

CSHR Report series 2000/1



# The White Cane

**The Rights of the  
Visually  
Handicapped**

**Centre for the Study of Human Rights  
University of Colombo**



*Report of the Workshop on*

**Rights of the  
Visually Handicapped**

*Sponsored by The Royal Netherlands Government*

*Centre for the Study of Human Rights  
University of Colombo*

## Preface

The "White Cane" is not properly recognized in our society. This was the cry of the visually handicapped persons who gathered at the workshop organized by the Centre for the Study of Human Rights (CSHR) in October 1999. The "White Cane" does not any longer mean only the stick that they use as a walking aid. It symbolizes the whole range of rights that the visually handicapped persons are entitled to as human beings.

The CSHR wishes to bring to the notice of the policy makers and the public the rights and grievances of the visually handicapped persons through this report.

Dr Laksiri Fernando  
Director

## **Report of the Workshop**

1. **"The Rights of the Visually Handicapped"** was the theme of the workshop organized by the Centre for the Study of Human Rights (CSHR) in association with and on the request of the Sri Lanka Council of Visually Handicapped Graduates (SLCVHG). As a one day workshop, this event was held at the Sarvodaya Auditorium at Moratuwa on 9<sup>th</sup> October 1999.

2. This workshop, for the first time, brought together a large group of visually handicapped graduates to discuss human rights and to express their views on a number of human rights violations that they encounter on a day to day basis in society. Some of the views expressed at this workshop were quite revealing to the organizers of the workshop themselves.

3. The CSHR therefore, in this report, would like to bring these revelations to the attention of the relevant policy makers and the general public in order to find solutions to their grievances. The CSHR is committed to the study, education and research on various aspects of human rights and this report, therefore, is part of its commitment.

### **General Observations**

4. The purpose of the workshop was dual. On the one hand, there was a request for the CSHR to conduct initial human rights education for the members of the SLCVHG. This purpose was achieved mainly through two educational lecture sessions of the workshop. Apart from the visually handicapped graduates, a number of secondary school level students from the School for the Visually Handicapped at Ratmalana participated.

5. It became apparent that there is a great need and demand on the part of the visually handicapped persons to be aware of human rights in general and more particularly the rights relevant to their special conditions. It is important to assume that this might be the case of many groups of handicapped persons whether they are impaired visually or otherwise.

6. There is a need, therefore, on the part of the CSHR and other like minded organizations to make their human rights educational programs available in appropriate manner to the various handicapped persons. The production of human rights material in Braille is one option. The training of human rights educators in sign language is another.

## **Presentations**

7. The welcome address was delivered by G. D. Nihal, Secretary of the SLCVHG who explained the aims and objectives of the workshop. Ms. Nirosha Kannangara, Coordinator of the workshop (CSHR), chaired the session introducing the speakers.

8. There were two key presentations at the workshop. The first one was delivered by Dr. Laksiri Fernando, Director/CSHR. He explained human rights to be a higher philosophy to the general rights discourse. Human Rights mean the rights of everyone irrespective of distinction. The protection of human dignity and the fulfillment of major human needs are the cornerstones of this philosophy. Equality, non-discrimination and fair treatment are the basic principles. This philosophy embodies not only rights but also human responsibilities.

9. While referring to the development of various UN human rights instruments from the Universal Declaration (1948) onwards, he emphasized the importance of the Declaration on the Rights of Disabled Persons promulgated in 1975 (see Annex I). The recognition and protection of the rights of disabled persons are two indicators of any society's level of human rights record. Sri Lanka cannot escape this truth and should recognize and respect the full rights of all disabled persons.

10. Rev. Noel Dias, Senior Lecturer in Law, University of Colombo, delivered a lecture on the rights of special groups. Referring to the recent philosophical developments in law, he said that there is a growing re-emphasis to recognize natural rights and justice in law. Natural rights remind us that when there is inequality, special treatment should apply to make the vulnerable groups equal. Hence is the need for positive discrimination or affirmative action. Special treatment is recognized internationally to address the rights of special groups.

