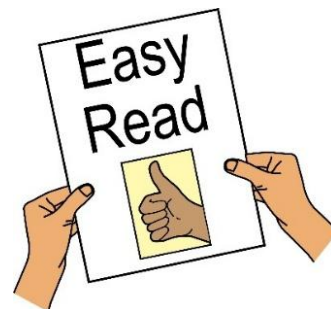


Title of document:

**Advisory Opinion No. 31 of the Inter-American Court of Human Rights:
The Right to Care and Persons with Disabilities**



Words and phrases used in this document

These words are highlighted in **bold** in the document.

Advisory Opinion (or the **Opinion**) – this is a document where a court gives guidance on a point of law. It helps people and organizations understand the law better before making decisions or creating policies.



Convention on the Rights of Persons with Disabilities (CRPD) – an international agreement that says that people with disabilities must be treated equally and have the same human rights and freedoms as everyone else.

Gender inequality – when people are not treated the same or fairly because of their gender (for example, male or female).

Global care agenda (or care agenda) – this is a worldwide movement that says all care work should be recognized, rewarded, and shared out more.

Inter-American Court of Human Rights of the Organization of American States (IACtHR) - we will call this the “Court” in the rest of the document.

Background to this document



Many people need care to live their daily lives.



Most care is done by women and girls.
Care work is not shared fairly.



More people need care because of
disability, illness or ageing.



Without proper support, families do unpaid
care or carers are poorly paid. This causes
inequality.



The global care agenda says governments should:



- recognize care as important
- share care fairly between men and women



- support and pay carers and people who receive care



- respect people's dignity

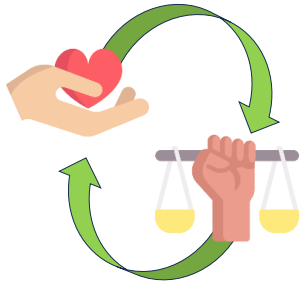


- make care available in the community



The Inter-American Court of Human Rights recently made important points about care and disability. This document explains them.

Main points



1. The Court says that:

- Everyone has the right to get care and to give care with respect and independence.
- Care work is important work, paid or unpaid.
- The State and society must support carers and people who need care.
- People who need care must get good support to live independently and be part of their community.

2. Social model of disability



The Court uses the social model of disability. This means people are not disabled by their bodies, but by barriers in society.



This follows the Convention on the Rights of Persons with Disabilities (CRPD).



3. Disabled people have rights

People with disabilities are not just care users – they have rights and can make their own life choices.



Care should help people with disabilities:

- live independently
- be part of the community
- give care
- look after themselves



Care must focus on what disabled people and carers need, not what services want.

4. Independence and making choices



Independence means having control, not doing everything alone.



People have the right to make their own choices in daily life and in society.

The Court says systems must not take away control or allow abuse.



5. Duties of States about disability rights

States should:



- Make good care easy to get and affordable
- Let people with disabilities choose their care



- Support disabled people's independence



- Make sure all care places are safe free from abuse



Disability
≠
Illness



6. Important things about disability rights are missing from the Opinion

- It does not always look at things from a disability point of view.
- It mixes disability with illness, which are different things.
- It does not focus on disabled people's right to get support to give care.
- It does not explain disabled people's right to self-care.
- It does not clearly promote community living, nor the ending of institutions.
- It uses the term "dependency" which disabled people don't like.

7. Countries following the Court's Opinion

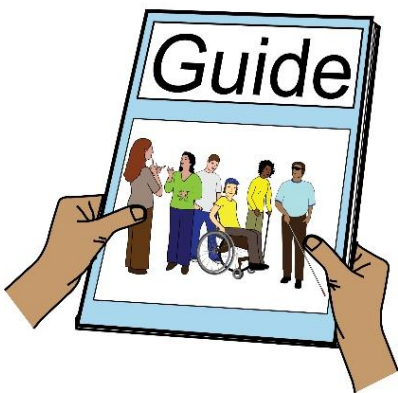
All countries that have agreed the American Convention on Human Rights should follow the Opinion.

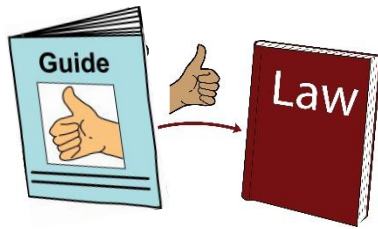


They are these 23 countries in Latin America and the Caribbean: Argentina, Barbados, Bolivia, Brazil, Chile, Colombia, Costa Rica, Dominica, Dominican Republic, Ecuador, El Salvador, Grenada, Guatemala, Haiti, Honduras, Jamaica, Mexico, Nicaragua, Panama, Paraguay, Peru, Suriname, and Uruguay.

8. The Opinion is a guide but is not the law

- The Opinion is not a law, so most countries do not have to follow it.
- But countries should still follow it because it explains how to protect human rights.





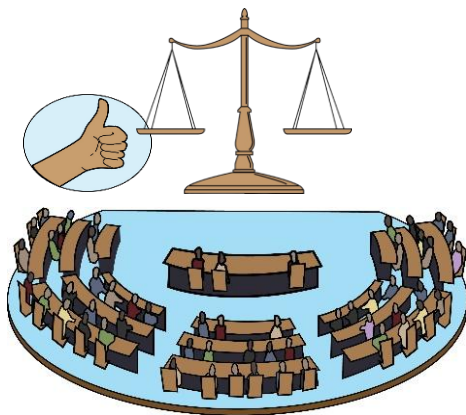
- Courts can use the Opinion to check their own country's laws are fair and respect rights.



- But in Costa Rica, the Court's Opinions **are** the law, so the government must follow it.

9. Using the Opinion to improve rights

Organizations of People with Disabilities (OPDs) can use the Opinion in their own countries to:



- make their governments think about disabled people's rights when they're creating the care system



- argue for better laws and support for independent living



- tell others that care is a human right



10. The Opinion affecting other countries

The Opinion could affect countries all over the world, not just in Latin America.



Other countries and human rights organizations like the United Nations may follow its ideas about the right to care and disability rights.



The Court's past decisions have already changed human rights laws in many regions.



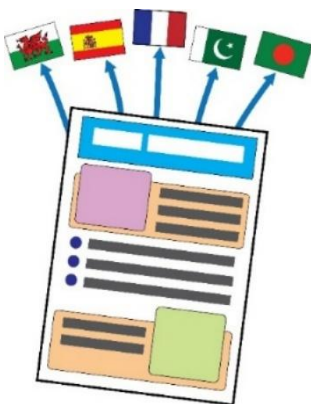
11. The full Opinion document

The full Advisory Opinion 31 is available in Spanish in this link:

- [Spanish version](#)

These languages will be available soon (click the links below):

- [English version](#)
- [Portuguese version](#)





12. Documents from disability groups that helped the Court

Some disability organizations wrote to the Court to explain what people with disabilities need from care systems. This information is in [this document link](#).



You can find all the documents sent to the Court that helped the Opinion in [this link](#).

Conclusion



The Court says in this Opinion:

People with disabilities have the right to care and support that helps them live independently, with dignity, and be part of the community.



It asks States to build care systems that:

- respect rights
- value care work
- support inclusion and equality



Although the Opinion misses out some things about disability rights, it is a strong step forward.

It helps bring together women's rights and disability rights to push for fairness and independence for everyone.