

EDITION 2 - February 2007

Dear WNUSP Friends,

Welcome to edition 2 of WNUSP-News, which accompanies edition 1. We feature an overview of the Convention as it relates to users and survivors of psychiatry, written by Tina Minkowitz, WNUSP co-chair. We hope this will be a helpful reference for our members as they start to discuss the Convention in national and grass-roots organizations.

Link to the text of the Convention - <http://www.un.org/esa/socdev/enable/rights/convtexte.htm>

Convention on the Rights of Persons with Disabilities: Information for Users and Survivors of Psychiatry

Under the Convention on the Rights of Persons with Disabilities(CRPD), users and survivors of psychiatry must be treated as full and equal citizens. The days of separate and unequal rights for “mental patients” are over.

Governments must eliminate coercive mental health laws and practices, and provide services that support and respect self-determination and serve a person in meeting his or her needs for well-being as defined by the individual. People who are mad or experiencing mental health problems need to have reasonable accommodation and support, and to be free from all kinds of violence and abuse, including forced drugging and electroshock, restraints and seclusion, and being locked inside institutions.

People with psychosocial disabilities are part of society. This is a responsibility of society as a whole and not only professionals, so that people with psychosocial disabilities can remain part of our communities and experience recovery. Traditional and indigenous healing are often more inclusive than modern psychiatry and mental health systems, and we should support these practices and learn from them.

Along with equal rights, people with psychosocial disabilities have equal responsibilities and cannot escape being held accountable for wrong-doing. If we need help in meeting our responsibilities, help should be provided.

Here is a summary of the provisions in the Convention that support the full inclusion and equality of users and survivors of psychiatry, and the elimination of laws restricting our freedom and self-determination.

Article 1 sets out the purpose of the Convention, to guarantee equal enjoyment of all human rights and fundamental freedoms to all people with disabilities.

Article 3 sets out principles of the Convention, including:

- Individual autonomy, including the freedom to make one's own choices
- Respect for disability as part of human diversity
- Non-discrimination

Article 4 guarantees all human rights and fundamental freedoms to people with disabilities without discrimination, and requires governments to change their laws and practices to comply with the Convention.

Article 5 guarantees equal protection and equal benefit of the law and prohibiting discrimination based on disability, and requires reasonable accommodation to be provided.

Article 6 guarantees to women and girls with disabilities the equal enjoyment of human rights and fundamental freedoms, to combat multiple discrimination.

Article 7 guarantees to children with disabilities the same rights as other children, including the right to express themselves freely and have their views taken into account on matters concerning them.

Article 8 addresses awareness-raising and requires governments to foster respect for the rights of people with disabilities and to combat prejudice and harmful practices, at all levels of society including families and communities.

Article 12 addresses equal recognition as a person before the law, guarantees legal capacity to have rights and to make decisions, and ensures that support in making decisions respects a person's own will and preferences.

Article 14 guarantees liberty and security of the person on an equal basis with others, and ensures reasonable accommodation and equal human rights guarantees for people with disabilities deprived of their liberty by a lawful and non-discriminatory process (such as criminal law).

Article 15 prohibits torture and cruel, inhuman or degrading treatment or punishment, including medical experimentation without consent, on people with disabilities.

Article 16 addresses prevention of exploitation, violence and abuse, and requires monitoring of programs designed to serve people with disabilities, prosecution of violations where warranted, and measures to promote recovery and reintegration of victims.

Article 17 guarantees to people with disabilities the right to respect for physical and mental integrity on an equal basis with others.

Article 18 guarantees liberty of movement and freedom to choose one's own residence, the right to a nationality and the right to use processes such as immigration proceedings.

Article 19 guarantees the right to live in the community with choices equal to those of others, including the choice of where and with whom to live, and ensures access to services that support the person's life and choices.

Article 23 guarantees equality in family, parenthood, marriage and relationships, and ensures that custody of children may not be deprived based on a parent's or child's disability.

Article 24 guarantees the right to an inclusive education at all levels, and that no child shall be excluded from the general education system based on disability.

Article 25 guarantees equality in health care and services, including the requirement of free and informed consent.

Article 26 requires measures to enable people with disabilities to develop their abilities to the fullest extent, including through peer support.

Article 27 addresses work and employment, guarantees non-discrimination and reasonable accommodation and requires positive measures to ensure that the open labor market is inclusive to persons with disabilities and promote employment opportunities.

Article 28 guarantees an adequate standard of living and access to social protection and poverty reduction programs, and for people living in situations of poverty, to assistance with disability-related expenses, including respite care.

Article 29 guarantees equality in political and public participation, including the right and opportunity of people with disabilities to vote and be elected.

Article 30 guarantees the right to participate in cultural activities and to utilize one's creative and intellectual potential, and the right of people with disabilities to respect and support for their cultural identities.

Users and survivors of psychiatry, and our representative organizations, have rights under the Convention and can enforce these rights.

Article 4 obligates governments to consult closely with organizations of people with disabilities in implementing the convention and in all issues concerning people with disabilities.

Article 33 requires governments to set up separate mechanisms for implementation of the Convention and for monitoring of the convention, at a national level. The monitoring function can be done by a national human rights institution or a separate mechanism that meets the requirements for national human rights institutions, in particular independence from the political authorities. Organizations of people with disabilities are to be involved and participate fully in the monitoring process.

Articles 34 through 39 and the Optional Protocol deal with the creation and responsibilities of an international committee of experts to monitor the convention. Governments are encouraged to nominate experts with disabilities to serve on this committee. Governments must report to the committee and consult organizations of people with disabilities in preparing these reports; organizations of people with disabilities can also communicate with the committee directly to inform them about the situation in their country. People with disabilities whose human rights have been violated can make a complaint to the committee if their government has ratified the optional protocol. The committee also has the power to investigate “grave and systematic” human rights violations, including through country visits, if a country has ratified the optional protocol.

Article 32 requires governments to promote and engage in international cooperation to realize the objectives of the Convention, which can be done in partnership with organizations of people with disabilities.

Article 40 provides for the conference of states parties to consider matters related to implementation of the Convention. This is a new feature for a human rights Convention and will facilitate regular exchange of information and capacity building by governments and civil society, including organizations of people with disabilities.

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