11. He further said that the recent "Protection of the Rights of Persons with Disabilities Act" (No. 28 of 1996) is a welcome initiative. However, it is not yet operational since regulations necessary for its functioning are not yet formulated. He explained the provisions of the Act. Under Article 24d discrimination on the grounds of disability can be challenged in the High Court to seek relief or redress (see Annex II for important extracts of the Act.).



## **Group Discussions**

12. The workshop, additionally, was organized to allow the visually handicapped graduates mainly to discuss their grievances, issues and problems in the context of human rights. The participants were organized into four groups with the facilitation of several personnel from CSHR. The facilitators were: Ms. Ranjanie Mendis, Ms. Nilani Fernando, Ms. Nirosha Kannangara and Ms. Meloni Palihakkara. The summary discussions and proposals of these groups were submitted at a plenary session moderated by Dr. Laksiri Fernando, Rev. Noel Dias and Mr. Mervyn Senanayake. The following are some conclusions of these discussions.

### **The Right to Life**

13. The participants wished to discuss their problems first in the context of the right to life; the need for the full development of the persons and the complete protection of their dignity. Any visually handicapped person's life long aspiration is to achieve full visual ability. This should not be rejected or denied. The innovations in medical science should be able to help the handicapped to the fullest possible extent. This is their right to life and the right to see the world.

### **Medical Care**

14. The participants expressed dissatisfaction over the available medical and health care facilities to the visually handicapped. There are negative attitudes on the part of doctors. They tend to reject the possibility of treatment at the outset in many cases. The persons from poor and disadvantaged families tend to suffer most as a result. This should be referred to the attention of the Ministry of Health and the doctors at large. There should be a system to trace the visually handicapped persons at an early age and give those identified persons proper medical treatment.

15. In remote rural areas, visually handicapped persons are completely hidden without any social attention. There is some awareness and some are offered facilities only in the urban sector. This neglect should be eradicated. No one has proper statistics about the visually handicapped persons. There is no registry of them to be treated and attended to properly. This is a weakness.

## **Right to Education**

16. The right to education is very dear to the visually handicapped for obvious reasons. This is where they can make headway if facilities are sufficiently available. They have proved that this is the case. There are a good number of graduates among them, some with special talents and skills. But they end up only as teachers. Is this the only contribution that they can make to the society? The participants disagreed with the status quo.

17. The rural handicapped again is handicapped for the lack of educational facilities. Parents do not know about the facilities available in urban centers for the lack of awareness. At least the available facilities should be made known to the parents of the visually handicapped. Parents should be motivated to educate their handicapped children more and more.

## **Educational Reforms**

18. The ongoing educational reforms seem to have completely ignored the visually handicapped. Activity oriented education may be pedagogically advantageous for the ordinary children. But have they thought about our special needs? How can we get involved in activity oriented education? What activities would be suited for the visually handicapped? The participants raised these issues seeking answers, to the attention of educational reformers.

19. This is only the tip of the iceberg. The participants complained that there is ignorance and prejudicial attitudes on the part of the officers in the Departments of Education, both at the provincial and the national level. One aspect of this situation is the lack of any program to produce text books, and teacher guides in Braille.

## **University Education**

20. There are a good number of undergraduates in various universities. But their special needs and conditions are not recognized. All university libraries should have appropriate Braille facilities. This is not the case at present. There is willingness and ability of most of the students to follow courses with modern utilities.

21. Most of the universities discourage visually handicapped to do subjects like economics, sociology, business and management. They are always relegated to do history, lan-

guages and political science. Some universities do not allow them to do special degrees. This is unfair. Even some of the university professors are prejudicial to the visually handicapped. One remark of a university professor was that "universities are not responsible for blindness." This situation is despicable.

22. There should be possibilities and facilities for the visually handicapped to follow post-graduate courses, here or abroad. There should be appropriate scholarship schemes. Like others, the visually handicapped persons also like to travel abroad and interact with the people of foreign countries.

### **Right to Employment**

23. The most important to the visually handicapped is the right to employment. Then they can be self-reliant. There is an accepted policy on the part of the Department of Education to give teaching positions to the visually handicapped. But this is not implemented properly.

24. Although these teachers are visually handicapped, they are capable of teaching ordinary students and the usual subjects. But most of the school principals are reluctant to give them a proper time table. This is due to prejudicial attitudes. This is against the dignity of the visually handicapped teachers. Although these conditions are reported to the Education Officers and Directors they usually turn a blind eye, apparently sharing the same attitude of the Principals.

