



Press Release: Kenyan government must recognise autonomy of people with mental disabilities

Nairobi and Budapest, 1 April 2014

"I felt like an animal going to a slaughter and I had no choice."

Yusuf, a man with a psycho-social (mental health) disability from Nairobi

Tomorrow MDAC will launch a major report in Nairobi shining a light on systemic legal and social barriers to people with mental disabilities being full members of society. Despite Kenya's ratification of the United Nations Convention on the Rights of Persons with Disabilities, the 120-page report *"The Right to Legal Capacity in Kenya"* sets out widespread stigma and prejudice against those who society regards as "mad" or "of unsound mind".

Atieno, a woman with an intellectual disability from a rural community, described to MDAC how she was sterilised without her consent:

"I will tell you something, you see here (lifts up her blouse and reveals a scar on her abdomen), here I was made an operation. This is contraceptive. All of us had been done like this, we cannot get children. They should have asked me, because I love children."

Ndungu, a man with an intellectual disability living in rural Kenya told MDAC:

"I don't have an ID because of my head. My uncles say it and even I hear it from my grandmother sometimes when she is talking to people."

Launching the report, Oliver Lewis, MDAC Executive Director will say:

"Our report documents human rights violations, including forced sterilisation of women with disabilities, denial of the opportunity to education or employment, forced psychiatric treatment without any due process safeguards, and life-long social isolation. For the first time anywhere in Africa, this report gives voice to the life stories of people with intellectual disabilities and people with psycho-social (mental disabilities)."

In her Foreword to the report, Florence Simbiri Jaoko, former Chairperson of the Kenya National Commission on Human Rights said:

"This report significantly expands the focus of the previous work of the Kenya National Commission on Human Rights by bringing in the perspectives of those directly affected, including carers.

In our communities the responsibility for caring for people with disabilities is often entirely on family members, As a result, these dealings are based on private and socially acceptable



norms that have no direct reference to legal or human rights standards. It is unsurprising, therefore, that family members – often the carers/providers of basic necessities – believe they should make decisions for those they care for.

As communities and individuals we have collectively hindered the space and opportunities for people with disabilities, through our judgmental and intolerant attitudes.”

Key findings of the report are:

1. People with mental disabilities are stripped of their decision-making rights, arbitrarily making them subject to the decisions of officials, family members and healthcare providers.
2. Many experience highly restricted lives due to stigma and negative perceptions. This occurs within families and communities. It means that people are denied access to education and employment. In rural areas where superstitious beliefs are prevalent, the impact on people’s lives is more pronounced.
3. Several women with mental disabilities reported that they are victims of sexual abuse. In many cases, authorities failed to take any action.
4. There is no comprehensive national data about the numbers of people with mental disabilities in the country, their socio-economic situation, and about those who require access to support. This means that it is impossible for the Kenyan government to plan actions to improve their lives in a way which respects their dignity and human rights.

The report’s recommendations to the Kenyan government include:

1. Abolishing discriminatory laws which strip people with mental disabilities of their rights, including removal of prejudicial language including ‘unsound mind’, ‘mental infirmity’ and ‘mental incapacity’ in conformity with the principle of non-discrimination enshrined in the Kenyan constitution.
2. Combatting informal substituted decision-making by families and communities, and instead, to embrace the latent potential of communities to provide supports.
3. Undertaking public awareness campaigns to tackle social stigma. Campaigns must be designed to broaden knowledge of the human rights of people with mental disabilities, and target negative stereotypes associated with them.
4. Providing national identity documents to all people with mental disabilities, ensuring that none are left undocumented and without the opportunity to exercise their civil and political rights.
5. Protecting people with mental disabilities from all forms of abuse, exploitation and violence.



Further information

- The report was coordinated by the Mental Disability Advocacy Center (MDAC), an international human rights organisation advancing the rights of people with mental disabilities globally.
- The report is being launched with national disability rights organisations Users and Survivors of Psychiatry Kenya and the Kenyan Association for the Intellectually Handicapped.
- Participants of the roundtable event will include people with disabilities themselves, and representatives from government, the Kenyan Human Rights Commission, and civil society.
- The launch of the report will be on Wednesday 2 April 2014 0830 to 1230, and a press conference is scheduled for 1230-1330. It will take place at Le Chateau Room, 8th Floor, Intercontinental Hotel, City Hall Way, Nairobi, Kenya.

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