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**Brussels, 27 of November 2024**

## Subject: Joint position on approval of the draft Recommendation on respect for autonomy in mental healthcare - CDBIO meeting of 26th of November 2024

The European Disability Forum (EDF), Mental Health Europe (MHE), the European Network of (Ex-)Users and Survivors of Psychiatry (ENUSP), the European Association of Service Providers for Persons with Disabilities (EASPD), Autism Europe, and Inclusion Europe welcome the continued work of the Council of Europe’s Steering Committee for Human Rights in the fields of Biomedicine and Health (CDBIO), to promote autonomy and human dignity in mental health services.

The tide is turning, ushering in a worldwide paradigm shift to a human rights-based approach to mental healthcare. We warmly welcome CDBIO’s approval of the new draft Recommendation on respect for autonomy in mental healthcare as part of the Council of Europe’s commitment to that shift.

The Recommendation is a necessary step in a new direction that will help to reform European mental health systems and prevent stigma, discrimination and coercion in services. Similarly, it fosters coherence with the other Council of Europe bodies, in their calls for greater alignment with the United Nations Convention on the Rights of Persons with Disabilities (CRPD)[[1]](#footnote-2), to which all Member States are party. Finally, CDBIO developed the Recommendation in proactive and close consultation with a variety of stakeholders, including the undersigned organisations of and for persons with disabilities.

While the Recommendation is not fully aligned with the CRPD, we applaud the clear references to human rights standards and good practices in promoting respect for autonomy in mental healthcare, such as the WHO QualityRights Initiative, as well as the use of rights-based language to ensure strong protections.

We look forward to the evaluation of the Recommendation by the Committee of Ministers and urge Member State representatives to formally adopt it in their upcoming meeting. At that point, we remain available for further consultation and involvement to establish an infrastructure for its implementation and monitoring. Considering the significant work done by CDBIO, this aspect is crucial to achieve the aims of the Recommendation and the related required reforms.

Although we are pleased with the approval of the Recommendation, it stands in stark contradiction to proposals to advance the draft Additional Protocol to the Oviedo Convention. While the Recommendation seeks to prevent coercion, the draft Additional Protocol outlines the very conditions under which it may be deemed acceptable. Not only would it foster incoherence with the Recommendation and various other Council of Europe efforts, but it would also guarantee the continuation of involuntary treatment and placement in psychiatry on the basis of disability, likely increase coercive practices overall, solidify the institutionalisation of persons with disabilities, and create legal conflicts between Member State obligations under the Oviedo Convention and the CRPD.

**We therefore urge the Committee of Ministers to adopt the Recommendation and abandon all future work on the draft Additional Protocol**.

We welcome the Recommendation “with the ultimate goal of eliminating the use of coercion in mental healthcare,” rather than draft Additional Protocol. We celebrate its approval and look forward to a world free from coercion, free from deprivation of liberty, free from stigma and discrimination for persons with psychosocial disabilities and mental health problems.

Sincerely,

**John Patrick Clarke, Vice-President of European Disability Forum**

**Andrej Vršanský, President of Mental Health Europe**

**Olga Kalina, Chair of the European Network of (Ex-)Users and Survivors of Psychiatry**

**Kirsi Konola, President of European Association of Service providers for Persons with Disabilities**

**Harald Neerland, President of Autism-Europe**

**Jyrki Pinomaa, President of Inclusion Europe**

1. See the recent decision of the European Committee of Social Rights on Complaint No. 188/2019 and the most recent Parliamentary Assembly Recommendation 2275 (2024) on “Ending the detention of “socially maladjusted” persons.” [↑](#footnote-ref-2)