

## **Disability Act summary**

### ***Introduction***

The National Commission on Disability is a semi-governmental organisation in Guyana which acts as the focal point for information and government policy on persons with disabilities living in Guyana.

This booklet has been put together as a handbook to assist people or organisations who wish to be share the contents of the Act with others.

The Persons with Disability Act was assented to by His Excellency President Jagdeo on 2 November 2010. It protects the rights of persons with disabilities (PWDs) living in Guyana. According to the 2002 census, over 50,000 Guyanese have a disability. We know from our research that people living with disabilities experience discrimination and disadvantage on a daily basis. The Act sets out to change this. Specifically it guarantees the rights of PWDs in employment, education, health, access, independent living, recreation, and the electoral process.

The Act also sets out the role of NCD and its governance structure.

The first step along the route of implementation is sensitisation – this means making sure people, especially important people who make big decisions, are aware of the contents of the Act and the importance of the legislation. This handbook intends to help individuals and organisations who want to be involved in sensitisation and give them some useful tools to do so.

For more information, or help, please contact the NCD Secretariat on 226-4566. We are also grateful for any feedback on the manual.

The National Commission on Disability is set up to protect and promote the rights of persons with disabilities. The 2010 Act clarifies the main functions of the National Commission on Disability and also sets out how it should be run and its role in implementing and monitoring the Act.

The Board of Commissioners at the Commission represent Government Ministries, as well as civil society, the private sector and members of the public. The Commission receives its funding from the Ministry of Health but could also receive money from other sources such as private companies or NGOs.

The National Commission holds a register of persons with disabilities and disabled persons organisations in Guyana. If you are a person with a disability, or if you represent a disabled people's organisation, you are therefore required by law to register with the National Commission on Disability.

The Commission has the role of monitoring the implementation of the Act, so anyone who feels their rights are being violated, or that the Act is not being upheld, is urged to contact the National Commission on Disability with their complaint.

The Commission also serves as a focal point for information on government disability policies and services and can be a useful place for persons with disabilities or their families to find out what help is available.

### *Summary of PWD Act 2010*

**The Persons with Disabilities Act 2010** guarantees the rights and freedoms of people with disabilities in Guyana.

The Act is guided by principles established in the United Nations Convention on the Rights of Persons with Disabilities and sets out certain steps that the Government must take to make sure that the rights of people with disabilities are respected, protected and fulfilled. It aims to stop people being discriminated against on the basis of disability, and sets out penalties for those who continue to do so.

### *Introducing the seven key rights in the legislation*

The rights protected in the legislation include the following seven main rights:

1. Employment rights – people with disabilities have a right to work without discrimination.
2. Education rights – people with disabilities have a right to go to school
3. Health rights – people with disabilities have an equal right to healthcare
4. Access rights – people with disabilities have the equal right to access buildings and services
5. Right to independent life – people with disabilities have the right to live independently and to take part in community life
6. Recreational rights – people with disabilities have the equal right to play sports and take part in free time activities

Employment rights – people with disabilities have an equal right to work without discrimination.

Employers are no longer allowed to refuse somebody access to opportunities for work on the basis of their disability. This means that every stage of recruitment - from advertising to agreeing duties - must be equally open to people with disabilities as to everyone else. People with disabilities should also be employed on equal terms to other colleagues – so for example they should not be paid a wage less than their counterparts on the basis of their disability.

If employers do not fulfil these requirements, they are committing a criminal offence and may be convicted and fined.

The Minister for Labour has a role in providing appropriate programmes to help people with disabilities develop skills for work and find employment. The Ministry for Labour will maintain a register of persons with disabilities with professional skills in order promote job opportunities for people on the register.

