



# The rights of people with disabilities

**2018**

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**What the Special Rapporteur did in 2018.**

**Taking away a person's freedom because they have a disability.**



EasyRead version of:  
**Report of the Special Rapporteur  
on the rights of persons with disabilities  
(A/HRC/40/54).**



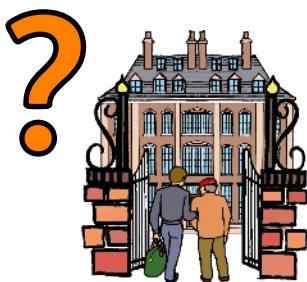
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Sometimes we need to use new or difficult words

These words are in **bold** and there is a list of what they mean at the end of this report.

# 1. About this report



Every year the **Special Rapporteur** writes reports to tell **the United Nations** about **human rights** and people with disabilities.

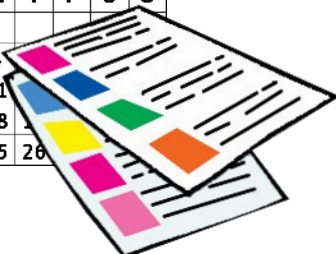


The **United Nations** is a group made up of 193 countries. They work together to make the world a safer place for everyone.



The **Special Rapporteur** is Catalina Devadas-Aguilar. She helps countries understand how to make sure people with disabilities can get their **human rights**.

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This is an EasyRead version of Catalina's report about:

- what she did in 2018



- taking away a person's freedom because they have a disability



- how to make sure people with disabilities get their **rights** and freedom.



An international agreement called the **Disability Convention** says people with disabilities have the same **human rights** as everyone else.



This includes the right to be free and safe. **Human rights** are important for living a good life.



The **Disability Convention** also says countries should give people with disabilities the support they need to have the right to live where they choose and make their own decisions.



People cannot discriminate against a person because of their disability.



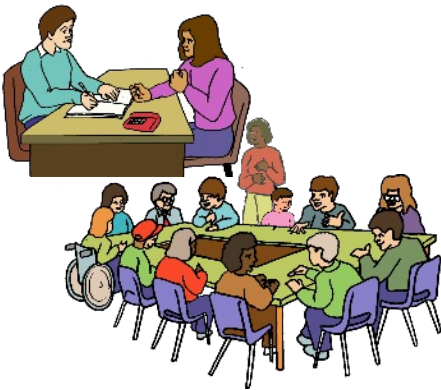
No one should take away the freedom or keep persons with disabilities somewhere they have not agreed to and cannot leave.



Instead, Governments must give people with disabilities all the support they need to get their **rights** as set out in the **Disability Convention**.



With her report Catalina wants to make sure that all countries follow the **Disability Convention**.



Catalina spoke to governments, organisations and people with disabilities' groups and visited different countries.

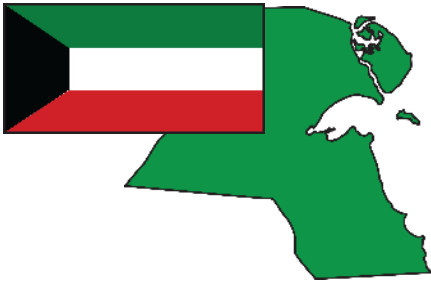


She found out more about the services people with disabilities should have and the way governments should support them.

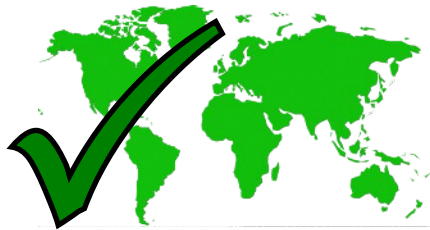


## 2. What the Special Rapporteur did

In 2018 Catalina:



- visited Kuwait to find out what life is like for people with disabilities living there



- agreed to visit other countries



- talked about **rights** and people with disabilities at conferences and meetings in different countries

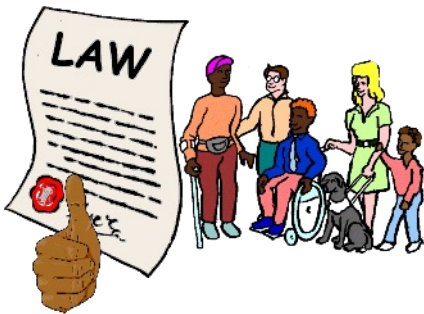


- worked to make sure the **UN** gets better at collecting information about **rights** and people with disabilities





- wrote letters and reports about the problems and best solutions for people with disabilities



- helped people understand that it is important for all laws and policies to work for people with disabilities.



