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WITHDRAW THE ADDITIONAL PROTOCOL TO THE OVIEDO CONVENTION

The [Council of Europe](#) – Europe's leading human rights organisation, composed of 47 Member States from the European region with the role of upholding human rights, democracy and rule of law – may soon be setting a dangerous precedent that will greatly undermine the rights of persons with disabilities.

The precedent relates to the adoption of a **draft additional protocol to the Oviedo Convention**. If adopted, this additional protocol will authorize some forms of involuntary placement and treatment of persons with disabilities.

We want this draft to be withdrawn and for Member States to consider other alternatives that comply with the human rights of persons with disabilities.

What is the Oviedo Convention and its Additional Protocol?

The Convention on Human Rights and Biomedicine, better known as the Oviedo Convention, is the only international legally binding instrument on the protection of human rights in the biomedical field. It establishes that human rights must come before other considerations in the field of biomedicine. It lays down a series of principles and prohibitions concerning bioethics, medical research, consent, rights to private life and information, organ transplantation, public debate etc.

To provide better guidance, a series of additional protocols have been adopted related to specific topics. Examples include [Prohibition of Cloning Human Beings](#), [Transplantation of Organs and Tissues of Human Origin](#), and [Genetic Testing for Health Purposes](#) among others.

What are we campaigning against?

We are not campaigning against the Oviedo Convention. We are campaign against a proposed draft additional protocol entitled "**Draft Additional Protocol concerning the protection of human rights and dignity of persons with mental disorder with regard to involuntary placement and involuntary treatment.**"

Why are we campaigning against it?

We are highly concerned about this development and strongly oppose the adoption of this draft protocol for the following reasons:

Forced treatment and forced placement of persons with disabilities is prohibited under the UN Convention on the Rights of Persons with Disabilities (CRPD). It breaches, among others, the rights of non-discrimination, legal capacity, liberty and security, and health, enshrined in the Convention of the Rights of Persons with Disabilities. The CRPD is ratified by 46 of 47 Member States of the Council of Europe.

The adoption will create a legal conflict between the obligations of States under the regional level (Council of Europe) and the international level (CRPD). Two different standards will apply in European States that ratified the CRPD.

It risks to solidify institutionalisation of persons with disabilities, while the practice is condemned by the CRPD, the Committee on the Rights of Persons with Disabilities and the Special Rapporteur on the Rights of Persons with Disabilities.

What has been the response of the Council of Europe?

Despite our efforts to engage with the Council of Europe, our views have not been taken into account.

In May 2018, we sent an [open letter](#) to the Secretary General of the Council of Europe to express our disapproval, along with the European of (Ex)-Users and Survivors of Psychiatry, Mental Health Europe, Inclusion Europe, Autism-Europe and the International Disability Alliance.

The Council explained that, as long as Member States do not oppose – more particularly the Council of Ministers representing Member States – the Committee on Bioethics will continue working on the draft and finalise it by November 2018.

Who shares our concerns?

Our opposition to the draft is shared by international experts such as the UN Committee on the Rights of Persons with Disabilities, the [Special Rapporteur on the rights of persons with disabilities](#) and the [Special Rapporteur on the Right to Health](#). In September 2017, with the Working Group on Arbitrary Detention, they sent [a joint letter to the Secretary General of the Council of Europe](#) opposing the draft additional protocol. In 2016, the Parliamentary Assembly of the Council of Europe had already [recommended to withdraw the draft](#).

What can be done to help?

1. Participate in our twitter [#WithdrawOviedo](#) Campaign.
2. **Contact the relevant ministries (foreign ministry, health, social affairs and inclusion), raise the issue and tell your government why they should oppose the adoption of the draft and ratification of the protocol.**
3. **Send us updates on the position of their government on the additional protocol and any work organisations of persons with disabilities undertook at this regards**

Useful links

Read more about why forced treatment and placement needs to be prohibited:

Statement by the [UN Committee on the Rights of Persons with Disabilities calling States parties to oppose the draft Additional Protocol to the Oviedo Convention](#). (Word)

Joint Statement - [Disability organisations welcome Bulgaria's objection to the draft Additional Protocol to the Oviedo Convention](#)

Human Rights Watch - [Bulgaria Stands up for the Rights of People With Disabilities](#)

CRPD Committee, [Guidelines on article 14 of CRPD on the right to liberty and security of persons with disabilities](#)"

Special Rapporteur on the right to health, [Report on mental health](#)

European Network of (ex)-Users and Survivors of Psychiatry, [Campaign against the Draft Additional Protocol to the Oviedo Convention](#)

Mental Health Europe, "[Compulsory psychiatric treatment and its alternatives – the facts](#)"

Mental Health Europe "[Mapping & Understanding Exclusion in Europe](#)"

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