



Brussels, 24 January 2020

On behalf of the **European Disability Forum**, umbrella organisation of persons with disabilities defending the interests of over 100 million persons with disabilities in the European Union, together with our members, in particular **Mental Health Europe**, the **European Network of (Ex)-Users and Survivors of Psychiatry**, **Inclusion Europe** and **Autism-Europe**.

We appreciate the reflection and thought that have been devoted since the last meetings, and the comments sent by several delegations on the need to ensure that the draft protocol complies with the UN Convention on the Rights of Persons with Disabilities and other international human rights laws.

We would like to recall that our opposition to the draft Additional Protocol is not based on general “principles” but on clearly established human rights obligations. Even though translating law into practice may be challenging, especially in the realm of mental health, this must be our main and only objective. Along these lines, we see that more references have been made to “mental health care” in the revised draft protocol, the proposed change of title, and the reference to the importance of ensuring access to mental health care services of high quality added in the preamble.

However, the latest revisions in the draft are again symbolic and we remain opposed to the content of the protocol which provisions still authorise involuntary placement and treatment based on an alleged “inability to decide”. Regulating (instead of prohibiting) human rights violations is not, and never will be, acceptable.

In alignment with the Parliamentary Assembly resolution calling to end coercive practices in mental health care as adopted on 26 June 2019, we call on the Council of Europe to lead the struggle for human rights for all people, without exception and on the Committee of Bioethics to withdraw the draft additional protocol and reallocate all efforts to the study on good practices in mental health care and based on this, a future recommendation for member states to move forward with these good practices while continuing to implement the UN Convention on the Rights of Persons with Disabilities.