25. There are others who are capable of self-employment with skills in various crafts and trades. But no facilities or necessary infrastructure are available. There can be a system of protecting their products by special provision. The rights of "special patent" should apply here. Then they will have an ensured market for their products, locally or internationally.

26. The policy should be full employment for the visually handicapped. Then only would their right to work and employment be fully protected.

### **Social Mobility**

27. They have serious difficulties in social mobility and the right to movement. As a result, their right to entertainment is hindered. They are reluctant and cannot go to public places with equal freedom because of these problems. They need an extra person while travelling. This may not be necessary if their rights are properly ensured.



28. What they want is not mere sympathy from society but equal recognition. Of course they need assistance from others, but not paternalism. These are hard to come by because of prejudicial attitudes of the society. The society at large needs to be educated on these lines.

### **The Media**

29. The media tends to depict a negative image of the visually handicapped and the handicapped in general. The press uses derogatory terms, knowingly or unknowingly. TV is the same. Most of these prejudicial images are present in the society. These should change through awareness creation.

### **The "White Cane"**

30. The "White Cane" is not officially recognized. There is no public awareness about it. Some even obstruct or step on the "White Cane." Motorists should be alerted to the "White Cane" and the traffic police should help and ensure their rights in road crossing and in pedestrian walking. Travelling by private bus is a nightmare. Bus drivers and conductors should be educated of the rights and requirements of the handicapped.

31. Traffic lights are introduced in many places in towns and cities with pedestrian crossings. But there is none near the Ratmalana "Blind School." None of the pedestrian crossings have introduced any sound system for the benefit of the visually handicapped.

### **Access to Public Buildings**

32. The buildings in Sri Lanka are not designed to accommodate the handicapped. This goes for public offices, banks, universities and libraries. There should be rules and regulations in building approvals to go with the requirements of the handicapped.

### **Social Security**

33. There should be a proper social security system for the handicapped. This should include unemployment benefits and pension schemes. They cannot be a burden on their parents, relatives or friends. There are at present difficulties in obtaining even an insurance

policy. Some companies recognize their rights; but others do not. Why cannot the Insurance Cooperation initiate a special scheme for them?

34. There are difficulties in opening and maintaining bank accounts. Most of the banks do not like to deal with them. This should change.

### **Legal Protection**

35. The most stunning revelation came during a discussion on their difficulties in dealing with the police and law enforcement. If they meet with an accident or if their properties are stolen they do seek police protection. But they have no idea of how their complaints are recorded. The police sometimes consider them to be a nuisance.

36. The police, for understandable reasons perhaps, seek "normal evidence" for a complaint. They are asked to give a description of the vehicle of the accident or a physical description of the robber! This is the case even if they go to Court. Under normal procedures, and under the Evidence Ordinance of Sri Lanka, their evidence is not normally recognized. There are no special provisions to consider their cases. As a result, the participants felt that they do not have proper protection under the law. The Evidence Ordinance of Sri Lanka should be amended to accommodate their circumstances.

### **Political Rights**

37. The participants were very conscious about their political rights. If a visually handicapped like them can be a Minister in Britain, why cannot they be involved in politics, they asked. While seeking their full political rights in the long run, the participants were more concerned about the principle of secret ballot in the short run. At present, the returning officers mark their vote when they go to vote. The participants however felt that they can rely more on a friend than a returning officer for their "secret ballot." The best option would be if they can vote in Braille.

### **Conclusions**

38. When the above questions and opinions were expressed by the participants, the members of the panel expressed their views and answered some of their questions to the best of

their knowledge. The main conclusion of the CSHR however was to bring a full report of the workshop to the attention of the general public, since these questions require further investigation and possible discussion. A follow up action is the objective.

39. The panelists encouraged the participants to express and assert their rights as it is very important in any human rights achievement. For example, if principals of schools are reluctant to give a reasonable time table to the handicapped teachers, the teachers themselves should speak to the principals and to the educational authorities in order to find solutions. Handicapped teachers should get together and make representation to the Ministry of Education.

