

## Rights of the Child (with a disability...)

**All people are born free and with equal dignity and rights.**

*Universal declaration of Human Rights, article 1*

**The member states ... recognise the right of the child with a disability of special care.**

*Treaty regarding the Rights of the Child, article 23*

If it was possible to apply these promising declarations to the letter of the law, the Liliane Foundation would have no reason to exist anymore.

Most countries where we are active as a Foundation subscribe to the Universal Declaration of Human Rights and the Treaty about the Rights of the Child. So according to logic, each of those countries should be consistent: if a child needs a crutch, a calliper or a prosthesis, these should be provided by the government. If that child needs surgery, then it is entitled to this and should be provided by the government.

In many countries this is even in theory the case: not only the Declaration of Human Rights was signed, but also separate legislation was provided for people with disabilities. All rights of these people are laid down, starting from the right of health insurance to the supply of special parking places for drivers with disabilities or adaptations for access to public buildings.

However, in most - say practically all - countries, the application decisions of the laws in question have not been approved by the Chamber or the Senate yet, the amendments have to be treated in endless commissions, in principle one has already rights but in practice ... almost, but not quite yet.

So, often people sigh: "We don't even have money for the education of the able-bodied children, let alone for that of children with disabilities." Very often we as mediators have accepted the fact that this is what the situation is like in our country: we live in a developing country, such is life. One day, God willing, things may improve, but not yet.

In spite of this general lack of funds, time and time again the mediators of the Liliane Foundation stand up for the rights of the children with disabilities, organising operations, seeing to the manufacture of crutches, callipers or prostheses, guaranteeing education etc., thanks to funding from the Netherlands.

Obviously it is not the intention to keep relying forever and for 100% on the Dutch Liliane Foundation. Sometimes positive news reaches us, we see on an individual justification that a certain percentage of the cost of for instance a calliper or for some medical intervention was refunded by the government, or that a child was operated free of charge in a government hospital.

In the office of the Liliane Foundation in the Netherlands we only notice this if the mediator states this contribution from the government also explicitly on the application form (contribution from other persons/organisations) or on the justification form under the heading 'parent contribution' stating separately that it concerns a government contribution.

We think it may be a point of attention for all mediators to investigate with every kind of assistance whether there is a chance to obtain that assistance, even if only partly, in the country itself. If there is such a possibility, it may be worthwhile to try to benefit from that right.

Sometimes a nearly endless martyrdom of paperwork or administration will be required, so mediators get the feeling that the child is far better and faster helped if they pay for everything themselves (read: with Liliane Foundation funds). Especially in the case of urgent help, this is indeed often the case.

Sometimes the gap between dream and reality remains in spite of the good intentions of the government or of the legislator.

In Bolivia for instance, people who are blind or using wheelchairs are legally entitled to free transport. But public transport is completely controlled by private companies. They don't realise why their drivers should stop their buses and moreover lose extra time by helping wheelchair users, who don't pay anyway, to get in. As a result, hardly any bus drivers are willing to stop anymore for wheelchair users since the proclamation of the well-meant law.

So it is absolutely necessary to act with much tact when the rights of children with disabilities are at stake, and it would be good if mediators were to talk to the authorities on their responsibility in this matter.

We call on all mediators to give attention to the local possibilities of using locally subsidised infrastructure, hospitals, rehabilitation centres etc.

If any local contributions are received, if costs are partially funded by the authorities, then it is good to mention this in the justifications. The correspondents will be especially alert on this, so that we will gradually get a better insight as to whether there is any progress in benefiting from the rights of the child, and more specifically for the child with a disability.