Human Rights Council – 43rd Session – Item 3
Interactive Dialogue with Special Rapporteur
on the Rights of Persons with Disabilities

Statement by H.E. Ambassador Marie-Thérèse Pictet-Althann
Geneva, 28th February 2020

Madam President,
Madam High Commissioner,
Excellencies,
Distinguished Delegates,

The Order of Malta commends the Special Rapporteur for her strong reaffirmation of the fundamental right to life and the inherent dignity and worth of persons with disabilities.

We support the call to counter practices and policies in societies that are motivated by ableism, which devalues the lives of persons with disabilities.

With regard to the increasing use of prenatal genetic technologies and laws that permit assisted suicide and euthanasia on the basis that lives with a disability are not worth living, we endorse calling on States to ensure sufficient resources for families to care for persons living with disabilities, and for persons with disabilities to have access to the supports that they need, including good quality palliative care.

We support legal frameworks that recognize supported decision making as an alternative to substitute decision making for persons with disabilities, whenever this is possible. However, while a norm in international law is helpful to clarify the right of persons with disabilities to make decisions on an equal basis as others in society, a more realistic stance could be that supports in decision making should always be proportionate to a person’s needs. Further study of the different needs
and contexts of persons with disabilities is prudent before adopting the Report’s call to eliminate all forms of substitute decision making.

Sufficient resources are necessary also for families and care providers to enable them to support persons with disabilities in making decisions. For example, during the Special Rapporteur’s visit to Canada, she was informed by experts in Toronto of a tool they developed on supported decision making. It encourages physicians and other health care professionals to include people with intellectual and developmental disabilities in health care decision making by adopting a capabilities approach.

Finally, we urge that it be recognized at all levels of society that ethical and spiritual supports are important to persons with disabilities and their caregivers.

Thank you.