

EQUINET SEMINAR

Equality bodies tackling discrimination against persons with intellectual disabilities

SUMMARY OF LEARNINGS

9th & 10th March 2017
Zagreb, Croatia

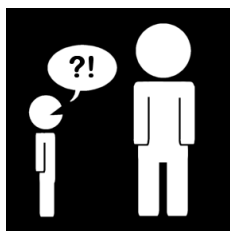
Co-organised with the Office of the Ombudswoman for
Persons with Disabilities



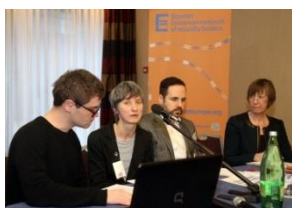


On 9th and 10th March 2017, Equinet and the Croatian Ombudswoman for Persons with Disabilities organised a **seminar**. A seminar is a big meeting. The seminar took place in Zagreb in Croatia.

At the seminar we discussed **discrimination against persons with intellectual disabilities**. Discrimination means to be treated worse than others because you have a disability.



The participants at the seminar work with discrimination against people with disabilities in their countries. They work in offices called **equality bodies**. Equality bodies can receive complaints about discrimination. They also try to make people stop discriminating.



The purpose of the seminar was for these people to **learn more about discrimination** against people with intellectual disabilities. There were many good speakers at the seminar to teach us about the rights of people with disabilities.



In the seminar we learned that:

1. Children with disabilities should go to the same schools as other children
2. Everyone should be able to decide about their own life, including where and with whom they want to live
3. Some people with intellectual disabilities need support, but they don't need others to control them
4. People with intellectual disabilities need information about what to do if they experience abuse or discrimination
5. Information about rights should be written in an understandable way



Equality bodies should promote these aims and **support people with intellectual disabilities** to tackle the challenges they meet.



Les droits des personnes
qui ont un handicap

We also learned about the United Nations Convention about the Rights of People with Disabilities.

A Convention is a collection of rules that states have to follow when they have signed it.

The Convention decides that people with intellectual disabilities have the same rights as everyone else.



At the seminar we also talked about **girls and women** with intellectual disabilities. They can experience discrimination both because they are girls and because they have a disability.

The equality bodies must be aware of the extra challenges that some girls and women can face.



An example of a situation that can be very hard is if a woman with intellectual disabilities has a child.

In many countries she will not be allowed to keep her baby, even if she could be a good mother with some support.



In the seminar we also discussed different ways to make people stop discriminating against people with disabilities.

We learned that there are many ways equality bodies can work with the rights of people with intellectual disabilities.

ABOUT THE SEMINAR

On 9th and 10th March 2017, Equinet and the [Croatian Office of the Ombudswoman for Persons with Disabilities](#) co-organised a capacity-building seminar on **Equality bodies tackling discrimination against persons with intellectual disabilities**. The event took place in Zagreb, Croatia.

The Seminar was attended by 47 equality bodies' staff members and experts.

The main objective of the Seminar was to **build individual capacity of equality bodies' staff members** to address discrimination against persons with intellectual disabilities.

In particular, the Seminar aimed to:

- Help equality bodies with understanding and clarifying the **main concepts** related to discrimination against persons with intellectual disabilities.
- Provide them with **practical guidance** on how to address discrimination against persons with intellectual disabilities from a legal, policy and communication perspective.
- Stimulate and support peer learning.

The present document is a compilation of the main learnings and conclusions of the Seminar for the work of equality bodies.

Seminar organization and summary: Jessica Machacova & Silvana Rößtorf

Pictures: Igor Nobilo



Co-funded by the Rights, Equality and Citizenship Programme of the European Union



OPENING SESSION



Evelyn Collins, Chair of Equinet and Chief Executive of the [Equality Commission for Northern Ireland](#) and **Anka Slonjsak**, [Ombudswoman for Persons with Disabilities in Croatia](#), opened the seminar by welcoming the participants and introducing the agenda for the coming one and a half days.

SESSION 1 – Main definitions and challenges faced by Persons with intellectual disabilities

Senada Halilcevic, Vice-President of [Inclusion Europe](#) and Self-Advocate, highlighted the **main challenges faced by persons with intellectual disabilities**:

- No access to education together with other children
- Deprivation of legal capacity
- Lack of respect of the right to be included in the community and live independently
- Poor control of support services
- Lack of simple procedure for reporting violence and discrimination
- Lack of easy-to-read information

Main conclusions for the work of equality bodies

She asked equality bodies to:

- Support the implementation of **independent mechanism for the control of service providers**
- Produce **easy-to-read information** to report more cases
- Advocate for **independent and free work of self-advocates**
- Support persons with intellectual disabilities to **report abuse and manipulations** done by other individuals and groups

Senada Halilcevic's presentation is available [here](#).

