

# Press Release

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## **"Persons with mental disabilities should not be deprived of their human rights" says Commissioner Hammarberg**

Strasbourg, 21.09.2009 – "Individuals with mental health or intellectual disabilities have been treated as non-persons whose decisions are meaningless, even in recent years. They have been deprived of basic human rights" said Thomas Hammarberg, Council of Europe Commissioner for Human Rights, in his latest Viewpoint published today.

"Their mere existence has been seen as a problem and they have sometimes been hidden away in remote institutions or in the backrooms of family homes. Though much of this has changed with the progress of the human rights cause, persons with mental health or intellectual disabilities do still face problems relating to their right to take decisions for themselves, also in important matters. Their legal capacity is restricted or deprived completely, and they are placed under the guardianship of someone else who is entitled to take all decisions on their behalf."

Underlining the importance of a full compliance with the provisions of the United Nations Convention on the Rights of Persons with Disabilities, the Commissioner calls for policies which ensure that the full legal capacity is combined with the right of the individual to seek support. At the same time, he recommends that the exercise of this support be always regulated with safeguards to avoid that the trust be misused.

"Some people because of their impairments or external barriers are unable by themselves to take important decisions. Governments should therefore provide access to support they may require in exercising their legal capacity and should put in place appropriate and effective safeguards to prevent abuse. The rights, will and preferences of the concerned person should be respected and there should be no conflict of interest and undue influence between those supporting the adult, and the adult."

Furthermore, Commissioner Hammarberg stresses that any restrictions of the rights of the individual must be tailored to the individual's needs, genuinely justified and respectful of human rights standards. He also urges member States to grant persons with mental health and intellectual disabilities the right to vote in elections and stand for election. "Being deprived or restricted of their legal capacity they have been denied these rights in several countries. This has further exacerbated their political invisibility. It is time that person with disabilities are put at the centre of decision-making and viewed as subjects entitled to the full range of human rights. This is the only way to promote their inclusion and full participation in society."

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