

Spanish-language Google+ Hangout with Special Advisor Judith Heumann
July 23, 2015
(English Transcript)

MODERATOR: Welcome to Google Hangout ADA Influence of the Civil Rights Act of the Americans with Disabilities of the United States, with which the Media Hub of the Americas Department of State joins the celebrations for the 25 years of the signing of the Act.

My name is Hector Cerpa, I'm a Public Affairs Specialist with the Media Hub of the Americas, of the Department of State and I will be the moderator of this event.

We invite you from now on to join our panelists for a discussion on the implications the Law has had on American Citizens with Disabilities, known as "The Americans with Disabilities Act", 25 years after its implementation.

This event is part of the "State of Rights" series of interactive dialogues between government officials, political leaders, and local citizens on issues of global importance that engage audiences in open and closed societies, led by the Bureau of Democracy, Human Rights, and Labor at the U.S. Department of State.

During the Google Hangout that we are kicking off right now, you will listen about success stories, good practices and guests answer questions we have received through the hashtag #PreguntaADA25 on social media.

Our panelists who we heartily welcome are:

Judith Heumann, who is the Special Advisor for International Disability Rights of the State Department of the United States and internationally known leader in the community of people with disabilities and an advocate for civil rights.

And we also have with us Diego Mariscal, founder of 2Gether International, a nonprofit organization whose goal is to educate young people to break social barriers between people with disabilities, and he has also been an athlete of the Paralympics in Mexico.

Without much more dilatory, we will begin this meeting by inviting the Special Adviser, Judith Heumann, to say a few opening remarks.

JUDITH: (In Spanish) Hello, I am happy to be with you today. (In English) I'm very sorry that I can't speak in Spanish fluently, but I'm really happy to be able to be with all of you today and I look forward to being able to have other types of discussions like this. I'm particularly happy that we're doing this discussion with Latin America because there has been some wonderful work done in Latin America, in many of your countries to advance the rights of disabled people and our ability to collaborate, to cooperate, to share information on progress that we've been making and on areas that we are still striving to achieve greater human rights for disabled people, that's something that I hope this discussion today will begin to facilitate as well as in the future to continue this discussion.

MODERATOR: Thank you Special Advisor, Judith Heumann. And now I would like to offer our guest, Diego Mariscal, founder of 2Gether International, the opportunity for his opening remarks. Welcome Diego.

DIEGO: Well thank you, Hector. The truth is that I am very grateful to be here today with you. A little bit of my story; I am a person with cerebral palsy, I was born at about six months premature, and I was born in America, but all my life I grew up in Mexico. And my whole family is from Mexico. Then, as I have dual nationality and I've been like living, as two different realities, right? One in the US, being protected by the rights that are being taken by the ADA; and another, as in Mexico, where there is no law as it is. So I hope I can give that perspective through the conversation.

MODERATOR: Thank you, Diego. And now let's go to the questions that we have received from our audience. And we will start a conversation about this law and its implications, not only here in America but also in some countries in Latin America. Let's start with the Special Advisor, Judith Heumann. Could you explain what you mean when you say that many times the rights of people with disabilities are not only important for those who have a disability?

JUDITH: Thank you, we talk now about something called universal design, that many years ago when we began to do work in the United States and countries around the world we were looking at the removal of physical barriers and the removal of barriers for people with sensory disabilities, like blindness and deafness, and people with other forms of disabilities, but if we can focus for a minute on the issue of removal of physical barriers. I'm 67 years old, I was born in 1947, I had polio in 1949. I grew up in Brooklyn, New York; but at that time there was no legal right to basic things like sidewalks having ramps so that someone who had a mobility disability like myself, who uses a motorized wheelchair would be able to get up and down a sidewalk. There were no laws that required that new construction would be accessible. So schools would be built and universities would be built that were not accessible. And shopping malls were built without accessibility. Movie theatres were built without accessibility. Starting in the 1970s that began to change; we had a federal law that began to look at the issue of construction. And between 1970s and 1990, when the Americans with Disabilities Act came into being, we've seen dramatic changes. So now we have a national standard on accessibility which requires for example any new building, public or private building, government or non-governmental building, will have to meet the standards from the federal government, but a state may decide to make the standard stronger. So whereas in the 1950s, 60s, 70s, and 80s, it was not very easy for me to be able to use public transportation, to get across the street, to have an expectation that I could go to a movie theatre and stay in my wheelchair, many of these things have now been changed. So I now go to work every day on a bus, an accessible bus, and I come home in the evening on an accessible bus or I take our train system. That was really unheard of 30-40 years ago. The reason I discuss it so explicitly is in the beginning when there was a lot of opposition to making sidewalks accessible, or to making our buses accessible or making trains accessible. People would say, oh this is only for a small percentage of people who will in fact utilize these accommodations. And in reality we know today that that's not true. Yesterday, I went to take the elevator to get to the train, and there were two women who had babies in baby carriages, they couldn't carry those baby carriages down the stairs or up the stairs so they take the elevator. So

