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## Montreal Declaration on Intellectual Disability

### THE MONTREAL DECLARATION ON INTELLECTUAL DISABILITIES

**AFFIRMING** that persons with intellectual disabilities, as other human beings, are entitled to basic human rights and fundamental freedoms, as embedded in many existing international declarations, conventions, and standards;

**EXHORTING** the members of the Organization of American States (OAS) to make effective the provisions of the *Inter-American Convention on Elimination of All Forms of Discrimination against Persons with Disabilities*;

**DESIRING** to address the historical disadvantages and barriers facing persons with intellectual disabilities and mindful of the need to alleviate the negative impact of poverty on their conditions of life;

**MINDFUL** that persons with intellectual disabilities have often been excluded from decisions about their human rights, health and well-being, and that guardianship laws have historically been used to deny persons with intellectual disabilities their right to make decisions;

**CONCERNED** that the freedom of persons with intellectual disabilities to make their own choices has frequently been unrecognized, ignored, abused or removed;

**SUPPORTING** the mandate of the United Nations Ad Hoc Committee to prepare a *Comprehensive and Integral International Convention on the Protection and Promotion of the Rights and Dignity of Persons with Disabilities*;

**ACKNOWLEDGING** the importance of a human rights approach to health, well-being and disability;

**RECOGNIZING** the needs of persons with intellectual disabilities and their aspirations to be fully included and valued as equal citizens, as established in the *Declaration of Managua* (1993); and

**MINDFUL** of the significant importance of international cooperation in order to promote better conditions for the exercise and full enjoyment of human rights and fundamental freedoms of persons with intellectual disabilities;

**WE,**

Persons with intellectual and other disabilities, families, representatives of persons with intellectual disabilities, intellectual disability specialists, health specialists and other specialists from the disability field, State representatives, services providers and managers, advocates, legislators and lawyers, assembled at the **Montreal PAHO/WHO International Conference on Intellectual Disability**, held on October 5<sup>th</sup> and 6<sup>th</sup> 2004, together



## DECLARE THAT

1. Persons with intellectual disabilities, as other human beings, are born free and equal in dignity and rights.
2. Like all other human characteristics, intellectual disabilities are an integral part of the human experience and diversity. Intellectual disabilities are understood differently by cultures, and thus require the international community to respect its universal values of dignity, self-determination, equality and justice for all.
3. States have the obligation to protect, fulfill and ensure that all civil, political, economic, social and cultural rights, and fundamental freedoms of persons with intellectual disabilities are exercised in accordance with national laws, and international human rights conventions, declarations and standards. States therefore have the obligation to protect persons with intellectual disabilities against medical or scientific experimentation without their knowledgeable and unconstrained consent, or any form of violence, abuse, discrimination, segregation, stigmatization, exploitation, cruel, inhuman or degrading treatment or punishment.
4. Human rights are indivisible, universal, interdependent and inter-connected. Therefore, the right to the highest possible level of physical and mental health and well being is inter-connected with other civil, political, economic, social, and cultural rights and fundamental freedoms. For persons with intellectual disabilities, as for other persons, the exercise of the right to health requires full social inclusion, an adequate standard of living, access to inclusive education, access to work justly compensated and access to community services.
5.
  - a) All persons with intellectual disabilities are full citizens, equal before and under the law, entitled to exercise their rights on the basis of respect of their differences and of their individual choices;
  - b) The right to equality for persons with intellectual disabilities is thus not only of opportunity, but may also require, when they chose so, appropriate measures, positive actions, accommodations and supports. States must guarantee the presence, the availability, the access and the enjoyment of adequate services based on the needs and the free and informed consent of persons with intellectual disabilities;
  - c) The respect of human rights and fundamental freedoms of persons with intellectual disabilities requires their full community inclusion. As such, all persons with intellectual disabilities must have access to education, training and information with regard to their rights and obligations.



