

## **The Impact of the *Montreal Declaration on Intellectual Disabilities* (Updated, April 18<sup>th</sup>, 2005)**

### **The Montreal PAHO/WHO Conference on Intellectual Disability**

On October 5<sup>th</sup> and 6<sup>th</sup>, 2004, Montreal hosted the Pan-American Health Organisation (PAHO) and World Health Organisation (WHO) Conference on intellectual disability. This conference was organized by the West Montreal and Lisette-Dupras Readaptation Centres in association with the Montreal WHO/PAHO Collaborating Centre and in partnership with the *Fédération québécoise des centres de réadaptation en déficience intellectuelle*, the Ministry of Health & Social Services of Quebec, and the *Office des personnes handicapées du Québec*.

This conference brought together representatives from international organisations, all levels of governments, leaders of parent associations and associations for individuals with an intellectual disability, experts in international law, human rights, and intellectual disability, as well as academics from all over the Americas. The purpose was to discuss the state of the fundamental human rights awarded to people with an intellectual disability on a worldwide level.

### **The *Montreal Declaration on Intellectual Disabilities***

The *Montreal Declaration on Intellectual Disabilities*<sup>1</sup> originated as a result of this conference. It was adopted and signed on October 6<sup>th</sup>, 2004 by 65 participants and representatives from 17 countries, namely from the Americas but also from major organisations defending the rights of individuals with an intellectual disability. This declaration hopes to guide international organizations, as well as civil and public authorities, in their attempts to ensure full and complete citizenship to persons with an intellectual disability.

The *Montreal Declaration* does not aim to restate all of the basic human rights mentioned in international conventions and declarations that also apply to individuals with an intellectual disability. Rather it aims to remind the international community that an intellectual disability poses unique problems with respect to the acknowledgement and enforcement of the fundamental human rights of individuals with a disability.

The *Montreal Declaration* can thus be summarized as emphasizing the following three fundamental rights: equality, non-discrimination, and self-determination. In doing this, the *Montreal Declaration* stresses the right to equality for people with an intellectual disability. It also emphasizes their right to receive the support required to attain this equality in order to allow for their integration and participation in society.

In terms of the fundamental rights of people with an intellectual disability, this declaration is a breakthrough. For the first time, a consensus was reached amongst those, from the Americas, that are most influential in the field. This consensus was achieved with regards to what comprises the right for equality for people with an intellectual disability. Moreover, those

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<sup>1</sup> For all references, we suggest that you use this quotation :

partaking in the conference were able to agree upon the means to support the decision-making process of individuals with an intellectual disability while maintaining the utmost respect for their fundamental rights.

The *Montreal Declaration* would not have been possible without a major shift in the consideration of individuals with a disability in the organization of services. Moving away from a biomedical model, the international community now accepts that individuals with a disability are entitled to rights inherent to their condition as humans, rather than be entitled to rights as a result of them having a disability. This constitutes a major paradigm shift as it rests upon a prime factor: all humans have fundamental rights. As a result of the *Montreal Declaration*, people with an intellectual disability will now be able to benefit from this paradigm shift.

The potential repercussions of the *Montreal Declaration* are multiple and transcend political, social, economic and cultural realms. The *Montreal Declaration* could serve as a benchmark, or even as a standard, which in time might become a legal source of interpretation for the content of human rights provisions in the context of disability in the Americas and internationally. Given the absence of a comparable document with respect to the fundamental rights of individuals with an intellectual disability, this Declaration could thus become THE reference in the field of intellectual disability.