Oliver Lewis, Executive Director of the [Mental Disability Advocacy Centre](#), introduced the **European and International legal framework** on the rights of persons with intellectual disabilities.

Main conclusions for the work of equality bodies

Oliver Lewis **gave the following advice** for the work of equality bodies:

- There are many **European and international sources of law, policy strategies...** which can be used by equality bodies. Make the most of it!
- In particular, the **UN Convention of the Rights of Persons with Disabilities (UNCRPD)** contains lots that can help you.
- Ask for help: self-advocates, academics, other equality bodies...
- **Try something new** for persons with intellectual disabilities: they deserve your creativity!

Oliver Lewis' presentation is available [here](#).



SUMMARY – Learnings from session 1

- Equality bodies need to be **proactive** in tackling discrimination against persons with intellectual disabilities and not merely **reactive**.
- Equality bodies could take a **strategic approach and develop outreach campaigns and foster partnerships** with civil society and law firms. Social media can be a tool for great impact.
- Nothing about us, without us: most importantly, **persons with intellectual disabilities should be consulted and included in all activities**.
- **Important areas** to focus on for equality bodies include reasonable accommodation, education, legal capacity and easy to read tools.

WORKSHOP ON LEGAL, POLICY AND COMMUNICATION ISSUES

A. Legal workshop

Legal assistance to persons with intellectual disabilities

Presentation

Strategic Litigation and discrimination against persons with intellectual disabilities

The presentation was delivered by **Oliver Lewis**, Executive Director of the [Mental Disability Advocacy Centre](#) and Professor at Leeds University.

After introducing the moving example of successful strategic litigation in the case of [Rusi Stanev v. Bulgaria](#), in which for the first time the European Court of Human Rights found a violation of Article 3 and 5 of the European Convention of Human Rights, the group discussed advantages and disadvantages of strategic litigation, as well as a **10-step system for engaging in strategic litigation**.

Strategic litigation is very complex and should include the following steps:

1. Establishing the objectives of strategic litigation
2. Building a team working on strategic litigation
3. Selection criteria for cases of strategic litigation
4. Intake process
5. Case planning
6. Risk assessment
7. Client support
8. Collection of evidence
9. Conducting strategic litigation
10. Implementation and monitoring of the judgement

Discussion 1

How to use the CRPD in legal assistance to persons with intellectual disabilities?

This workshop was facilitated by **Oliver Lewis**, Executive Director of the [Mental Disability Advocacy Centre](#) and Professor at Leeds University.

During the workshop discussions, representatives of equality bodies highlighted **common challenges**:

- **Slow implementation** of the CRPD at national level.
- **Unwillingness of judges** to use the CRPD in practice and how to replace the systems of guardianship.

How to work with the CRPD in countries where the convention has a low status?

- The [CRPD](#) is only one of several avenues, alternatively one can use *the [Treaty on the Functioning of the European Union](#), the [Charter of Fundamental Rights of the EU](#), the [Employment Equality Directive](#), the [European Convention of Human Rights](#), the [European Social Charter](#), the [Convention on the Prevention of Torture](#), different Committee of Minister recommendations or [UN General Comments](#)* for example.
- Equality bodies could develop **standards** on what should be achieved at what time as guidance.
- Legal action should always be supported and combined with **policy and communication activities**.

Discussion 2

Legal capacity of persons with intellectual disabilities: equality bodies' practices

This workshop was facilitated by **Martha Stickings**, Social Research Officer at the [European Union Agency for Fundamental Rights](#) (FRA).

In her presentation, Martha Stickings gave an introduction to concept of legal capacity **under Article 12 of the CRPD** and its core principles, the relationship between Article 12 of the CRPD and other convention rights and [General Comment 1 relating to Article 12 of the CRPD](#). She highlighted the practical implications of depriving someone of legal capacity and explained how issues concerning legal capacity is regulated in different European Union Member States.

What can Equality Bodies do?