### 3. Taking away a person's freedom because they have a disability



Catalina looked at **deprivation of liberty** and people with disabilities.



**Deprivation of liberty** means taking away a person's freedom by:

- keeping people in prison



- keeping them in hospital or mental health services against their will



- making them live in services away from other people



- keeping people in religious camps where they are chained up



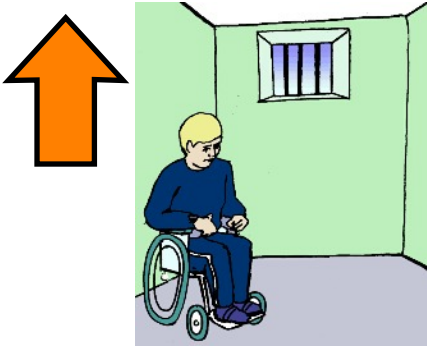
- allowing charity organisations to separate people from their family and friends



- not letting them leave their own home.

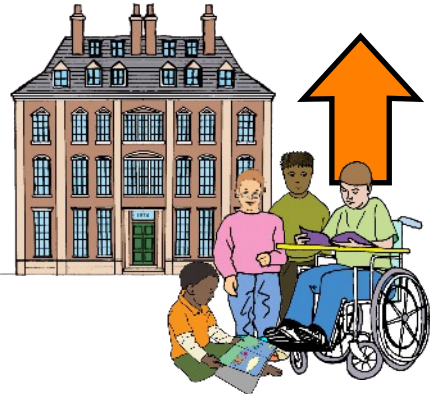


If a person is kept somewhere they have not agreed to and cannot leave, this takes away their freedom.

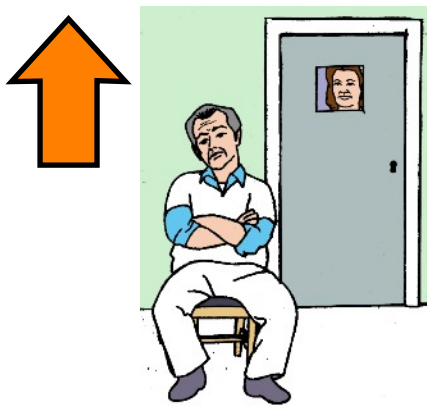


Catalina found that:

- too many people with disabilities are held in places like prisons



- too many children and young people with disabilities live in **institutions** away from other people, for example orphanages



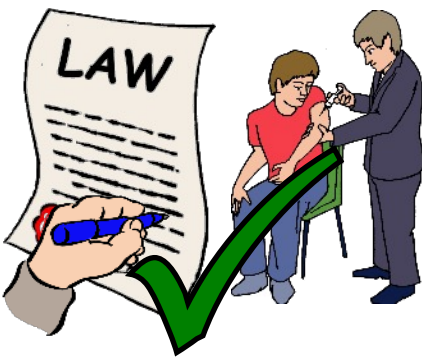
- many people with disabilities are kept in mental health services against their will. Most countries say that this is to keep the person or other people safe



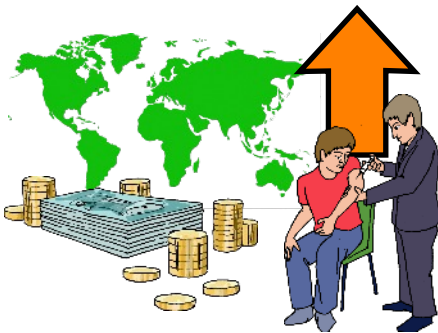
- some people start by agreeing to go to hospital but then spend a long time there and cannot leave



