

## MDRI: Pioneering Strategies for International Enforcement of Mental Disability Rights

by Max Lapertosa & Eric Rosenthal\*

The rights of people suffering from mental illness and mental retardation are generally ignored in the struggle for human rights. In the United States, the movement to prevent discrimination against people with mental disabilities and eliminate inhumane living conditions began only after many other groups had secured their rights through legislation and lawsuits. This pattern is repeating itself in many other societies, including the emerging democracies of Eastern Europe and Latin America. After decades of fighting the abuses of dictators, human rights activists are beginning to recognize that people with mental disabilities are vulnerable to abuse in every society. In many new democracies, people with disabilities and their allies are beginning to organize and demand full access to the benefits of democracy, including the full protection of international human rights.

Mental Disability Rights International (MDRI) was jointly established in 1993 by the Washington College of Law (WCL) Center for Human Rights and Humanitarian Law and the Bazelon Center for Mental Health Law. Its goal is to promote international recognition and enforcement of the rights of people with mental disabilities. As described by Professor Herman Schwartz, Co-Chair of MDRI's Advisory

Board, WCL's support for MDRI is part of the Center for Human Rights' commitment to promoting innovative applications of international human rights law.

As originally conceived, MDRI would employ methods used by traditional human rights organizations: fact-finding, creating pressure for reform

for people with mental illness and mental retardation, with few community-based alternatives. As a result, people who are fully capable of living in the community are arbitrarily institutionalized and segregated from the rest of society for much of their lives. To remedy such abuses requires both legislative change and reform of service and support systems.

Active organizations, composed of consumers, family members, and human rights activists are necessary to pressure governments and service providers to devise the creative solutions necessary to reform the mental health system. Advocates and government officials are often aware of the problems that confront people with mental disabilities, but they often lack exposure to available alternatives.

MDRI has designed advocacy support activities to counter the notion that change is impossible and to expand the vision of human rights enforcement among a core group of advocates. We have brought four tours to observe the oper-

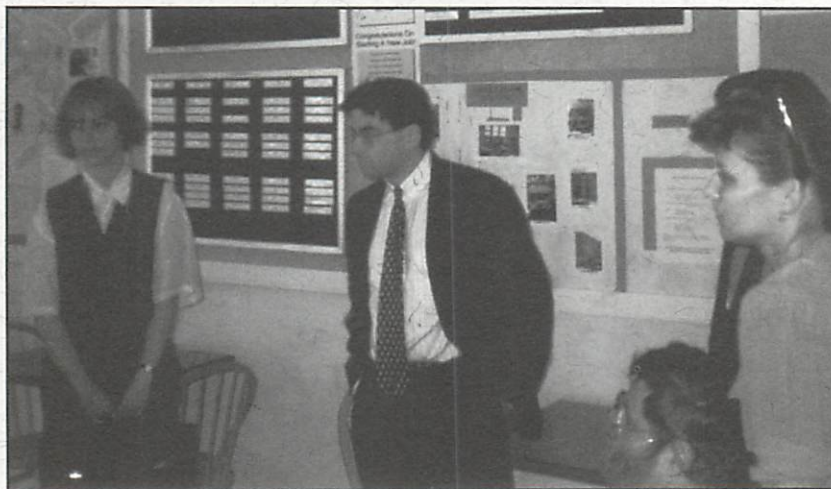


Photo courtesy of MDRI

(Left to right) Judit Fridli of Hungarian Civil Liberties Association, Max Lapertosa of MDRI, Hana Vejmelkova, social worker with Association of Disabled Persons in the Czech Republic (ADPCR), and Jan Hutar, attorney with ADPCR, visit The Green Door, a mental health consumer organization in Washington, DC.

through reports and the press, and working through established international mechanisms for oversight and enforcement. (See related articles in *The Human Rights Brief*, Vol. 1, No. 1 at p.3; Vol. 2, No. 1 at p.5) In 1992, however, the United Nations General Assembly passed a resolution, *Principles for the Protection of Persons with Mental Illness* (known as the *MI Principles*), which for the first time allowed the treatment of people with mental disabilities to be evaluated across different cultures and levels of economic development. After two years of MDRI action in South America, Eastern Europe, and the United States, we have learned an enormous amount about the challenges of protecting the rights of people with mental disabilities. The traditional approaches to international advocacy have proven to be important, but we now realize that they are just one part of the picture.

