

## Transforming Communities for Inclusion (TCI)

**Address:** Rue de Varemby 1,

PO Box 1202,

Geneva, Switzerland

**Phone:** +41 22 798 88 81

**Email:** secretariat@tci-global.org



**Submission made by:**  
**Transforming Communities for Inclusion (TCI)**



## Call for Inputs: Draft General Comment on Article 29 of the CRPD

### Introductory note

Transforming Communities for Inclusion (TCI) is a global organization of persons with psychosocial disabilities and is represented by its 28 members in 21 countries. TCI forecasts a future in which all human rights and full freedoms of persons with psychosocial disabilities are realized. We are guided by the United Nations Convention on the Rights of persons with Disabilities (UNCRPD).

We define 'psychosocial disabilities' inclusively: persons who identify as with psychosocial disabilities, users and survivors of psychiatry, persons with intersectional, neurodivergent, neuro-diverse identities, autistic persons, persons attributed a 'mental illness', persons deemed to be of 'unsound mind', etc. who continue to be marginalized in the society, are at risk of institutionalization and their voices are still unheard of in highest level policy circles.

TCI warmly welcomes the Committee's draft General Comment on the participation of persons with disabilities in public and political life. On reviewing the draft General Comment, however, we observe that in some Paragraphs highlighting key issues concerning persons with persons with psychosocial disabilities will be extremely important. The present input identifies those gaps and offers proposals for the committee to include in the General Comment draft.

Throughout the drafted input, TCI uses *psychosocial disabilities* inclusively: persons who identify as psychosocial disabilities, users and survivors of psychiatry, persons with intersectional and neuro-diverse identities, autistic persons, and mad persons.

### **I. Introduction (paras 1–8)**

**Comment on Paragraph 1.** The para rightly grounds the explanation of article 29 of the CRPD, and grounds in autonomy, legal capacity and equal standing. For persons with psychosocial disabilities, however, the prior and decisive question is the recognition of **personhood itself**. We are frequently treated as 'non-persons' in our societies — stripped of legal identity through what our organizations call '**civil death**'. As the movement of persons with psychosocial disabilities, we propose that the “identity issue” is explicitly mentioned in the first para. It must also be highlighted that in many countries several persons, networks, collectives, groups of persons with disabilities are not even recognized by state parties, these include persons with psychosocial disabilities, people living with albinism, indigenous persons with disabilities, persons with disabilities from other feminist and LGBTQI movements who also identify as persons with psychosocial disabilities, mad persons, user survivors of psychiatry, etc.

**Comment on Paragraph 3.** The Comment on Paragraph refers to restrictions 'arising from the denial or limitation of legal capacity' in general terms. We propose naming some examples, such as in the context of persons with psychosocial disabilities, guardianship laws, mental health laws and ordinances, conservatorship laws, vagrancy laws and civil commitment procedures, alongside constitutional and electoral provisions that disqualify persons identified as of 'unsound mind', or having a 'mental illness'. These instruments operate together and have a trickle-down effect from constitutions into electoral laws, systems and polling practices. The General Comment should make this interlocking character explicit in the document. Alongside, with denial of reasonable accommodation, the para must also explicitly mention denial of access to community support systems, and community support services which are one of the most important elements for persons with psychosocial disabilities to participate in decision-making processes.

**Comment on Paragraph 4.** To the listed socio-economic disadvantages, we propose adding the disabling effects **forced psychiatric interventions** such as over-drugging, electroshock and prolonged sedation which produce loss of stamina, concentration, speech and motor coordination, and which make it physically impossible for many persons with psychosocial disabilities to mobilize physically and also to leave a home or institution to register or to vote.

**Comment on Paragraph 5.** The Comment on Paragraph names women, youth and persons with intellectual and/or psychosocial disabilities. We propose that it expressly also include **gender-diverse and LGBTQI+ persons with disabilities**, who face violence and exclusion within families and communities, and are disproportionately sent to institutions or subjected to forced procedures on the basis of identities, and who frequently refrain from civic and political engagement in the fear of gender-based retaliation, and no access to community and social justice.