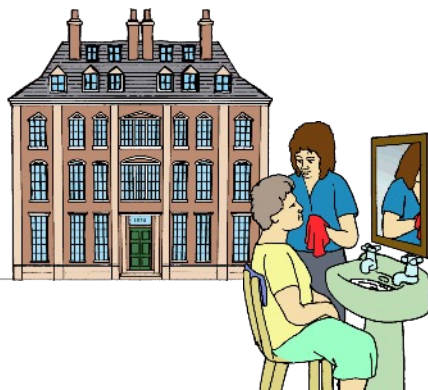
- some people are afraid to refuse treatment because they feel they have no choice



- instead of looking at how to stop this, countries write laws to say why and how it can happen



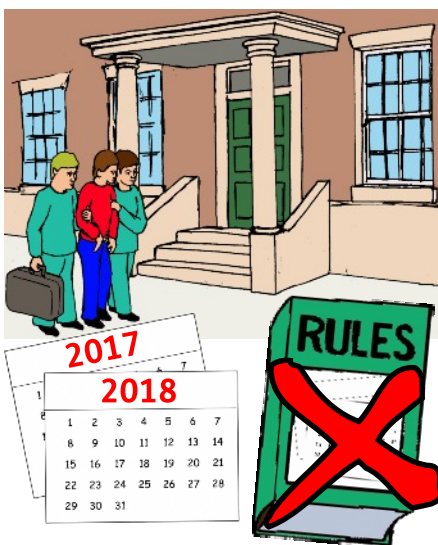
- Catalina thinks it happens too often, especially in more wealthy countries



- many countries believe they can only care for people with disabilities in **institutions** away from other people. They do not have services to support them in the community



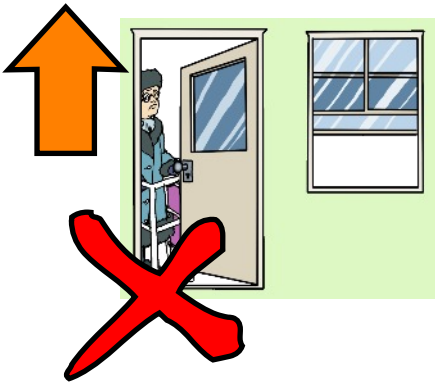
- many children are treated badly, abused and locked up in these services. This stops them growing up as well as they would in their family. Catalina says governments should forbid any separation of children from their families



- if a person with a disability does not understand what they have done, they might not go to prison for a crime. Instead they can be kept in a hospital or other service. But there are no rules about how long they have to stay or how they are treated



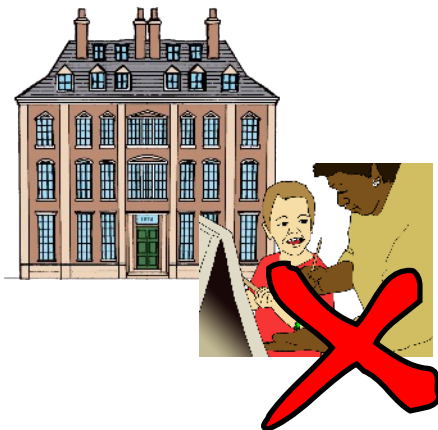
- people with disabilities who live in the community can also have their freedom taken away. In some countries their families shut them up or use ropes and chains to stop them moving freely



- many children, adults and older people cannot leave their homes when they want to. This happens a lot for people with a learning disability or mental health problems



- people who are shut away are more at risk of feeling unsafe or being abused. People can get hurt, made to feel bad or scared, but they cannot complain or stop the abuse from happening



- people who are kept in an **institution** are not getting the care and support they need



- they lose the right to make their own decisions or ask for things to change



- other people think this keeps people with disabilities safe. But most governments do not check how it affects them and their **human rights**.





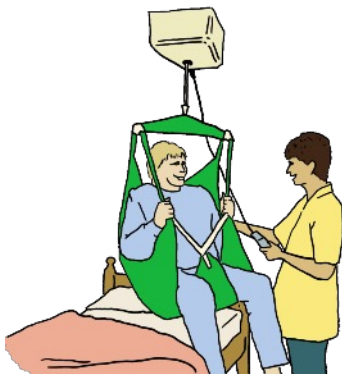
## 4. How other people take away a person's freedom because they have a disability



Many countries say it is better for people with disabilities to stay away from other people.