the number of people that are using elevators today in our train systems is really exponentially increasing. So sometimes I have to just go to the front of the line and say, "this elevator is there for me, you can use it also but I can't wait for seven baby carriages to get onto the elevator." And I think that's great! Because now we see that an elevator is not just for someone who's got a mobility disability, it's for people who are old and young, for men and women who have children, or are carrying heavy things. And likewise public bathrooms where we have multiple stalls, and there'll be one or two wheelchair accessible stalls, how many times have I gone into a bathroom where there is someone in that bathroom who does not have a disability. Why? Because they like the bigger space, so universal design is something that we need to think about. And we need to remember that standards that are being changed to remove barriers for those of us with disabilities in fact benefit the entire population. I guess I want to give you one other example and that is in the area of captioning. So people who are deaf and need sign language or captioning, which is where the words are being transcribed, which you can see as you look at this Google Hangout. In the past, technology wasn't sufficient enough to allow someone who is deaf to be able to go to a movie and see the movie. They went to foreign films because foreign films were captioned. Now in a growing number of places in the United States, for example, you can go to the movies, you can request a device, and that device will caption the film that you're seeing so everyone in the movie theatre doesn't have to see the captioning. It also has something called audio description, so if someone is blind or low vision, they can also get technology for audio described films. And so where the films are audio described it enables the person who is blind to be able to get a much more comprehensive understanding of what is actually going on in the screen when they're watching a film. There are many other examples.

MODERATOR: Thank you. Diego, on your part, what can we do to make all these achievements of the ADA expand its achievements to Latin America to develop these concepts of non-discrimination and equality for people with disabilities throughout the Americas and in the Caribbean. Let's not forget that it is also part of the Americas.

DIEGO: Yes, of course. Well I think it is very important first of all to analyze how the ADA began here in America. And if we understand a bit of history, it is that people with disabilities came together to fight for rights in common. People who were blind, people who were deaf, people with cerebral palsy, like me, the ones who have invisible disabilities; all of them united to fight for rights in common. If we understand that, and if we understand that people with disabilities also, for example, crawled up the steps of the Capitol to fight for this law. If we understand the strength and ability of people with disabilities, then we can really understand that for a law like ADA to work, it has to come from disabled people themselves. It is they who have to fight for their rights and have to ask for what they need. I think step one, first is to educate people. For example, I studied in Mexico, where they never talked about the rights of people with disabilities. We never talked about the different types of disabilities, then I think step one is to educate the population on the disability community. And step two is to support people with disabilities so that they themselves are the agents of change to produce a similar law or one which reflects the ADA.

I think those are the steps to follow.

HECTOR: Special Adviser, Judith Heumann, after 25 years, all these changes that Diego mentioned are necessary in Latin America, are they already seen here in the US?

JUDITH: Well, first of all, we still have further progress to make in the United States. We made great progress, but the Americans with Disabilities Act, for example, prohibits discrimination in the area of employment. And employment of disabled individuals is an area where the government and the private sector are doing much more work because the unemployment rate for disabled people is still too high. The federal government has seen increasing numbers of disabled people being employed in the federal government, in part President Obama in 2010 issued a directive to all of the governmental agencies telling them that they needed to increase the number of disabled people who are working in the federal government and needed to ensure that people were making appropriate progress in their jobs to be able to be promoted. And we've seen this as something which has been very valuable. Right now the federal government has about 13., approximately 13% of the workforce are individuals who have disabilities including disabled veterans. So there are many other areas that the U.S. is still working to improve. In the area of primary and secondary education, while we've seen much progress because not just of the Americans with Disabilities Act, but another law called the Individuals with Disabilities Education Act. We've seen much progress, but we still need more progress to be made so that disabled children are receiving the appropriate accommodations in school. We see a lowering of the dropout rate in many states for disabled students; we see a definite increase of the number of disabled students who are going on to higher education experiences. Things are trending in the right direction. Let me say there's a lot of good work that's been going on in Latin America, and I really want to underscore that because we need to be very respectful of the very good progress that's happening in many countries.

