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NATIONAL COUNCIL ON DISABILITY

“TOWARD THE FULL INCLUSION OF PEOPLE WITH DISABILITIES: EXAMINING THE ACCESSIBILITY OF OVERSEAS FACILITIES AND PROGRAMS FUNDED BY THE UNITED STATES”

Hosted by The Center for Human Rights & Humanitarian Law
American University Washington College of Law

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All of the work around NCD, Joan Durocher, the Department of General Counsel at NCD who has worked to ensure that NCD's work doesn't stop and recognizes the important role of globalization around the world.

Joan, thank you for your incredible leadership.

[Applause]

We have an incredibly good panel here today. I wanted to get to the panel, but Jeff asked me to say a few words. Let me briefly say for those of you not familiar with the National Council on Disability, it is a small independent agency, consisting of 15 Presidential appointees, and the staff of about a dozen full-time staff. NCD's charge is to advise the President and Congress on all aspects of disability policy. It's a sweeping mission because we're charged with covering all aspects of disability. And some might wonder why we engage on international aspects and not just things here at home.

Well, there are more than a billion people worldwide with a disability. 15% of the world's population are people with disabilities. That's stunning, underscoring why NCD's work and today's panel discussion is so important.

Each year the United States invests billions of dollars in assistance programs that build infrastructure and boost economies and promote democracy and human rights around the world. However, we can't meet our foreign development goals if we invest in an inaccessible global marketplace. We can't ensure that Americans with disabilities have equal opportunities to participate in the global marketplace if the goals of the ADA have geographical borders, and we can't advance democracy in human rights without respecting the rights of the participation of a billion people with disabilities worldwide.

As we look at the issues today, we start with the goal of the ADA,
equal opportunity, full participation, independent living, and economic self-sufficiency for all people with disabilities. And, again, that needs to be a worldwide endeavor, not just an American endeavor. The United States has a proud international legacy with leadership regarding enactment of the ADA 23 years ago, and I'm proud to say it was the NCD that first recommended and drafted the Americans with Disabilities Act. But leadership must be sustained and not squandered to have a lasting credibility. As the panel will discuss today, NCD's report, we've used a variety of micro level and macro level intervention that the United States can pursue in its disability policy leadership. We remain hopeful that agencies to whom NCD's recommendations are directed will ensure that our efforts abroad bind by the goals of the ADA.

Of course, the United States' ability to exercise global leadership is hindered by the United States Senate's failure to ratify the UN Convention on the Rights with Persons with Disabilities. I know many of you gathered here today continue to work tirelessly toward the United States ratification, and NCD joins you in hoping that the United States will, at long last, continue a proud bipartisan tradition of support for disability rights and join the rest of the world in the CRPD. And you'll hear more about that shortly.

It's now my privilege to introduce NCD's Chairperson, Jeff Rosen. Jeff brings an extraordinary wealth of experience in his new role as NCD Chairperson, including seven years as NCD's General Counsel, Director of Policy, three years as an attorney at the Equal Employment Opportunity Commission, and I'm pleased to note for those of you perhaps new to disability rights, Jeff played an indispensable role in one of the iconic moments in the history of the disability rights movement, the Deaf President Now movement at Gallaudet University in 1988 which was, in brief, an effort to establish plain and clear that a person who is deaf was every bit as capable of being a president of Gallaudet University as a person who is hearing. And because of Jeff's efforts

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and many other students who rallied a fairly aggressive effort in sure that I. King Jordan became the first deaf president of Gallaudet University, and that spirit really permeates the ADA.

So, Jeff, welcome.

[Applause]

>> Jeff Rosen: That was a fantastic introduction. Thank you so much. He explained very well the council's role, and it's to be the voice of people in the federal -- to the voice in federal government, talking about people with disabilities and their rights. And we work in a way that no federal agency could work. We talked to the administration, and the council offers constructive help, and in the spirit of previous councils. We helped cause many reports to come out, including this one. I'm very happy and proud to continue this work.

Now let's talk about the exciting panel. And I'm going to give their information in a very quick form, I hope.

This is Eric Rosenthal, who is the Founder and Executive Director of Disability Rights International, DRI. Sorry. On behalf of the NCD he co-authored U.S. foreign policy in disability and helped bring about legislation requiring a change in our foreign policy requiring that they include requirements for construction and accessibility for people with disabilities. And also, as part of the same board as myself, he's with U.S. International Council on Disabilities.

And we also have another person here in the audience who's done a lot of work with USAID and CRPD in working with the rights of people with disabilities. He has worked for advocacy, for people with disabilities.

We have Janet Lord, who is currently a senior partner and Director of human rights inclusive development at BlueLaw International. She's an adjunct professor at American University where she co-teaches a course on International Disability Rights. For example,
she has taught at National University of Ireland as an adjunct professor, and she's at the University of Maryland Francis King Carey School of Law.

Allison DeFranco has done a wonderful job at BlueLaw's International Human Rights and Exclusive Development practice. She's worked with organizations around the world to develop and implement and enforce the legal frameworks that are consistent with U.N. Council on rights of persons with disabilities. And she's a former board member, too. She's now a special advisor towards full inclusion of people with disabilities, examining the rights of accessibility of overseas facilities and programs funded by the U.S. She worked at the World's Bank and worked in disability development.

Judy Heumann is a special advisor to the International Disability of Rights and was formerly at the Department of Education.

Charlotte McClain-Nhlapo was appointed by President Obama at the USAID coordinator disability and inclusive development in December of 2010. She has provided assistance and strategic support on how to include disabilities. Before she joined USAID, she was a senior operation specialist at the World Bank. Previous to joining the Bank on appointment by President Nelson Mandela, she served as commissioner of the South African Human Rights Commission.

Thank you so much for being here. And thank all of you for being here. I'm sure it will be a great discussion.