This is not because it is the best way to support people with disabilities. It is usually because other people are ashamed or frightened of them.



Many people, including doctors, still believe people with disabilities:

- need special care and cannot live in the community



- have evil spirits inside them



- have an illness that other people can catch



- can be violent or dangerous, especially if they have a mental health problem



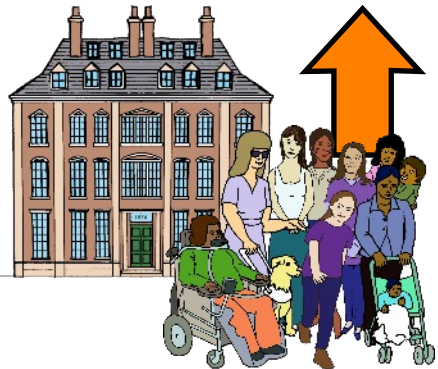
- can only get the support they need in large services away from other people.



If families do not get support to care for someone at home, they might decide to send them away.



More people with disabilities are getting into trouble because the police do not understand the way they behave or because they are homeless.



Too many women, young girls, older people and people from minority groups are kept in mental health services and institutions.



## 5. What the law says about freedom and people with disabilities



Everyone has the right to **liberty** and **security**.



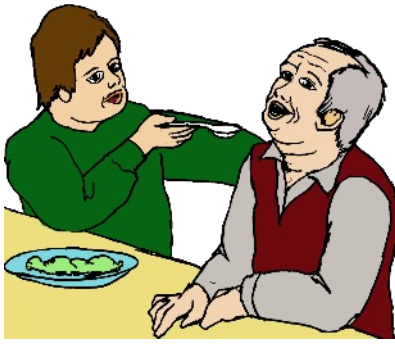
**Liberty** means not being shut up or kept somewhere you do not choose to be. This includes being tied up or held so you cannot move.



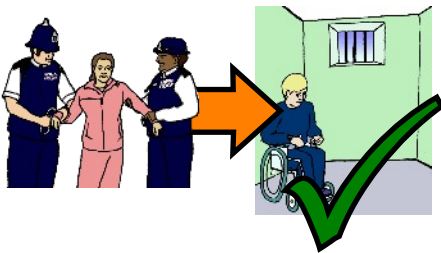
**Security** means no-one hurts your body or your mind.



Being free and safe helps people to have many other **human rights**, such as the right to study and work.



It also allows people to get the care they need.



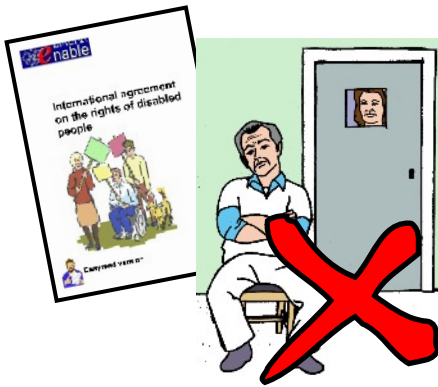
**International laws** say you can lose the right to **liberty** if you break the law. This applies to people with disabilities as well as everyone else.



It is **discrimination** to take away a person's freedom because you think they have a disability or because of who they are.



But this is still happening in too many countries where governments believe it is sometimes the right thing to do.



The **Disability Convention** says countries should not take away a person's freedom just because they have a disability.



They should understand that this is not the way to keep them and other people safe. People who are kept somewhere against their will are not safe. There is more chance that they will be abused, have treatment they do not agree to and lose their **human rights**.



Governments must look at ways to give people all the support they need without taking away their freedom.



They should give people with disabilities:

- freedom to decide about their own lives



- support to live in the community and make their own decisions



- choice and control over mental health treatment



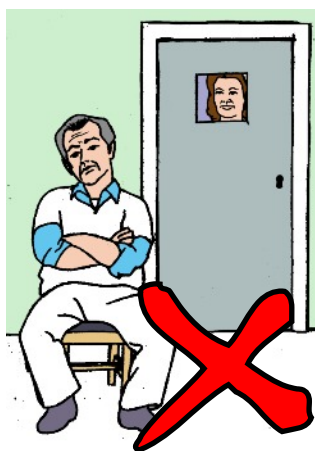
- the same **rights** as anyone else who commits a crime or goes to court.



