# ANEA's Suggestions for the Guide on Deinstitutionalization

**Presentation**

In support of the Guide on Deinstitutionalization, the National Association of Supported Employment (ANEA), in Brazil, is honored to submit this document with our suggestion, which was based on the guidelines provided at [www.ohchr.org-guidelines-](http://www.ohchr.org-guidelines-/) deinstitutionalization.

Founded on 06/13/2014, in São Paulo, ANEA has been working to have companies hiring people with disabilities, who have been excluded both from the labor market and from common educational systems and other open sectors of society.

For years, these people had as their only solution their institutionalization in terminal-type entities and/or their non-competitive and no-inclusive attendance at sheltered workshops, which fortunately were replaced by supported employment programs from 1986 onwards in the USA.

Enhancing the information about the benefits of using supported employment methodology may be useful to people with disabilities, especially the most severe ones, in employability, as well as in education, leisure, sport, etc.

ANEA's contribution aims to help open the doors of the various common sectors of the community so that people with disabilities can live, study and work in an inclusive way in an open society.

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# Introduction

The well-debated wording of all the first 32 Articles of the Convention on the Rights of People with Disabilities and Protocol Optional (CRPD) was based on the wishes of most of the States Parties of the United Nations (UN) in favor of the lives of people with severe disabilities in the open, inclusive, accessible, independent, and autonomous community.

Such wishes have greatly contributed to advancing the courageous international mobilization to combat the long practice of internment of people with disabilities in segregated, authoritarian, and controlling institutions.

However, the practice of institutionalizing people with disabilities still exists in many countries around the world. We need to intensify the practice of deinstitutionalization, which theoretically freed people with disabilities from forced institutionalization. Therefore, the adoption of the CRPD by the UN General Assembly was instrumental, as also the ratification and enactment of the CRPD in almost all countries. (UN, 12/13/2006).

This ANEA document reflects the desire to rescue this quality of life. So how to effectively achieve the deinstitutionalization process? The complexity of this process justifies that the UN – through its Committee on the Rights of Persons with Disabilities – fully adopt, enhance and promote the Guide on Deinstitutionalization.

For greater clarity in the presentation of the analyzes that will compose this basic document, it is understood that the concepts and practices with which ANEA agreed will not be commented.

# Chapter 1 - FUNDAMENTALS

In all aspects of life and in situations that require society to provide inclusive care for people with disabilities, the following inclusive foundations must be considered:

**Reasonable adaptation**. [1] Avoid using the adjective “reasonable” in the title “reasonable adaptation” in the sense of “acceptable”, “recommended” or “good”. [2] Accept that “adaptation” are necessary and appropriate modifications and adjustments” that “do not entail a disproportionate or undue burden”. [3] Know that reasonable accommodation is mandatory. [4] Understanding that “refusal of reasonable accommodation” is a “form of discrimination against people with disabilities”. (CRPD/2 – Definitions).

**Procedural adaptations and training of justice workers**. [1] Know that, in Article 13 of the CRPD, the theme “equal conditions” is included. [2] See the heading “formal equality and authentic equality”, in the letter’s “g” and “h”, in Chapter 1 – Fundamentals. (CRPD/13 – Access to justice).

**Attitude of respect in the educational system**. [1] Commit to combating stereotypes, prejudices, and harmful practices towards people with disabilities. [2] Foster at all levels of the education system, from an early age, an attitude of respect for the rights of people with disabilities” (CRPD/8 – Awareness, letter “b”).

**Marriage, parenthood, fertility**. [1] Be aware that, in Article 23 of the CRPD, the title “equal conditions” appears. [2] See the heading “formal equality and authentic equality”, in the letter’s “g” and “h”, in Chapter 1 – Fundamentals. (CRPD/23 – Respect for home and family. Equality of conditions).

**Equity conditions**. [1] Adopt the title *equity conditions*, which means “equality with justice”.

[2] To consider that the purpose of Article 1 of the CRPD is “to ensure the full and equitable exercise of all human rights and fundamental freedoms for all persons with disabilities”. (CRPD/1 – Purpose).

**International cooperation**. [1] To value “the importance of partnership with international organizations and with civil society, especially with organizations of people with disabilities. (CRPD/32). [2] Commit to taking measures for the exercise of economic, social, and cultural rights within the framework of international cooperation (CRPD/4).

**Growing international recognition**: *treating all people the same way is not enough to achieve equality*. [1] Understand that traditional practices were shaped by the working life of those who dominated the labor market. [2] Accept that standardized practices need to be revised to include equity and accommodate the diversity of today's workforce. (ILO, 2018).

**Right of the law protection**. [1] Be aware that, in Article 22 of the CRPD, the term “equal conditions” appears. [2] See the heading “formal equality and authentic equality” in Chapter 1 – Fundamentals. (CDPD/22 – Respect for privacy.).

**Equal opportunities**. [1] Consider that this title is equivalent to “equal opportunity”. [2] Accept it means opportunities must be the same for all people, with or without disabilities, in the same space, such as: classrooms, workstations, sports venues, etc. (CRPD/3 – General principles, letter “e”).

**Formal equality and authentic equality**. [1] Knowing that the concept of “equal conditions”, or “equal conditions”, has caused controversy throughout the debates to define the content of the CRPD. [2] Guarantee the exercise of legal capacity or any other right to persons with disabilities. [3] Be aware that, in Article 17 of the CRPD, the term “equal conditions” appears. (CRPD/17 – Protection of the integrity of the person).