Work is being done on accessible transportation, construction, inclusion of disabled children in school. I would like to say that one area that I believe may be different than many other countries in Latin America addresses the issue of enforcement. In the United States when you look at laws like the Americans with Disabilities Act, and let me just say that the Americans with Disabilities Act is in Spanish, and information about what the law does and how it does it can also be obtained in Spanish. What is important is if I as a disabled person, for example, believe that I applied for a job and I was denied that job, either as a federal job or a job in the private sector, if I believe I was discriminated against I may file a complaint. And the complaint will be reviewed by the appropriate government agency. And if they find that I have a legitimate complaint then the government can do a number of things, it can propose something called mediation. So I have a complaint, I'm complaining against an employer, if the employer says yes they're willing to sit down and have a discussion and work out an agreement, then a third party can come in. That third party will negotiate between myself and the employer who has allegedly discriminated and come up with an agreement to rectify the problem. Technical assistance is something else that is given very broadly in the United States to help both disabled people and other affected parents, employers, educators, private sector construction companies, whatever, to get a better understanding of what their obligations are under the law and what our rights as disabled people are. So technical assistance is unique and we have a lot of it in the United States because we believe that it's important that entities learn about what their obligations are, and the right to file a complaint, and in some cases the government going into court to be able to address these problems. And to see actual action that happens as a result of completion of a court case and mediation, and things of that nature.

MODERATOR: Twenty-five years after the ADA was established as law, obviously there is a whole new generation. In this case the issue of education is very important. Diego, the student

exchange programs between the United States and Latin America may be an opportunity for progress for people with disabilities in the region.

DIEGO: Sure. I think that is fundamental. I had the opportunity, not through an exchange program of education, but medical needs, to study two years in the US, before I came to live here permanently. When I was in high school, I studied two years in Minnesota, and it really was very interesting to see how the infrastructure and the disability law were different, right? That is, for example in Mexico I remember that everything was a constant fight for services, right? And it was as if they were doing you a favor by accepting you in school, as if they were doing you a favor by giving you access to a pool, or they were doing you a favor by giving you therapy. And when we moved to America, and we realized it was not a favor, it was really our right. One thing that was very shocking for example, we lived in Minnesota where there is lots of snow. Then we had to wait for the bus to pick us up, but the normal bus does not fit into our street, then we had to ask for a special bus. And my mom, coming from Mexico said "no, I take them to school, it's fifteen minutes. No problem." And they said "no, no. It is important to go on the bus, because it is their right, because it is part of the school system. And if there is an accident we hold ourselves accountable. You are not used to driving in the snow ..." It really is a radical change in how disability and attitude towards disability is handled. In not seeing it as a problem, but seeing it as something that is just different. So the issue of having that opportunity made me a more confident, more effective in fighting for my rights. So I think that the more we can encourage students to have the opportunity to live and learn from these experiences, I think it will enrich more. Not only his country, but to the disability community itself. So I think it's very important, it is crucial to promote exchange programs for people with disabilities.

JUDITH: Diego, could you talk a little bit about your experience in college and the types of support that you received when you were in college?

