



The rights of people with disabilities.



What The Special Rapporteur did in 2017.

What we need to know about legal capacity.



EasyRead version of:
Report of the Special Rapporteur on the rights of persons with disabilities (A/HRC/37/56).



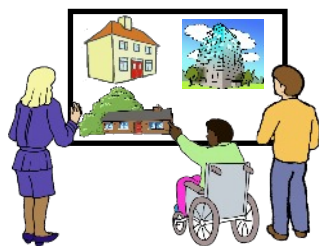
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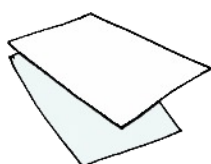
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Sometimes we need to use new or difficult words



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 of 193 countries that work together to make the world a safer and better 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**.



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

- what she did in 2017



- **Legal capacity.** This is the **right** of anyone over 18 to make legal decisions and to have them respected.



Decisions can be about:

- our person and the way we want to live our life



- things we own and money



- the agreements we make with other people



- the way we take part in our community.



The international agreement called the UN disability **Convention** says people with disabilities have **legal capacity**.



Catalina wants to make sure all countries follow the UN disability **Convention**.



Her report says governments need laws and services to make sure people with disabilities have this **right**.



Catalina sent out questions to governments, **human rights** organisations, UN teams, people with disabilities and their groups.



She also used information from a meeting about supporting older people with disabilities to make their own decisions.



This helped her find out more about people with disabilities and **legal capacity**.



2. What the Special Rapporteur did



Visits to different countries

In 2017 Catalina visited 3 countries:

- North Korea
- Kazakhstan
- France.



She thanks the governments for inviting her and helping her find out what life is like for people with disabilities.

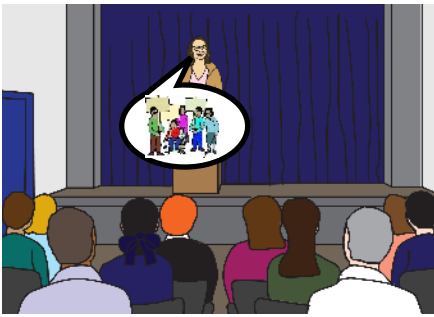


Catalina hopes to visit more countries in 2018.



Listening and talking to people

Catalina met lots of different people including people with disabilities and their organisations, UN experts, national and international **human rights** organisations and people who study disabilities.



She:

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



- found out more about assessments for people with disabilities



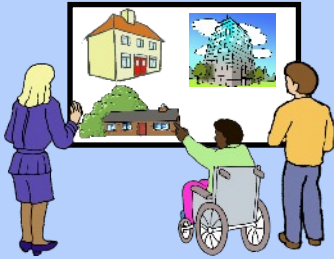
- wrote a report about the sexual and reproductive health and rights of young girls and women



- helped governments understand that all laws and policies must work for people with disabilities



- wrote reports about all the things she found out.



3. Why it is important for people with disabilities to have legal capacity



This report says that governments should respect people with disabilities in the same way as they respect other people. This is the first important thing to keep in mind when trying to understand legal capacity.



The report tells governments more about what the **right** to legal capacity means and what should happen for persons with disabilities.



Changing the way people think

Having **legal capacity** is one of the most important **human rights**.

It allows people to make decisions and have them respected. People can make decisions like:



- contracts or agreements



- where to live and who to live with



- to get married



- to vote



- to have children



- to choose medical treatment or care.



The UN disability **Convention** says people with disabilities have **legal capacity**. Having a disability is not a reason to take away the right to make your own decisions.



But sometimes other people think that persons with disabilities cannot make decisions on their own. In most countries, the law allows someone to make decisions for them. This is wrong.

This happens most for people who have:



- mental health problems
- learning disabilities
- autism
- **dementia.**



Women and older people often lose the right to make their own decisions. Many are kept at home or in large hospitals or services where they have little choice about what happens to them.



This means they are at risk from violence, abuse and poor care.



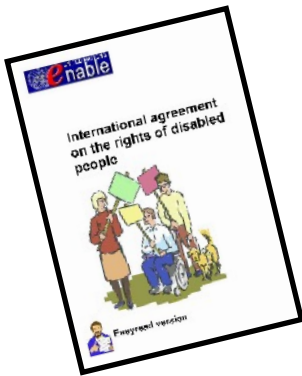
The UN disability **Convention** asks governments to change the way they think about people with disabilities. It is discrimination if the law says that persons with disabilities should not have legal capacity or the support to make their own decisions.



The **Convention** asks governments to get rid of laws that take away rights from people with disabilities. It says all laws should treat everyone fairly.