[Applause]

>> Eric Rosenthal: Thank you, Jeff. Thanks to the National Council on Disability. And thanks to the Washington College of Law for making this possible. Whenever I speak here, I always have to put in a plug and my deep appreciation to the fact that my organization, Disability Rights International, was

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founded now 20 years ago as part of the law school here in American University. They incubated and set us up. We've since become independent in doing International Human Rights work over the last 20 years. It's always a pleasure to be back here. Just deeply, deeply appreciative of the support people like Bob have shown here at the Law School.

The fact that NCD is doing this report is extremely valuable and is an example of their sustained commitment to this issue over 10 years. I was hired 10 years ago, commissioned to write a report, Foreign Policy and Disability that came out in 2003. It first raised these issues. I think it's important to understand this report in the context of a 10-year effort to bring about recognition of the rights of people with disabilities as a cornerstone of U.S. foreign policy and as a essential element of international development efforts.

Jonathan Young gave a fabulous, fabulous overview as to why it is so important that people with disabilities be included in international foreign policy of the United States. The United States is the largest bilateral donor in the world. But more important, we're also recognized around the world as the innovator, as a pioneer of core disability rights principles.

People know us as the country that adopted the Americans with Disabilities Act, the Rehabilitation Act. The idea that as a matter of civil rights law in the United States not only is discrimination prohibited but a requirement that any U.S. government-funded program must be accessible and appropriate for people with disabilities is a core principle that has been enormously influential. It's been influential on the drafting of the U.N. Disability Convention, and it's been influential on government development policies around the world, in the area of International Human Rights, where my organization specializes, the fact that the United States government comes out with reports on human rights practices and that we have law that says our foreign policy must respond to these core human rights principles and that the rights of people of all people will be

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reflected in our foreign policy is a key to the International Human Rights movement. It's the basic directive that influences our foreign policy. And the idea that people with disabilities historically have been overlooked, left out, not adequately recognized by that has an all-pervasive influence. The United States is a tremendous, tremendous leader. And what we do is watch around the world. So it is so important that we get this right.

When NCD commissioned me and Professor Arlene Kanter to look at this, one of the core elements report this time was an analysis of the American civil rights law. Why was it that there was this interpretation that had been adopted by the State Department that American civil rights law simply did not apply to the foreign activities of our development efforts, that we could -- it would be illegal to build an inaccessible school at home but if we're funding a school abroad, why shouldn't the same core civil rights principles apply?

The State Department came out with a position that it does not, that there is no extra territorial application. The USAID disability policy, which was then a very important step forward, also explicitly said the reason we have this policy is because our own civil rights law does not apply to our activities abroad.

The core recommendation of the report in 2003 was based upon a legal analysis of case law. There was no reason why extra territorial application should not be recognized. There was case law to suggest that it was Congressional intent that it would, in fact, be applied internationally, and as a matter of core principle, if we want to stand up for civil rights and international human rights of people with disabilities, we had to demonstrate by leading ourselves. That was the core recommendation. And I'm very pleased to see that 10 years later that again is the recommendation and that there is increased and even stronger case law to make that position.

At the time of the report in 2003 was adopted, there was a strong

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Congressional response that something more needed to be done to improve the stature of disability rights in our foreign policy and to provide for the inclusion of people with disabilities. I was working both on behalf of my organization and USAID at the time, the U.S. International Council on Disabilities, and in our discussions with Congressional staff at the time about what the legislation should be. The question was, do we right now adopt the recommendation and establish explicitly that civil rights law does apply and that AID, Department of Defense, Department of State have a binding requirement to make sure that their programs were accessible?

At the time, there was an addition. Let's not bind these organizations. Let us see if they can do it voluntarily. Let's see if they can build it into their programs. There was legislation adopted that called on AID to abide by its own disability policy with the hope that that would do the trick. What I think this report does is provides us with a factual basis for saying 10 years later did that work. Is it adequate to have a disability policy? Or did we need to have binding legislation? And that's what we're going to hear from, from Allison DeFranco today, as she presents her findings.

It is important to recognize that there were other key recommendations at the time. We recommended that there be a funding stream created in Congress, that the barriers to entry by small disability organizations were so difficult, there were big beltway bandits that had all the big international money, and that to carve out a smaller grants program to allow disability organizations with expertise in the disability area to get involved in international affairs. That was legislation that came directly out of the NCD report. It was a tremendously valuable step forward. Congress adopted it. And we have now had a nearly 10-year history of that program in operation. Again, this is an opportunity to see how much impact that program has had.

One of the other recommendations was that there needed to be a

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disability advisor in the Department of State and in the AID. The fact that they are here is a direct response to the National Council on Disability's work in this area. So the great strides that we see moving forward as a result of their work, we can thank the NCD for making that possible.

I want to emphasize that this report is not a report card on their work. Indeed, the factual research that was, was done in 2010 and 2011, right at the time they were being appointed. So it really covers, in a sense, the seven years between the adoption of the legislation requiring AID to abide by its disability policy and essentially them coming into office. What this report does do is provide a way to evaluate whether voluntary compliance with the disability policy is enough. It does not provide us with an opportunity to review the tremendous work that Judy and Charlotte have done at AID and State. So that will be the focus. And we’ve asked both Judy and Charlotte to focus on the findings of this report and its recommendations as opposed to simply talking about the very impressive work that they are now doing.

There were other recommendations in this report that unfortunately Congress did not adopt and I think are probably reflected in the fact that we have not seen more advance in this area. In other areas such as the area of women's rights, AID adopted a whole program of women in development. The idea that there had to be focal points in every area of work to include women that there had to be expertise within AID on women. And one of the signal calls in the 2003 report would be that as women had been included in development, so, too, people with disabilities had to be included in development. And there was a call for a similar kind of approach.

