

# MDAC Friends' Monthly Brief

August 2015

Providing you with information,  
opportunities and requests



Press at the launch event of a joint MDAC-OHCHR report on Moldova. ©MDAC.



Visiting a Moldovan institution. © MDAC.

## Inside

### Moldova

How home can be a nightmare

3

### Internship at MDAC

Chevan talks about his 10 weeks with us

6

### Who's at MDAC?

Read about lawyer Eleanore Fritze

8

## Welcome to this month's edition of the MDAC Friends' Brief.

We have been working in Moldova for a few years and this month issued a report on the country's disability rights record, which we wrote jointly with the UN. You can read it on our website at [www.mdac.org/moldova](http://www.mdac.org/moldova). We hope that the report will be used by the new Moldovan government and civil society organisations to continue to drive the reforms which people with mental health issues and people with intellectual disabilities in Moldova deserve.

My colleagues Oana and Steven went to Chisinau to launch the report, and they visited some institutions, and found a mother and a very young baby living in one: read more about that on page 3. I last went to Moldova two years ago and I visited the largest psychiatric hospital in the country. You can read my blog post about the visit here: [www.mdac.org/en/olivertalks/2013/03/25/let-me-breathe-let-me-leave-song-alex-chisinau](http://www.mdac.org/en/olivertalks/2013/03/25/let-me-breathe-let-me-leave-song-alex-chisinau).

On page 2 you can read about an exciting study tour in



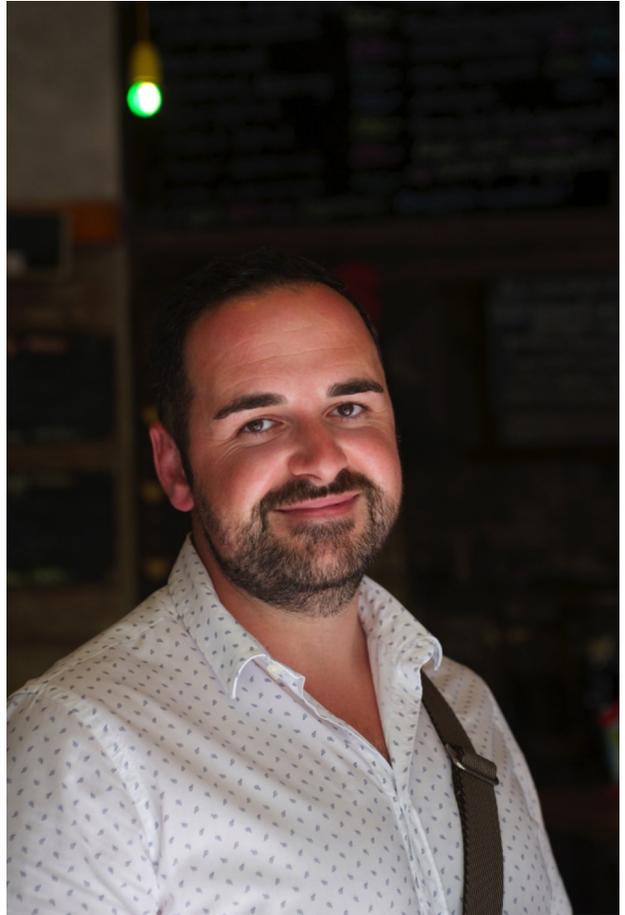
Oana Girlescu (MDAC lawyer), Petru Moscaliuc (Moldovan Ombudsman in psychiatry) and Ion Schidu (Moldovan lawyer). © MDAC.

# From the Boardroom

Several Board members will be going on an Study Tour to Bulgaria, 6-8 November and we'd like you to join us.

During this study tour you will get to see first hand the impact of the work that MDAC has been doing for over a decade in Bulgaria. In 2008 we won the "MDAC v Bulgaria" case about education for children with learning disabilities. You will learn about the case and meet parents and children affected. This year, the European Court of Human Rights found that Bulgaria had violated Stefan Stankov's rights by forcing him to live in an appalling institution for 14 years. You will meet Stefan and local human rights leaders will explain how his case is contributing to societal change.

