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**ა(ა)იპ “ფსიქიატრიის სერვის მომხმარებელთა და გადარჩენილთა საქართველოს ქსელი” (GNUSP)**

**Georgian Network of (Ex-) Users and Survivors of Psychiatry (GNUSP)**



To: Ms. Rosemary Kayess

Chairperson of the UN Committee on the Rights of Persons with Disabilities

 Tbilisi, Georgia, 4 July 2022

**Re: Draft Guidelines on Deinstitutionalisation, including in emergencies**

Dear Chair,

I am writing on behalf of the Georgian Network of (Ex-)Users and Survivors of Psychiatry (GNUSP), uniting persons with experience of treatment in psychiatric settings, including psychiatric hospitals.

I would like to express our gratitude for the work of the Committee of the UN CRPD in general and especially for the strong stance it has with regard to the rights of persons with actual or perceived mental health problems who routinely undergo forced interventions, institutionalization and deprivation of legal capacity.

Thank you very much for inclusion of psychiatric hospitals in the deinstitutionalization guidelines as very often these places are not regarded as institutions, and people who are forced to live there are not counted as people living in residential facilities. The absence of statistics with regard to the actual number of people living there for a long period of time contributes to invisibility and lack of consideration when the discussion starts around creation of supported living programs. Thank you also for stressing the necessity of involvement of persons from institutions in the consultation and decision-making processes. This too is very often overlooked due to relative complexity and need for more support mechanisms in place than usual.

With regard to the more concrete points:

Para 5(6) page 2 “De-facto denial of legal capacity”. The examples given do not consider scenario of institutions when people stay because of their choice, but when the choice is effectively between an institution and death in the street. Formally, the legal capacity is there, but the supports are not. The situation becomes more complicated if the state doesn’t have support programs for persons without disabilities, for example if not only persons with disabilities, but also generally homeless people stay without support from the State. So, the State may claim that since it is about equality, the rent subsidies are equally unavailable for everyone, and that any person can be sent to an institution (like homeless shelter) irrespective of their disability status.

Additional points that can be used against institutions: they contribute to stigma by segregation of people, the right to family life (not only of children) and privacy is not respected there, the fear of institutionalization may contribute to silence in case of gender based or other forms of violence and abuse, when the abuser threatens to send the person to an institution or the person is afraid of losing any available support that is delivered by the abuser, and forced institutionalization contributes to the fear of seeking help with the police.

Paragraph 7(8): the last sentence “the exercise of rights enshrined under art.19 cannot be suspended…” deserves a separate paragraph even with only this one sentence.

Para 27 (24) In the last sentence “healthcare” should be added to the list “education, employment and the justice system”, as mainstream healthcare services are very important exactly to ensure that those are not delivered in one package with housing. Also, Ministries of Healthcare should not be in charge of developing supported living programs. But they should be in charge of developing inclusive mainstream healthcare services.

Para 41 (36) “For many the institution may be the only living environment they know”. It can be added that any transfer may be met with distrust, because people may have very traumatic experience with previous transfers and regard the one they currently live in as a relatively predictable safe place. So, it is important to rebuild this trust and provide persons with disabilities with opportunities to see the possibilities for themselves, and maybe visit other arrangement temporarily to check how it may work for them. A no with regard to leaving an institution must not be taken as a final answer, but as an indication that more efforts are needed to empower the person to make the decision to leave.

Para 60 (52) Enabling legal environment, apart from recognition of the rights (which they usually do), must recognize the responsibility of the State to provide necessary supports to ensure implementation of those rights.

Para 66 (57) “amounts to a prohibited form of discrimination”. It sounds like there are not prohibited forms of discrimination, so maybe it would be better to say that it amounts to a form of discrimination and as such is prohibited.

Para 71 (61) The use of the word “during” is not quite understandable.

Para 74 (a) It is safer not to mention “service structures”, as it may be understood wrongly as the need for new structures/buildings. For the new services?

Para 77 (d) It probably should be “ensure” instead of the “develop”

Para 86 (71) Probably it should be “awareness raising” instead of the “consciousness raising”.

Also, we agree with EDF that the mention of “prisons, refugee camps or shelters for homeless people set in the paragraph 14, do not seem to be core to the mandate of the CRPD if it is not focused on persons with disabilities placed in these settings”. Such a phrase can undermine the authority of the guidelines and this excuse should not be given to policymakers. At the same time, the prisons and other settings do have big proportion of persons with disabilities, including psychosocial disability and maybe it can be rephrased under this context.

Also, the context of equality seems to be important and has to be at least mentioned, as to what to do if even homeless do not have adequate support from the State. This problem is somewhat tricky and hard to address, as it seems to go outside the scope of disability rights to much wider scope of social rights in general. Maybe you could mention this context somewhere as a vision for the future or mention how disability related discussions may lead the society to a universal design of supports for any vulnerable group.

Sincerely,

Olga Kalina

Chair

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| **3rd Blind Alley of Todria str., b. 2, apt 33, Rustavi** |
| **Tel: (+995) 558 72 36 76****E-mail:** gnusp.ge@gmail.com |

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| **ქ. რუსთავი, თოდრიის მე-3 ჩიხი, კორპ.2, ბინა 33** |  |  |
| **ტელ: (+995) 558 72 36 76** |  |  |
| **ელ. ფოსტა:** gnusp.ge@gmail.com |  |
| **https://www.facebook.com/Georgian-Network-of-Users-and- Survivors-of-Psychiatry-GNUSP-110601027283137** |  |