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## March/April Friends' Brief

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March/April 2016

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Welcome to the combined March and April edition of the Friends' Brief.

We have been busy in Geneva, working with the UN Committee on the Rights of Persons with Disabilities, and you can read about this on page 2. On page 4 we summarise the results of our UN advocacy. In March we went to Uganda and Zambia which you can read about on page 5. New staff member Marieke Widmann is in the hot seat in our 'who's at MDAC?' column on page 7.

As you may know, MDAC headquarters will move from Budapest to Leeds in the UK at the end of this year. The reason for this is so that MDAC can better coordinate its work from the UK with law firms while still assisting NGOs in the same countries as now. We can also tap into fundraising opportunities in the UK from trusts and foundations, individuals and corporations. Importantly, we have been offered a wonderful collaboration with the University of Leeds, which has the largest grouping of disability rights scholars in Europe. The School of Law this month created a [Disability Law Hub](#), which I'm privileged to have joined as a Professor of Law and Social Justice on a part-time basis. I will still be at MDAC and will focus much of my time this year building collaborations to make sure that the next phase in our organisation's development is successful.

Best wishes,

Oliver



## Independent living and being included in the community

MDAC's side event at the UN, 6 April 2016. © MDAC.

This month, the UN Committee on the Rights of Persons with Disabilities, hosted its 15th session in Geneva. One of its roles is to review the compliance of countries that have ratified the Convention on the Rights of Persons with Disabilities. This is a technical way of saying that they measure how well each country is respecting human rights for disabled people. Among the countries under review this month were Slovakia, Serbia, Lithuania and Uganda: all countries where MDAC has supported local NGOs and lawyers.

During such a review, the Committee grills governmental representatives, and NGOs can work with Committee members to present information that governments would prefer the Committee not to receive. Such information is contained in what we call 'alternative reports' (alternative to the government's point of view), or 'parallel reports' or 'shadow reports'. After the review, the Committee produces 'concluding observations' which is a report on the country reviewed that sets out the Committee's findings and recommendations to government. On page 4 of this Brief we summarise some of these findings.

MDAC participated twice during the session. With many NGO partners, we convened two side events that both focused on the right to live independently and be included in the community. The first on 6 April was organised with Mental Health Uganda, Human Rights Watch, Forum for Human Rights (Czech Republic), and the Mental Disability Rights Initiative of Serbia. Catalina Devandas, UN Special Rapporteur for Persons with Disabilities, chaired the event.

Speakers shared [stories](#) about how this right is denied to people with disabilities. Emina Ćerimović from Human Rights Watch, explained how 11,000 people with disabilities live in institutions in Serbia, many having entered as children. Steven Allen, MDAC Campaigns Director, explained MDAC's advocacy to encourage governments to stop funding segregating institutions. He shared MDAC's position that a moratorium on new admissions needs to be established, so that an institution's bed is thrown away when a resident dies, to ensure the right to independent living in the community can be guaranteed to people on the waiting list, and so that institutions are closed through attrition.



MDAC's second side event at the UN, 19 April 2016. © MDAC.

Our second event, “Follow the money! Financing and independent living” took place on 19 April. We organised this event with Inclusion International, the Centre for Disability Law and Policy at the National University of Ireland Galway, the University of New South Wales, and the University of Ireland. The event took place on the Committee’s “day of general discussion” on community living.

Professor Gerrard Quinn explained how community living was “not just about social supports...it's actually more profoundly about human persons, what makes people flourish as individuals, what makes them flourish as citizens and valued citizens who belong in their community. So this concept of personhood I would say is right at the root of Article 19.”

Oliver Lewis of MDAC was invited to address the Committee during the day of general discussion and said:

“De-institutionalisation often ends up being trans-institutionalisation. This occurs when people are shifted from one institution into another, usually smaller, newer, warmer and less

smelly. The second institution is always called something other than “institution”, usually the names sound lovely like social care home or living centre, or reassuringly clinical like assessment unit. Even in the new smaller residential set-up, an institutional culture often pervades. In Moldova MDAC is currently investigating how 14 young adults were transferred from an institution into “community homes” that are houses where the residents receive education and where most of their daily activities actually take place in isolation from the community. In Romania NGOs have raised concerns about a new governmental scheme that transfers people into “protected homes” where, again, an institutional culture pervades. Trans-institutionalisation results in violations of human rights.”