40. The panelists also expressed the view that SLCVHG might be strengthened to address many of the grievances expressed. The CSHR can extend support to this endeavor. The SLCVHG should contact other NGOs and seek their assistance, among which is to alert the media of the grievances of the visually handicapped.



## **Recommendations**

To request the government to immediately implement the "Protection of the Rights of Persons with Disabilities Act" (No. 28 of 1996).

To make representation to the Ministry of Education to look into the grievances of the visually handicapped teachers.

To call for a policy of full employment to the visually handicapped persons.

To promote education among visually handicapped persons through appropriate means. To promote the production of text books and teaching material in Braille.

To alert the public and educate them in order that the rights of all handicapped persons will be respected.

To take immediate and appropriate measures to implement all grievances expressed in this report.



## *List of Participants*

1. P D Nihal,  
Sri Lanka Council of Visually Handicapped Graduates
2. Saman Jayantha Kumara,  
Student, Blind School, Ratmalana
3. K M Cyril Kumara,  
Student, Blind School, Ratmalana
4. K Wasantha Pushpakumara,  
Student, Blind School, Ratmalana
5. L K Rajith Priyanka Perera,  
Student, Blind School, Ratmalana
6. Kalum Prasanna Surige,  
Student, Blind School, Ratmalana
7. Shantha Kumara,  
Student, Blind School, Ratmalana
8. Priyantha Kumara,  
Student, Blind School, Ratmalana
9. Nimal Gunasinghe,  
Student, Blind School, Ratmalana
10. Sanath Thennakone,  
Student, Blind School, Ratmalana
11. Chinthaka Pushpakumara,  
Student, Blind School, Ratmalana

12. Gayan Chandima,  
Student, Blind School, Ratmalana
13. Rangana Gayan,  
Student, Blind School, Ratmalana
14. Dammika Diksan Silva,  
Student, Blind School, Ratmalana
15. Priyantha Nanayakkara,  
Student, Blind School, Ratmalana
16. Dinesh Premakumara,  
Student, Blind School, Ratmalana
17. Nuwan Sameera,  
Student, Blind School, Ratmalana
18. Sarath Kumara,  
Student, Blind School, Ratmalana
19. I D R Nilanthi,  
Student, University of Colombo
20. Dilipa Sajeewani Piyadarshi,  
Graduate- Pugoda
21. H H G Fernando,  
Graduate- Lanka Sabha Vidyalaya, Moratumulla
22. Sasara Gamlath,  
Graduate
23. K A Shelton,  
Graduate, Blind School- Tangalle



24. Nimal Jayaratne  
Graduate, Kalugamuwa Madya Maha Vidyalaya
25. M Jayasundara,  
Graduate, Kuliypitiya
26. P M Gaya Chandani,  
Student, University of Jayawardenapura
27. G R Ranjani Kusumalatha,  
Student, University of Jayawardenapura
28. Keerthi Kumarasinghe,  
Student, Blind School- Ratmalana
29. Neil Abeysekera,  
Student, Blind School- Ratmalana
30. M A Priyantha,  
Student, University of Jayawardenapura
31. R B A Stephen,  
Student, University of Jayawardenapura
32. Ariyawathi Menike,  
Student, University of Jayawardenapura
33. U Priyantha Harendranath,  
Student, University of Jayawardenapura
34. Wasantha Malkanthi,  
Student, University of Peradeniya
35. Ananda,  
Student, University of Peradeniya

36. Nishantha Mendis,  
Student, University of Kelaniya
37. Stella Mary,  
Student, University of Kelaniya
38. Suneetha Perera,  
Student, University of Kelaniya
39. Nelka Ramani Rathnasekera,  
Kolaonnawa
40. W M B Rathnasekera,  
Kolonnawa
41. H A K Kamalsiri,  
Wanduraba
42. H K Shiwantha Shyamali,  
Piliyandala
43. Ranjith Wijesinghe,  
Maharagama
44. Asoka Bandula Weerawardena,  
Student, University of Kelaniya
45. Bandula Udayakumara,  
Student, University of Kelaniya
46. A M Hemantha Kumara,  
Student, University of Kelaniya
47. K T Wasantha,  
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## Annex 1