DIEGO: Sure. Well, I attended high school in Mexico, and when I needed time extensions, for example, on my tests or when I needed some kind of academic support, it was always a problem. I was always seen as someone different, and always being looked at like they were offering me special treatment. In fact when I tried to arrange my exams to come to study in the United States I had to file a statement in which the documents showed that I have a disability. The school could not support me with those documents. I had to talk directly with College Board and I fight for my rights independently outside the school. So it was really a contrast, because when I came to study in the United States, and now that I live here, as a student it was completely different because of the services offered. From the moment I walked in I was asked what I needed. That to me was, extra time on tests, extra time on some tasks and that being here really was not an issue or a problem, while being in Mexico because it is not something to be discussed and not something you see. I recently returned to Mexico and I realized that a person with cerebral palsy, which is the same disability that I have, but had a much more severe level of disability, was not accepted into the same school I attended in Mexico. And really for me, that was insulting, because she has the same disability, just a little more severe, and was not allowed to have the same access to education. The same access that I had. So really, it is very important that people with disabilities fight for their rights and that really they are the ones who speak and say, therefore, the value of receiving an education. I hope to be an example of that, because thanks to the education I received I am where I am and I'm doing what I'm doing, but it is very important to other young people with disabilities to experience it also.

MODERATOR: Thank you, Diego. Precisely what we are talking about is the influence of the Charter of Civil Rights of the Americans with Disabilities ADA, here in the United States and what might be its influence in Latin America. And in this aspect, which Diego talked about, Special Adviser, Judith Heumann, we have to set the concepts clearly on what integrating and what social inclusion are. Because sometimes they seem like synonymous, but they are not. And this aspect mentioned by Diego on education makes that clear.

JUDITH: I think when looking at higher education, Diego has cerebral palsy, he also has a learning disability. In many countries around the world learning disabilities are something that are not necessarily really understood. And yet, in the United States, people who have things like dyslexia or attention deficit disorder, a pretty high percentage of individuals who are in our educational system with those types of disabilities. And for example with people who have psychosocial disabilities or intellectual disabilities. So since the 1970s our universities under another law, other than the ADA, then reinforced with the ADA in 1990, the universities and community colleges have been required to be removing barriers, not just physical barriers but also barriers to enabling students to be successful in school. So this issue of what we call “extended time,” so if someone has a disability: blindness, deafness, learning disability, physical disability, whatever, and if there is documentation that the individual needs extended time for a test, then it’s the university’s obligation to ensure that that extended time is given. Looking at the issue of students coming from Latin America to study in the United States under the 100,000 Strong program, a point I would like to make is because our universities across the United States are not necessarily 100% accessible, but more and more of them are, and they all have support services on college campuses to assist a student and faculty who have a disability to be successful either as a student or a teacher.

So we have opportunities in the United States that do exist in some schools in Latin America, but if you’re interested in studying in the U.S. and learning more about this particular program it would be an opportunity for those of you who have disabilities to be able to come to the United States and study and learn both about student life but also about living in the community and the kinds of changes that have been going on in our communities. Now the issue of integration and social inclusion, I mean ultimately, thinking about this concept of universal design, we would like to be able to look to the future in all countries around the world to be able to say that the barriers that were erected maybe unintentionally, but have been excluding people with various forms of disabilities will be removed, and that if we look at the next 5, 10, 15, 20 years we’ll see dramatic changes that have occurred. The Convention on the Rights of Persons with Disabilities which has been ratified by 155 countries, most countries in Latin America have ratified the treaty. We believe that the ratification of the treaty will in fact enable many countries that are committed to real implementation and development of legislation will enable countries to move forward.

As Diego’s been saying collaboration across disability is very important. Additionally I would say it’s very important that we in the disability community also work with the human rights community to get them more involved in our issues. The broader the group that’s working to remove barriers and to enable those of us with disabilities to be seen as a normal part of our communities, really included, that’s our ultimate objective.

MODERATOR: Also on the profile of Diego Mariscal who joins us here from 2Gether International, there is the fact that he has been a Paralympian. And in this sense, is there access to scholarships through Paralympic sports, Diego, at college-level or high school? Should these scholarships be promoted?

DIEGO: Yes. Yes. In fact they do exist. Really, honestly when I was an athlete, which was a few years ago, there were scholarships where they were given 100% of the studies to the athletes who could meet high performance, not all universities, these were certain universities. Most are government colleges. I, for example, decided to go to a private college, because of the level of the education. But I received a scholarship for my high performance. So I think it's very important that the government continues to support such programs because they give access to education, they keep people with disabilities active and doing therapy, in a fun way. I started sports because it was my therapy and really, that's what later made me somewhat competitive. So I think it's a great way to keep people with disabilities in therapy. It is an excellent way to promote education, because you are giving access to education, and it is also a great way to include them and have fun. Actually, by swimming, I had no disability compared to my other colleagues. So it's a very good environment to demonstrate the capabilities of a person with disabilities.