The ‘day of general discussion’ will help the Committee’s thinking as it develops a ‘general comment’ on the right to live independently and be included in community, which should come out later this year or perhaps next year. You can read MDAC’s written submission to the Committee [here](#).



## UN disability committee: findings

UN calls for an end to segregation of children with disabilities in education.

Following its April session in Geneva, the UN Committee on the Right of Persons with Disabilities published its concluding observations about several countries. This is a brief summary of the Committee's reports on Slovakia and Uganda in relation to MDAC three campaigns. You can read the rest of the Concluding Observations [here](#).

Concluding Observations on Slovakia: Read MDAC's report to the Committee [here](#).

### I'm a person

- Finding: people with disabilities are denied key decision-making rights, like the right to marry, found a family, enjoy property.
- Recommendation: repeal national law which allows the stripping of decision-making rights, so that autonomy of individuals are retained.

### My home, my choice

- Finding: there are high numbers of people in institutions, especially women with disabilities. The progress on deinstitutionalisation is "slow and partial".
- Recommendation: construct and implement timetable for deinstitutionalisation process. Allocate money towards building on, and setting up community-based services.

### Schools for all

- Finding: the right to an inclusive education is not available for all children with disabilities—many of them are educated in segregated settings.
- Recommendation: introduce a right to inclusive education in national law; adopt a transition plan to place children with disabilities in to mainstream schools from segregated settings.



## What did the UN disability committee conclude following their review?

UN calls for independent community living for all. © MDAC.

### Concluding Observations on Uganda:

Read MDAC's report to the Committee [here](#).

See MDAC's video on the plight of people with mental disabilities in Uganda [here](#).

### **I'm a person:**

- Finding: national law allows for stripping of decision-making rights solely on the basis of an individual having an intellectual and/or psychosocial disability. De facto guardianship still exists.
- Recommendation: eliminate all forms of substituted decision making—whether formal or informal—and replace these with regimes of supported decision-making.

### **My home, my choice:**

- Finding: people with mental disabilities are marginalised, excluded from the community by being put in institutions.
- Recommendation: along with committing to the process to deinstitutionalisation, develop community-based services giving individuals access to health and employment, and personal assistance in order to live an independent life in the community.

### **Schools for all:**

- Finding: the government promotes segregated education over inclusive education for children with disabilities. There is a distinct lack of adequately trained teachers to forward the cause of inclusive education.
- Recommendation: create a time frame for the transition of inclusive education to inclusive education, making sure budgets, and the necessary services are allocated to facilitate this process. Undertake a rigorous review of the curriculum, and provide training to teachers and relevant educational professionals on inclusive education.

## MDAC's Africa visit: Time to tackle the abuse



Lawyers discuss litigation at a seminar hosted by Makerere University and MDAC, Kampala, Uganda. © MDAC.

While in Uganda, we filmed seven people with mental health issues, and quickly produced a 5-minute video. The message was end abuse. End abuse by the community, by the police, by mental health services and by witch doctors. We showed this video the following week in Geneva to the UN Committee on the Rights of Persons with Disabilities, to help them understand the concerns of people in Uganda. Watch the video [here](#). Please show it to friends and family, and share it with others by email and on social media.



Kabale Benon being interviewed by MDAC in Uganda. © MDAC.

“

I thought I was in some sort of a grave, where I could not see light outside.

”

Kabale Benon, who was secluded in a psychiatric hospital against his will.



Marieke and her daughter. Source: Family Photo.

# Who's at MDAC?

The same questions to different people.