6. a) Persons with intellectual disabilities have the same right as other people to make decisions about their own lives. Even persons who have difficulty making choices, formulating decisions and communicating their preferences can make positive choices and decisions that further their personal development, relationships and participation in their communities. Consistent with the duty to accommodate in paragraph 5b, persons with intellectual disabilities should be supported to make their choices and decisions, to communicate them and to have them respected. Accordingly, where individuals have difficulty making independent choices and decisions, laws and policies should promote and recognize supported decision-making. States should provide the services and the necessary support to facilitate persons with intellectual disabilities in making meaningful decisions about their own lives;
- b) Under no circumstance should an individual with an intellectual disability be considered completely incompetent to make decisions because of his or her disability. It is only under the most extraordinary of circumstances that the legal right of persons with intellectual disabilities to make their own decisions can be lawfully interrupted. Any such interruption can only be for a limited period of time, subject to periodic review, and pertaining only to those specific decisions for which the individual has been found by an independent and competent authority to lack legal capacity;
- c) That independent and competent authority must find by clear and convincing evidence that, even with adequate and appropriate supports, all less restrictive alternatives to the appointment of a surrogate decision-maker have been exhausted. That authority must be guided by due process, including the individual's right to: notice; be heard; present evidence; identify experts to testify on his or her behalf; be represented by one or more well-informed individuals who he or she trusts and chooses; challenge any evidence at the hearing; and appeal any adverse finding to a higher court. Any surrogate decision-maker must take account of the person's preferences and strive to make the decision that the person with an intellectual disability would make if he or she were able to do so.

To this end, **WE**, the participants at the Montreal PAHO/WHO Conference on Intellectual Disability, in solidarity of efforts already taken at the national and international levels, do jointly and individually,



## AGREE

7. To support and defend the rights of persons with intellectual disabilities; to disseminate the international human rights conventions, declarations and standards that protect the human rights and fundamental freedoms of persons with intellectual disabilities; and to promote, or establish when they do not exist, the integration of these rights into relevant national policies, legislations and plans;

## AND

8. To support, promote and implement actions in the Americas furthering social inclusion and participation of persons with intellectual disabilities through an intersectorial approach involving the persons themselves, their families, their social networks, and their communities.

Accordingly, **WE**, the participants at the Montreal PAHO/WHO Conference on Intellectual Disability,

## CALL UPON

### 9. THE STATES:

- a) To recognize that persons with intellectual disabilities are full citizens in society;
- b) To fulfill their obligations, given by national and international laws, to recognize and protect the rights of persons with intellectual disabilities; to ensure their involvement in the development and evaluation of any law, policy or plan concerning them; and to assign the economic and administrative resources required for the effective implementation of those laws;
- c) To develop, establish and take the legislative, judicial, administrative and educational means necessary in order to achieve the full social inclusion of persons with intellectual disabilities;
- d) To provide to communities and to persons with intellectual disabilities and their families the support needed for the exercise of their rights; promoting and strengthening their organizations;
- e) To develop and implement human rights education, training and information programs to persons with intellectual disabilities.



## 10. VARIOUS SOCIAL AND CIVIL ACTORS:

- a) To become actively involved in the respect, promotion and protection of the human rights and fundamental freedoms of persons with intellectual disabilities;
- b) To vigilantly protect their dignity and physical, moral and psychological integrity by the creation and maintenance of social conditions of openness and non-stigmatization.

## 11. PERSONS WITH INTELLECTUAL DISABILITIES AND THEIR FAMILIES:

- a) To be aware that they share the same rights and freedoms as all other human beings; that they are entitled to due process of law and that ultimately they have the right to a legal recourse or any other effective recourse to a competent court or tribunal for protection against acts that violate their fundamental rights recognized by national and international laws;
- b) To make sure that they are involved in the development of all national legislation, policy and plan that concerns them, as well as their ongoing evaluation;
- c) To work in collaboration with national and international, governmental and/or non-governmental disability organizations in order to mutually consolidate and reinforce themselves at the national and international level for the active promotion and defence of the fundamental rights of persons with a disability.

## 12. INTERNATIONAL ORGANIZATIONS:

- a) To integrate "intellectual disabilities" in their classifications, programs, areas of work, and initiatives, in reference to "persons with intellectual disabilities" and their families in order to ensure the full exercise of their rights and determine the specific guidelines and actions in this area;
- b) To collaborate with States, persons with intellectual disabilities, family members, and non-governmental organizations representing them, to dedicate resources and technical assistance to promote the goals of the *Montreal declaration on intellectual disabilities*, including support for full participation in society of persons with intellectual disabilities and integrated models of community services.



The following individuals have signed, in Montreal, Canada, on October 6<sup>th</sup> 2004, the *Montreal Declaration on intellectual disabilities*

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