To join us please register by 10 September by emailing [oliver@mdac.org](mailto:oliver@mdac.org). The cost for a single traveller is £750 and for a couple £1,340 (assuming air tickets hold at £140). This includes return economy class tickets on British Airways, transfers, two nights at the Grand Sofia Hotel, food and drinks and other programmes. We will send you an info pack in advance so you can read about the tour at your leisure.



November which we are organising: let me know ASAP if you are interested in joining us. Oliver Lewis in Budapest. © Terri Potoczna.

On page 5, Steven shares his views about the right to vote, something that we often take for granted (because we are not under guardianship). Every summer we welcome interns to our office. Chevan Ilangaratne has just completed his LLB at the University of Leeds and was one of two students to win a scholarship by the School of Law to be placed with us for the summer. On page 6 he shares his experiences. Another amazing person who we've had the pleasure of hosting is Eleanore Fritze, a lawyer with ten years experience from Australia who is on a world tour figuring out the role of law and lawyering to advance the rights of people with mental health issues. She's profiled on page 8.

If you would like to meet in London, please let me know.

Kind regards,

**Oliver**

Oliver Lewis  
MDAC CEO



Lawyer Oana Girlescu in a care institution in Moldova. © MDAC.

## Moldova and the meaning of “home”

Oana Girlescu, MDAC Lawyer

***In July 2015, Steven and I went to Moldova to launch a report on the rights of people with disabilities.***

We worked with several UN agencies and in particular with a long-term friend of MDAC, Claude Cahn who used to work in Budapest and who for the past few years has been in Moldova with the Office of the UN High Commissioner for Human Rights.

Social care institutions are the “homes” of more than 2,500 men, women and children with mental health issues or intellectual disabilities. We visited two institutions which warehouse 800 people between them. There we heard people saying, commonly with tears in their eyes, that their only wish was to go home. The desire for a home had multiple meanings: it meant that people wanted to get out of the institutions. It also expressed people’s need for safety, comfort and autonomy – none of which institutions provide.

In the yard of one institution we met a woman called Tania who had a 6-week-

old son. As a person with a psychiatric diagnosis, she had been under the watch of



Tania with her baby and a few fellow residents from the institution. © MDAC.



Residents in the yard of the institution. © MDAC.

social workers from the moment she gave birth, when they came to take her baby away. She called a lawyer who came and fought on her behalf and managed to persuade the social workers to let her keep the baby. As she lived in a psychiatric hospital she had to take the baby to the institution when she was discharged from hospital. Life in the institution with her child was not easy. Other residents were jealous of the baby. Her son also had kidney failure and needed surgery, but access to adequate medical care is difficult to obtain when you live in a psychiatric institution. Tania requested to move to a bedroom in a centre for vulnerable mothers with children, but she was not allowed to go because of her mental illness.

When we left the psychiatric hospital with Petru Moscaliuc, the Ombudsperson in Psychiatry, we wrote to various state authorities asking them to get healthcare for the baby and adequate housing and supports for baby and mum in the community.

MDAC has been working in Moldova for many years. We have monitored institutions, trained disability rights activists and lawyers and advocated for reform. Thanks to the amazing work of Moldovan and international civil society organisations and the UN, we've

contributed to some positive changes: many children and adults have been deinstitutionalised, there is now less violence in institutions, and staff and residents are more aware of their human rights. Tania, for example, when faced with the danger of losing her baby, knew that a human rights lawyer could help her, and she knew who to call.

Tania's ordeal, however, is not yet over. One week ago her baby had kidney surgery, and is currently in a hospital. Afterwards they will return to the appalling and traumatising institution which is their "home". Our Moldovan colleagues are hopeful that Tania and her child will be given a place to live in the community, but it is precarious and will need a lot of advocacy. The situation is far from ideal, but this sort of activism would have been almost unheard of a decade ago. Progress can be slow, but only happens with persistence.

Lawyer Oana Girlescu in our Budapest office.  
© MDAC.



# Securing the right to vote

MDAC's Campaigns Director Steven Allen



"The best argument against democracy is a five-minute conversation with the average voter," Sir Winston Churchill is said to have uttered shortly after suffering a surprise electoral defeat at the hands of the British public at the 1945 General Election. You can just picture the irascible statesman, cigar in mouth, pondering at the fickle nature of an electorate who had unceremoniously ousted him from power at the end of the Second World War.

