

**Gift Nyoni**

**Human Rights Lawyers Association Bursary Award Report**

**Internship - Mental Disability Advocacy Centre, Budapest, Hungary.**

The casual visitor to Budapest, particularly the 8th District, in which I resided for the first half of my eight-week stay, will find a city in flux. Grand Victorian buildings, the plasters of which have long loosened from the bricks through time and war, stand beside new glass and metal shopping malls. Buildings, the exteriors of which appear to be strewn with bullet holes from the Second World War, juxtapose the more recent, well-kept offices around the city. This being my first time in a European country other than the UK, I found myself somewhat stereotypically thinking of Budapest in terms of war; either as a victim or survivor of war, in place and in people.

There is sometimes an assumption that individuals who work in Human Rights have no prejudices of their own. One of the first things I learnt at the Citizens Advice Bureau, where I volunteered for two years, was that to be an effective Adviser, it was essential that I first recognise and deal with my own prejudices towards potential clients before I attempted to deal with those of organisations or other individuals towards my potential clients. Thus, I stopped thinking of Budapest in terms of war. Having spent three years working in a secure hospital in the UK which treats prisoners, adolescents and children with 'mental health problems', I was interested in discovering the attitude of other countries in Europe towards intellectual and psycho-social disability. Where it fell short of the standard demanded by international law, I was interested in finding out how to litigate it.

I found answers to my questions in the MDAC case docket. The Mental Disability Advocacy Centre, or MDAC, is an international human rights organisation which advances the rights of children and adults with intellectual disabilities and psycho-social disabilities. MDAC uses law to promote equality and social inclusion through strategic litigation, advocacy, research and monitoring and capacity-building. It operates at the global level as well as regional and domestic levels in Europe and Africa. It is located on a busy street in the 6th District near St Stephens church. The location itself is a tourist draw, but there are surprisingly few examples of social injustice across the city, for example I saw less than five homeless people during my two month stay. The image presented is of a city without social justice issues, but in respect of homelessness I soon discovered that this because it is illegal in Hungary. Amidst the new and attractive buildings and shopping malls, there still existed outdated ideas that certain classes of people were 'undesirables', and were to be kept out of sight. As will be seen below, this extended to people with intellectual and psycho-social disability.

I spent my time at MDAC with the Strategic Litigation team, which constitutes of legal officers in the MDAC office, lawyers in Central and Eastern European countries, the UK and the United States. The team takes carefully-selected cases to court as a way effecting significant changes to either law or practice, so that individual cases bring about far-reaching benefits to people across Europe who are facing similar circumstances. Gaining experience of how cases are chosen and what factors go into the decision making process was particularly insightful. Given the wide-ranging and deep cuts implemented by the coalition Government in the UK on previously legally-aided areas of law and also on legal aid rates, I am sure this experience will stand me in good stead when I embark upon my human rights practise.

I took part in all aspects of the team's work, including weekly meetings and conferences. MDAC organises its work under three separate campaigns: I am a Person; My home, My Choice; and Schools for All. Cases that raise issues of capacity and guardianship are dealt with under I am a Person. Cases relating to the failure of States to make reasonable accommodations that allow people with psycho-social disabilities to live within their communities are dealt with under the header of My Home, My Choice. Actions against States for educational policies or practices that discriminate against children with intellectual or psycho-social disabilities are dealt with under the Schools for All campaign.

My first task at MDAC was to assist in the drafting of an Inquiry against Hungary, which was a veil-lifting experience. Brought under the Optional Protocol to the Convention on the Rights of Persons with Disabilities (CRPD), the inquiry related to Hungary's grave and systematic violations of Articles 5 (equality and non-discrimination), 12 (equal recognition before the law) and 19 (living independently and being included in the community). Despite being one of the first countries to ratify the CRPD and its Optional Protocol, and thus ushering in a new era in the protection of the rights of people with intellectual and psycho-social disabilities, Hungarian practice remained entrenched in old ways of thinking, depriving people with intellectual and psycho-social disabilities of legal capacity and segregating them from the community. From the Inquiry I learnt how the systems of guardianship and institutional care worked hand in hand to deprive people with intellectual and psycho-social disabilities of any real choice in many of the most important aspects of their lives, including the choice of where and with whom they lived.

From there on the majority of my work related to the I am a Person campaign. For example I drafted a memorandum on the merits of submitting an Amicus brief in the case of *Blokhin v Russia*, a case which concerned the arrest of a twelve year old boy with Attention Deficit Hyper-activity Disorder (ADHD) and Enuresis. He was detained in a dark police cell without windows and questioned by a police officer in the absence of his guardian. He was urged to sign a written confession. He was later detained for thirty days, in inhuman conditions, in a detention centre for juvenile offenders for the purposes of behaviour correction. In the last week of my internship, MDAC was granted permission to intervene in this case, with barristers Paul Bowen QC, Caoilfhionn Gallagher and Louise Price from Dougherty Street Chambers UK working pro-bono on the case.

*Blokhin* was the first of a number of cases I worked on that involved the detention and mistreatment of people with intellectual and psycho-social disabilities by police, prison, hospital and prosecutorial authorities, the majority of which raised issues engaging Articles 2 (right to life), 3 (right to freedom from torture), 5 (right to liberty), 6 (right to a fair trial), 8 (right to a private and family life), 10 (right to freedom of expression), 11 (right to freedom of expression) and 14 (prohibition of discrimination) of the European Convention on Human Rights (ECHR). The evidence from these cases was that the prosecutorial authorities of Central and Eastern Europe, much like those of the UK, still harbour stereotypical views of people with psycho-social and intellectual disabilities that result in them committing gross violations of the latter groups' human rights. Much like me at the start of the internship, if these authorities are to fulfil their statutory and constitutional duties, they need to stop thinking stereotypically.

The eight weeks I spent at MDAC were invaluable in introducing me to using ECHR principles against prosecutorial authorities. Since returning I have found employment as a full-time civil litigation and

human rights paralegal in a firm that specialises in actions against the police and prison authorities, amongst other areas. I have also won a full scholarship covering my law school fees. I would not have got this far without the generosity of the HRLA Bursary Award, for which I am very grateful. I am now developing my knowledge and experience of this area and look forward to commencing my legal practise in a couple of years.

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