



Decision Making in Kenya



This is an EasyRead report about decision making in Kenya for people with intellectual disabilities and people with mental health issues.



About this paper



This is an EasyRead report about decision making in Kenya for people with intellectual disabilities and people with mental health issues.



In 2012 we asked people in Kenya who makes decisions and what to do about supporting people to make their own decisions.



We then wrote this report about what was happening at the moment and what we think should change.



For a longer version of this report and more about us please see our website: **www.mdac.info/en**



This report has been written by MDAC.

What is MDAC?



We are an advocacy organisation called the Mental Disability Advocacy Center, or MDAC for short.



Advocacy is about helping people with mental disabilities speak up for themselves, and to be heard by others.

This is to help make things better in their lives.



We work in Europe, Africa and Asia with people with intellectual disabilities and people with mental health issues.



Rights and the law

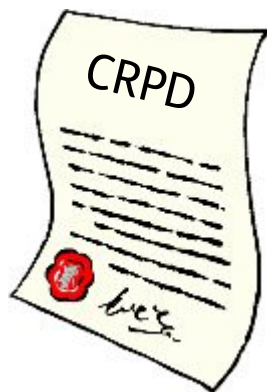
Most countries have a law about who decides things if they think someone cannot decide for themselves.



The United Nations (this is all the governments in the world) has also said that people with intellectual disabilities and people with mental health issues have the same right to decide things for themselves, as everyone else in the country.



They also say people should have help and support to decide things, if they need it.



This is written in the UN Convention on the Rights of Persons with Disabilities or CRPD for short.



You can see an Easy Read version of this here:
<http://tinyurl.com/p6mrbn6>

What we found out about people with mental disabilities making decisions in Kenya



We found that:

- people thought those with intellectual disabilities or people with mental health issues often could not make their own decisions



- often other people took charge and made decisions for them instead



- people with intellectual disabilities or people with mental health issues were not treated fairly in their communities



- they did not get the same chances of education, jobs or health care as other people



- they could not go out, meet friends, or have relationships



- many women said they had been raped, hurt or had operations so they could not have babies.

The law in Kenya:



- treats all people with mental disabilities the same



- lets other people make decisions even if people with mental disabilities can make their own choices



- says people have to live where they are told when the courts or their families think they can't look after themselves



- treats all people with intellectual disabilities or people with mental health issues as if they can't make any of their own decisions



- does not give people support to make their own decisions



- does not include their choices or wishes.



People with intellectual disabilities or people with mental health issues said other people made decisions for them, which stopped them:



- getting jobs



- doing ordinary things



- getting help



- going to the police about abuse or being hurt



- getting support.



This led to people being lonely and not allowed to do the things they wanted – for example work, go to school or see their friends.



These problems were even worse for children and women.



The law in Kenya about decision making for people with mental disabilities at the moment



At the moment the Kenyan government does not know how many people with mental disabilities are having decisions made for them, which makes it difficult to decide how to support them.



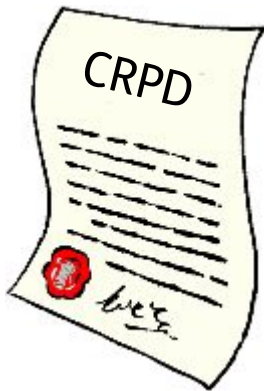
After elections in 2013 lots of laws are being looked at again and changed.



There is a new law about people with mental health issues being made.



People want this to have support to make decisions in it as well.



At the moment the law does not do the things the UN CRPD says it should.



The UN CRPD is the United Nations Convention on the Rights of Persons with Disabilities.

The things we think the government should do



1. Make a new law to say people with intellectual disabilities and people with mental health issues have a right to make their own decisions in all areas of their lives.

This should include rights to:



- be treated fairly and equally



- get equal healthcare



- vote and be a politician



- get married and have children



- own a house.



Any old laws that stop these things from happening should be changed.



2. Stop any old rules that allow other people make decisions for people with mental disabilities.



3. Take out of all laws words like:

- unsound mind
- mental incapacity
- mental infirmity.



This is because these words judge people with mental disabilities.



4. Help change what people think people with intellectual disabilities or people with mental health issues can't do.



Have a campaign showing what people can do.



5. Show families and others good ways people have found to help them to make their own decisions.



It is really important that families, friends and others in the community support people with mental disabilities to make their own decisions.



The government should tell other people about good ways to do this.



6. Set up some projects to help support people make decisions in their lives and tell others about what they find out.



7. Find out how many people with intellectual disabilities or people with mental health issues have or do not have identity cards.



The government should use this information to find out how many people get support and how many people need it.



8. Train people about supported decision making, including government, judges, doctors, police and others.



9. Tell people, including people with mental disabilities, about their Human Rights and their rights to make decisions.



10. Make sure people with intellectual disabilities and people with mental health issues are kept safe from abuse.

This includes:



- changing the law



- giving out better information



- education



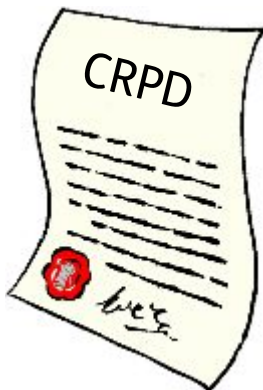
- telling people what to do about abuse



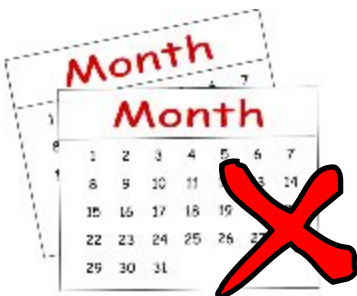
- how to stop abuse



- protecting people who have been abused.



Doing these things will help Kenya do what the UN CRPD says they should do.



We know these changes won't happen straight away, but they need to be started and there shouldn't be delays.



People with intellectual disabilities and people with mental health issues must be involved in helping make these changes.



We are now asking the Government in Kenya to do these things.



Credits

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