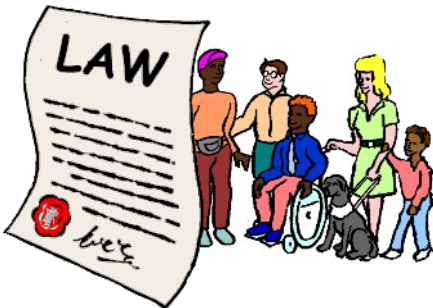


The UN **Convention** is starting to change things. Many governments are using it to change national laws and plans.



What this right means

The UN disabilities **Convention** says the right to legal capacity means 5 things:



1. Laws must treat people with disabilities fairly.



2. Laws must say that people with disabilities can make the same decisions and agreements as other people and have them respected.



3. People can have support to make their own decisions if they want.



4. People can make decisions safely and other people supporting them should respect their will and preferences and not abuse them.



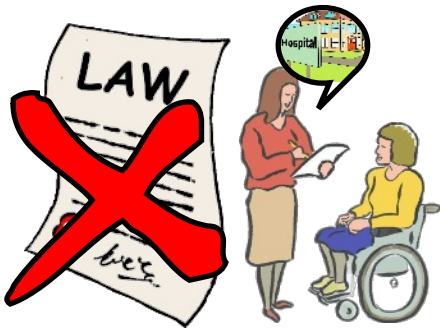
5. People with disabilities have the same right as everyone else to own **property** and make decisions about money.



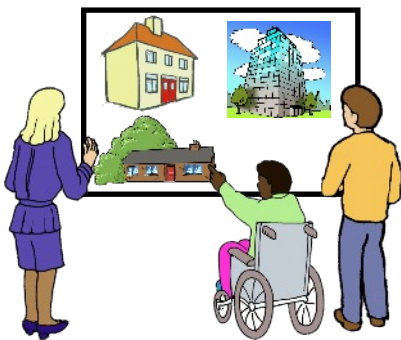
Governments must do 4 things to make this happen:



1. Have laws that treat people with disabilities in the same way as other people. This includes people who need a lot of support to make their own decisions.



2. Get rid of laws or rules that let other people make decisions for someone with a disability.



3. Make sure people have free support or support they can afford to make their own decisions. This support should follow the rights in the UN disability **Convention**.



4. Make sure people providing support follow what the person wants, not what is best for them. This means people with disabilities have the right to make decisions that other people do not agree with.



Catalina knows this can be difficult sometimes, especially if someone is very upset.



When we cannot find out what the person wants, we need to think about what the person might have liked and what was important for them.



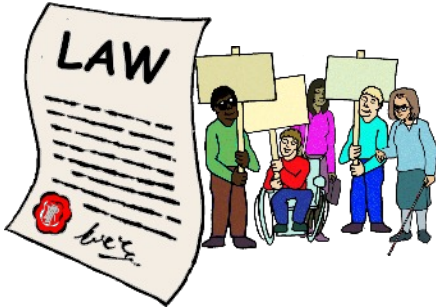
People with disabilities can also write down what they would like to happen in the future so others can see what their choices are. This is called an **advance directive**.



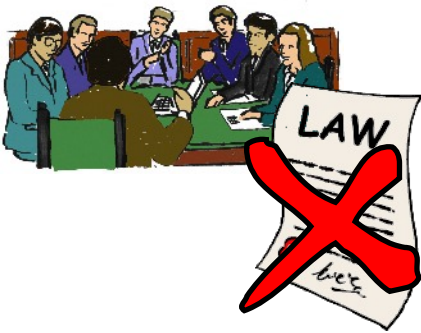
Legal capacity was one of the things Catalina talked about most this year. All governments must understand that the UN Disability **Convention** says they must not do anything that takes away a person's right to **legal capacity**.



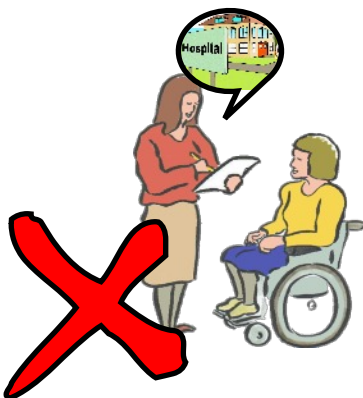
4. The law must treat everyone fairly



Laws about **human rights** say people with disabilities have the same rights and freedom as other people.



UN disability Convention says governments must make sure people with disabilities have the right to **legal capacity**. They must get rid of any laws that take away this right.



