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**Written Submission**

**to the UN Committee on the Rights of Persons with Disabilities**

**on the Draft Guidelines on Deinstitutionalization,**

**including in emergencies**

TESTIMONIES AND FEEDBACK
FROM ZAMBIA

Coordinated by:

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4th July 2022

**NOTE:** *The views presented in this submission are those of individuals who provided their testimonies and feedback in the context of consultation activities arranged in Zambia. They do not necessarily reflect the opinions of the organisations that made it possible to participate in the consultation process.*

**TESTIMONY 1**

I am a man with a mental disability. I have been in an institution, and I have been living in the community for over 5 years.

**Feedback on the Guidelines**

Under paragraph 24 of the Guidelines, support services for living independently and being included in the community include personal assistance, peer support, crisis support, support for communication, mobility, securing housing and household help, **community-based mental health services**, and other community-based services. Support should also be available so that persons with disabilities can access and use mainstream services such as education, employment, and the justice system.

In addition, my view of paragraph 33 is that State parties should closely involve persons with disabilities through their representative organizations, and especially people leaving institutions and survivors of institutionalization, and their representative organizations, in all stages of deinstitutionalization processes, in line with articles 4(3) and 33 and General Comment No. 7.The decision-making processes should be driven and primarily influenced by persons with disabilities and their representative organizations. Relevant stakeholders, such as services providers, support staff, policy makers, families, local communities’ representatives, trade unions, and others, should be part of consultation processes to share their experiences and expertise around deinstitutionalization and the development of community-based services.

**TESTIMONY 2**

I am a man with a mental disability and a member of MHUNZA. I have been in an institution and my experience in that place is mixed.

**Feedback on the Guidelines**

In Zambia, the state has been supporting creation of private institutions. In my view for State Parties like Zambia to effectively close institutions, they need to determine where this funding is coming from and engage with including international financial institutions, private donors and faith-based actors. The State has a significant role in helping to bring about the redirection of these funds and many actors could support these efforts by advocating to those funding organisations to do so. Therefore, in my opinion, the Draft Guidelines should be clearer on how State parties can regulate private donors, faith-based actors and NGOs as the State has direct responsibilities for what their citizens, foundations, faith-based institutions, corporations, and foreign aid support when these lead to human rights and child rights violations.

**TESTIMONY 3**

I am a woman with a disability. I have been in an institution for the better part of my life. I am currently at a school for people with disabilities.

**Feedback on the Guidelines**

States parties should map the workforce, including demographic and employment trends, and the impact these may have on deinstitutionalization. States Parties should establish priorities for improvement, assessing the feasibility of transformation of the existing workforce to the provision of services to persons with disabilities that comply with the Convention. If the transformation of the workforce is feasible, they should be offered the possibility to work in the remaining or newly established community-based services, on the basis that they are provided with adequate training and support. States parties should ensure that services are sufficiently and adequately staffed to respond to the needs and wishes of persons with disabilities. They should work towards the attractiveness of these employment opportunities as career options. States parties should establish continuous learning and training opportunities, including supervision and mentoring schemes, to ensure that the workforce is adequately prepared and trained to support people with disabilities in compliance with the Convention.

**TESTIMONY 4**

I am a man with mental disability and a member of MHUNZA. I have been in an institution and my experience in that place is mixed.

**Feedback on the Guidelines**

In Zambia people with disabilities are always placed in institutions without proper protection from the government. It is my view that there is a lack of focus on preventing persons with disabilities from being placed in institutional care in the first place. I believe that the Draft Guidelines could be strengthened by having a specific section addressing the root causes as to why people with disabilities are placed in institutional care. There are many contexts where poverty, stigma, or lack of access to good education or rehabilitation are the main drivers of institutionalisation. To effectively create a deinstitutionalisation plan, these drivers must be understood and addressed through concrete action. I think that the Draft Guidelines could better emphasize how to prevent the common practice of adults and children with disabilities being placed into and kept in institutional care looking solely on the basis of their impairment as well as the other factors outside of disability which may have contributed.

**TESTIMONY 5**

I am a woman with a mental disability and a member of MHUNZA. I have been in an institution, and I have been living in the community for over 10 years.

**Feedback on the Guidelines**

My view is that institutional care should not be completely abolished for all persons with disabilities. Even though institutional care is a discriminatory practice harmful to the vast majority of persons with disabilities, at the same time I believe that institutional care may be a form of protection for people with disabilities, especially for those who are ostracized by their families, who do not have their own shelter or housing, who suffer from an intellectual disability that puts them at risk to themselves and others, and for those who lead a life of homelessness in the streets, squares, and public places as for many people with mental and intellectual disabilities in Zambia.

**TESTIMONY 6**

I am a man with a mental disability and a member of MHUNZA. I have been in an institution for the better part of my life. I am currently at a school for people with disabilities where I have been studying agriculture.

**Feedback on the Guidelines**

Paragraph No. (117) of the draft states that States parties should establish a mechanism to provide official apologies and immediate compensation to persons with disabilities who have survived institutionalisation. I support this idea as it will hold government officials accountable to people with mental disabilities. However, the Guidelines need to be very specific on remedies as our government is likely to ignore these provisions.