

# Resolution on the Disability Convention

RESOLUTION PASSED BY THE [WNUSP GENERAL ASSEMBLY](#) IN VEJLE, DENMARK, JULY 20, 2004

Resolutions of the workshop on United Nations convention on human rights and disability.

## GOALS

1. The conference calls for the Disability Convention to fully incorporate users/survivors concerns including self-determination and the right to make our own decisions.
2. The conference calls for the adoption of articles 9(b), (c)(i) + (d), article 10 (1)(b) and article 11, and article 12 (2) and article 15 of the present draft text of the Disability Convention. In addition to that the conference calls for leaving out article 7 (3). \*\*\*\*
3. The conference calls for full participation by Disabled People's Organisations (including WNUSP) in the process of making the Disability Convention.

## HOW

4. We call on the newly elected WNUSP board to pursue these goals.
5. We also call on our membership of WNUSP (both organisations and individual members) to lobby their national government and to make alliances with the wider disability movement to pursue these goals.

## FUTURE

6. We call on WNUSP to address follow-up, implementation and monitoring of the Disability Convention.

\*\*\*\* The contents of the above-mentioned articles can be summarised as follows:

- \* everyone has legal capacity and the right to make their own decisions
- \* no deprivation of liberty based on disability (such as involuntary hospitalisation or institutionalisation)
- \* no forced treatment - forced treatment is torture
- \* access to meaningful alternatives in order to support self-determination
- \* no discrimination and no loopholes for discrimination

General remarks:

- The participants of the workshop support that people with psychosocial disabilities have equal rights and responsibilities with all other people.

- The Ad Hoc Committee (a committee of UN member states looking into the Disability Convention) will come together in August 2004; after that another 4 meetings are envisioned in 2005. During that process input is still possible. Contact Tina Minkowitz, leading WNUSP participation in the work of this committee : e-mail (tminkowitz@earthlink.net).

Vejle, Denmark, 20th July 2004

The following was used as the reference for the Resolution of the workshop on the United Nations convention on human rights and disability, which was passed by the WNUSP general assembly in Vejle, Denmark, in July, 2004:

World Network of Users and Survivors of Psychiatry generally supports the Working Group text for articles 9 through 12, and in particular urges that the following language be retained.

In Article 9:

States parties shall

...

(b) accept that persons with disabilities have full legal capacity on an equal basis as others, including in financial matters;

(c) ensure that where assistance is necessary to exercise that legal capacity:

- (i) the assistance is proportional to the degree of assistance required by the person concerned and tailored to their circumstances, and does not interfere with the legal capacity, rights and freedoms of the person;

...

(d) ensure that persons with disabilities who experience difficulty in asserting their rights, in understanding information, and in communicating, have access to assistance to understand information presented to them and to express their decisions, choices and preferences, as well as to enter into binding agreements or contracts, to sign documents, and act as witnesses;

In Article 10:

1. States Parties shall ensure that persons with disabilities:

...

- b) are not deprived of their liberty unlawfully or arbitrarily, and that any deprivation of liberty ... in no case shall be based on disability.

In article 11:

1. States Parties shall take all effective legislative, administrative, judicial, educational or other measures to prevent persons with disabilities from being subjected to torture or cruel, inhuman or degrading treatment or punishment.
2. In particular, States Parties shall prohibit, and protect persons with disabilities from, medical or scientific experimentation without the free and informed consent of the person concerned, and shall protect persons with disabilities from forced interventions or forced institutionalisation aimed at correcting, improving, or alleviating any actual or perceived impairment.

In article 12:

2. Such measures should prohibit, and protect persons with disabilities from, forced interventions or forced institutionalisation aimed at correcting, improving, or alleviating any actual or perceived impairment....

**Draft Article 15**  
**LIVING INDEPENDENTLY AND BEING INCLUDED IN THE COMMUNITY**

1. States Parties to this Convention shall take effective and appropriate measures to enable persons with disabilities to live independently and be fully included in the community, including by ensuring that:
  - (a) persons with disabilities have the equal opportunity to choose their place of residence and living arrangements;
  - (b) persons with disabilities are not obliged to live in an institution or in a particular living arrangement;
  - (c) 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, and to prevent isolation or segregation from the community;
  - (d) community services for the general population are available on an equal basis to persons with disabilities and are responsive to their needs;
  - (e) persons with disabilities have access to information about available support services.

Note: The following paragraph in article 7 is language that we want left out of the text.

**Draft Article 7**  
**EQUALITY AND NON-DISCRIMINATION**

3. Discrimination does not include a provision, criterion or practice that is objectively and demonstrably justified by the State Party by a legitimate aim and the means of achieving that aim are reasonable and necessary.