It is worth recalling, however, that voting is just one aspect of a healthy and fully-functioning democratic system. The rights to form and join political parties and protection of freedom of expression are also aspects of a broader ethic of democracy that nations (should) exist to serve the people. The legitimacy of leaders comes from the mandate given to them through elections. It is also fair to say that the average voter can be notoriously difficult to predict.

Drawing the boundaries of the electorate has always been a fraught and politicised process. Whilst historic struggles have been fought to extend the franchise to working class people and women, more recent debates have been about whether to allow [prisoners](#) the right to vote, and reducing the age of [suffrage](#) from 18 to 16.

The front which concerns us at MDAC is about securing the right to political participation for people with mental disabilities. According to the EU Agency for Fundamental Rights, 21 out of the European Union's 28 countries [automatically deny](#) people with mental disabilities under guardianship the right to vote. They are

effectively frozen out of the political process, denied recognition as full members of society, and are given little or no priorities by modern mainstream politicians.

Often, governments and policy-makers justify this exclusion by saying that people with mental disabilities lack the ability to make rational choices. (Perhaps they should listen to Sir Winston's wise counsel!) This was precisely the argument made by the Hungarian Government until the UN Committee on the Rights of Persons with Disabilities [found](#) that such a blanket ban breached international law. "Hurrah!" we thought, until we saw the Hungarian Government's response: they brought in a procedure whereby each person could be [individually assessed](#) to decide whether they should be allowed to vote.

If such an assessment was applied to any other section of society it would rightly cause outrage.

With the right support, people with disabilities can be effective political representatives too: read about [Ángela Covadonga Bachiller](#), Spain's first councillor with Down syndrome, and Gavin Harding's recent appointment as Mayor of [Selby](#) in England. A key goal under our *I'm a Person* campaign is to ensure that people with mental disabilities can participate fully in the democratic process, on an equal basis. A notable success for us came when the Venice Commission, a key constitutional law body, [stepped back](#) from recommending that the right to vote could be legitimately withheld on the basis of disability.

**Support the right to vote in Moldova: see our Call to Action on page 7.**

# Internship

at MDAC



Chevan in Downtown  
of Budapest

## Meet our intern, Chevan Ilangaratne

As my ten week internship at MDAC draws to a steady close, it feels appropriate to reflect on the work that I have carried out over the course of these last two and a half months with a view to establishing the progress made both on a personal level, and the organisation as a whole.

The tasks that I received and completed during the internship have been wide-ranging and highly interesting, testament to the ground-breaking and pioneering work MDAC carries out day in day out in seeking to secure a fairer, more inclusive world for people with mental disabilities.

From writing letters to international law firms requesting legal advice on intricate parts of EU discrimination law, to

monitoring and writing case updates on the latest jurisprudence from international human rights courts, this internship has presented me with a number of opportunities to improve my legal skills whilst effectively contributing to MDAC's strategic goals.

One of the most fascinating projects, I, along with the other interns, were asked to work on was researching issues relating to the unfair and arbitrary deprivation of legal capacity of mentally disabled people in Kenya – which went towards a [shadow report](#) the MDAC and partners submitted to the UN CRPD Committee ahead of their review of Kenya which took place earlier this month.

During this project, what became evidently clear is that people with mental disabilities in Kenya often struggle to

*“this internship has presented me with a number of opportunities to improve my legal skills”*

exercise control of their financial affairs, especially as regards accessing bank loans and inheriting property. The crux of my work focused on looking at alternative frameworks in other jurisdictions which support people with mental disabilities retaining control of their financial activities. This comparative exercise not only introduced me to a myriad of legal frameworks in other countries, but also challenged me to determine what system would best uphold the autonomy of persons with mental disabilities.

I'm exceptionally proud to say I assisted in the research for this important shadow report that was submitted to the UN, a document which also revealed a number of other horrific human rights abuses in Kenya, not least the forced sterilisation of women with mental disabilities and the number of people denied the right to decide in their lives - both at odds with the letter of international law.

The Kenyan shadow report, nevertheless, is just another example of the positive and encouraging work MDAC has been involved with recently, which has drummed home to me how far-reaching and extensive the mistreatment of persons with mental disabilities is around the world .