AID and State did not adopt that, Congress never adopted those recommendations to create the resources for that. As a result, even though we have the fabulous work of Judy and Charlotte, what we do not have is the capacity building within State and AID, the expertise. There are a few key experts at AID and State, but nothing even approximately close to
what, say, was done in the women’s rights area. And, again, now is our opportunity to evaluate. Did that work. Does more need to be done?

I'll just say in closing the fact that we are talking so much about AID and State, sometimes it's easy to see the areas where the light has been shining. The place that is darkest, why the light has not been shining, often gets overlooked. And probably the biggest funder and perhaps the one with potentially the greatest influence on people with disabilities is the Department of Defense, unlike AID and State that have advisors in this area, they have no advisor. Unlike AID for which there is a policy, there is no policy.

I can tell you from the work that my organization has done, we have seen the Department of Defense actively building inaccessible buildings in many places in the world. And whoever thought that the Department of Defense was in the business of building institution that would segregate people with disabilities from society? We have documented the extensive actions of the Department of Defense in building orphanages where children with disabilities are separated from society. And that's a terrible thing. One of the recommendations of this report is that the Department of Defense needs to be held accountable. That is a tremendous area that really needs to be opened up.

I will just say in one of the examples that is cited in this report of the Republic of Georgia where at the time this report was written, AID had put out an article to rebuild the series of institutions for people with disabilities. The good news is that we were able to talk them out of it. So I just wanted to send that message of thanks to AID in Georgia, that they decided not to rebuild that. But unfortunately the Department of Defense did step in and ended up rebuilding and, in fact, building an entirely new institution.

With that background and that 10-year history, let's see where we
stand today. Let's look at the findings that BlueLaw has come up with and see how the recommendations proceed.

>> Allison DeFranco: Thanks. I want to also thank the National Council on Disability and in particular Joan Durocher for putting up with me throughout this process and Washington College of Law for hosting the event today. It's been a long time coming. So it's exciting to have this.

I think that we've really set the stage for why this is an important topic with number one people in the world with disabilities with a high investment that U.S. puts in foreign assistance. And people with disabilities have the right to travel, work abroad, study abroad.

That makes it easier. I don't hear myself twice.

So I kind of just want to get right into what the methodology was that we used in the research and the findings that we found and leading into the recommendations. To start, it was a very broad research topic looking at U.S.-funded overseas facilities, programs, and employment opportunities. We focused on State, USAID, United States Agency for International Development, and Department of Defense to kind of keep the scope of research in a reasonable manner, we tailored to look at USAID programs, look at the reports on human rights, as well as their accessibility, embassy of accessibility, and cultural exchange programs. And the Department of Defense, we focused on infrastructure and new construction efforts.

This was not because State Department doesn't have programs in other countries or USA doesn't have infrastructure efforts. It was just to kind of narrow the scope and get a sense of what is happening across the board in U.S. foreign assistance. It also applies -- we've looked at these three agencies. I think it is applicable to all the U.S. government agencies that are operating overseas, programs, facilities, employment opportunities.

To give you an idea of the methodology that was used once the actual

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breakout of what we were going to look at for each agency, it was very mixed methods approach. We selected 20 countries where U.S. invests a high amount of foreign assistance into development or infrastructure efforts from various regions of the world, looked at different amounts of money that they were receiving to kind of get a sense of countries that are receiving high levels versus less substantial amounts of funding. We also looked at certain programs and sectors that we specifically were interested in evaluating.

After we selected those 20 countries, we worked with disabled people's organizations for disability advocates in the 20 countries to help us do in country assessments. We were successful to have 14 of the 20 advocates actually go to USAID missions and U.S.A. embassies to personnel and to conduct accessibility assessments where they kind of just checked out the embassy. Does the elevator have appropriate signage? Does the elevator work, first. Is there appropriate signage? Does it make the appropriate noise? Stuff like that. The assessment questions are at the end of the report if you're interested in that.

The local advocates in each country also conducted interviews with USAID, democracy and governance officers where they discussed some of the program implications, got an idea of what's happening around disability, got a general idea if the officers were familiar with USA disability policy. Those questions are also at the back of the report.

In addition, we had focus group discussions. Many of those were led either via phone to get various regional mission officers on the phone, chatting. We also had some local advocates run a focus group discussion. There was an extensive desk-based document review of the technical guidance and publications that were put out by various agencies that were examined. We followed up with a legal analysis looking at what civil rights implications that were discussed in 2003 and their impact. We are now saying that U.S. civil rights law does apply extra territory, as well
as the implications now that the U.S. is a signatory and what it means when the U.S. is implementing programs in country that's have ratified.

So just to I guess finalize the areas that we looked at in terms of programmatic, we were really looking at humanitarian assistance programs, democracy and governance, economic development, and cultural exchange programs. That gave us an array of different areas to examine in different situations and get a sense of how people with disabilities are being included, different sectors of development and foreign assistance.

So to start off with the findings that came out of USAID, one of the major findings that we heard across the board from personnel throughout the world is a lack of knowledge on the disability policy or disability issues. They were not necessarily aware that US has a disability policy. When personnel were aware of the policy, they were not well acquainted with how to articulate its implications on their actual work.

It should be noted that a lot of people were quite interested in learning more. They just weren't aware and really didn't have any understanding of how it impacted them. In the same thing, what that really reflects is many solicitations that were reviewed. So USAID request for applications and requests for proposals failed to include the disability policy altogether. I believe it was out of a sampling of 66 requests for application in economic development and democracy and governance programming. 33 did not include the disability policy. So that's 50% failed to include policy that is mandatory in solicitations.

The next major finding was that a lot of the disability-specific funding that Eric mentioned has been used in this manners that are not reflective of human rights and international development, inclusion. That was initially intended, for example, some funding has been used to rebuild institutions and orphanages throughout the world. And that's kind of under the

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mandate, disability-specific funding. That's what I thought we were supposed to do is help children with disabilities in the orphanage. So that's where the money went.