This means they must:

- get rid of anything that stops people having **legal capacity**



- make sure no one takes away this right



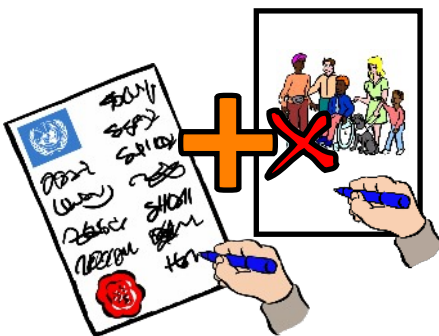
- give people the training or support they need to make sure they can use this right.



Governments must check their laws follow the UN disability **Convention**.



Governments must check all their laws, not just laws about **legal capacity**.

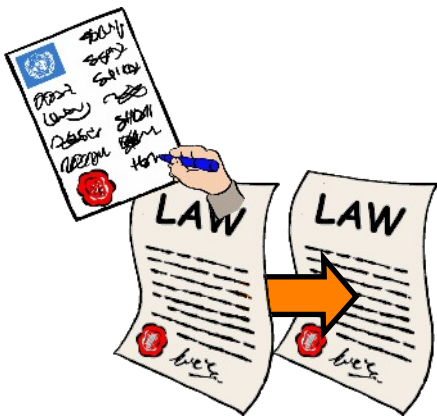


When 13 governments signed the UN disability **Convention** they put a note to say they cannot not do everything to give people this right.

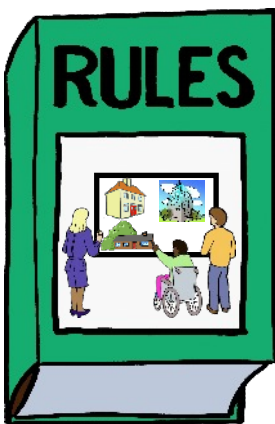


Catalina said the right to **legal capacity** is an important part of the **Convention**. She asked these governments to think again and agree to everything it says they should do.

How some countries have changed their laws



After they signed the UN disability **Convention** some countries started to change their laws.



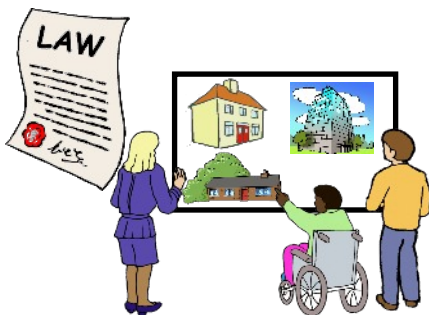
This includes having rules about supporting people to make decisions that protect their right to **legal capacity**.



For example, Costa Rica has a new law that says the courts cannot choose a **guardian** to make decisions for someone else. The country has someone to make sure people with disabilities have the right to **legal capacity**. Catalina hopes the government will make sure this gives people all the rights in the UN disability **Convention**.



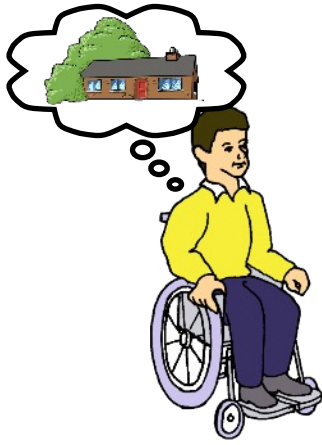
Some governments now say people with learning disabilities have **legal capacity**. But they need to make sure all their other laws support this.



Other countries have laws that include support to make decisions. Most of these allow people to choose someone to:



- help them get and understand information



- think about what will happen if they make the decision



- let other people know what this decision is



- carry out the decision.

Different types of support established by countries include:



- people with disabilities asking a court for support to make decisions



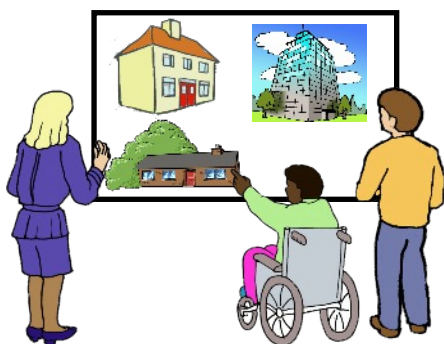
But it can be difficult or expensive to use the court and judges need to understand **legal capacity** better



- agreements that do not need a judge to choose someone to help you make decisions. Catalina thinks there should be better rules about this



- **advance directives** where you write down what you want to happen in the future so others can see what their choices are. In many countries the law says other people are not always obliged to follow your choices