**Comment on Paragraph 6.** We propose that the Committee also calls out another form of exclusion specific to our constituency of persons with psychosocial disabilities: the '**mentalhealthification**' of policies - the prevailing assumption that persons with psychosocial disabilities may require only mental health services and psychiatric medication. Therefore, all development policies inline to the SDGs are being compounded with mental health services. This confines us within medical systems, entrenches our invisibility in development and governance processes, and is itself incompatible with Article 29. The repeal of disability-based restrictions must therefore be accompanied by a decisive shift away from a service-and-treatment paradigm toward recognition, support and inclusion in political and public life.

### **III. Human rights model of disability (paras 10–11)**

**Comment on Paragraph 10.** We strongly endorse the rejection of capacity-based exclusion. We propose two additions. First, that the Paragraph identify '**civil death**' as highlighted for the first Paragraph. Second, that the document must acknowledge the **colonial origins** of many incapacity and 'unsound mind' provisions, particularly across the Global South, where such laws are derivative of colonial codes rather than universal norms. Their dismantling is part of decolonizing disability policy and restoring persons with psychosocial disabilities to the center of decision-making about their own lives.

**Comment on Paragraph 11.** The Paragraph frames the enabling conditions for participation in terms of accessibility and reasonable accommodation. For persons with psychosocial disabilities, the indispensable enabling condition is **support**, and in particular **community support systems** (formal or informal). A person may require support simply to make a request for reasonable accommodation, to exercise legal capacity, or to form and express a political will. We propose that the human rights model, as applied to Article 29, recognize supported decision-making and community support systems as preconditions for effective participation.

### **IV. Normative content of Article 29 (paras 12–43)**

#### **Right to vote and to be elected — art. 29(a) (paras 14–17)**

**Comment on Paragraph 15.** To the listed barriers to the effective exercise of the vote, we propose adding the **national identity and registration barriers** that uniquely affect our constituency. Many persons with psychosocial disabilities lack identity documents owing to long-term institutionalization, and social exclusion. In several countries, registering as a person with a psychosocial disability is impossible because there are limited categories to

which persons with disabilities are confined to, and persons with psychosocial disabilities remain absent from disability law, or requires passing a medical board that issues certificates labelling persons as 'mentally retarded'. Many are therefore compelled to hide their identity in order to access public life at all. We also propose recognizing that many persons with psychosocial disabilities are simply unaware that they hold political rights on an equal basis with others.

**Comment on Paragraph 16.** We propose that this paragraph expressly identify, as a prohibited practice, the requirement that persons with psychosocial disabilities **prove their 'mental competence'** before being permitted to register or to vote. Such competence-testing is imposed by courts or electoral commissions and is a barrier based on disability that disproportionately burdens institutionalized persons with disabilities, perpetuates the stereotype that we are incapable of understanding civic processes, and is incompatible with Articles 12 and 29.

#### **Accessibility of voting procedures, facilities and materials — art. 29(a)(i) (paras 18–22)**

**Comment on Paragraph 18.** We welcome the broad reading of accessibility. We propose that the General Comment make explicit that accessibility for persons with psychosocial disabilities centrally requires **Easy Read and easy-to-understand formats**, plain-language manifestos and voter materials, audio versions and alternative communication supports. It is also important to recognize that accessibility standards required by persons with psychosocial disabilities are recognized by the state parties, in consultation with the OPDs, and those provisions are ensured for their access to political and public life. Majorly, these provisions are still missing in many international standard documents and a robust consultation process is required at national, and international levels to fulfil the accessibility needs of persons with psychosocial disabilities. The GC comment must also note that persons with disabilities who are institutionalized lack access to any kind of information related to voting, and are left out from all procedures. Hence, this justification must reinforce deinstitutionalization programming, in consultation with persons with psychosocial disabilities.