### **THE IMPACT OF THE *MONTREAL DECLARATION ON INTELLECTUAL DISABILITIES***

**A.** With respect to **international organizations**, the *Montreal Declaration on Intellectual Disability* was:

- cited most favourably by the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health, Mr. Paul Hunt, in his report on Mental Health<sup>2</sup>, where he qualifies the *Montreal Declaration* as “an important first step in redressing the marginalization of persons with intellectual disabilities in relation to the right to health, as well as their other human rights”. He lists this declaration in the same light as other major human rights documents such as the Principles for the Protection of Persons with Mental Illness and the Improvement of Mental Health Care<sup>3</sup> and the Standard Rules on the Equalization of Opportunities for Persons with Disabilities<sup>4</sup>.
- used as the main document in the trainings provided in American countries by the Pan-American Health Organisation (PAHO) on the subject of human rights;
- distributed to 23 countries belonging to *Inclusion Interamericana*;

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<sup>2</sup>Report of the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health, Paul Hunt, COMMISSION ON HUMAN RIGHTS, E/CN.4/2005/51

<sup>3</sup>Principles for the Protection of Persons with Mental Illness and the Improvement of Mental Health Care, adopted in 1991 by the United National General Assembly, G.A. Res. 46/119, 46 U.N. GAOR Supp. (no. 49) Annex at 188-192, U.N. Doc. A/46/49 (1991).

<sup>4</sup>United Nations, Standard Rules on the Equalization of Opportunities for Persons with Disabilities, GA Res A/RES/48/96 (December 20<sup>th</sup>, 1993)

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- distributed during a conference in Costa Rica on intellectual disability that brought together experts from Central America and the Caribbean.

### **B. In those countries that participated in the conference, the *Montreal Declaration* was:**

- communicated to more than 30 leaders (lawyers, politicians, professionals, etc.) from every province in Argentina in the context of training sessions on the fundamental rights of individuals with a disability;
- instrumental in allowing Costa Rica to amend its national special education programs in order no longer refer to “persons with mental retardation” but rather to “persons with an intellectual disability”;
- ratified by the oldest and most important American organization on intellectual disability: the American Association for Mental Retardation;
- distributed within the Chilean *Unión Nacional de Padres y Amigos de Personas con Discapacidad*.

### **C. In countries that did not participate in the conference, the *Montreal Declaration*:**

- served as an important supporting document in obtaining financing for the Special Olympics in Sweden; further information is to be provided by Mr. Bengt Nirje to that effect.

### **D. In Canada and Quebec, the *Montreal Declaration on Intellectual Disability*:**

- served as the basis for a response by the Roeher Institute to the UNESCO International Bioethics Committee’s *Elaboration of the Declaration on Universal Norms on Bioethics*;
- received media recognition when the Montreal conference President, Dr. Gaston P. Harnois, was named *Personality of The Week* by the *La Presse* newspaper (January 16<sup>th</sup>, 2005);
- served as the basis for an executive summary intended for the Canadian delegation to the United Nations’ Ad Hoc Committee on a *Global and Integrated International Convention on the Promotion and Protection of the Rights and Dignity of Handicapped Individuals*;
- was the object of a memo to the Director General of the United Nations Committee on social development, presented by the Canadian delegation to the United Nations’ Ad Hoc Committee on a *Global and Integrated International Convention on the Promotion and Protection of the Rights and Dignity of Handicapped Individuals*.

**E.** The *Montreal Declaration on Intellectual Disability* was **published in its entirety** in English, Spanish, French, or Portuguese as part of the following documents:

- Magazine Enjeux D.I., March 2005;
- Internet sites, outside of the province of Quebec:
  - The American Association for Mental Retardation<sup>5</sup>;
  - The American Association of People with Disabilities<sup>6</sup>
  - The United Nations Commission on Human Rights<sup>7</sup>;
  - Mental Health Europe Newsletter N<sup>o</sup> 1, January 2005, p.5<sup>8</sup>;
  - *Sistema Nacional para el Desarrollo Integral de la Familia (DIF) - Mexico, Subcomisión de Grupos Vulnerables de la Comisión de Política Gubernamental en materia de Derechos Humanos*<sup>9</sup>.
- Internet sites, province of Quebec : CNRIS, CRLD, CROM, CRDI le Florès, CRDI Montérégie;
- Revue de psychoéducation, vol. 33, number 2, 2004, p.517<sup>10</sup>.

### *In press*

- Soon to be published in *Siglo Cero*, a Spanish journal on intellectual disability;
- Soon to be published in a Peruvian periodical (further details to be provided by Mr. Huaman);
- Book to be released by Boisvert, D. and al., *La Désinstitutionalisation de l'hôpital St-Julien*;
- Book to be released by Gonzalez, D., and A. Aznar;
- Book to be released in Sweden by Bengt Nirje; further details to be provided by Mr. Bengt Nirje.