Another issue with the disability-specific programming -- quite successful programming has occurred with disability programming that aims to build capacity of disabled people's organizations, local civil society. There are small grants that go out for organizations to do disability-specific projects.

So, for example, if there's micro-financed project, $300,000 grant for disability group in Egypt, what this report, following up on the 2003 report and the fact that that was implemented to create this funding, does highlight that there are issues with having what's called a twin track approach where funding is for disability specific and then you still have mainstream general development funding. There is yet to be successful merging of the disability-specific projects where what lessons we've learned from disability-specific projects and what mainstream development programs and implementers should build on have not yet come together.

So just to give you an idea, one of the interesting numbers that I saw was in USAID Bangladesh -- this was in 2010, so the funding would be slightly different. It had a $90 million budget, the mission had a $90 million budget. It had $300,000 go towards a program that built capacity of local disabled people's organizations. That's a drop in the bucket. And there was no -- in the interview, follow-up to that particular interview, no concept of why or how that particular group could be working with some of the other programs and projects in Bangladesh that were working in civil society generally it showed the lack of effective building on the disability-specific funding to actually ensure that there is inclusive development. In fact it starts to look like it's promoting segregated approach.

The next finding that came out of this was monitoring and evaluation
efforts failed to apply a disability lens. This is not every single program or project in the world, but generally there's no disability lens or inclusion of disability in how we monitor and evaluate our projects.

This has implications on future budgeting decisions, as USAID's 2010 evaluation policy states the importance of monitoring and evaluation. The fact that we see successful and effective projects and results, that's where we want to be budgeting for things. It's difficult to argue for more funding and inclusion of disability issues if we can't monitor and show where people with disabilities have been included or how disability issues have been included in existing programs.

That being said, this is where I think we can successfully start looking at how to merge the smaller disability-specific projects because there have been successful examples of monitoring and evaluation, a lesson that should be learned and utilized in larger scale programs.

For example, we've seen both quantitative and qualitative methods used in the disability-specific projects for monitoring and evaluation. Quantitative, looking at the number of UPO's that were included in the trainings, looking at the number of trainings that included disability rights issues. Qualitative case studies, focus group discussions, getting information from site visits, observations, learning more about what's happening with the project related to people with disabilities.

So I think that although we are not yet seeing disability properly included and disability relevant indicators and targets, that is something that in the near future that we could take the experts on disabilities issues and have them work with mainstream development experts. And hopefully that will become a priority that we can really look at how people with disabilities, disabled people's organizations, disability rights issues are being included throughout development programs.
>> Eric Rosenthal: I just wanted to announce in terms of timing that we started late. And I've been told by the law school that we're welcome to stay here for an extra hour if we needed to. I don't want to impose on anyone. But I do want to give you the full opportunity to present your findings. So I just wanted to check with our other panelists whether they're ok if you go a little over.

Charlotte, Judy, can you stay here? If you are going to have to leave, we can put you on.

>> Judy Heumann: 1:45.

>> Eric Rosenthal: Why don't you take another quick five, seven minutes to wrap up and then we'll try to move along.

>> Allison DeFranco: I thought I only spoke for two minutes. Apparently I've gone longer than I thought. Really talking about monitoring and evaluation. So, yeah, I will try to wrap up this a little bit so that you can hear from everyone. Then I'm happy to speak after with anyone.

Another key finding we found at our desk-based document review is the failure of technical guidance and publications in various sectors to provide the how to include a persons with disabilities. In fact, in 2010, there was practically no mention of persons with disabilities or disability issues in any of the technical guidance documents related to humanitarian assistance. Out of the Office of Foreign Disaster Assistance, USAID as well as the democracy and governance publication series did not have much mentioned.

This kind of went back to the program officers in general. I think the lack of technical guidance makes it very difficult for people to know how to. It's easy for me to sit here and say, include people with disabilities, reach out to disabled people's organizations, blah, blah, blah, but if you're somebody who has worked for 20 years on election assessments and has never actually thought of how to, that's something that we really -- that is really useful and necessary to
promote this further. I think that's something that we’re going to hear more about in a few minutes.

I'll skip a bunch of cards.

Just to quickly breeze over to the Department of State findings. In 2003 -- if I state anything wrong here, but the recommendation was to ensure that disability rights were included in the country reports across the board.

>> Eric Rosenthal: Correct.

>> Allison DeFranco: So in the 2009 country reports we looked at all 194 reports. Pleased to say that 193 of the reports did include disability to some extent. There is definitely a vast difference between some of the reports that really reached out to different sources, media sources, government officials, disabled people’s organizations, and dug into the issues reported on the national human rights abuses and potential solutions versus there are still many reports that basically mentioned if there was domestic disability law or not. So I think that looking at the model reports and the reports that are dug in to more specific detail will be important in the future.

The next thing in terms of embassy accessibility, as mentioned earlier, we looked at just general accessibility to an embassy building, the physical as well as communication, information that’s provided. And that really varied as well. One of the big findings was that security trumps accessibility. I don't totally know why a push button door in a foreign embassy is not allowed to work because of security reasons when I see them throughout the United States without that concern.

If you're not familiar with push button doors, it's a door that can push open and opens automatically. That was actually one thing that many of the embassies that were visited and assessed did not have functioning. They had the door. They just wouldn't use it.

There was also various documents and information that embassy
officials would not provide in alternative formats citing security concerns, Visa paperworks, passport information, certain things that they didn't want to provide electronically or in a manner that somebody who was visually impaired or has a disability could utilize.

>> Eric Rosenthal:  If you could wrap up.

