

## CRPD AND PERSONS WITH PSYCHOSOCIAL DISABILITY

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**Research Question:** Findings of the WHO QualityRights toolkit (2017) revealed and confirmed that long-term institutional care for people with psychosocial disability in many European countries is far below the standard. Psychosocial disability involves actual or perceived impairment due to a diversity of mental, emotional, or cognitive experiences. The term “people with psychosocial disability” includes those who have received a diagnosis related to their mental health or who self-identify with the term. The States parties to the United Nations Convention on the Rights of Persons with Disabilities (the Convention, CRPD) must therefore provide the highest quality of care and human rights-based mechanisms of protection of such persons and their inclusion within society.

**Purpose:** The author aims at identifying principal areas of concern regarding rights of persons with psychosocial disability within States parties to the CRPD and presenting the recommendations emerging from the Committee on the Rights of Persons with Disabilities (the Committee, the CRPD Committee). The Concluding observations on the initial report of States parties to the CRPD were collected from UHRI database.

**Method:** The author selected a number of Concluding observations (2015-2022) that contained keywords such as “psychosocial”, “psychosocial disability” or “psychosocial impairment” and analyzed them in order to indicate the tendency in the lack of implementation of certain measures and provisions to protect persons with psychosocial disability, to assess the quality of institutional care for such persons, and possibly, to find deficiencies in the long-term care.

**Results:** The analysis of the concluding observations proves the tendency in violating rights of persons with disability – certain CRPD articles considered to be highly relevant to persons with psychosocial disability. Among those are involuntary treatment (deprivation of liberty), lack of accessibility standards, inequality before the law and exclusion from the social life. Furthermore, certain legal acts present obsolete and discriminatory terminology based on criteria of disability. Organization: The findings point to clear actions that CRPD suggests be taken by governments and stakeholders to address deficiencies and bring the services into line with the principles and standards to which governments have committed themselves. It can also provide a better understanding of psychosocial disability as a specific type of impairment and the importance of the neutral terminology within legal acts.

**Society:** Confusion between intellectual disability and psychosocial disability is fairly common, though it should be noted that the Convention does not itself provide a definition. Therefore,

it was essential for the author to select Concluding observations that clearly distinguish these two terms and discuss the issue.

**Originality:** The present research paper is intended to showcase the current position of persons with psychosocial disability within the States parties' society and legislature as the Concluding observations addressed the issues raised in the reports produced under the Convention.

**Limitations / further research:** This impacts further implementation of recommendations by certain governments and may set a pattern for avoidance of violation of human rights of persons with such impairments.

**Keywords:** human rights, mental health, psychosocial disability, UN, CRPD, the CRPD Committee, discrimination, human rights model of disability.

## ABOUT THE AUTHOR

Katarzyna Widlas-Klimsiak is a research assistant at the Poznań Human Rights Centre of the Institute of the Law Studies, Polish Academy of Sciences and a legal translator. She holds a Master's degree in English Philology from the Faculty of Humanities at Nicolaus Copernicus University in Toruń (2017) and Master's degree in Law from the Faculty of Law and Administration at Nicolaus Copernicus University (2019). She obtained diplomas of Postgraduate Studies in International Law and Foreign Service at the Faculty of Law and Administration of the University of Warsaw and Postgraduate Studies for the Training of Specialized Translators at the Faculty of English Studies of Adam Mickiewicz University in Poznań. Her research concentrates mainly on the international protection of human rights, counteracting abuse in psychiatry, legal and ethical aspects of scientific research and linguistic aspects of international treaties.