**Comment on Paragraph 20.** Before accessibility of digital systems can be addressed, we also want to highlight the question of **availability and affordability of technology** to many persons with disabilities, and especially persons with psychosocial or persons with disabilities who are institutionalized. Many persons with psychosocial disabilities live in communities below poverty line, with zero or very limited access to smartphones, internet or television. We further note that persons with psychosocial disabilities are routinely **excluded from assistive-technology and technology-innovation discourse**, consultations on accessible technology overwhelmingly engage majorly persons with physical, visual, and hearing disabilities, while our constituency is left out. The General Comment should highlight that technology should be made available to every person and that persons with psychosocial disabilities are included in technology design and consultation process at all levels including national and international.

**Comment on Paragraph 22.** We endorse the obligations on electoral management bodies. We propose three additions specific to our constituency: (i) that EMBs be required to consult OPDs **of persons with psychosocial disabilities** specifically recognizing that such OPDs frequently do not exist in cross-disability bodies, (see our comments on paras 40–43); (ii) the training of electoral officials expressly address psychosocial disabilities, given documented incidents of abusive language, humiliation and outright exclusion of our members at polling stations; and (iii) that reasonable accommodation be understood to include the support a person may need simply **to request** for an accommodation.

#### **Secrecy of the ballot, intimidation and public functions — art. 29(a)(ii) (paras 23–27)**

**Comment on Paragraph 23.** The draft must also highlight that any forms or ways in which states normalize voting inside institutions or segregated settings is not in compliance with the UNCRPD and with the UNCRPD guidelines on deinstitutionalization. Placing voting machines and arrangements within psychiatric institutions and asylums **reinforces institutionalization and segregation**. The General Comment must highlight that persons with disabilities must have access to voting, and participate in decision making processes by living independently in communities, with access to all required support systems and services where and as needed.

**Comment on Paragraph 27.** We support the prohibition of disability-based restrictions and the safeguards on assisted voting. We propose adding that protection against coercion must extend to the **dependency and control inherent in institutional and forced-treatment settings**, where over-medication and sedation themselves compromise the free formation and expression of political will. Safeguards confined to the polling moment are insufficient where a person has been chemically and physically incapacitated long before election day.

**Comment on Paragraph 28.** We welcome the recognition that the voter's will and preferences are legally determinative. We propose that the paragraph acknowledge that, for some persons with psychosocial disabilities, the **formation and communication of a political will may itself require support**, through supported decision-making and community support systems, well before the point of casting a ballot. Assistance must be conceived not only as help at the ballot box by 'a person of one's choosing', but as part of an enabling ecosystem of support that respects will and preference at every stage.

**Comment on Paragraph 31.** We endorse the requirement of Easy Read and accessible electoral information. We propose strengthening it with the recognition that the capacity to receive and process political information sometimes becomes difficult for persons with psychosocial disabilities due to side affects of long-term psychiatric medications, inadequate psychosocial support and absence of community based support systems. We suggest that accessible information must also be accompanied by support, awareness components, leadership development and capacity strengthening of OPDs of persons with psychosocial disabilities to inform that persons with psychosocial disabilities hold these rights at all.

#### **Participation in the conduct of public affairs — art. 29(b) (paras 32–35)**

**Comment on Paragraph 32.** We propose that this paragraph affirm that participation in public affairs for persons with psychosocial disabilities must extend beyond consultation to **running for office, holding public office and serving in governance** — in parliaments, national human rights institutions, the judiciary and public committees, from which our constituency is almost entirely absent. This requires removing legal barriers tied to guardianship and introducing affirmative measures such as reserved seats, targeted support programs, recognition of OPDs of persons with psychosocial disabilities in the disability inclusive development programs, campaign funding and logistical assistance, recognizing that campaigns demand financial resources, networks and public engagement historically inaccessible to persons who have been institutionalized and marginalized on the basis of their disability.