**Formal equality can be harmful to the people disability**. [1] Avoid the misunderstanding of the concept “formal equality”. [2] Knowing that there are two types of equality: formal equality – which seems to apply in any situation but can harm people in certain situations – and authentic, true equality that considers equity, because it becomes adequate and provides fair conditions”, depending on the uniqueness of each person. (ILO, 2018).

**Worker qualities**. [1] Emphasize the qualities of the worker with disability. [2] Promote recognition of the skills, merits, and capabilities of people with disabilities and their contribution to the workplace and the labor market. (CRPD/8 – Awareness, letter “a-iii”). [3] Adopt the concept of “workplace”, defined by the *International Labor Organization* as the inclusive space where people work. [4].

**Respect for difference**. [1] Adopt the concept of “difference”, which refers to the characteristics of each person, which become singular, unique. [2] Use the concept of “difference” to guarantee the person with disability a place within human diversity and humanity (CRPD/3 – General principles, letter “d”).

# Chapter 2 - PEOPLE

**Empowerment**.[1] Adopt the understanding that “empowerment” is the process by which a person, or a group of people, uses their personal power to exercise three major skills: *independence* [making choices and decisions], *autonomy* [the own person to do things] and *self-control* [take care of improving your life]. [2] Knowing that personal power is inherent to the human being, as it is in each person from the beginning to the end of life. [3] Consider that *empowerment* is one of the most important rights for an independent life for all people, including women. (CRPD/6 – Women with disabilities).

**New concept of people with disabilities**. [1] Due to the new wording given to the wording of item “e” of the Preamble, replace the second sentence of Article 1 of the CRPD with: “People with disabilities are those who have long-term impairments of a physical, psychosocial, intellectual, visual, sensorial and multiple, and whose full and effective social participation on an equal basis with other people can be obstructed by various constructed, natural and attitudinal barriers existing in society”. [2] Consider that in the original Article 1 as

in the new conceptualization, the term “equal conditions” appears. [3] See the heading “formal equality and authentic equality” in Chapter 1 – Fundamentals. (CRPD/1 – Purpose) reflecting the necessary equity.

**New wording of the wording of letter “e” of the Preamble of the CRPD**. [1] Copy: “Recognizing that disability is an evolving concept and that attitudinal and environmental barriers prevent the full and effective participation of people with disabilities in society on an equal basis with others”]. (CRPD/Preamble).

**Exact number of people with disabilities**. [1] Respect the ethical aspects and access of people with disabilities to statistics. [2] Determine the exact number of people per disability category at the municipal, state, and national levels. (CDPD/31 – Statistics and data collection).

# Chapter 3 - SERIOUS LIFE SITUATIONS

**Physical integrity**. [1] Be aware that, in Article 1 of the CRPD, the term “equal conditions” appears. [2] See the heading “formal equality and authentic equality”, in the letter’s “g” and “h”, in Chapter 1 – Fundamentals. (CRPD/1 - Purpose.

# Chapter 4 - ASPECTS OF COMMUNITY LIFE

**Against community isolation or segregation**. [1] Adopt the golden objective of Article 19 of the CRPD. (CRPD/19 – independent living and inclusion in the community).

**Children with disabilities in the open society**. [1] Consider that Article 30 of the CRPD deals with the participation of children in recreational, sporting and leisure games and activities, including in the regular school system. [2] Be aware that, in paragraph 5, letter “d”, of the same Article, the term “equal conditions” appears. [3] See the heading “formal equality and authentic equality” in Chapter 1 – Fundamentals.

(CDPD/30 – Participation in cultural life and in recreation, leisure, and sport).

**Labor and union rights**. [1] Consider that the CRPD (2006) used the concept “equality” in the sense of “formal equality”, both in labor and union rights and in slavery issues. [2] Be aware that, in paragraphs 1-b, 1-c, and 2 of Article 27 of the CRPD, the term “equal conditions” appears. [2] Instead of using the term “equality of conditions”, adopt the term “equity of conditions” or “equitable conditions”, as stated in the title “formal equality and authentic equality”, in Chapter 1 – Fundamentals. (CRPD/27 – Work and employment).

**Supported employment methodology**. [1] Consider that Article 27 of the CRPD contains a listing under the theme “work and employment” and add measures of supported employment: [a] Take advantage of the benefits of using supported employment, such as: entry into the competitive world of work; job placement followed by on-the-job training; obtaining a signed work permit; installation of micro or small business. [b] Implement supported employment programs instead of sheltered workshops. [c] Highlight the value that supported employees with disabilities add to their workplace. [d] Strengthen specific legislation on labor and employment, including labor quota systems. (LBI/37 – Work with support).

# Conclusion

Article 19 of the CRPD deals with the theme “Independent Living and Inclusion in the Community”. It points to “a variety of support services” in the community space “for people with disabilities to live and be included in the community and to prevent them from being isolated or segregated from the community”.

Offering a variety of support services constitutes this golden objective: “For people with disabilities to live and be included in the community and to prevent them from being isolated or segregated from the community”.

This document, provided by ANEA in Brazil, is justified, both in terms of Article 19 of the CRPD and Art. 37 of the LBI, as well as for the benefit of aspects of community life, described in Chapter 4 – Aspects of community life.

**June 29/2022.**

***Bibliographic reference***

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