- **Provide practical guidance** for service providers and others working with Persons with Intellectual Disabilities about the core principles of Article 12 of the CRPD.
- Use **role models and self-advocates** in their work.
- Search for **promising practices** in other countries.
- Use **thematic focuses** in their work on *autonomy* or *choice* for example (especially for countries under the CRPD review process and NEB that are the national monitoring mechanism under Art. 33(2) of the CRPD).
- **Break down the different components of legal capacity** (see presentation).
- Use individual complaints to **develop own thinking** on what issues are at stake

Martha Stickings' presentation is available [here](#).

B. Policy Workshop

Advocating with and for persons with intellectual disabilities

Presentation

FRA's projects on the rights of persons with intellectual disabilities

This presentation was delivered by **Martha Stickings**, Social Research Officer at the [European Union Agency for Fundamental Rights](#) (FRA).

Martha Stickings introduced the work of FRA on discrimination against persons with intellectual disabilities in areas of [political participation](#), [legal capacity](#), the [right to independent living](#) and [violence against children with disabilities](#).

Three suggestions for the work of Equality Bodies:

1. **Improving the accessibility of information and communication materials**
 - Use **accessible social media and other online tools** for awareness raising (videos, infographics, and easy-to-read reports).
 - **Easy-to-read** information should always be **checked by a persons with intellectual disabilities** themselves.
2. **Use complaints as an advocacy tool.**
 - Complaint mechanisms should be made accessible.
 - Legal capacity should not be a barrier.

- Persons with intellectual disabilities should be supported with lodging complaints.
- Staff members dealing with complaints should be trained.

3. Engage in CRPD monitoring.

- Systematically take the specific needs of persons with intellectual disabilities into account in this work.
- Always engage with self-advocates.
- Make **use of research from FRA and others**.

Martha Stickings' presentation is available [here](#).

Discussion 1

Advocating with persons with intellectual disabilities: cooperation with self-advocates and DPO's

This workshop was facilitated by **Senada Halilcevic**, Vice-President of [Inclusion Europe](#) and Self-Advocate. Participants discussed the rights of persons with intellectual disabilities in their national legal system and the potential discrepancies and challenges in practice.

Recommendations for Equality Bodies' activities:

- **Use self-advocates** to inform persons with intellectual disabilities about their rights.
- Include persons with intellectual disabilities, parents and friends in **awareness raising campaigns**.
- Promote **legal capacity** and **supported decision making**.
- Promote **political participation** by also informing political parties about accessibility requirements.
- Promote **media visibility** of persons with intellectual disabilities.

Discussion 2

Contributing to legislative change for persons with intellectual disabilities: equality bodies' practices

This workshop was facilitated by **Branka Meic**, Advisor to the [Ombudswoman for Persons Disabilities in Croatia](#). Participants discussed **tools** which can be used by equality bodies to pursue legislative change, such as policy recommendations, campaigns, strategic litigation, data collection and international processes.

Three main lessons for the work of equality bodies:

1. Understanding **where the power lies** and who has the power to change legislation.
2. **Use evidence-based argument** through research and data collection
3. **You cannot achieve change on your own:** cooperating with self-advocates, DPOs, NGOs and public authority is essential.

Branka. Meic's presentation is available [here](#).

C. Communication Workshop

Addressing underreporting and reaching out to persons with intellectual disabilities

Presentation

Addressing underreporting: Example of the Visa Pour le Net Project



Visa pour le net est un site accessible pour tous

The presentation was delivered by **Laetitia Jacoby**, Project Manager of the [Visa Pour le Net Project](#).

This website offers accessible information and gives people the opportunity to know about their rights and thus make their own choices. Information is included based on feedback from people with intellectual disabilities as well as social workers who work with them. A section of the website is dedicated to [Unia, one of the two Belgian equality bodies](#).

A summary of the seminar is also available on [Visa pour le Net website](#) (in French).

Laetitia Jacoby's presentation is available [here](#).

Discussion 1

Using Easy-to-Read tools to address underreporting

This workshop was facilitated by **Soufiane El Amrani**, Easy-to-Read Editor at [Inclusion Europe](#).

Main learnings of the workshop:

1. Developing Easy-to-Read materials:

- Keep it concise and short.
- Focus on main points.
- Use pictures and pictograms (examples available here: http://www.arasaac.org/pictogramas_color.php)
- Avoid metaphors.
- Get it proofread by someone who is able to understand it: **do not write for us without us**.

2. Avoid complicated terms:

- Use simple words and short sentences.
- Use examples and symbols.
- Look for the real meaning of the word.

3. Overcoming barriers to under-reporting:

- Make information easy to find.
- Produce different types of materials (videos, comics...).
- Cooperate with schools and self-advocates.
- Repetition helps.
- Avoid stereotypes.