Needless to say, I can take a great deal away from my internship at the MDAC - the most noticeable gains being the enhancement of my legal skills, an enriched knowledge of international law, and finally, and perhaps most beneficially, an even greater passion for human rights.

## Call to Action

Last month, we were pleased to hear that the Moldovan Parliament had passed a law to abolish restrictions on the right to vote for people under guardianship.

And then, while we were in Moldova launching a major report on the rights of people with mental disabilities ([see here](#)), everyone's hopes were dashed. In a rare intervention, the Moldovan President vetoed the legislation, arguing that people with mental health issues couldn't be trusted to exercise their political rights.

Email Nicolae Timofti, the President of Moldova, and ask him to withdraw his veto of the proposed legislation. Remind him that Article 29 of the UN Convention on the Rights of Persons with Disabilities imposes a binding obligation on Moldova to ensure all persons with disabilities can vote.

Email address: [petitii@prm.md](mailto:petitii@prm.md)

Please also copy us: [support@mdac.org](mailto:support@mdac.org)



# Who's at MDAC?

The same questions to different people.

This month: **Eleanore Fritze**

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

Eleanore Fritze. I'm from Melbourne, Australia. My usual job is as a mental health and disability rights lawyer at Victoria Legal Aid, where I have worked for almost 10 years.

*What do you do for MDAC?*

I have spent six weeks at MDAC as a volunteer/intern. During that time, I have provided some assistance with research around strategic litigation processes, including how to balance individual interests against strategic goals and how to seek meaningful informed consent from clients to participate in high-profile litigation.

*Why do you do what you do?*

Because I really enjoy it! Working in a legal area that is still quite undeveloped is challenging, exciting and motivating. There is also the potential to improve the lives of so many people living in unfair circumstances.

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

Coming from an organisation that works in a focused way in just one jurisdiction, the way that MDAC manages to work across borders and continents is fascinating to me. While on the one hand it seems like a massive task to do this, MDAC's ability to step in and credibly reframe what could otherwise be seen (and dismissed) as specific, domestic social issues in universal human rights terms is such a simple yet powerful tool for promoting meaningful change.

*What do you do in your spare time?*

(Aside from volunteering at MDAC!) I enjoy sifting through junk markets, watching good films and getting my hands dirty with home renovation projects.

*In three words, what is MDAC?*

Ambitious, challenging, vital.

# News flash

Here are some developments in the global mental disability rights field worth reading about

[Open letter to CRPD Chair on the EU's financing of disability segregation](#) (MDAC)

[Kenya must take action to protect women with disabilities against forced sterilization](#) (MDAC)

[Re-Institutionalisation Continues in Bulgaria](#) (European Network on Independent Living)

[If children with intellectual disabilities are denied an education, society misses out](#) (Inclusion Europe)

[Slovakia: Alternative report calls for action on inclusive education, legal capacity](#) (MDAC)

[Criminal justice system no place for mentally ill](#) (CBC)

[Committee on the Rights of Persons with Disabilities considers initial report of Kenya](#) (OHCHR)

[UN Human Rights Committee on the Rights of Persons with Disabilities considers initial report of Ukraine](#) (OHCHR)

[EU has its first examination at a United Nations Human Rights Treaty Body](#) (EDF)



## Can you help?



Do you know someone who can do desktop publishing? This monthly Friends' Brief is done in-house, but we'd love to hand over the content to someone who can do the fiddling to make the content look nice in Microsoft Office Publisher! It's a task that would take around 4 hours each month.

If you know anyone who might be able to help us with this task could you please let Oliver know? His email address is [oliver@mdac.org](mailto:oliver@mdac.org).

Thank you!

# Microscope events

With a spirit of investigation and exploration, MDAC Microscope events offer you an opportunity to examine human rights challenges, to look deeply at problems, strategies about solutions and network with like-minded individuals.

We are finalising our autumn programme of events and if you look at “Events” at [www.mdac.org](http://www.mdac.org) in a few days, you’ll be able to see the events and register.



Our Africa briefing event at Herbert Smith Freehills in London. © MDAC.



MDAC team touring in Jewish Budapest as part of the staff's enrichment day. © MDAC.

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