MODERATOR: Before moving on to the next question. Thank you very much, Diego, of course. I wanted to insist on something that the Special Adviser, Judith Heumann, remarked to us, and that is the fact that we can access all materials on the ADA online. We will provide via Google Hangout the link so you can access all this information. And the next question comes from Bio Bio in Chile, Sebastián Felipe asks us via Twitter, indeed social inclusion issues, transportation issues and education are important no doubt, but, and this is a question for the Special Adviser, Judith Heumann, what about what has to do with entertainment, recreation, cultural activities? Is that also part of the concern?

JUDITH: Absolutely, and, the reason why I was emphasizing earlier public and private sector is because theatres, for example, now have to be accessible. So any new theatre which is being built or any major renovations that are being made to a theatre have to be accessible. That means that disabled performers are able now to be able to go to a theatre and participate in whatever activity is going on in a theatre. Acting, dance, and right now as a part of the ADA celebrations the Kennedy Theatre, which is a very renowned theatre of arts here in the United States, is hosting 11 days of performers with different types of disabilities in the main part of the theatre. What is wonderful about what they're doing now is not only have they identified really excellent performers, but they also have disabled and nondisabled people who are coming to view these performances. At last, we had as one of the performers who, the first performance that was given at the Kennedy Center was in the area of comedy, and the two disabled people who performed, one has cerebral palsy and one has a physical disability. Those performances were great, and accessibility has really been enabling more performers to be able to be a part of general theatre life. We have dance companies, integrated dance companies with disabled and nondisabled people, more and more of them around the United States, actors and actresses. So yes, absolutely, removing barriers to participation in cultural life is critical for our own enrichment.

MODERATOR: One aspect that has been in constant discussion during this Google Hangout and that is always an aspect of discussion: architectural barriers. We see them everywhere. They

seem almost ubiquitous in our lives, and especially in Latin America and in many countries around the world they widely exist. Citizens with disabilities face these challenges almost daily. Can that be considered almost as a reflection of the mental barriers that still exist for the integration of disabled people in society? And the big question is, how do we overcome them? And I want to first invite the Special Adviser, Judith Heumann, to help us to think how we can overcome all these barriers.

JUDITH: The way we overcome physical barriers is to develop good laws and to have enforcement of those laws. In a number of Latin American countries there are laws addressing issues of new construction, renovations, there are standards that have been put in place. Sometimes the standards could be stronger. But as I said earlier one of the biggest issues is whether those standards are being enforced. In other words, if the law says a building needs to be constructed following certain standards, if that building is not built to those standards then what is the process that gets utilized to eradicate those problems? Can an individual file a complaint? Will the government investigate it? Will in fact the company that is constructing something new and not follow the standards, will action be taken against that entity to make them make revisions? Those are very important things. In Latin America, in some countries, the issue of corruption has come up when I've talked to people who have said, "yes we have a standard, but if someone pays somebody, they don't follow the standard and nothing happens." So corruption I think in countries around the world is something that is very important to address not just in the area of disability, but it can also adversely affect the ability of laws to effectively be implemented, so good standards that the community has been involved in developing is essential. Right now in the area of physical accessibility there is an ISO, International Standard Organization, that has developed standards on physical accessibility that people may want to look at. And then of course we have the standards in the U.S. which are pretty comparable to the ISO standards but go a little further.

MODERATOR: Diego, as representative of the new generation, those who have received the benefits of the fight of Judith and many other activists, is this one of the challenges for this new generation, trying to overcome all these barriers and move on to other agenda items?

