



“Drop the draft”

The United Nations vs the Council of Europe

The danger of the “Draft Additional Protocol to the Oviedo Convention concerning the protection of human rights and dignity of persons with mental disorder with regard to involuntary placement and involuntary treatment”

Why the Draft Additional protocol is dangerous for our rights:

- Attempt to override the standards of the UN CRPD and maintain the status quo in psychiatry
- Serious threat against non-discrimination, equal recognition before the law, liberty and security of persons, right to health and prohibition of torture and ill-treatment
- Discriminatory in nature: only people with “mental disorder” can be forcibly detained on the grounds of risk prevention, and forcibly treated
- Reflects the old, medical model of disability where persons were considered objects of care rather than holders of rights
- Authorizes mental health detention and non-consensual psychiatric treatment - viewed as a form of “therapy” or “care”. This runs contrary to the UN CRPD, which calls for an end to involuntary placement and treatment!

POTENTIAL CONSEQUENCES

- **If accepted by Council of Europe Member States =**



confusion among policymakers and in the legal field with conflicting standards



significant delay, if not full stop of mental health reforms underway



will not contribute to the protection of our human rights - will support the status quo of power imbalances and ongoing neglect of the real needs of persons with psychosocial disabilities



“European human rights” would be of lower quality than human rights standards on the international level

What have we done?

Since 2014 - many “consultations” with the Bioethics Committee (DH-BIO) in Strasbourg at our own expense = total lack of meaningful involvement of our organizations – they will not listen!

DH-BIO’s new plan to produce a “compendium of good practices”

In addition to ENUSP, many organizations have spoken out against this draft:

- European Disability Forum (EDF)
- Mental Health Europe (MHE)
- International Disability Alliance (IDA)
- Disability Rights International (DRI)
- Human Rights Watch (HRW)
- European Network of Independent Living (ENIL)
- Inclusion International
- European Association Of Service Providers For Persons With Disabilities (EASPD)
- Autism Europe
- Validity (ex MDAC)
- European Network of National Human Rights Institutions (ENNHRI)
- Other organizations, particularly concerned with women’s rights

Who else has tried to help?

Even the United Nations has spoken out against the draft:

OHCHR, CRPD Committee, Special Rapporteur for the Rights of Persons with Disabilities, Special Rapporteur on the right to everyone to the enjoyment of the highest attainable standard of physical and mental health, and the Working Group on arbitrary detention

As well as bodies of the Council of Europe itself: Parliamentary Assembly (PACE), Commissioner for Human Rights



What can you do?

- Find out more about it**
- Write and petition from your country:**
 - Members of the Bioethics Committee
 - Ministry of Health, Ministry of Foreign Affairs
 - Ombudsperson
 - Human Rights Council
 - National Prevention Mechanism against Torture
 - National Disability Councils
 - Organizations of persons with disabilities
 - Mental health, LGBTI and other organizations
 - Associations of Lawyers

Join us to Drop the Draft



**Please help us to defend our common European Dream
of full human rights for every European citizen.**

**Help us to convince the Council of Europe to show
leadership in the promotion of universal human rights in
line with core UN treaties.**