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<sup>5</sup> [www.aamr.org/Reading\\_Room/pdf/Montrealdeclaration.pdf](http://www.aamr.org/Reading_Room/pdf/Montrealdeclaration.pdf)

<sup>6</sup> <http://www.aapd-dc.org/News/disability/MontrealDec.html>

<sup>7</sup> <http://www.ohchr.org/english/bodies/chr/docs/61chr/E.CN.4.2005.51.pdf>

<sup>8</sup> <http://www.dpi.org/en/resources/documents/NewsletterNo1-2005.doc>

<sup>9</sup> <http://www.dif.gob.mx/gruposvulnerables/media/declaraciondemontrealespagnol.pdf>

<sup>10</sup> [www.psyced.umontreal.ca/rpo/sommaires\\_der.htm](http://www.psyced.umontreal.ca/rpo/sommaires_der.htm)

**F.** The *Montreal Declaration on Intellectual Disability* was **cited** in the following documents:

- Speech from the delegate Minister to Youth Protection and Readaptation, Mrs. Margaret Delisle, National Quebec Assembly debate, Wednesday, March 16<sup>th</sup>, 2005, Vol. 38, N° 127.
- *Convergence D.I.*, Winter 2005, p. 19;
- FLASH-INFORMATIONS handicap n° 8, February 21<sup>st</sup> 2005, *Centre technique national d'études et de recherches sur les handicaps et les inadaptations*<sup>11</sup>
- *La Presse*, Sunday, January 16<sup>th</sup>, 2005, p. 12;
- *Info-CRADI*, November 2004, p. 3;
- *Disnet Press* (Uruguay newsletter on disability), November 2<sup>nd</sup>, 2004, #979;
- *Dialect*, *Newsmagazine of the Saskatchewan Association for Community Living*, Winter 2004, p. 8;
- *L'actualité médicale*, November 10<sup>th</sup>, 2004, p. 23;
- Website for the CRDI Gabrielle-Major<sup>12</sup>;
- Website for the CRDI La Myriade<sup>13</sup>;
- Website for the FQCRDI<sup>14</sup>;
- *Embassy - Diplomacy this Week*, October 13<sup>th</sup>, 2004.

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<sup>11</sup> <http://www.ctnerhi.com.fr/enews/20050221/index.php>

<sup>12</sup> <http://www.crgm.qc.ca/n2a.html>

<sup>13</sup> <http://www.crlamyriade.qc.ca/cendoc2.htm>

<sup>14</sup> [www.fqcrdi.qc.ca](http://www.fqcrdi.qc.ca)

**G.** The *Montreal Declaration on Intellectual Disability* **was sent** to the following organizations/individuals:

- The President of the United Nations Ad Hoc Committee for a *Global and Integrated International Convention on the promotion and protection of the rights and dignity of individuals with a disability*, Ambassador Luis Gallegos Chiribogas;
- The United Nations Ad Hoc Committee for a *Global and Integrated International Convention on the promotion and protection of the rights and dignity of individuals with a disability* Yahoo discussion group;
- The American federal agencies responsible for health and long term care (CMS/Medicaid) as well as to groups associated with the *Developmental Disability Act* within each of the American States;
- Mailing from the Conference President, Dr. Gaston Harnois to:
  - The World Health Organisation (Director);
  - The Pan-American Health Organisation (Director);
  - The World Psychiatric Association;
  - The Canadian Embassy in the United Nations
  - The Prime Minister of Canada, Mr. Paul Martin;
  - The Prime Minister of Quebec, Mr. Jean Charest;
  - The Mayor of Montreal, Mr. Gérald Tremblay;
- Mr. Santiago Canton, Executive Secretary to the Inter-American Commission on Human Rights of the Organization of American States;
- Mr. Victor Hugo Flores, Mexican expert on disability;
- Mr. Gordon Kyle, Community Living Ontario;
- Ms. Maria Véronica Reina, head of the International Disability Rights Monitor and member of the Center for International Rehabilitation.

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