>> Allison DeFranco:  Yeah.  Ok.  Let me just really quickly jump to the Department of Defense and do the same thing I did with the State Department and throw in my recommendations at the same time.  The Department of Defense actually -- I think Eric did a nice job of summing up, but that was -- it's a harder nut to crack I think in itself.  It could be something that we really have to look at for a full project.  The information that we could obtain was sparse because right away, somebody wasn't supposed to send you that or that document is not allowed to be viewed outside of the embassy.  But they did in 2008 adopt new accessibility standards.  Those standards are supposed to apply to new facilities infrastructure and construction efforts outside of the United States.  However, at the present, there are waivers and exceptions that have really made it impossible from those standards to really fly.

So as was mentioned earlier, I think there needs to be lots done.  Those waivers and exceptions need to be really reviewed and scrutinized.  Also, the funding towards institutions, orphanages, and other like things need to be further evaluated.

So I think I will hand it over to Janet for now.

>> Eric Rosenthal:  Janet?

>> Janet Lord:  Thanks.  Thank you to the Washington College of Law for hosting this event.  It's a pleasure to be here.  Thanks to Bob and special thanks to Hader Harris who I'm very happy and honored to call my colleague.  You all are doing great things here.  It's just fabulous the extent to which your programming has been truly inclusive of disability rights, whether you're working on a
quote/unquote mainstream rights issues or doing more disability rights-specific work. Wonderful work being done here and really teaching the new generation of disability rights lawyers both on domestic disability law and also international disability rights.

And thanks to NCD it's been a pleasure to working on this project. And NCD has a long history of working on International Disability Rights issues and was certainly the very first organization in the U.S. that came out in full support of the rights on persons with disabilities and very early on convened several meetings bringing together folks in the American disability community and mainstreaming rights community. So NCD has really led the way all along.

And we're still working on U.S. ratification, but I think this report is really very important and links, of course, to the -- really important developments in the context of international disabilities rights. We worked hard when we were drafting the treaty to get some language in that did address the issue of inclusive development and the issue of inclusion in the context with the humanitarian assistance programs. Not an easy task in the context of human rights treaty to get that kind of language in there.

We see international cooperation for other types of treaties, often with stronger language. For example, international environmental law. But it's a taller order, unfortunately to get this kind of language in human rights treaty. Governments don't like to be told how to spend their money or where to spend their money.

So this rather innocuous provision, weak-looking provision, in fact, is very important not only symbolically but has an important hook, and it has served as an impetus for governments not only the United States but many of the other bilateral and multilateral governments to start paying attention to disability rights and disability inclusion in the context of programming.

So one thing I can say on an optimistic note is that really we're no
longer the Martians in the room that we were back in 2001, 2002 when a lot of us were working on inclusive development, human rights issues, the context in foreign assistance. We talked about disability inclusion. There was a lot of head scratching and sometimes worse than that, actually. That has changed. We now have conversation, inclusive development is on the agenda. The adoption of the CRPD with Article 2, inclusive development mandate, has generated the specific mandate for UN agencies to get their act together both in personnel and externally in terms of their programming. So there are things happening.

Disability policies are being adapted by the EU, by the Australian Agency for International Development that has a pretty good disability strategy and still kind of organically being developed. They did actually -- when we throw out the disability prevention aspect of their program, they threw into the disability strategy, put it back into public health. That's progress. So we see a lot of good things happening.

It remains the case that we have a long way to go. And we can't stop with, you know, the weak provision in Article 32 because we still live in a world where some of the leading newspapers, like "The Washington Post," can still say with great disdain that it's completely absurd to make a school in Afghanistan that's being funded by U.S. government money accessible for kids with disabilities. So we still live in that world.

There is a lot of work that we need to do to obviously sensitize folks to the fact that actually it makes sense in Afghanistan, one of the most landmine-affected countries in the world, a post-conflict affected country, to build schools that are accessible not only for kids with disabilities but for teachers with disabilities, for parents with disabilities.

So we really do have a long way to go. But the adoption of the CRPD and Article 32, which recognizes the importance of international cooperation and its promotion of

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national efforts for inclusion, inclusive development, capacity building among disability organizations and so on that recognition is very important but it doesn't end there.

I think if our approach is, oh, disability inclusion and if we in the disability community simply repeat that mantra that has been repeated for about 20-some years, what we get, I think, is including people with disabilities and a laundry list of vulnerable and marginalized groups that -- who should be beneficiaries of international development.

That is great, but if that is our single message or my single efficacy message and approach in the context of talking to implementers and donors, throw me out of the room, give me an f because I failed. We need to move on. As Allison was talking about, we need to demonstrate exactly how inclusion needs to take place. And we need to really push donors in the direction of going beyond this let's include people with disabilities and our laundry list of marginalized groups who we have to reach somehow without any idea about how we actually do that.

So we need to understand the experience of disability discrimination in the context of development, and we need to, in the disability community, be proactive in explaining how. So we need to go beyond Article 32 and look at what are the very specific implications of, for example, Article 29 on political participation when we are looking at every single aspect of the voting or political participation project in Egypt or in Libya or in Guatemala or wherever. And that takes technical expertise. And it takes a level of specificity that better go beyond let's include people with disabilities in development.

So, you know, pilot projects that have never been brought to scale are what we're going to continue getting unless we get a little bit smarter, unless we really educate ourselves about the business of international development. Because it's a business. And it's a hard, competitive business. And it's often a pretty dirty business. You can get implementers out there to
include the disability component in their proposal and they never follow-up and actually reach out and do what they’re supposed to do. Because they’re interested in getting the money and then implementing the money, not necessarily inviting the disability groups to, you know, contribute their expertise. So we better get smarter on the business side.

And even more troubling, though, than the sort of superficial inclusion and development projects are what Eric and Allison have talked about. We see institutions, orphanages, being rebuilt or cleaned up. That's not what the CRPD requires.

So, again, go beyond Article 32 and look at the implications of Article 19, living independently in the community, and see how that should and can inform disability rights action within the context of international development.

We see separate schools still being built for children with disabilities. That's not what the CRPD requires, but, again, that's what we see happening still in the context of donor programs, unfortunately around the world.

