



#WhatWENeed

Context: Dorothy Gould's 3-minute presentation to the CRPD Committee in Geneva on Liberation's behalf.

I am going to be talking about the Westminster government's draft Mental Health Bill for England and Wales. The government is promoting this Bill as a major step forward from existing law, the Mental Health Act 1983. However, in reality, the Bill remains non-compliant both with Article 19 and with recommendation 114(c) in the inquiry report – and that will be the position even if the government adopts further recommendations from the parliamentary Committee which has scrutinised the Bill. Key concerns for Liberation are that, like planned and new mental health law in the rest of the UK, the Bill continues to be based on:

- A medical model instead of a social model approach, one which is non-compliant with the Committee's deinstitutionalisation guidelines as well as Article 19 and General Comment 5
- A mental capacity instead of a legal capacity approach which is also in breach of Article 12
- The assumption that people with psychosocial disabilities and many with intellectual disabilities should still be forcibly detained and treated in psychiatric hospitals to protect themselves and others, even though this contravenes both Article 19 and Articles 12, 13 and 14 and has no adequate research basis in any case. The government has misguidedly maintained, too, that the need to end disability-based detention and forced treatment is not intrinsic to the Convention, just an interpretation made by the CRPD Committee.

The draft Bill is also based on:

- A failure to acknowledge that recent, appalling evidence of neglect, abuse and high levels of deaths among detained patients also makes absolutely clear how essential it is to enact completely new mental health law which complies with the Convention
- A failure to include an intersectional focus, which again contravenes the Convention



#WhatWENeed

- A complete lack of acknowledgement that, not only should disability-based detention and forced treatment end, but that, in line with the Committee's deinstitutionalisation guidelines, reparation should be available for the human rights violations intrinsic to these
 - In breach, too, of Articles 4(3) and 33(3), there is a failure throughout the government's consultation processes to give meaningful weight to those of us with psychosocial and intellectual disabilities who have been campaigning tirelessly for mental health law to comply with the UNCRPD. Until it does, independent living and community inclusion on an equal basis with others will not be a reality for people with psychosocial disabilities and people with intellectual disabilities.
-