MDRI findings in Eastern Europe and South America have been remarkably consistent. Conditions in institutions vary, but there is widespread reliance on closed, custodial facilities

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ation of the Macomb-Oakland Regional Center in Michigan, an innovative and widely-emulated service system for people with developmental disabilities directed by MDRI advisor Gerald Provencal. In addition, we have conducted legal advocacy training at WCL, examining federal, state, and local sys-

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tems of enforcement. MDRI also has provided follow-up support to advocates to help establish service and advocacy projects. MDRI is helping advocates to create "pilot" service programs (including two group homes and a supported employment program) to demonstrate that people with developmental disabilities can safely and economically move out of institutions and into the community.

MDRI's activities in South America

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have been considerably closer to traditional human rights advocacy. At the invitation of the *Instituto de Estudios Legales y Sociales del Uruguay* (IELSUR), a leading Uruguayan human rights organization, MDRI sent a team of experts to investigate and report on human rights conditions in Uruguay. In June 1995, MDRI released *Human Rights & Mental Health: Uruguay*,\*\* which comprehensively evaluates the country's service system under the *MI Principles*.

The report has already had an enormous impact in Uruguay, generating extensive press attention and stirring

vigorous national debate about the concerns of people who are locked away and have previously been kept as far as possible from public attention. There have been public hearings on reform of the mental health system and a national conference on the rights of

human rights. The meeting, chaired by Professor Robert Dinerstein, Director of WCL Clinical Programs, afforded an opportunity to review MDRI's activities to-date and to guide future efforts. It also provided the first opportunity for many of the participants from the dis-

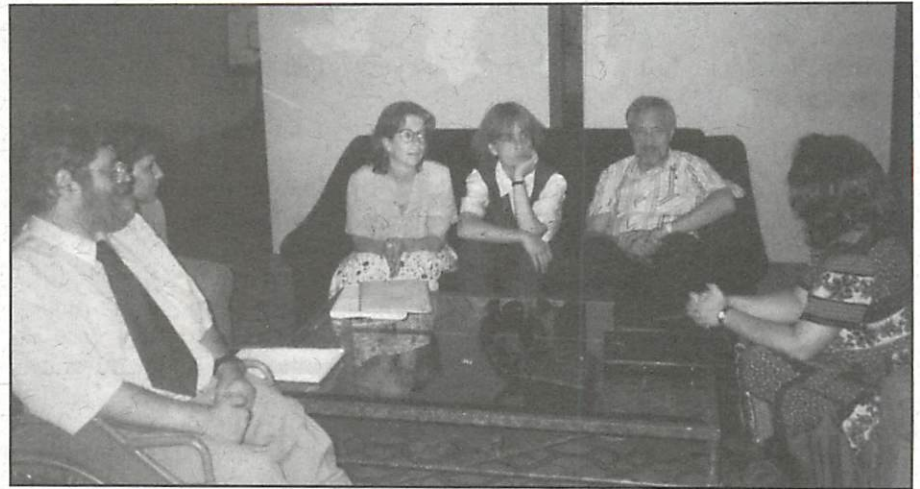


Photo courtesy of MDRI

Jan Hutar, Hana Vejmelkova, Judit Fridli, and Jan Gottwald meet with other participants at National Association of Protection and Advocacy Systems Conference in Washington, DC.

people with mental disabilities. A broad coalition of human rights activists and progressive service providers adopted the *Declaration of Montevideo* calling on Uruguay's government to protect the rights of people with mental disabilities by ending the exclusive reliance on closed psychiatric institutions.

In June 1995, the Center for Human Rights and Humanitarian Law hosted the first meeting of MDRI's Board of Advisors, along with other practitioners in disability rights and international

ability rights and international human rights communities to conduct a long overdue dialogue on international enforcement of mental disability rights.

At the meeting, Professor Diane Orentlicher observed that the efforts of disability rights activists mirror the difficulties encountered by women's rights activists in getting their activities included in the international advocacy agenda. Jose Miguel Vivanco, Director of Americas Watch, and WCL Professor Robert Goldman observed that mental disability rights represent a wave of the future. They predicted that as increasingly sophisticated international enforcement mechanisms are developed, the mental disability rights movement will make major inroads at the international level. People with mental disabilities and their allies are gearing up to test that proposition. 🌐

\* Eric Rosenthal is an attorney and Director of Mental Disability Rights International. Max Lapertosa is also an attorney and a full-time associate of MDRI.

\*\* Copies of *Human Rights & Mental Health: Uruguay* may be obtained by calling MDRI at 202-885-2169.



Photo courtesy of MDRI

(Left to right) Jan Hutar, Hana Vejmelkova, Jan Gottwald (mental health advocate, Prague, Czech Republic), Robinsue Frohboese (Assistant U.S. Attorney, Civil Rights Division, D.O.J.), Judit Fridli, and Eric Rosenthal of MDRI outside the D.O.J. building after meeting to discuss enforcement of the Civil Rights for Institutionalized Persons Act (CRIPA).