So what we need to do is get smarter about international development. We need to be able to talk to donors and implementers and show them how it is that a court reform project operating in Indonesia for tens of millions of hours can actually effectively include people with disabilities. How can that information being set up within the context of a court in rural Indonesia actually ensure that its programs and its procedures and its facilities are able to reach persons with disabilities? That's going to take more than just reminding the implementer that inclusion should happen. How can we make sure that a microcredit program, for example is accessible to persons with disabilities? How can we make sure, as Allison indicated, that a free election technical assessment addresses disability in a meaningful way not a superficial way? To what extent are general public health programs or HIV and aids programs actually disaggregating data on the basis of
disability? Getting into looking at issues of monitoring evaluation and so on.

>> Eric Rosenthal: Please wind up.

>> Janet Lord: There's more work to be done. We need to use CRPD as the tool it is, beyond looking at Article 32 but looking at the very specific implications of all of the substantive obligations in it, use it as a tool to press forward on disability rights inclusion.

And so I sort of am optimistic in terms of what has been done by the adoption of the CRPD, by Article 32, but there is a whole lot more work that remains to be done.

>> Eric Rosenthal: Thanks very much, Janet. We're going to now move on to Judy Heumann and Charlotte at the Department of State and USAID.

I just wanted to emphasize the facts in the reports date from 2010 and 2011. So in seeing these enormous challenges, these are the challenges that Judy and Charlotte fix when they arrived at their respective agencies. And they certainly had their work cut out for them when they got there.

Judy?

>> Judy Heumann: I'd like to thank NCD and American University for sponsoring this event and for putting together this report. I know that a lot of people are leaving. And I will speak for a couple of minutes, but I'm also wondering, does anybody have any burning questions that you would like to ask any of us before you have to leave? Because we've been talking to you. If you have any questions, we can also respond to those questions.

Anybody have anything you want to say? Ask?

>> Can you just leave contact information for people if they think of something afterwards or whatever?

>> Judy Heumann: As far as the State Department and USAID? We're happy to give our cards at
the end.

>> Thank you.

>> Judy Heumann: And also, if you want to go and read the CRPD or if you want to look at the legislation, the report that was submitted, you can come up after and we can give you that.

>> Thank you.

>> Judy Heumann: So let me say that American University does not yet believe that it is where it needs to be on inclusion of disabilities either in its law school or in any of its other programs. And I think it's important for us -- I'm not looking at American University specifically, but I'm looking at universities around the United States and other state federal agencies.

So I believe it's important for us to put this in this context, that while the United States has had many laws for many years in place, we are still all dealing with what needs to be done to help ensure that even within the United States the staff that have responsibility for implementation of this state and the federal and local levels are knowledgeable about what our laws are and knowledgeable about what their responsibilities are.

Then when you come and look at foreign service officers and civil service workers who are doing international work, who have been training the universities where the word disability never comes up at all, where there is no discussion about how disability fits into the broader context of the work that they're training people on in development, then we receive both at state and USAID and other federal agencies people who are at best knowledgeable about what U.S. law requires, may have some knowledge and experience about the fact that, oh, cuts are going in and, by the way, these buses will be accessible and there have been some disabled people in our elementary schools and universities and there may be a disabled person working in the private and public sector in the United States.
So I think that is the environment that we come into when we’re working in agencies like the Department of State and USAID.

So I think Charlotte and I have pretty much been going down the same path, both within our respective organizations and then our work to give messages to both staff within our agencies as well as the work that we’re doing with civil society organization that are recipients of my -- throughout the federal government.

We are working not just on the development and implementation of policies but looking at what more specifically we can do to hold grantees responsible for the inclusion of disability in the work that they are doing.

I think you know that the President is supportive of the CRPD, supportive of the work which is going on in this or our agencies or our positions would not have been created. And one of his statements is disability rights aren't just civil rights to be enforced at home, they're universal rights to be recognized and promoted around the world.

So we enter into these discussions with support for many.

Before I go on, I'd like to introduce Cathy. I'm sorry I didn't do that before. Many of you may know Cathy. Cathy worked on the CRPD with Janet throughout its development and now works at the State Department and has been in our huge staff. Cathy has been the lead person, also working on a report that Allison referenced which is the Democracy of Human Rights report that the State Department is mandated to do and that NCD was involved with helping to get language that requires disability as a part of the reporting.

I'm very happy to hear that 192 of the 193 countries mentioned disability. We, however, agree with you that the language that is in many of these reports is not yet where it needs to be. And actually one of the very first efforts that we embarked on was having the
person in charge of the human rights report meet with a number of international NGO’s to begin to explain what the human rights reports are. Because many organizations in the area of disability don’t know what the human rights reports are, let alone that disability should be a requirement or is a requirement as part of the reporting.

So work that has been going on in that area has both been training the editors, working with the writers, working with the embassies. And the reports are including, but I think we would also agree that while the reports are better, there is more engagement in a number of -- with a number of the embassies who work with civil society in the communities to get stronger reports. We know that there's a lot more that needs to be done in that area.

Let me say very quickly, in the programming area, the democracy rights labor office where we’re stationed, although my division works across the State Department itself, has adopted specific language on marginalized populations, including disability, and has linked that to the applications where there is weighting -- in the review of the applications. So marginalized populations within the review process is 30 points of 100 points.

What it's meaning in DRL at this moment is that there is increasing knowledge on the part of the grant reviewers so that those who are reviewing the grants themselves, through our work and others’, are working to ensure that not only is language coming in, in the applications, present but there will be monitoring and evaluation which will follow-up in part to address the point that Janet raised earlier, which is you can write something in about what you want to do with disability or anything, but if no one is going to be looking at what you've actually done, then it doesn't mean anything. So that's an issue which is being addressed.