**Participation in political parties and civil society organizations — art. 29(b)(i) (paras 36–39)**

**Comment on Paragraph 39.** We welcome the reference to awareness-raising and leadership development. We propose that the General Comment develop **Article 8 (awareness-raising) as a core mechanism of community inclusion**, not only as a measure internal to political parties. In our practice, community grassroots workers act as 'inclusion pollination bees', carrying messages of wellbeing and inclusion house to house through integrated arts — dance, drama, stories, visual arts — safe spaces and 'positive rumor' about wellbeing to shift the social, behavioral and attitudinal conditions that determine whether persons with psychosocial disabilities are supported to participate.

**Right to form and join organizations of persons with disabilities — art. 29(b)(ii) (paras 40–43)**

**Comment on Paragraph 40.** We propose that the paragraph also recognize that, in many countries, **OPDs of persons with psychosocial disabilities simply do not exist**, because the disability identity is not yet accepted and persons are confined within mental health systems with access only to medical care. Also in several countries where OPDs of persons with psychosocial disabilities exists, they are not welcomed in the cross disability spaces. The right to form OPDs must therefore be read as imposing a positive duty on States to actively support and fund the **formation** of psychosocial-disability OPDs and promote the leadership of persons with psychosocial disabilities.

**Comment on Paragraph 41.** To the structural and financial barriers listed, we propose adding the **exclusion of persons with psychosocial disabilities in cross-disability and umbrella OPDs spaces**. This intra-movement exclusion is a primary cause of our non-visibility in political and public life and must be named in the General Comment.

**Comment on Paragraph 43.** We endorse the principle of self-representation. We propose that effective implementation expressly require States to provide **seed support, funding and capacity-building** to enable persons with psychosocial disabilities to form their own networks and organizations where none exist, and to ensure their inclusion in cross-disability consultation on an equal basis — so that self-representation is made possible in practice.

## **V. Obligations of States parties (paras 44–50)**

**Comment on Paragraph 44.** Consultation under Article 4(3) presupposes that the persons consulted are recognized as rights-holders. The para also covers the recognition of persons with disabilities and additionally can reaffirm mentioning under-represented groups like persons with psychosocial disabilities. Also if possible to provide examples like dismantling of incapacity regimes as persons with psychosocial disabilities are recognized as non-persons.

**Comment on Paragraph 47.** We propose that the positive measures required of States expressly include the **establishment and formalization of community support systems** as the enabling foundation of participation. TCI's decade of practice shows that mainstream services — including equal and effective political participation — are not reachable without community support. Community support systems comprise a wide range of human exchanges: neighborhood support, befriending and altruistic actions, foster support, peer-to-peer support, support to exercise legal capacity, circles of care, neighborhood alert systems, community negotiation and community justice processes to prevent institutionalization, and 'bystander ethics'. A trained grassroots cadre acts as a '**psychosocial binder**', an actor or set of actions that brings people together in collaborative rather than conflictual exchange. States should formalize such programs, since it is through them that registration, identity, supported decision-making, prevention of institutionalization and political participation become possible.

**Comment on Paragraph 48.** We propose that the duty to sustain OPDs be qualified by the recognition that **individualized support services are largely unavailable or unaffordable in many Global South countries**. States must ensure not only that OPDs are resourced, but that community support systems exist as the prerequisite through which any individualized support — where it exists — can actually be reached.

**Comment on Paragraph 50.** On alignment with the 2030 Agenda, we propose that the General Comment caution against the '**mentalhealthification**' of the SDGs, the pattern whereby each goal offers persons with psychosocial disabilities with only mental health services rather than inclusion, further entrenching our invisibility. On disaggregated data, we propose that the Committee note that there is no availability of appropriate tools for the data collection on participation of persons with psychosocial disabilities, and that tools must be developed which specifically identify barriers to participation across the electoral cycle (pre-election, election day and post-election). Also, post monitoring, budgets must be allocated based on the collected data to ensure participation of persons with psychosocial disabilities in the electoral processes and decision making processes across the electoral cycles.

