



Subject: Withdrawal of the draft Additional Protocol to the Oviedo Convention addressing the “human rights and dignity of persons with mental disorders”

Dear X,

We are writing to you on behalf of [name of your organisation] and the European Disability Forum, of which we are a member organisation. We write you jointly as we are very concerned about the ongoing negotiations at the Council of Europe of the Additional Protocol to the Oviedo Convention addressing the “human rights and dignity of persons with mental disorders” with a focus on involuntary placement and treatment.

In 2013, the Committee on Bioethics of the Council of Europe (DH-BIO Committee) took the decision to draft an Additional Protocol to the Oviedo Convention addressing the “human rights and dignity of persons with mental disorders” with a focus on involuntary placement and treatment. Public consultations have been taking place since 2015 and several stakeholders called for the withdrawal of the draft Additional Protocol, including the UN Committee on the Rights of Persons with Disabilities, the Special Rapporteur on the rights of persons with disabilities, the Special Rapporteur on the right to everyone to the enjoyment of the highest attainable standard of physical and mental health, the Working Group on arbitrary detention, the Council of Europe’s own Parliamentary Assembly and many representative organisations of persons with disabilities.

The text and the spirit of the Additional Protocol go against the UN Convention on the Rights of Persons with Disabilities, that has been ratified by 46 of the 47 Member States of the Council of Europe. Although the CRPD is explicitly referred to in the Protocol’s preamble, the draft’s provisions explicitly violate article 14 (liberty and

security of the person), article 15 (freedom from torture or cruel, inhumane or degrading treatment or punishment), article 17 (protecting the integrity of the person) and article 25 (right to health) of the CRPD.

Besides the negative impact the adoption of such protocol will have on the rights of persons with disabilities, it will also create two conflicting human rights frameworks at the European and international levels, causing confusion and jeopardizing reforms already started in many countries.

Despite these strong arguments put forward by international experts, representative organisations of persons with disabilities and citizens of Europe, the Bioethics Committee is currently finalising its work on the Additional Protocol, under the mandate its received from Member States of the Council of Europe.

It is under these circumstances that **we urge you to oppose to the adoption of the additional protocol at the level of the Council of Ministers.**

We are ready to meet with you to further explain our concerns, and eventually assist you in developing policies in compliance with your obligations under the UN Convention on the Rights of Persons with Disabilities.

Yours sincerely,

[Signature and name of your organisation]