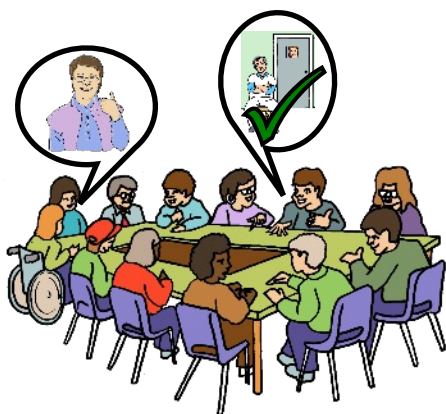
Children with disabilities should receive support to live with their family. If they lose their parents, they should live with other members of their family or with other families, not in **institutions**.



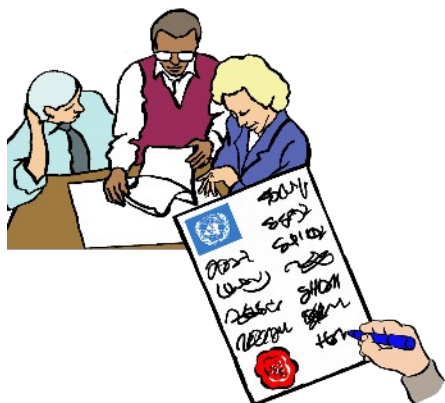
If people with disabilities have broken the law, they must have support to understand and use their **rights** in courts and the **justice system**.



The **Disability Convention** is starting to change things. The **UN** and some international organisations understand it is always wrong to take away a person's freedom because of their disability.



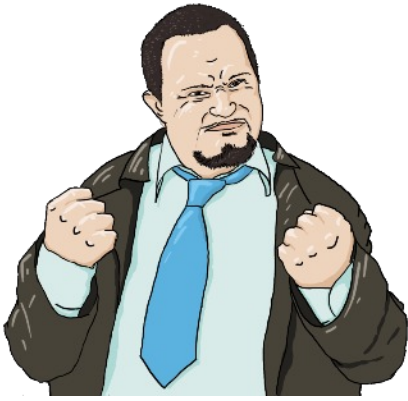
But other people and organisations say this must still happen if it is the only way to keep people safe.



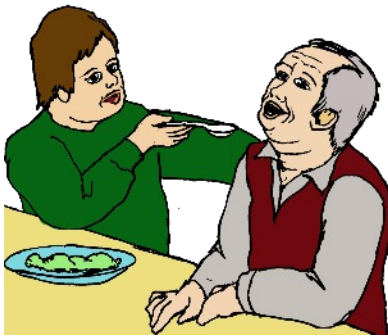
Some countries who signed the **Disability Convention** are still looking at what this means for them.



Catalina says it is always wrong to take away a person with disabilities' freedom because someone else thinks:



- they might be a danger to themselves or other people



- they need care



- they need treatment.



All of these ideas are based on what might happen. They are not based on facts.



They take away the right to decide about your own life, for example about your support, treatment or where you live.



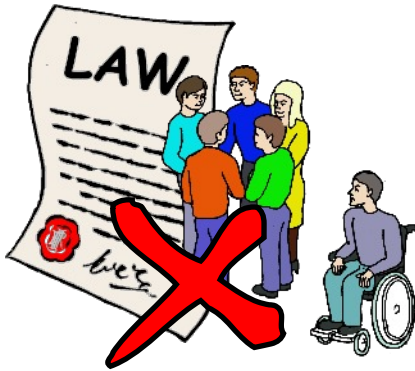
Catalina asks all governments to think about how they can agree to this part of the **Disability Convention** and make it work in their country.



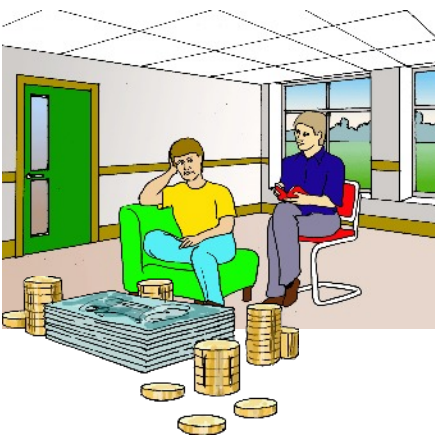
## 6. The most important things to think about



Countries that sign the **Disability Convention** must think about 8 things:



1. Get rid of laws that **discriminate** against people with disabilities and allow other people to take away their freedom.