This month: **Marieke Widmann**

## *What's your name and where are you from?*

Marieke Widmann. I was born in the US and live near Cambridge in the UK. I have a Dutch mother and German father and have spent my life moving between the US and Europe.

## *What do you do for MDAC?*

I work within our 'my home, my choice' campaign which seeks to reduce abuse in institutions, and get people out of institutions and into the community. The piece I work on is training lawyers to be more innovative when representing children with intellectual disabilities. We see that there are lots of violations, but very few lawyers doing anything to help.

## *Why do you do what you do?*

My mother was a teacher and worked with children with mental disabilities. I helped in the school's summer program where I gained an appreciation for the hurdles and discrimination children with mental disabilities face. When I

became a lawyer in New York City I developed a pro bono practice representing children with mental disabilities before the Board of Education.

## *What's the most interesting thing MDAC does?*

Securing the rights of people with mental disabilities internationally through an effective and strategic mix of advocacy, strategic litigation and sharing knowledge.

## *What do you do in your spare time?*

I spend time with my husband and two daughters (1 and almost 3), going for long walks in the country and right now, doing a lot of jigsaws.

## *In three words, what is MDAC?*

Focused, passionate, crucial.

# News flash

Here are some developments in the global mental disability rights field that relate to the work MDAC carries out:

## Schools for All

[Why won't the Romanian Government let 15-year-old Stefan go to school?](#) (MDAC)

[Slovakia questioned at UN on rights of children with disabilities](#) (MDAC)

## I'm a Person

[Zambia: Statement from UN Special Rapporteur on the Rights of Persons with Disabilities](#) (OHCHR)

[Russia: Landmark judgment on parenting rights for persons with disabilities](#) (MDAC)

[Help us out in Zambia!](#) (MDAC)

## My Home, My Choice

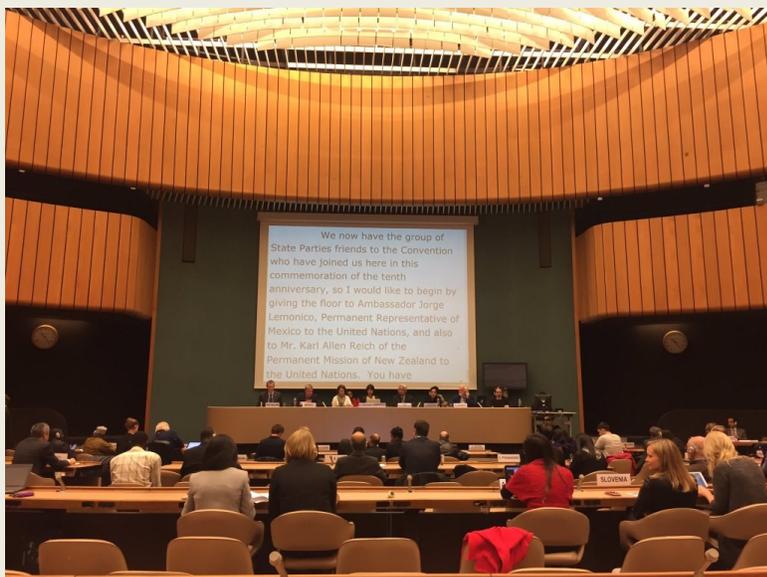
[Uganda: End the abuse of people with mental disabilities](#) (MDAC)

[Serbia "committed to inclusion" whilst funding segregation](#) (MDAC)

[Article 19 CRPD resource page](#) (MDAC)

## Happy 10th Birthday UN CRPD!

The Convention's purpose is to protect the rights of people with disabilities, including those with mental health issues or intellectual disabilities. It has been used in parliaments and courts around the world to shape laws and policies and begin to reverse centuries of discrimination. To mark the tenth anniversary, the UN Committee on the Rights of Persons with Disabilities has created a video where Committee members explain the Convention and what it means to them. We like it! You can watch it [here](#).



Its birthday was celebrated during the CRPD 15th session. Source: © MDAC.

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More snaps from the UN CRPD 15th Session in April. © MDAC.

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