



MDAC Friends' Monthly Brief

May 2015



Providing you with information, opportunities and requests



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Our Board and staff have been figuring out how we can give you something special in return for your financial gift. We won't waste money on gimmicks and send you an MDAC pen: don't worry. Many people have said that they'd value getting to know MDAC better so we've created **MDAC Friends** which provides a structured opportunity to support our work. You can find out more at www.mdac.org/friends.

As someone who has contributed £50 or more over the last year, you are now an MDAC Friend! Thank you so much for your support. I hope these monthly **MDAC Friends Briefs** make you feel involved; a part of something. I'd love to discuss MDAC's work with you, so please get in touch with comments, critique and questions.

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With Prof Genevra Richardson, and colleagues Eyong Louis Mbuem and Steven Allen at a recent event at Herbert Smith Freehills. © terriphography.com.



My trip, our plans

Moldova

MDAC lawyer Oana Girlescu (oana@mdac.org) travelled to Moldova to meet people with disabilities and speak to the government. Here she reflects on that trip, and on recent law reform.

I last visited Moldova in December 2014 to participate in a conference that we jointly organised with the UN Office of the High Commissioner for Human Rights in Moldova. I also used my time to visit some institutions where people with disabilities live.

I met Petru Moscaliuc, the Ombudsman of Psychiatry, who helped me get access to two social care institutions and a psychiatric hospital.

In these three places I met people who had not been outside of the building for weeks. Some were clinging onto the bars of windows to breathe some fresh air. I met girls who told me that they undergo regular gynaecological check-ups for identifying pregnancies – against their will. I met people who told me about verbal and physical abuse from

staff and other residents. I met a woman who is involved in legal proceedings related to allegations of rape. Together with eighteen other women, she accused a psychiatrist of sexual abuse which went on for several years. The investigation has been going on for over a year, with the alleged offender under house arrest.

In another institution we found that six residents were missing. The staff said they had been transferred the previous evening and the paperwork had yet to be updated. I became suspicious that the residents had been sent to the local village to work. This is a relatively common practice in some countries like Moldova and Romania, where staff members send people to villagers who need help in cleaning, construction or agriculture. The forced labourers are sometimes not paid or receive symbolic

people who told me about verbal and physical abuse from staff and other residents.

compensation such as cigarettes, alcohol or small amounts of money (less than half of the market price). Forced labour is banned under international law, of course.

Boosting autonomy

The purpose of the conference I attended was to discuss law reform on “legal capacity” which is the technical term for letting people decide on their own lives, and giving them support to do so. The conference was attended by lawyers, public notaries, professors of law, staff of the ombudsperson office, representatives of the Ministry of Justice and people who work in NGOs. The debates were intense, as they always are when people on all fronts meet to discuss the right to vote for people with disabilities, systems of guardianship, the right to take legal action and the right to enter into contracts.

Some of the participants were not open to dialogue at all. One notary said that our debate was as “ridiculous” as advocating for animals to be awarded human rights. Thankfully, others were



more constructive. [Nicolae Esanu](#), the Deputy Minister of Justice (pictured), thanked MDAC and OHCHR for their work in Moldova in recent years and engaged actively in the discussions. As ever, Moldovan NGOs gave passionate accounts of their work, articulating how the abuses of their members were grievances under international human rights law.

On 7 May 2015, the Moldovan Parliament recognised the right to vote for adult citizens with disabilities, which meant that the 3,200 people under guardianship previously denied their right to vote, can now vote in future local and national elections. Minister Esanu was one of the main proponents on changing the law to quash the denial of people under guardianship to vote.

Law reform like this makes me feel that MDAC's work is not in vain.

Law reform like this makes me feel that our work at MDAC is not in vain. Change is possible and all our capacity-building and other events do reach the right people who, at critical times, promote the international norms we advocate for.

What now?

We're doing two things in Moldova. First, we're identifying new cases for strategic litigation, for which we work in collaboration with local lawyers and people who monitor institutions. Second, I'm excited that in June we'll launch a country report jointly with the OHCHR. This is a legal and policy analysis which identifies steps taken by the government and points out the remaining gaps to bring Moldovan law into compliance with international standards. Having spent a long time working on this report, I can tell you in advance that there's still much more that needs to be done to make life bearable for people with mental disabilities in Moldova.



From the Boardroom

Phillippa Kaufmann QC is MDAC's new Chair. She is a public law barrister at Matrix Chambers, London.

On her appointment, Philippa said:

"I thank Felicity Callard for her inspirational leadership over the last four years during which time MDAC has taken many groundbreaking human rights cases against governments which continue to violate the most basic rights of people with mental disabilities. I'm extremely proud to lead MDAC into its next phase and in particular to reach out to the UK and in its legal, corporate, human rights and philanthropic sectors to engage them in our mission and most urgent cause."

MDAC's Campaigns Director Steven Allen gives you a monthly 'clicktivism' opportunity

My job is to implement advocacy strategies across our campaigns. My staff and I can't do this alone, so we need your help.

