



Doc. 15509

26 April 2022

Deinstitutionalisation of persons with disabilities

Committee Opinion¹

Committee on Equality and Non-Discrimination

Rapporteur: Ms Liliana TANGUY, France, Alliance of Liberals and Democrats for Europe

A. Conclusions of the committee

1. The Committee on Equality and Non-Discrimination congratulates the rapporteur of the Committee on Social Affairs, Health and Sustainable Development, Ms Reina de Bruijn-Wezeman (Netherlands, ALDE), on her report, which underlines once again the importance of taking an approach to disability based on full respect for human rights and highlights the reasons why deinstitutionalisation of persons with disabilities must form an integral part of this approach.
2. The committee fully supports Ms de Bruin-Wezeman's report, which draws attention to the tangible measures that States can and must take in order to carry out an appropriate, effective and sustainable process of deinstitutionalisation that guarantees full respect of human rights without jeopardising the services from which persons with disabilities must benefit at all times.
3. The committee fully supports the draft resolution as adopted by the reporting committee. It notes that in parallel to the measures taken to enable a transition to deinstitutionalisation that fully respects human rights, considerable efforts will be needed to change mindsets and overcome persisting prejudice with respect to persons with disabilities and promote their effective integration in our societies. It has therefore proposed one amendment below to the draft resolution.

B. Proposed amendment

Amendment A (to the draft resolution)

In the draft resolution, after paragraph 7.1, insert the following paragraph:

“run public awareness-raising campaigns, in conformity with Article 8 of the CRPD, in order to overcome stereotypes and prejudices surrounding disability and promote the full inclusion in society of persons with disabilities;”.

Explanatory note

To promote the inclusion of persons with disabilities in society and carry out the necessary transition towards their deinstitutionalisation in a manner that fully respects human rights, considerable efforts will also be needed to overcome the prejudice that persists towards these persons.

1. Reference to committee: Decision of the Bureau, Reference 4517 of 26 June 2020. Committee seized for report: Committee on Social Affairs, Health and Sustainable Development. See [Doc. 15496](#). Opinion adopted by the committee on 26 April 2022.



C. Explanatory memorandum by Ms Liliana Tanguy, rapporteur for opinion

1. Introduction

1. I wish to congratulate Ms Reina de Bruijn-Wezeman (Netherlands, ALDE) for her report on behalf of the Committee on Social Affairs, Health and Sustainable Development. It underlines once again the importance of the approach to disability based on full respect for human rights that is at the heart of the international instrument of reference in this field, namely the United Nations Convention on the Rights of Persons with Disabilities (CRPD).²

2. The principles of inclusion and protection of the rights of persons with disabilities upheld by the CRPD have been of primary importance in the texts adopted by the Parliamentary Assembly over many years. In its [Resolution 2039 \(2015\)](#) "Equality and inclusion for people with disabilities", the Assembly already called on member States to "give consideration to alternatives to care in institutions, taking account of the choices of people with disabilities".³

3. The present report – which I invite our committee to support in full – is in line with this framework. It follows on from [Resolution 2291 \(2019\)](#) and [Recommendation 2158 \(2019\)](#) "Ending coercion in mental health: the need for a human rights-based approach", unanimously adopted by the Assembly on 26 June 2019 on the basis of a report also prepared by Ms de Bruijn-Wezeman on behalf of the Committee on Social Affairs, Health and Sustainable Development and which the Committee on Equality and Non-Discrimination, to which the report was referred for opinion, supported without reservation.

4. The brief comments which follow aim simply to develop two aspects of the present report of Ms de Bruijn-Wezeman, namely to ensure a satisfactory alternative to deinstitutionalisation and to underscore the importance of combating the stereotypes about and prejudice against persons with disabilities that continue to exist.

2. Ensuring a satisfactory alternative to the deinstitutionalisation of persons with disabilities

5. The report of Ms de Bruijn-Wezeman clearly shows that systematic institutionalisation of persons with disabilities constitutes a broad-scale violation of the fundamental rights protected under international law and by the Council of Europe. It also notes that the progress achieved by Council of Europe member States towards ensuring good implementation of the process of deinstitutionalisation is uneven.

6. The alarming assessment of the institutionalisation of persons with disabilities and the grave violations of human rights that it entails in some Council of Europe member States require a thorough review of policies with respect to persons with disabilities. However, the wide variety of forms of institutions for persons with disabilities in Council of Europe member States should also be noted, as well as the varying extents to which they have evolved and been modernised. Although additional efforts are expected, several member States of the Council of Europe provide institutions that fully respect fundamental rights and that constitute satisfactory places of permanent or temporary residence and that allow persons with disabilities, close carers and medico-social staff to work together.

7. It remains the case that institutionalisation of persons with disabilities can only constitute a measure of last resort and must be decided by the person with a disability themselves when they are fully able to do so. Therefore, without prejudice to the need to develop strategies for deinstitutionalisation and to combat the "culture of institutionalisation", where no other satisfactory solution exists, the last resort of institutions that fully respect fundamental rights must be maintained in order to avoid placing persons with disabilities in a situation of isolation and exhausting carers.