Programmatically, also in State, we're working to get this policy adopted across the State Department. We're hearing anecdotally from more and more people in the
field that they not only are seeing that our fees are coming out with disability exclusively mentioned in the RP's, but there are more awards which are being awarded that are specifically inclusive of disability.

In education and cultural affairs area, let me be very brief, this is a very important component within the State Department. The state brings people to the U.S.. We send people out of the U.S. We have all kinds of different programs that advance knowledge of the U.S. overseas. We have seen increasing numbers of disabled individuals who are participating in those exchanges. A number of people in the room here have either been involved in meeting with people or been involved with the embassies on getting disabled individuals to be able to be participating in these programs.

I want to mention the issue of employment, which also is referenced. Employment is a very important issue, obviously. I think when we look at issues like gender and LGBT and others, one of the reasons why state, USAID and domestic agencies are beginning to do better work in those areas is because people are being hired who both have personal experience as women or people within the LGBT community and are also able to apply their knowledge and expertise to the work that they're doing.

In the State Department we are seeing increasing numbers of disabled individuals both visual and invisible disabilities that are being employed. We are pushing really hard on an internship program which is a very big part of the State Department. Hundreds and hundreds of interns come into the State Department. And it's been very interesting to see that they're are increasing numbers of disabled people who are not affiliated with any disability organizations. They are interested in this area, they are going to universities, learning about the programs, they're applying and they are coming into the organization. And I think that's a message for all of us that
many disabled people are not affiliated with any groups.

>> Eric Rosenthal: If you could please wind up.

>> Judy Heumann: I am.

The issue of accessibility, we can have a long discussion on that. Both ICT and physical accessibility, but there is work that's being done both in the adoption of standards within the organization as well as work that still needs to be done.

Thanks.

>> Eric Rosenthal: Charlotte?

>> Charlotte McClain-Nhlapo: Thank you very much, Eric. I, too, would like to thank Jeff, Joan, Hader both for the invitation to be here and to formally accept or receive to proceed with the report.

USAID takes the issue of stakeholder engagement and take it seriously, and thus we welcome this report. We believe that this is part of accountability and ultimately working towards an institution or an agency that's more efficient and more effective. So really, thank you very much. We see this as valuable.

I obviously have read the report. And I put both on notice, our deputy administrator and the head of policy, the existence of the report. And what I promise to do is that I will take this report back and ensure that all the relevant bureaus are informed of the report and are given the report so that they can provide a considered response to the recommendations contained in the report.

I think as everybody knows, there's much to be considered in the report. The report really cuts across the breath of the agency. And therefore, in order for us to respond I think in a serious manner to the report, it will be important to ensure that all of the sectors addressed in the report have an opportunity to think about what these recommendations mean.
I did, however, want to mention that a number of the recommendations that we made to USAID are actually in the works. And that, I think, is important.

I also wanted to bring to your attention that there are a whole suite of new agency policies, including the USAID strategic framework that include disability. There's the gender equality and female empowerment policy that includes women and girls disabilities.  

>> Across the agency.

>> Charlotte McClain-Nhlapo: Across the agency. There's the -- there's the youth policy, climate change policy, water policy, education strategy, there's the DG strategy. There's the upcoming urban policy. All of that include disability.

So I think the message that I'm bringing here is that we're really working to ensure the inclusion of disability into mainstream programs and strategies within the agency. And I think that that's a really strong part of mainstreaming, ensuring that you have that framework, you have that policy set up across the agency.

We also work to ensure that the inclusion of disability finds place in terms of interagency, USG work. So the USG, National Action Plan for Peace and Security, Resolution 1325, includes the issue of women and girls with disabilities. The National Plan for Children in Adversity also includes children with disabilities.

Again, I think this really is saying that we're going beyond just a disability policy but really trying to ensure that we're mainstreaming disability into other sector pieces of the agency’s work.

I wanted to say a few words on the issue of awareness raising and training our staff on disability inclusive development. That was one of the issues raised in the report. To flag that we're about to finalize an online course that is essentially an 101 on disability inclusive development.
development. We worked very closely with USCID on this. And we’ve also contributed to other courses, other online courses, within the agency, again, in an effort to mainstream the issue across the agency.

So in the gender-based violence online course, we’ve ensured that women and girls with disabilities, or at least disability perspective, is included in that.

I think we’ve done some considerable work ensuring that all the new staff -- that the -- the new staff orientation now includes disability.

We’re also part of what is called the development leadership initiative. And that is a program, a major recruitment program that enhances the agency's capability to deliver on USG foreign assistance. And we are part of that process. We are invited to all of those trainings. And we are talking about the issue of disability inclusive development.

So I think over the last 18 months we’ve definitely had a series of round tables, information meetings, events, agency notices. We’ve had at least 10 blogs on disability inclusive development. We’ve had public magazine articles that have gone out. We’ve had videos for missions on disabilities. We have set up a disability champion list that’s active and a platform that serves to share information and views from people working, who are interested in the issue of disability. And this is all with a view to have that in-reach piece to train and raise the awareness of disability within the agency.

I think that there’s been quite a lot of support for that. So, for instance, disability was included in the mission -- in the recent mission director’s conference. It was included in the recent program office's conference. It was included as an issue in the recent general counsel, regional advisor's conference. This is important. Because these are platforms where you're bringing together all the mission directors, and you have on the floor an entire panel on disability inclusive
investment. So again, these are different mechanisms for outreach and for raising awareness on the issue.

I did want to mention in terms of tools what I think is a very important tool, and that is the Program Cycle Guidance. And this Program Cycle Guidance addresses the issue of disability. And this is very important because what it does is it feeds into the development of the comprehensive development country strategies, which are really important because they set up the engagement between USAID and the host country. Related to that, that process has increasingly engaged DPO's in the consultation processes at country level around the country strategies.

I did want to say, as Judy mentioned, we continue to work closely together with the State Department, and we've been cited by senior management as good practice, which is wonderful.