I was in Bulgaria this month participating at a seminar on guardianship law reform. The government has developed good [proposals](#) to abolish guardianship and introduce supported decision-making. We've been campaigning on this for many years.

But some people are shouting loudly to *retain* guardianship, to *keep* people trapped in institutions for years, and to *deny* people the autonomy to make decisions about their own lives. The people

shouting the loudest? Judges. This was the same in Hungary a few years ago, and the judges won: the law was reformed in a way which did not comply with human rights.

So let's prevent this from happening in Bulgaria. We need some international voices now. So please write to the Minister of Justice (a) supporting the law reform and (b) reminding him that human rights matters for inward investment as you consider your holiday destination. Send your email to:

- Hristo Ivanov, Minister of Justice: pr@justice.government.bg;
- Virginia Micheva-Ruseva, Deputy Minister of Justice: Virginia.Micheva@justice.government.bg;
- Rosica Dicheva, Expert at Ministry of Justice, R_Dicheva@justice.government.bg.

Please cc support@mdac.org and forward us any responses you get, so we can monitor the situation. Feel free to get in touch with me directly at steven@mdac.org.



Steven in deep contemplation at a recent event in London. © terriphotography.com.

Slovakian schooling struggles

Barbara Mehes

(barbara@mdac.org) is a lawyer at MDAC. She reports from a recent mission to Slovakia where she met Maria and her family



“It was small!” complained Maria, as she finished her fruity dessert two weeks ago when I visited her and her parents in Trencin, Slovakia. Her passion for food was obvious – she delighted in telling us about her favourite salads and desserts. No wonder she applied for a place at a secondary school where she can learn to become a pastry chef. At first Maria was a bit shy in talking to us in English, but by the time the evening came she was chatting away with us and she told us more and more about herself. Besides her culinary interests, she is a successful swimmer, being the first substitute in the Slovak team for the 2016 Paralympics.

Maria is open, curious and full of potential. As we were sitting there and listening to her it was hard to imagine that anyone would want to

strip from her the right and opportunity to develop her full potential. Three years ago, that nearly happened. All because Maria has Down syndrome.

Maria was doing fine in a small local primary school until 2011 when suddenly the head teacher changed her curriculum and excluded her from the regular classes she attended. Much of her education then took place in a small school room where she was isolated from her friends. The head teacher didn’t discuss any of these changes with her or her parents – they simply notified her parents about it in a letter. Since that time her education has been within the specific framework for learners with intellectual disabilities. This means that by law her only high school ‘option’ would have been to enroll in a special school established for children with intellectual disabilities that provides a lower

Educational segregation is systemic in Slovakia and other countries

standard of education.

Maria and her parents were determined to challenge the school's failure to include her. Maros Matiasko is a lawyer in Slovakia who has worked with MDAC for many years. Maria and her family sought Maros's help to sue the school. This important case is the first in the country challenging the segregation of children with learning disabilities in education and seeking recognition of their right to inclusive education.

After two years winding its way up the legal system, the Supreme Court dealt with the case. It quashed the segregation decision. I won't go into the procedural complexities of the case, but Maria and her parents are now using the Supreme Court decision to challenge the segregation in a local court again in order to get the local government to acknowledge that it violated Maria's right to education and to claim compensation.

In the meantime Maria's parents decided to end her segregation. She goes to another primary school now, but the school is 93 kilometers from her home. Since it is expensive for her parents to take her there every day, she goes there once or twice a week. On other days she studies at home. Maria is doing fine at the new school. A special needs teacher assists Maria and she is included in a common learning environment. This benefits Maria and her classmates too.

Equally importantly Maria is no longer educated under the 'specific educational framework' for children with intellectual

disabilities. This means she has every chance to turn her plan into reality and become a qualified pastry chef.

Maria's experience of segregation is not unique. The denial of education in inclusive and mainstream settings for children with mental disabilities is systemic in Slovakia, as well as in other countries around the world.

The Supreme Court quashed the local authority's decision to segregate Maria

According to the Slovak government, Maria is one of over 28,000 children with special educational needs. In the 2011-12 school year, 17,995 of them went to segregated schools and 10,375 to segregated classes in mainstream schools.



Barbara Méhes, in the Budapest office

To tackle widespread educational segregation, MDAC intends to scale up our work to challenge educational segregation. Currently we are seeking justice and inclusion for another child in Slovakia and we are also challenging the denial of reasonable accommodation and exclusion from classes in mainstream schools in three strategic cases in the Czech Republic.

Our aim is to achieve inclusion not only for Maria, but to secure a legal framework where inclusion is the norm for every child.



Who's at MDAC?

The same questions to different people.
This month: **Mike Bienenfeld**

What's your name and where are you from?

My name is Michael Z. Bienenfeld, though I go by Mike. I was raised in Roslyn, New York, which is on Long Island. I've lived in London since 1998 (with a one-year stint in Sao Paulo, Brazil in 2002-2003).

What do you do for MDAC?

I am a trustee on their UK Board of Directors and am heading up their Development Board, which will aim to focus fundraising and profile-raising efforts. I also help co-ordinate pro-bono efforts between Linklaters and MDAC.