Soufiane El Amrani's presentation is available [here](#).

Discussion 2

Reaching out to persons with intellectual disabilities: equality bodies' practices

This workshop was facilitated by **Zuzana Pavlickova**, Legal Expert for external relations at the [Slovak National Centre for Human Rights](#). Zuzana presented examples of training sessions on discrimination and human rights to students with intellectual disabilities which were delivered by her equality body.

Participants discussed the following issues:

How to deliver the message?

- Avoid complicated terminology.
- Lectures should not be longer than 2 hours.
- Play games and find creative ways to run the presentation.
- Build trust between participants: sit in circles, do not pity the audience.
- Some students have behavioural issues: do not deal with them, otherwise, it will block the audience.
- Make sure the school staff follows up on the topic.
- Regularly give these lectures, but for this target group, must be much more open and interactive way of talking, listen carefully to their questions and figure out if they could be interested in certain topics.

How to overcome underreporting challenges?

- Show advantages and benefits of working with people with intellectual disabilities.
- Overcome overprotection by increasing awareness (*e.g. by informing students with intellectual disabilities about their rights*).
- Interact with people with intellectual disabilities to get others to hear their stories. Use storytelling.
- Cooperate with self-advocates, DPOs and NGOs.
- Create platforms for people with intellectual disabilities to learn about self-advocacy and let them lead the process.



SESSION 2 AND DISCUSSION GROUPS: THE RIGHTS OF WOMEN AND CHILDREN WITH INTELLECTUAL DISABILITIES

Maureen Piggot, Vice-President of Inclusion Europe, introduced the work of [Inclusion Europe](#) and highlighted particular challenges faced by women and girls with intellectual disabilities.

After pointing to the core elements of [General Comment No. 3 of the CRPD](#) on the topic, she explained especially women living in institutions are deprived of many rights, including their reproductive rights. She also highlighted that the discrimination of mothers of children with intellectual disabilities should not be forgotten about.

Maureen Piggot highlighted amongst others the importance for equality bodies of:

- **Recognising** that women and girls with intellectual disabilities are distinct right holders.
- Providing **channels to have their voice heard** and to exercise agency.
- Ensuring the **development, advancement and empowerment of women with intellectual disabilities** at all stages of life.
- **Using the twin track approach:** mainstream measures in all national and sectoral actions, followed by targeted and monitored action.

Maureen Piggot's presentation is available [here](#).

Biljana Janjic from [Disability Rights International](#) introduced the topic of children with intellectual disabilities and the access to education.

After introducing the work of Disability Rights International, Biljana Janjic introduced [General Comment No. 4 of the CRPD](#) relating to the right to inclusive education and its core elements.

Biljana Janjic highlighted the following elements to take into account for an inclusive education:

- **Reasonable accommodation**
- The availability of **public and private educational programmes and institutions**
- **Accessibility** (buildings and content of education)
- Adapting a **universal design for learning**
- **Training teachers** according to the human rights based model of disability

Biljana Janjic's presentation is available [here](#).



CLOSING SESSION

Anne Gaspard, Executive Director of Equinet, and **Anka Slonjsak**, Ombudswoman for Persons with Disabilities in Croatia, closed the seminar by thanking the speakers and participants for the active participation and fruitful contributions.



From left to right: Senada Halilcevic, Anka Slonjsak, Branka Meic and Evelyn Collins

Equinet would like to thank all the speakers and participants for contributing to the success of the seminar!

Presentations and pictures of the event are available on the [Equinet website](#).

For more information, please contact Jessica.machacova@equineteurope.org

RESOURCES

DPOs & NGOs

- Inclusion Europe - [European Easy-To-Read guidelines](#)

EQUINET PUBLICATIONS

- [Realising Rights: Equality Bodies and People with Disabilities. Supporting the Review of the European Union Disability Strategy 2010-2020](#) (2015)
- [Equality Bodies Supporting Reasonable Accommodation for People with Disabilities](#) (2014)
- [An Equinet Report - Joint Responsibility for Equal Treatment: How equality Bodies Work With Duty Bearers](#) (2013)

EUROPEAN UNION

- EU Agency for Fundamental Rights – [Thematic page on the rights of persons with disabilities](#)
All FRA publications are available for download.

INTERNATIONAL ORGANISATIONS

- United Nations - [Convention on the Rights of Persons with Disabilities](#) (UNCRPD)
- United Nations – [General Comments](#) – UNCRPD