And finally, I just wanted to say that, again, we really, really welcome this report. And that implementation of disability inclusive development is a cooperative exercise for us all. I will take this report back and revert back to you on progress in terms of recognition.

Thank you very much.

[Applause]

>> Judy Heumann: Let me also say that prior to Secretary Clinton leaving, communication was given to the field that each one of the embassies is to identify what we're calling a point of contact. So we are working on getting individuals identified embassy by embassy. And all of the embassies have also been directed to hold a meeting with disabled people’s organization and others within six months of the information being sent to the field.

So, like Charlotte, State is also engaging disability as part of the session across the organization. We've also been doing specific briefings for staff on the CRPD,
particularly staff that have responsibility in human rights areas so they at least get some more basic information of what the CRPD is and how to apply it.

>> Eric Rosenthal: I know some of our panelists need to leave so we've just got a few more minutes. Allison, do you have any last words? Or we have questions?

>> Allison DeFranco: Let's open it up for questions.

>> Eric Rosenthal: David?

>> This came to me while you were speaking, Janet. The interplay between the U.S. government's foreign operations and the government in place in the country in which that work is going on, what's the dynamic there, particularly for these countries who have ratified the CRPD? If they've made a domestic commitment to realizing disability rights, are these governments advocating to the USG saying, oh, your DOD is spending money in contrary to where we're trying to go? Is that dialogue happening?

This is for anyone on the panel.

>> Jeff Rosen: Can you repeat the question?

>> Eric Rosenthal: I think the question was, in light of the CRPD, the countries to enforce it, are we getting feedback from the countries themselves criticizing us for not necessarily living up to those standards? Is that what you were --

>> Yeah. I would clarify us meaning the U.S. government.

>> Eric Rosenthal: Meaning the U.S.

>> Allison DeFranco: Two quick points. First, the Foreign Assistance Act requires us follow human rights standard in other countries. So those countries that have ratified the CRPD, we should be complying with the obligations. But interestingly enough, what we were told during research on the infrastructure and the country that are building institutions or orphanages is the defense was always,
well, that's what the local government requested. You know, that's what they wanted. So I guess it's a circular thing that they may not even be aware of their obligations, that that's violation of the CRPD when they're requesting.

>> Judy Heumann: I don't think anybody should be surprised by that.


>> Hi. I have a question for Charlotte. The request for proposals that AID puts out generally are very demanding and have a lot of technical requirements, especially in developing countries. A lot of DPO's don't have the capacity to successfully apply for those funds. Although, sometimes they do benefit from capacity-building activities that AID provides. Is there any sort of priority for AID to reach DPO's directly or for the moment is it more about including disability-themed initiatives in AID's programming more generally?

>> Charlotte McClain-Nhlapo: There is the overall priority at USAID which is part of USAID forward and that's to make all of the processes around RFP's and RFA's a lot more plain, simple. So that process is happening. It's not a process that is necessarily targeted disability. It's an agency-wide process to ensure that, A, we're looking at building capacity in country so that more CSO, TPO's included can apply, but it also is so that the process of application is not so strenuous.

>> Judy Heumann: I think, also -- so there are a number of things that are going on here. One is, there are larger grants which are being awarded both at State and USAID which make it more difficult domestically or internationally for smaller DPO's to be successful, both the fiduciary responsibilities which they will have and the administrative experiences that they have.

One of the reasons why we're really encouraging organizations that have been receiving funding from the State or USAID know what's going on within the country that they're working in is so that they can also in a meaningful way be awarding grants, or whatever the

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approach may be that the larger recipient wants to use, but to meaningfully engage DPO’s.

Now, there are some countries like Ethiopia where they have a very strong group, a DPO, which has been an unusual organization that’s really benefited in a number of ways from getting technical assistance and now is being quite successful in getting grants from USAID that they wouldn't have been successful to get like five years ago because they didn't have the capacity. They have the capacity now.

So the CRPD, being effectively implemented, also in countries where countries that do provide money in general for civil society, where some of those organizations go, can also be getting funding build their capacity to be able to effectively manage their grants. Because that is a big issue for any federal agency, whether it's domestic or international.

And if you look at some of the laws in the U.S. like in the area of Centers for Independent Living, there is a whole project that's been there for years, which is a Technical Assistance Center for the CIL's. For the exact reason that there has been a desire to help develop capacity, fiscal capacity, management capacity, as well as assessments of what the organization has to use.

So it's moving forward. There's a lot more that needs to be done.

>> Eric Rosenthal: Karen, in the front.

>> Hi. Thank you for this wonderful report. I literally just got back from Libya two days ago. It's good to be around disabled people, back in the U.S.

My question to you is, is this report going to any -- to all big NGO's, going to have this kind of discussion with any other forums, like interaction, stuff like that? The big NGO's need to be educated. They are living and scared.

Thank you.
>> Eric Rosenthal: It's a great question. I don't know whether Janet, Allison or Jeff might have some thoughts on that.

>> Jeff Rosen: This is Jeff. I want to commend everyone for the great things they are doing. I really look forward to working more closely with you, both Department of State and USAID to implement the report recommendations.

To respond to your question, again, we are the voice of the people in the government, which means that we work closely with a lot of consumer organizations, advocacy organizations, small agencies. So we're hard-pressed to make sure that the information goes out. It is available on our website. We provide it on our listserv, and we talk to strategic people who use the information even more.

So we welcome your information, and I'll be communicating with the right people. And you can help me with that. You can talk with me or talk with Joan. And I'll be happy to follow up on the issue that you're talking about. And we need to think about ways to reach these people who need the information.

>> Eric Rosenthal: I think that's probably a great way to end the session today. A very productive discussion.

Thank you all, our fellow panelists, NCD, the Washington College of Law. We'll make sure to continue to get the word out.

Have a great day.

[Applause]

[The presentation ended at 1:51 p.m.]