## **VI. Relationship with other provisions of the Convention (paras 51–60)**

**Comment on Paragraph 52.** We propose that this paragraph on women and girls be expanded to include **gender-diverse persons with psychosocial disabilities, older persons, and young persons with psychosocial disabilities**, who face violence and exclusion within families, societies and communities, institutionalization and forced procedures on the basis

of identity, and who withdraw from civic life for fear of retaliation. We also propose that the measures required include the prevention of institutionalization as a gendered response to psychosocial disability.

**Comment on Paragraph 54.** We strongly endorse the centrality of Article 12. We propose that the General Comment state, without qualification, that **all incapacity laws** including guardianship and conservatorship laws, mental health laws, vagrancy laws, civil commitment procedures, and constitutional and electoral 'unsound mind' provisions **must be dismantled immediately**. Substituted decision-making must be replaced by supported decision-making grounded in community support.

**Comment on Paragraph 55.** We propose that the protective framework under Article 16 expressly name **forced psychiatric treatment, over-drugging, electroshock, institutionalization and trans-institutionalization** (the shunting of persons between institutions) as forms of violence against persons with psychosocial disabilities. We further propose that the General Comment acknowledge the lifelong harms of coercive practices and call for **formal and legal reparations** to all those who have been subjected to them.

**Comment on Paragraph 56.** We propose that it: (i) it can be stated in the general comment that any form of **institutionalization is a discriminatory practice and a form of violence**, constituting detention and deprivation of liberty based on impairment contrary to Article 14; (ii) adopt the **definition of 'institutionalization' from the deinstitutionalization guidelines**, (iii) name the full (possible ) range of custodial settings because many around world are still not very clear on the concept of institutionalization in the name of rehabilitation and care systems. These can include, mental health asylums, mental health hospitals, rehabilitation and de-addiction centers, nursing homes, social care institutions, half-way homes, group homes, shelters and camps.

**Comment on Paragraph 57.** We propose that the Article 21 obligations expressly recognize that, for persons with psychosocial disabilities, accessible information requires Easy Read and easy-to-understand formats, and that institutionalized persons frequently have **zero access to information and technology**. Hence, deinstitutionalization programs must be enforced by state parties.

## **VII. Implementation at the national level (paras 61–70)**

**Comment on Paragraph 61.** We propose to add that the comprehensive legislative review is conducted in consultation with the OPDs to repeal or reform any legislations that deny legal capacity of persons with psychosocial disabilities, or exclude them from the mainstream disability inclusion development and inclusion in electoral processes. We further propose that review extend to enabling, in national database and civil-registration systems, registration with the identity of a person with a psychosocial disability, and access to a national identity document free of discriminating identity labels.

**Comment on Paragraph 64.** We propose that the measures to reinforce OPD independence expressly include a positive duty to **support the formation of OPDs of persons with psychosocial disabilities where none exist**, to fund individuals to form networks and organizations, and to remedy the exclusion of psychosocial-disability OPDs by cross-disability and umbrella structures.

**Comment on Paragraph 65.** We welcome the provision that disability-related costs of participation must not fall on individuals but on state parties. We propose extending the structural accessibility obligation to include the **establishment of community support systems** as a structural and anticipatory obligation — the support fabric without which accessibility and reasonable accommodation cannot, in practice, be reached by persons with psychosocial disabilities, particularly in low- and middle-income contexts. It is also important that states consult the OPDs of underrepresented groups to explore additional elements of accessibility requirements for engaging in decision making processes.

**Comment on Paragraph 67.** On data, we propose that the Committee expressly note that the existing data collection tools **do not adequately capture persons with psychosocial disabilities**, that data be disaggregated to render our constituency visible, and that States develop indicators identifying barriers to participation across the electoral cycle so that targeted interventions can be designed for future elections.

**Comment on Paragraph 69.** We propose that the emergency provisions reflect that situations of risk are frequently used to justify or intensify **institutionalizations** of persons with psychosocial disabilities, and that the deinstitutionalization obligations, 'including during emergencies', applies. Contingency arrangements must not become a route to the suspension of political rights or to renewed confinement.