

International Disability Alliance (IDA)

Member Organisations:

Disabled Peoples' International, Down Syndrome International, Inclusion International,
International Federation of Hard of Hearing People,
World Blind Union, World Federation of the Deaf,
World Federation of the DeafBlind,
World Network of Users and Survivors of Psychiatry,
Arab Organization of Disabled People, European Disability Forum,
Red Latinoamericana de Organizaciones no Gubernamentales de Personas con
Discapacidad y sus familias (RIADIS), Pacific Disability Forum

Suggestions for disability-relevant recommendations Human Rights Committee, 103rd Session (17 October – 4 November 2011)

The International Disability Alliance (IDA) has prepared the following suggestions for the Concluding Observations, based on references to persons with disabilities to be found in the State Report, List of Issues, and Replies

MALAWI

Malawi ratified the Convention on the Rights of Persons with Disabilities on 27 August 2009.

State Report

No State report has been submitted to the Human Rights Committee.

List of Issues

Right to recognition as a person before the law (art. 16)

15. Please provide information on laws and policies in place to ensure that **persons with disabilities enjoy legal capacity** on an equal basis with others.

Recommendations from IDA :

- Take steps to accede to the Optional Protocol to the CRPD.

Articles 3 and 7

- Address the heightened risk for women and children with disabilities of becoming victims of domestic violence and abuse, and adopt urgent measures to ensure that both services and information for victims are made accessible to women and children with disabilities.

Articles 2, 7, 10 and 26

- Adopt measures to ensure that all health care and services provided to persons with disabilities, including all mental health care and services, are based on the free and informed consent of the individual concerned, and that involuntary treatment and confinement are not permitted by law. Ensure that reproductive health services are respectful of the dignity and integrity of persons with disabilities based on the free and informed consent of the individual concerned, and that all non-consensual treatment, including that for which consent is given by a third party, is not permitted by law.

Article 16

- Reform the law in accordance with Article 16, ICCPR and Article 12 of the Convention on the Rights of Persons with Disabilities (CRPD) to guarantee the equal recognition before the law of persons with disabilities, including the adoption of measures to ensure that having a disability does not directly or indirectly disqualify any person from exercising his or her legal capacity autonomously, and to ensure that persons with disabilities have access to support that they may need to exercise legal capacity on an equal basis with others, respecting the will and preferences of the person concerned. (See also report of Special Rapporteur on Torture, 28 July 2008, A/63/175, paras 73 and 44)

Articles 25 & 26

- Repeal restrictions in the Constitution (sections 51(2)(b), 77(3)(a), 80(7)(a)) excluding persons with actual or perceived mental disability from the right to vote and to participate in public affairs on an equal basis with others in accordance with Article 29 of the CRPD, which comprises the latest international standards with respect to participation in political and public life.