Why do you do what you do?

I fundamentally believe in the principles MDAC is fighting for across the globe. They are reaching out to some of the most vulnerable members of our societies in order to improve the conditions in which they live, while at the same time effecting change at the legislative/policy level. It has been said that one person can't change the world, but you can change the world for one person. MDAC is achieving both – they fundamentally change the lives of the people they touch, and their successes

in this regard lead to broader change on a macro level.

What's the most interesting thing which MDAC does?

I am particularly intrigued by MDAC's use of the law, in the form of strategic litigation, in order to bring about real change in the mental health arena. Cases brought by MDAC obviously help the people at the heart of the relevant case, but they also raise broad awareness of the problems MDAC is trying to solve. MDAC is incredibly sophisticated in the way they go about choosing and litigating cases in a manner which will have the best chance of effecting tangible change in any given country. MDAC's list of successes in this regard is inspiring.

What do you do in your spare time?

I enjoy reading fiction, attending the cinema, playing the electric guitar (poorly) and a spot of snow-boarding or golf when I have the chance.

In three words, what is MDAC?

Empathy – Equality – Action

You may have missed...

Here are some developments in the global mental disability rights field worth reading about

[Croatia: UN Calls for Critical Disability Rights Reforms](#) (Human Rights Watch)

[New Bill on additional Learning Needs in Wales](#) – (European Agency for Special Needs and Inclusive Education)

[People with Down syndrome struggle to find work in the UK](#) – (BBC)

[UN says people with disabilities have right to inclusive and quality education](#) (UN Human Rights)

[UN publishes country reports \(“Concluding Observations”\) on Germany, Croatia, Czech Republic, Turkmenistan, Dominican Republic, Mongolia and Cook Islands](#) (UN Human Rights)

[UN holds “day of general discussion” on inclusive education](#) (UN Human Rights)

[Council of Europe Commissioner for Human Rights says inclusive education is vital for social cohesion in diverse societies](#) (Council of Europe)

[Unmasking Mental Illness in Beirut](#) (Huffington Post)

High-level conference “[Towards human rights and social model of disability](#)” hosted by the Latvian Presidency of the Council of the European Union (Riga) (EuroFound)

[UN Committee against Torture condemns treatment of people with mental disabilities in Romania](#) (UN Human Rights)



Can you help?

1 Lay out

Do you know someone who has ace desktop publishing skills? We'd like to spend our time doing human rights work rather than laying out monthly newsletters! Do you know anyone who could help for free?

2 Videography

Our staff travel to meet people in many countries, visiting clients and meeting officials they come back from trips visuals, much of which frankly isn't very good because we've never had any training on photography or videography. In the digital age we need more and more to rely on excellent footage. We lack the skills and funding to present our work in a more compelling way. Can you help us?

3 People

Our CEO is now based in London and he'd love to meet people interested in helping MDAC. Please make an introduction to someone you know.

If you can help, please email support@mdac.org. Thank you!



New pro bono partnership

In June we'll be launching a two-year collaboration with the law firm Herbert Smith Freehills. The joint project focuses on Kenya and follows through on the research and advocacy described in the panel on the left.



HERBERT
SMITH
FREEHILLS

Kenya

Our work leads to pro bono partnership

Research

In April last year we published a report on how the lives of people with mental health issues or intellectual disabilities in Kenya are severely restricted.

We found that women are sterilised against their will. People are denied land rights. People are thrown out of jobs and into psychiatric hospitals. Ours was the first such investigation in Africa.

Advocacy

We took action with the NGOs "Users and Survivors of Psychiatry – Kenya" and "Kenya Association of the Intellectual Handicapped", and held a press conference. With the Kenyan Human Rights Commission, we got our story into the media. At a roundtable event, policy-makers and NGOs discussed law reform plans. We gave a platform to people who had never before spoken out.

The main activities will be:

- drafting shadow reports for the UN;
- developing and delivering capacity-building workshops; and
- working with Kenyan lawyers to bring test cases to the courts.

This project forms part of MDAC's "I'm a Person" campaign. The aim of this is for people with mental disabilities to have the right to make decisions on the sort of life they want to live. This includes their rights to make decisions about sexual and reproductive rights, to marry and found a family, to consent to medical treatment, to decide how to spend their money, to vote and stand for election, to join NGOs and political parties.



Microscope events

With a spirit of investigation and exploration, MDAC Microscope events offer you an opportunity to examine human rights challenges, to look deeply at problems, strategise about solutions and network with like-minded individuals.

Our fundraising volunteer Felicity Auer (felicity@mdac.org) will send you information by email, but here are some dates for your diary. These events will take place in central London.

2 June, 12:30-13:30	Launch of Kenya project
16 June, 18:00-20:00	Litigating disability institutionalisation
30 June, 18:00-20:00	Influencing the UN
3 July, 10:00-13:00	Crash course on international mental disability rights



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Barbara Méhes is one of MDAC's newest staff members. Here, she's speaking about mental disability rights at a 'winter school' at the University of Pécs, in southern Hungary. Read her article about Slovakia on page 5 of the Newsletter.