DIEGO: Well, I think it's very important too, the law is very important, but I think also just knowing that there are places and there are methods that can facilitate breaking such barriers. For example, I believe in young people, especially in Latin America, as a student in Mexico I never learned about the rights of people with disabilities. I never learned about what was being done in other countries on the matter of disability. It was not until I travel to the United States that I realized other practices. I think it's very important, an education towards disability, and number two, I think it is also very important that the same people with disabilities fight for their rights and give their opinion on the issue. I think for example, we saw a little while ago, I think it was in Brazil, where a video was made of a person who had no disability parking in a place for people with disabilities, and they put on it, it was covered with blue stamps that had the symbol of person with disabilities. All the car was covered with stickers. And the car had the symbol of a disabled person. So I think that is a creative way for the community really, to make aware the rights of people with disabilities and to respect the rights of people with disabilities, because I'm sure that now people in Brazil and people see that video, they will think twice before parking on the site of a disabled person. So, thinking as young people, I think to think creatively, on how to

educate the community about disability and exercise your rights in a creative and different way, which perhaps goes beyond enforcing a law.

MODERATOR: It's great to have Judith's views, who has given us so much throughout his struggle all these years, and the vision of Diego's generation, which is the generation that has received the benefit of all this struggle, but certainly now it has its word to say. Social activism, the need for governments to act and within this framework, Judith, there is also an important aspect that we talked about previously, for example there are many trade talks between the United States and Latin America. between the United States and the world. Is it time also for free trade agreements to include provisions for people with disabilities?

JUDITH: Absolutely, I mean disability needs to be a part of the agenda and in the APEC region, and some Latin American countries that are a part of APEC, in fact we have been working with the Chinese and a number of other countries on the issue of inclusion of disability in the APEC agenda to advance employment of disabled people and so that is something that's moving forward. I think it's critical that when we're looking at employment of people in our respective countries that we can't avoid and shouldn't avoid. In the case of the United States, 19% of our population has disabilities, and we know from the World Bank that at least 15% of the world's population have disabilities and 80% of those people live in developing countries. So the only way that we're going to really be able to address issues of poverty is to ensure that we are developing laws that are appropriately being implemented that are ensuring that disabled children are able to go to school and get an education and be able to move through the continuum of life so that they in fact can become contributors of society and don't need to be looking at taking handouts and being pitied, being pitied because of their disability. I want to say that you know looking at Latin America and some of the really tremendous leaders that exist. The woman in charge of Disability at UNICEF is Brazilian, her name is Rosangela Berman-Bieler. She did fantastic work while she was in Brazil for many, many years helping to set up the first center for independent living in Brazil, working on legislation for the rights of disabled people, working very hard on inclusion of children with disabilities and many, many other contributions. So she's now the leading person in UNICEF advancing the inclusion of disabled people in education. Also, Catalina Devandas who is from Costa Rica, she is now the UN Rapporteur on disability based in Geneva. So you can see that very positive work is going on in Latin America. You're producing some dynamic leaders who are really going on to influence things around the world. And now the United States is saying we wish to continue to collaborate with colleagues and friends in Latin America to help learn more about some of our laws, and to be able to ensure that as we move forward as a region that we will be able to see demonstrable progress for people with all types of disabilities.

MODERATOR: in this manner we have reached the end of the round of questions and answers and before concluding this event we invite precisely the Special Adviser, Judith Heumann, to say a few words to close and also remind you that all this information will be available in Spanish. Please, Judith.

JUDITH: No, I just want to say that I appreciate this is the first Google Hangout we've done. I hope we'll be able to look at other ways of sharing information and to be able to exchange information. Google Hangout is a great opportunity so I look forward to looking at other opportunities to share information and to learn from you. I will be in the near future going to

Brazil, and I'll be in three cities in Brazil and I look forward to meeting disabled individuals, visiting programs, meeting with government officials to learn more about the progress that's being made in Brazil. And of course we'll be visiting other countries in Latin America. So thank you very much for joining.

MODERATOR: Diego Mariscal from 2gether International, thank you very much too.

DIEGO: Thank you, Hector.

MODERATOR: In this way we reach the end of this Google Hangout Influence of the ADA, rights of persons with disabilities in the United States commemorating the 25th anniversary of the signing of the Act, to bring together experts on global trends several countries around the world the number of the Rights State seeks to share information to advance democracy and human rights, and strengthen civil society. You can find all the information available in Spanish and many other languages on www.humanrights.gov, and following the link State of Rights.

We invite you to spread this initiative to further promote the ADA and its scope, and enter the link that accompanies this page because we will continue to answer questions we could not deal in this segment. Thank you very much to all, and especially thank you very much to our participants.