- **co-decision-making** when you choose someone who will make decisions with you. However, in most cases, the person with disabilities cannot disagree with what the other person says. To be a real form of support, people must be able to choose voluntarily who helps them making decisions and to change their mind whenever they want



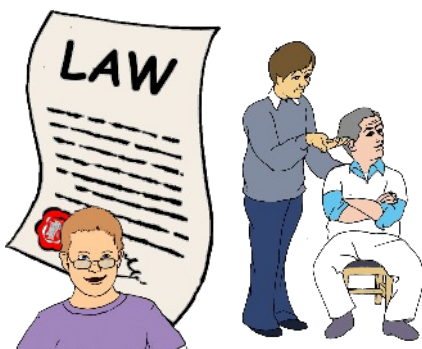
- independent **advocates** who support a person to make decisions and talk to all the other people involved.



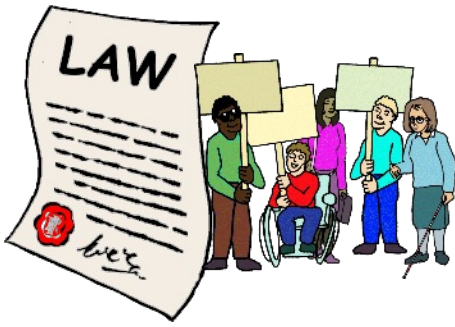
There must be rules to make sure that people supporting persons with disabilities to make decisions follow what the person wants, not what is best for them.



Catalina is pleased that more countries have laws that give people support to make decisions. Many governments now say courts cannot choose someone to make decisions for someone because of their disability.



But laws still break the UN disability **Convention**. Catalina says many mental health laws take away people's freedom and force them to have treatment they do not choose.



All laws must give people with disabilities the same rights as everyone else.

What countries can learn from this



Because of the UN disability **Convention**, more countries want to learn about supporting people to make decisions.



Different organisations are trying things like:

- advocates



- support from other people with disabilities

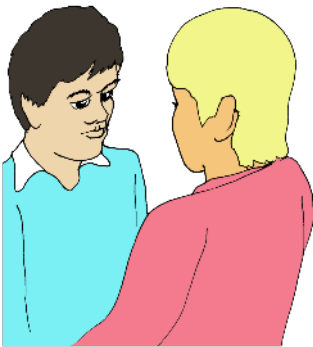


- **advance directives.**



These help people with:

- getting information



- communicating



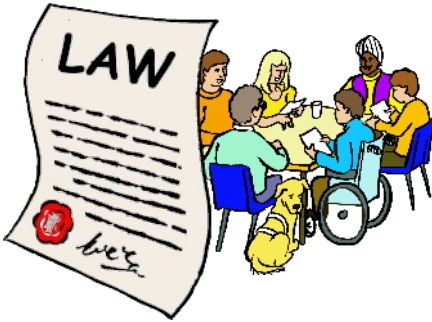
- feeling confident



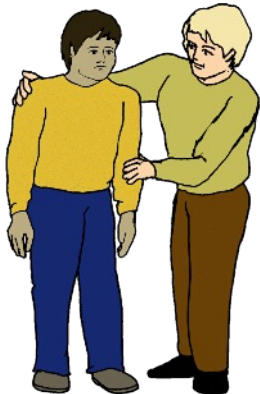
- planning for the future



- paperwork.



Laws must understand that different people need different types of support.



Supporting people with decisions must include:

- support from someone they trust



- a written agreement if the person wants this



- training for supporters



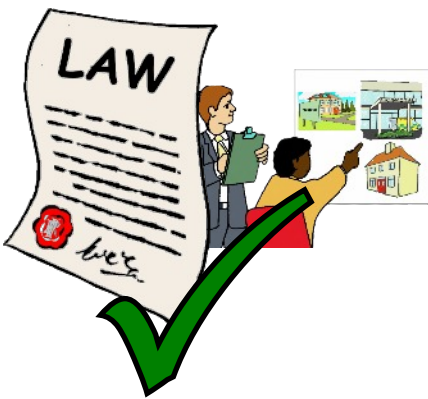
- making sure other people take the decisions seriously.