2. Spend money on better services in the community and stop sending people with disabilities to **institutions** away from other people.



3. Have better mental health services in the community that involve people in planning their care and treatment, and respect their will and choices.



4. Give people with disabilities the same **rights** as everyone else to use the courts and **justice system** to fight for their **rights**. Check this is happening.



5. Make sure adults and children with disabilities can use community services like schools, healthcare, housing and support to work.



6. Involve and listen to people with disabilities and their organisations when they plan services and support. This includes children and young people with disabilities.



7. Work to help everyone understand that people with disabilities are not dangerous and have the same **rights** as anyone else



8. Stop spending money on services that take away people's freedom because they have a disability. Plan and pay for good community services that support their **human rights**.



## 7. Conclusions and what should happen next



Catalina found that countries all over the world are taking away people's freedom because they have a disability.



This happens when they are forced to stay in hospitals, **institutions** or their own home and cannot make choices about their lives.



There are also too many people with disabilities in prisons.



People with disabilities do not have to be treated like this.

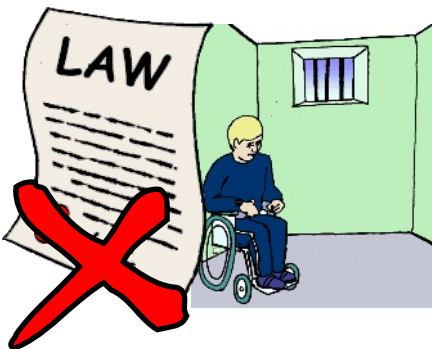


They lose their **rights** and freedom when countries do not have the services to support them properly in the community.



The **Special Rapporteur** says countries that sign the **Disability Convention** should:

- have laws that give people the same right to freedom as everyone else



- get rid of laws that make it possible to take away a person's freedom because of their disability



- have a plan to say when they will have enough community services to stop people living in institutions away from other people



- stop giving people treatment they do not agree to, including in mental health care



- make sure people with disabilities have the same right as everyone else to fight for their freedom



- have good, safe services for people who are at risk of harming or killing themselves



- involve people with disabilities and their organisations when they plan how to stop taking away people's freedom





- work to stop **discrimination** and tell the public, government, organisations and **media** that people with disabilities have the right to freedom



- stop spending money on services that take away people's freedom. Plan community services and **social protection** that people with disabilities more choice and control



- ask other countries and organisations not to give money to projects or services that take away people's freedom because they have a disability.



Catalina says the **United Nations** should think about the right to freedom for people with disabilities in everything it does.



## 8. What the words mean

**Deprivation of liberty** - taking away a person's freedom by keeping them somewhere they do not choose and not letting them leave.

**Disability Convention** – a set of rules that countries agree to follow to give people with disabilities the same human rights as everyone else.

**Discrimination** – treating someone worse than other people because of who they are or where they come from.

**Institution** – a building or place where certain people are kept away from their families or other people. This happens for children or adults who have a disability.

**International law** – a set of rules that was commonly agreed on by many countries.

**Justice system** – organisations like the police and courts that deal with people who commit crimes.

**Liberty** - not being shut up or kept somewhere you do not choose to be. This includes being tied up or held so you cannot move.

**Media** – ways of sharing information. For example TV, radio, newspapers, magazines and the internet.

**Security** - no-one hurts your body or your mind.

**Special Rapporteur** – a person working for the UN who helps countries understand what they need to do to make sure people get their rights.

**United Nations (UN)** – a group of 193 different countries that work together to try to make the world a better and safer place for everyone.

**Rights** – things that should happen for every person.

**Human Rights** – basic rights and freedoms that should happen for every person in the world.

**Social protection** - things that give everyone the same chances in life. For example, having enough food, basic healthcare, going to school or money to help pay for things.



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