## Education rights – persons with disabilities have a right to go to school

- Children or adults with disabilities cannot be excluded from the general education system on the basis of their disability. The Education Minister will ensure free primary and secondary education, as well as trained teachers, for children with disabilities to make sure that the right to a basic education is fulfilled.
- Together with the Minister for Public Service, the Education Minister will facilitate financial support for academically able people with disabilities to finance education after secondary level – this might be in the form of grants, scholarships or other such incentives.
- The Education Minister will set up and maintain a system of special education for students with disabilities. This includes both special educational facilities for those who need it, alongside promoting integration of people with disabilities into regular schools.
- To help people with disabilities attend and achieve in schools, the Minister will ensure special requirements are considered and addressed when forming policies. This might include different forms of communication in the classroom or more logistical issues such as ramps or appropriate washrooms. The National Commission on Disability will undertake research to try to find new methods and aids to support students with disabilities in education and to improve teaching skills.

## Health rights – people with disabilities have an equal right to healthcare

Health policy will be designed in future with special attention paid to the needs and requirements of people with disabilities.

The Health Minister will ensure that steps will be taken to prevent disability where it can be prevented, to recognise and diagnose disability early and to start rehabilitation early.

The Government must also provide free rehabilitation and medical services to persons with disability and well as specifically trained staff to carry out the services. Rehabilitation centres will be established and funded throughout Guyana to meet the needs of people with disabilities.

## Access rights – people with disabilities have the equal right to access buildings and services

The Act guarantees the right of people with disabilities to access services, public buildings and transport – the same as any other person in Guyana.

The Central Housing Authority will publish guidelines within five years which set out how new buildings in Guyana will be constructed, and how old buildings will be renovated, ensuring barrier-free access for all. This might include things such as ramps, wide corridors and specially designed toilets. The Housing Minister must also review policies to ensure persons with disabilities have suitable accommodation and access to water.

In future, anyone in charge of public buildings or services will be committing an offence, and may have to pay a fine, if they deny a person access on the basis of their disability, unless there is a genuine risk of harm to the person with a disability.

The Transport Minister is responsible for ensuring that public transportation is also accessible for persons with disabilities in future.

The right to access communications also forms part of the new Act. National television stations have ten years to provide either sign language or subtitles for at least one news show daily and also for special events of national interest. Telephone companies have five years to provide special telephone equipment so that people with hearing impairments can use a telephone more easily.

Right to independent life – people with disabilities have the right to live independently and to take part in community life

The Human Services and Social Security Minister will make sure that persons with disabilities are encouraged to be part of community life.

A person with a disability should be part of community life and not hidden away. Families that conceal people with disabilities so that they miss out on opportunities and services are committing an offence and may be liable to conviction and a fine.

The Act puts forward some steps which should make participation easier, these include providing prosthetic devices and medical assistance, as well as support in improving communication skills or support in building personal confidence through counselling or help with mobility.

Help will be given to families to help them deal with the responsibility of caring for a person with disabilities. Where a person with disabilities has no family to help care for them and they need assistance, the Government must provide replacement care services and facilities. After-care should also be provided for those who undergo rehabilitation, as well as support to their families, to help them adjust to being part of the community.

Recreation rights – people with disabilities have the equal right to play sport and to take part in free time activities

The Act provides for day care services for children with disabilities who are too young to go to school.

Sport and cultural facilities must be accessible to persons with disabilities. It is the role of the Sports and Culture Minister to ensure facilities are accessible to all and that special requirements of people with disabilities are considered when developing sports and cultural programmes. There will be an improvement to existing facilities and equipment for participation in recreational activities as well as specialised training in sports, games and culture for people with disabilities.

Specifically the Act provides for the development and implementation of programmes for sport and fitness for persons with disabilities which take the nature of their disabilities into consideration.

## Political rights – people with disabilities have the right to take part in the electoral

As equal citizens in Guyana, people with disabilities have a right to vote and to be involved in political life.

The Guyana Elections Commission will ensure that arrangements are made so that persons with disabilities can access polling stations and are able to vote. Some people with disabilities may find it difficult to mark a form when voting or to travel to a polling station, these people will be able to appoint someone to vote for them, or with them, to make sure they can still take part in elections.