5. What should happen next?



Countries that sign the UN disability **Convention** must:



- change laws to make sure people with disabilities have **legal capacity** and support to make decisions. They should involve people with disabilities in this



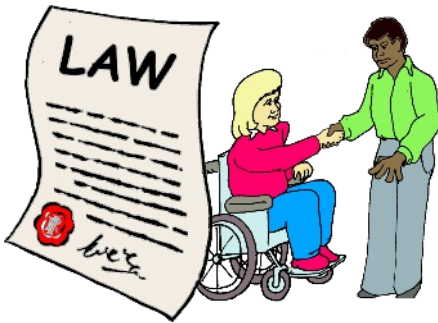
- set up support for people with disabilities to make decisions. This support must treat everyone fairly and think about **human rights**



- involve people with disabilities and their organisations in trying out different types of support



- they should write reports about this in different formats, including EasyRead



- make sure they can use courts and legal systems to get their rights. This includes using the UN disability **Convention** to make sure they have these rights



- involve people with disabilities and work together to make sure laws treat them fairly



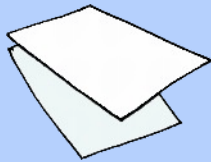
- train people with disabilities, their families, services, courts, lawyers, universities and other organisations about the UN disability **Convention**. This includes understanding how laws can **discriminate** against people with disabilities



- change the way other people think about people with disabilities. Help them understand their **right** to do the same things as everyone else



- make sure they have enough people and money to make sure people have support to make decisions. They should not spend money on things that take away **rights** from people with disabilities.



6. Conclusions



In the past many people with disabilities lost their right to **legal capacity** because other people believed they could not make decisions.



They thought this kept people with disabilities safe but it meant they had no control over their lives.



This meant other people made decisions for them and took away their freedom. This is **discrimination**.

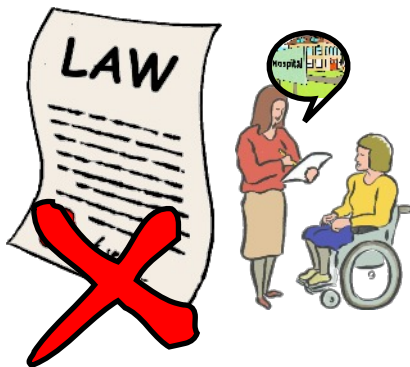


Things are changing slowly and governments are trying to make the UN disability **Convention** work. But many countries still do not have laws that treat everyone fairly. This can stop people with disabilities having **legal capacity** and support to make decisions.

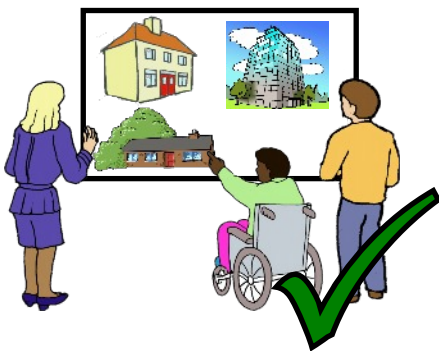
Catalina says governments should:



- have laws that give people with disabilities **legal capacity** and support to make decisions



- get rid of laws that take away this right



- give people with disabilities the support they need to make decisions



- make sure decisions are based on what the person wants



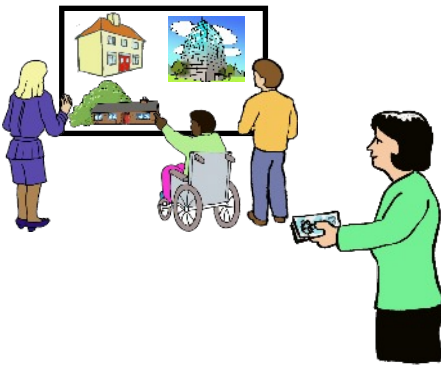
- get rid of rules that say other people can make decisions for people with disabilities



- train people about **legal capacity**



- involve people with disabilities and their organisations when they work on laws or plans about making decisions and **legal capacity**



- spend more money to make sure people with disabilities have support to make decisions



- work with other organisations to learn more and not do anything that takes away a person's **legal capacity**.



Catalina said The **United Nations** must make sure its staff understand **legal capacity** and help countries learn about supporting people to make decisions.



7. What the words mean

Advance directive – when you write down what you want to happen in the future if you cannot express yourself.

Advocate – someone who makes sure other people respect your rights and listen to you, however you choose to communicate.

Assessment – finding out what support a person needs.

Convention – an agreement between different countries.

Dementia – a condition that can affect your memory and change the way you see or understand things.

Discriminate – treat someone worse than other people because of who they are.

Election – an organised way to choose members of local or national government.

Guardian – someone a court chooses to make decisions for you.

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

Legal capacity – means that anyone over 18 years old can make legal agreements or decisions.

Reproductive health - the right to decide whether or not to have children and support to have healthy children.

Respect - making sure other people take the decisions seriously.

Rights – things that should happen for every person.

Sexuality – having sex or your choices or feelings about sex.

Sexual health - the right to enjoy safe sex and keep well and healthy.

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

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.

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.

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

Vote – an organised way to choose between one or more people.



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