8. The report notes that the process of deinstitutionalisation requires twin financing in so far as it can only be realised if the situation guarantees the full inclusion in society of persons with disabilities. Therefore, for persons whose disability does not require constant medical care, the implementation of the process of deinstitutionalisation must be accompanied by a guarantee that all public services will be accessible and that there are local support structures. To respond to the problems of isolation and solitude of persons with

2. The CRPD has been ratified by all Council of Europe member States except Liechtenstein, which has however signed it since the adoption of the Assembly's previous resolution in this field. Liechtenstein signed the CRPD on 8 September 2020.

3. See also [Doc. 13650](#), report of the Committee on Equality and Non-Discrimination, rapporteur: Ms Carmen Quintanilla. Text adopted by the Assembly on 30 January 2015 (9th sitting).

disabilities, such local structures must be sufficient in number and efficient and must guarantee appropriate and satisfactory support. In addition, the process of deinstitutionalisation must not have as its sole objective reducing the financing allocated to persons with disabilities.

3. Overcoming stereotypes and prejudice

9. The CRPD, which is the fruit of a process that lasted several decades and of the strong mobilisation of organisations promoting the rights of persons with disabilities,⁴ marks a paradigm shift: instead of seeing disability almost exclusively through the prism of health and social security, it underlines that it is the obstacles encountered that create a situation of disability.⁵ In so doing, it incites our societies to remove these barriers and places the emphasis on inclusion and the full enjoyment of human rights by persons with disabilities.

10. Ms de Bruijn-Wezeman's report clearly shows that institutionalisation can deprive persons with disabilities of their autonomy – contrary to Article 19 of the CRPD –, and that institutionalisation leads to worse outcomes in terms of quality of life, as it hinders both the implementation of an individualised approach and inclusion in society. Once decided – often without the consent of the person concerned, violating the right to integrity and to liberty – such situations can last for a lifetime.⁶

11. These practices can be explained by the persistence of stigmatisation and prejudice against persons with disabilities. They are the result of erroneous stereotypes that are very widespread in our societies and that continue to influence not only individual behaviour towards persons with disabilities but also laws and public policy with respect to them.

12. Yet, as disability rights movements have been emphasising for the last 50 years, contrary to what many believe, “the real problem is the failure of society to eliminate barriers, provide the required support and embrace the disability experience as part of human diversity”.⁷ This problem is further aggravated by the imbalance between the voices of persons with disabilities and those of other stakeholders as well as by the refusal to take into account the lived experience of persons with disabilities.

13. To guarantee effectively the rights of persons with disabilities and combat discrimination against them, it is urgent to overcome stereotypes and to continue raising the awareness of all sectors of government and society to the need to eliminate negative attitudes and pejorative stereotypes linked to disability.⁸

14. To this end, Article 8 of the CRPD already calls on States to work actively to raise awareness throughout society as to the dignity and rights of persons with disabilities. States are for example invited to run campaigns aiming to promote positive perceptions of persons with disabilities within society, as well as recognition of their skills. They are invited to take action to achieve this through the education system and training, and to encourage the media to portray persons with disabilities in a manner consistent with the purpose of the CRPD which is, according to Article 1, “to promote, protect and ensure the full and equal enjoyment of all human rights and fundamental freedoms by all persons with disabilities, and to promote respect for their inherent dignity”.

15. Strategies aiming to combat actively the persistent stereotypes and prejudices against persons with disabilities will be indispensable to carry out deinstitutionalisation successfully and promote inclusion. This is why I consider it important to include a recommendation to this end in the draft resolution submitted to the Assembly for debate.

4. Concluding remarks

16. As Ms de Bruijn-Wezeman rightly pointed out during her exchange of views with our committee on 11 March 2022, disability can affect every one of us.

4. See Quinn G. (2009), «A short guide to the United Nations Convention on the Rights of Persons with Disabilities», *European Yearbook of Disability Law*, n° 1, pp. 89-114.

5. Article 1 of the CRPD.

6. Chapter 3 of the report.

7. Report of the United Nations Special Rapporteur on the rights of persons with disabilities (2020), Impact of ableism in medical and scientific practice, 43rd session of the Human Rights Council, A/HRC/43/41, paragraph 15.

8. Committee on the Rights of Persons with Disabilities, General Comment No. 6 (2018) on equality and non-discrimination, CRPD/C/CG/6, paragraph 39.

17. Deinstitutionalisation of persons with disabilities constitutes an essential element of the effective implementation of the CRPD, and notably of its Article 19 on living independently and being included in the community. Alternatives to placement in institutions exist and are being implemented with excellent results in some of our member States, such as the Netherlands and Iceland, as was also underlined during our meeting on 11 March 2022. The development of such alternatives as well as effective awareness-raising in society are needed for the process of deinstitutionalisation to be successfully implemented and to guarantee the inclusion of persons with disabilities in society.

18. While having recourse, as a last resort, to institutions for persons with disabilities must be avoided, some member States are implementing good practices by developing specialised institutions that fully integrate persons with disabilities and involve close carers and medico-social staff. For member States that so wish and where it represents the most satisfactory solution, placement in institutions that fully respect fundamental rights must be defended without prejudice to investments in deinstitutionalisation.

19. It is time to guarantee full access of persons with disabilities to their rights. Ms de Bruijn-Wezeman's report proposes a way forward as regards deinstitutionalisation. I invite the committee to support the report fully, and to strengthen it by proposing one amendment to the draft resolution, aiming to contribute, through public awareness-raising campaigns, to overcoming stereotypes and prejudice against persons with disabilities.