### Declaration on the Rights of Disabled Persons United Nations, 1975

1. *The term "disabled person " means 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.*
2. *Disabled persons shall enjoy all the rights set forth in this Declaration. These rights shall be granted to all disabled persons without any exception whatsoever and without distinction or discrimination on the basis of race, colour, sex, language, religion, political or other opinions, national or social origin, state of wealth, birth or any other situation applying either to the disabled person himself or herself or to his or her family.*
3. *Disabled persons have the inherent right to respect for their human dignity. Disabled persons, whatever the origin, nature and seriousness of their handicaps and disabilities, have the same fundamental rights as their fellow-citizens of the same age, which implies first and foremost the right to enjoy a decent life, as normal and full as possible.*
4. *Disabled persons have the same civil and political rights as other human beings; paragraph 7 of the Declaration on the Rights of Mentally Retarded Persons applies to any possible limitation or suppression of those rights for mentally disabled persons.*
5. *Disabled persons are entitled to the measures designed to enable them to become as self-reliant as possible.*
6. *Disabled persons have the right to medical, psychological and functional treatment, including prosthetic and orthetic appliances, to medical and social rehabilitation, education, vocational training and rehabilitation, aid, counselling, placement services and other services which will enable them to develop their capabilities and skills to the maximum and will hasten the processes of their social integration or reintegration.*

7. *Disabled persons have the right to economic and social security and to a decent level of living. They have the right, according to their capabilities to secure and retain employment or to engage in a useful, productive and remunerative occupation and to join trade unions.*
8. *Disabled persons are entitled to have their special needs taken into consideration at all stages of economic and social planning.*
9. *Disabled persons have the right to live with their families or with foster parents and to participate in all social, creative or recreational activities. No disabled person shall be subjected, as far as his or her residence is concerned, to differential treatment other than that required by his or her condition or by the improvement which he or she may derive therefrom. If the stay of a disabled person in a specialized establishment is indispensable, the environment and living conditions therein shall be as close as possible to those of the normal life of a person of his or her age.*
10. *Disabled persons shall be protected against all exploitation, all regulations and all treatment of a discriminatory, abusive or degrading nature.*
11. *Disabled Persons shall be able to avail themselves of qualified legal aid when such aid proves indispensable for the protection of their persons and property. If judicial proceedings are instituted against them, the legal procedure applied shall take their physical and mental condition fully into account.*
12. *Organizations of disabled persons may be usefully consulted in all matters regarding the rights of disabled persons.*
13. *Disabled persons, their families and communities shall be fully informed, by all appropriate means, of the rights contained in this Declaration.*

## Annexure II

### *Extracts from the Protection of the Rights of Persons with Disabilities Act, No. 28 of 1996*

*(Certified on 24<sup>th</sup> October 1996)*

The Act is divided into 6 parts.

<i>Part I</i>	<i>Establishment of the National Council for persons with Disabilities</i>
<i>Part II</i>	<i>Appointment of Staff of the Council</i>
<i>Part III</i>	<i>The Finance/ Funds of the Council</i>
<i>Part IV</i>	<i>Registration with the Council</i>
<i>Part V</i>	<i>Protection of the Rights of persons with Disabilities</i>
<i>Part VI</i>	<i>Miscellaneous</i>

Article 23(1) No person with a disability shall be discriminated against on the ground of such disability in recruitment for any employment or office or admission to any educational institution.

(2) No person with a disability shall, on the ground of such disability, be subjected to any liability, restriction or condition with regard to access to, or use of, any building or place which any other member of the public has access to or is entitled to use, whether on the payment of any fee or not.

Remedy for the contravention of the provisions of section 23:

**Article 24**

(1) Where there has been a contravention of the provisions of section 23 any person affected by such contravention on the Council on behalf of such person may apply to the High Court established under Article 154P of the Constitution for the Province in which the person affected by such contravention resides, for relief or redress.

(2) Every such application shall be made by petition in writing addressed to such High Court and shall be heard and determined in accordance with the procedure laid down by rules made by the Supreme Court under Article 136 of the Constitution.

(3) The High Court shall have power to grant such relief or make such directions as it may deem just and equitable in the circumstances in respect of any application referred to in subsection (1)