



FRA Press Release

Vienna, 7 June 2012

Despite legislation, disability rights not realised in practice

Discrimination against people with intellectual disabilities and people with mental health problems persists despite the ratification of the UN Convention on the Rights of Persons with Disabilities (CRPD) by the EU and 21 Member States. Two new FRA reports capture the experiences of exclusion and discrimination of people with intellectual disabilities or mental health problems. The reports highlight the need to move from institutional to community-based living arrangements and to reformulate laws and policies to make them more inclusive. Both reports are presented at an international conference on “Autonomy and inclusion” in Copenhagen on 7-8 June 2012.

“Much still remains to be done to realise the rights of Europe’s 80 million people with disabilities. The CRPD sets out an ambitious path to improve the situation of people with disabilities. The challenge now is to implement it,” said FRA Director, Morten Kjaerum. *“FRA’s research illustrates that the fundamental rights of people with disabilities are lagging behind legal guarantees, particularly as austerity measures begin to bite. This work provides the basis for discussions of practical measures that will make a difference to their daily lives.”*

1) Report: “Choice and control: the right to independent living”

The research looked into the experiences of independent living of people with intellectual disabilities and people with mental health problems in nine EU Member States, and found that they often face **difficulties** in their **daily lives**. The main problems include:

- Laws and policies that do not enable people with disabilities to live independently;
- Negative attitudes and prejudice that do not recognise the contribution people with disabilities make to society;
- Lack of employment opportunities resulting in reliance on state support and benefits.

The report shows that for independent living to be successful, **deinstitutionalisation** needs to be coupled with **social policy reform** in education, healthcare, employment and personal support options. People with disabilities have to be involved in the development of these policies.

“People at the ministries and authorities should talk to people like me when they develop legislation and policy. They should ask us what we want and need, and not make our lives more difficult.” (Man, 32, Bulgaria, interviewed during the research)



2) Report: Involuntary placement and involuntary treatment of persons with mental health problems

The second FRA report underlines that the **laws regulating involuntary placement or treatment** must consider fundamental rights in accordance with the CRPD. Although all EU Member States have minimum safeguards in place, FRA fieldwork points to overwhelmingly **negative experiences** of involuntary placement or treatment due to a:

- Lack of information and discussion about the process and their situation when they could have been consulted leading to a lack of control over what was happening to them;
- Feeling of fear and humiliation during treatment.

Voluntary placement and treatments were viewed more positively.

Both FRA reports provide a basis for EU and Member States' discussions on how to protect and fulfil the rights of people with disabilities, and can be used to support them in fulfilling their obligations under the CRPD.

For the full reports see:

- [Involuntary placement and involuntary treatment of persons with mental health problems](#)
- [Choice and control: the right to independent living - Experiences of persons with intellectual disabilities and persons with mental health problems in nine EU Member States](#)

Notes to the editors:

- The UN Convention on the Rights of Persons with Disabilities (CRPD), which entered into force in May 2008 has since been ratified by [21 EU Member States and the EU itself](#). This is the first legally binding international human rights instrument to which the EU is party. The CRPD requires signatories, among other responsibilities, to make independent living a reality for all people with disabilities, and to support them participating in the community on an equal basis with everyone else.
- Mental health problems can affect a person's thoughts, body, feelings, and behaviour. They include depression, bipolar disorder (manic-depressive illness), attention-deficit/ hyperactivity disorder, anxiety disorders, eating disorders, schizophrenia, and conduct disorder.
- Intellectual disability is a permanent condition characterised by significantly lower than average intellectual ability, resulting in limitations in intellectual functioning and adaptive behaviour. It is usually present from birth or develops before the age of 18. Examples include: Asperger Syndrome, autism and Down Syndrome.



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- The nine countries covered in the Choice and control report are: Bulgaria, France, Germany, Greece, Hungary, Latvia, Romania, Sweden and the UK.
- The Involuntary placement and treatment report provides a comparative law analysis of 27 EU Member States along with personal experiences from the nine countries covered in the Choice and Control report.
- The European Union Agency for Fundamental Rights (FRA) is mandated to provide evidence-based advice to EU and national decision makers, thereby contributing to more informed, solidly framed and contextualised debates and policies on fundamental rights.

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