

The United Nations Convention on the Rights of Persons with Disabilities

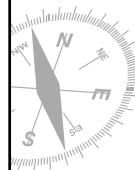
From the Perspective of
Users and Survivors of Psychiatry

Presented by Myra Kovary

The Center for the Human Rights of Users
and Survivors of Psychiatry (CHRUSP)



In honor
of our brothers and sisters who did not
survive their experience of psychiatry

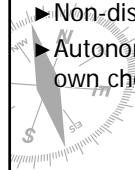


UN Ad Hoc Committee on the CRPD



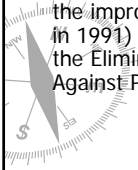
Key principles of the CRPD

- ▶ Human rights approach
- ▶ Non-discrimination
- ▶ Autonomy and the freedom to make one's own choices



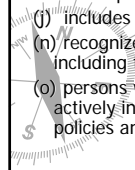
Social model of disability transcends medical/welfare model

- ▶ The CRPD supersedes the paternalistic approach that is expressed in the outdated United Nations MI Principles (officially titled "Principles for the protection of persons with mental illness and the improvement of mental health care" adopted in 1991) and the Inter-American Convention on the Elimination of All Forms of Discrimination Against Persons with Disabilities (1999).



Preamble

- (e) disability is an evolving concept and disability results from the interaction between persons with impairments and attitudinal and environmental barriers
- (h) discrimination against any person on the basis of disability is a violation of the inherent dignity and worth of the human person
- (j) includes persons who need more intensive support
- (n) recognizes the importance of individual autonomy, including the freedom to make one's own choices
- (o) persons with disabilities should have the opportunity to be actively involved in decision-making processes about policies and programs



Article 1: Purpose

"The purpose of the present Convention is to promote, protect and ensure the full and equal enjoyment of all human rights and fundamental freedoms by all persons with disabilities, and to promote respect for their inherent dignity."

"Persons with disabilities include those who have long-term physical, mental, intellectual or sensory impairments which in interaction with various barriers may hinder their full and effective participation in society on an equal basis with others."

► The CRPD includes the rights of persons with long-term mental impairments

► We did not get the language we preferred – persons with psychosocial disabilities

Article 3: General principles

- (a) autonomy and freedom to make one's own choices
- (b) non-discrimination
- (d) respect for difference and acceptance of persons with disabilities as part of human diversity and humanity

Article 4: General obligations

1. (b) Abolish existing laws that constitute discrimination
3. Development of legislation and policies to implement the Convention shall actively involve persons with disabilities through their representative organizations.

Article 12: Equal recognition before the law

2. Persons with disabilities enjoy legal capacity on an equal basis with others in all aspects of life.
3. Provide access to persons with disabilities to the support they may require in exercising their legal capacity.

*** PARADIGM SHIFT ***

Capacity vs. Incapacity

Focus on what a person is capable of doing
vs. what we are incapable of doing

Respect for a person's autonomy and the right to make our own decisions

Models of support include:

- ▶ Families
- ▶ Peer support
- ▶ Community support – e.g. indigenous cultures
- ▶ Advanced planning
- ▶ Personal ombudsman program in Sweden
- ▶ Personal assistants
- ▶ Etc. (to evolve!)

Supported decision making vs. substituted decision making

Even if 100% support there is an obligation to:

- ▶ Find out what the person wants vs. act in their “best interest”
- ▶ Back off as support need is reduced vs. go to court to establish competency

Support models encompass substitution (100% support if a person is in a coma, for example) but substitution models can not encompass a full range of support

Article 14: Right to liberty on an equal basis with others

The existence of a disability shall in no case justify a deprivation of liberty.

Article 15: Freedom from torture, cruel, inhuman and degrading treatment

Protection on an equal basis with others

- ▶ Example: forcing mind-altering drugs on political prisoners is torture

Article 17: Respect for physical and mental integrity on an equal basis with others

- ▶ No exceptions!

Article 19: Living independently and being included in the community

- (a) Ensure that persons with disabilities have the opportunity to choose their place of residence and where and with whom they live and are not obliged to live in a particular living arrangement
- (b) Ensure that persons with disabilities have access to a range of in-home, residential and other community support services, including personal assistance necessary to support living and inclusion in the community

Article 22: Respect for privacy

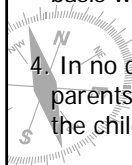
2. Protect privacy of health records on an equal basis with others



Article 23: Respect for home and the family

- 1.(c) Persons with disabilities, including children, retain their fertility on an equal basis with others

4. In no case shall a child be separated from parents on the basis of a disability of either the child or one or both of the parents.



Article 25: Health

- (c) Right to health care on the basis of free and informed consent

- (d) Prohibits discrimination in provision of health insurance and life insurance



Article 27: Work and employment

- (i) Ensure reasonable accommodation in the workplace



Article 29: Participation in political and public life

- (a) Right to vote and to be elected



Article 32: International cooperation

1. States partner with civil society, in particular with organizations of persons with disabilities



Article 33: National implementation and monitoring

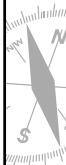
3. Persons with disabilities and their representative organizations shall be involved and participate fully in the monitoring process



The "Dream Team" at the UN



Outside Conference Room 4 at the UN



International Disability Caucus (IDC)

We built alliances while working at the UN.

Our struggle is now a shared struggle.

The IDC was made up of over 70 international organizations including the World Blind Union, the World Federation of the Deaf, the World Federation of the Deafblind, Inclusion International, the Landmine Survivors Network, the World Network of Users and Survivors of Psychiatry, MindFreedom International, and others.



Conclusion

The United Nations Convention on the Rights of Persons with Disabilities is a victory for Users and Survivors of Psychiatry.

There is nothing in the Convention that can be used to restrict our rights.

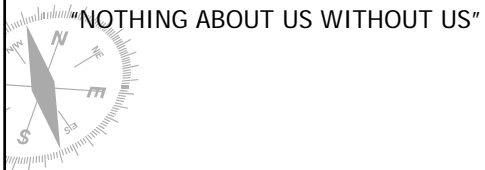


We succeeded in establishing the legal basis to

- ▶abolish mental health commitment and forced treatment, guardianship, and the insanity defense
- ▶create a wide range of healing support, and
- ▶liberate our people from institutions



Motto of the International
Disability Caucus



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