This testimony will be read by the Honorable Major R. Owens.

I am pleased to report on the work of the National Council on Disability, an independent Federal agency that advises the President and the Congress in promoting the human rights of people with disabilities around the world. Ms. Marca Bristo, who was recently confirmed by the Senate to serve as Chairperson of the National Council, has advised me of the Council's latest work in this area and the Council's plans for the future. She would be here herself today, but she is currently in England, working to expand the human and civil rights of people with disabilities in Europe.

As you may know, the National Council on Disability was the organization that first proposed what was to become the Americans with Disabilities Act here in the United States. Today, not many people are aware of the tremendous influence the Americans with Disabilities Act has had in raising the expectations of people with disabilities around the globe. It may seem hard to believe, but there are still many places in this world where people with disabilities are not afforded even the most basic rights. In many countries, people with disabilities are actively excluded from society, infants and children with disabilities are left to die, adults with disabilities are not even considered for employment, and the built environment is totally

inaccessible. The passage of the Americans with Disabilities Act sent a strong international message of freedom and dignity to people with disabilities. It raised expectations and it empowered people to seek their rights and to act bravely in the face of tremendous odds.

Since the passage of the Americans with Disabilities Act, the National Council on Disability has expanded the scope of its activities to include international human rights issues as they relate to persons with disabilities. For example, the Council drafted the first-ever United States initiated resolution on disability policy before the United Nations and worked with the United States delegation to the United Nations Commission for Social Development to negotiate this resolution before 105 countries and to secure its passage through the United Nations General Assembly in December, 1993. The resolution, entitled *Positive and Full Inclusion of Persons with Disabilities in All Aspects of Society and the Leadership of the United Nations Therein* (please refer to Attachment A) synthesizes the application of previous, more general, United Nations documents regarding human rights to persons with disabilities, and directs the United Nations system throughout the world to actively work toward increasing opportunities for

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people with disabilities and to promote the full inclusion of people with disabilities within societies and within the United Nations itself. In addition, the Council worked to successfully amend and then pass the United Nations *Standard Rules on the Equalization of Opportunities for Persons with Disabilities* in order to reflect more progressive approaches to disability policies and programs. Thus, the Council has recently played a major role in shaping United Nations policy toward persons with disabilities around the world.

The Council believes that as the leading democracy in the world, the United States is in a unique position to advance progress toward democracy, equality of opportunity, and the full and valued social participation of people with disabilities on an international basis. Toward this end, the Council has determined that it is important at present to "take stock" of current U.S. policy and statutory provisions regarding people with disabilities in other countries in order to develop a more cohesive set of guidelines regarding the treatment of people with disabilities within the foreign policy arena. Thus, the Council is beginning to catalogue current provisions, analyze areas of congruence/disagreement, and develop



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recommendations for improved foreign policy and programmatic efforts in meeting the needs of people with disabilities on an international basis.

The road to equality of opportunity is a long one. But we must begin. We cannot afford not to. In his book, *No Pity*, Joe Shapiro describes how Justin Dart, Jr., one of the founders of the disability rights movement in our country, was awakened to action in the area of disability rights during a visit to South Vietnam. It was in Vietnam that Justin first realized that not only were people with disabilities treated poorly, they were considered subhuman.<sup>2</sup> Here, he was brought to an institution for young children with polio, the same condition that had caused his disability. Inside this metal shed one hundred children had been left to die and to be buried in an unmarked field outside. Shapiro quotes Dart as saying, "It was like a branding iron burning that message into my subconscious or onto my soul, to see how human beings were being treated there." The children had been left on the floor, "with bloated bellies and matchstick arms and legs like you see in pictures from Dachau or Auschwitz, with their eyes bugging out, lying in their own feces and urine and their bodies covered with flies."<sup>2</sup>

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<sup>2</sup> Shapiro, J.P. (1993). *No Pity: People with Disabilities Forging a New Civil Rights Movement*. New York: Times Books. (p.110).

**This profound realization changed Justin forever. As the international movement of people with disabilities has taken hold, similar experiences have strengthened the ties between people with disabilities worldwide. Prejudice against people with disabilities and violations of their human rights know no national boundaries. It is not until each of us realizes the importance of celebrating the humanity of people with disabilities by expanding guarantees of their basic human rights that the promises held out by the Americans with Disabilities Act to people everywhere will be kept. I urge you to continue and expand this essential work and know that the National Council on Disability will provide you with valuable assistance along the way.**