

DOC-BOARD-19-11-12

Alternatives to forced treatment

Document for information and discussion

Purpose of this item

EDF has been continually [working to oppose the draft additional protocol to the Oviedo Convention](#), because it endorses coercive treatment and placement of persons with disabilities. The purpose of this discussion today is to present and discuss the latest developments on alternatives to forced treatment and placement in Europe, and the work that EDF and its members undertake in this regard. This should help us in our fight to end coercive treatment.

Questions for the Board

- Do you have suggestions on how we can improve our advocacy for voluntary care and treatment?
- Do you wish to share any developments, positive or negative from your country?

Background

In [most European countries](#), forced psychiatric detention and/or treatment is legally permitted on grounds of an actual or perceived psychosocial or intellectual disability.

In some countries, community treatment orders (CTOs) are used. Community treatment orders compel persons to receive medical treatment in the community, and to keep the person out of the hospital. The persons receiving CTOs is required to report for treatment and is subjected to other restrictions such as drug or alcohol tests. By failing to comply, the person might be sent back against his or her will to the hospital.

Unequal detention regimes for people with psychosocial disabilities exist as part of penal systems. These persons are declared ‘unfit to stand trial’ and are unlawfully detained on the basis of this declaration.

Forced treatment and forced detention 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. These violations were also addressed in the [report of the UN Special Rapporteur on the Rights of Persons with Disabilities on the right to liberty and security](#).

Some positive developments are taking place to move away from forced treatment and detention and instead provide voluntary care and treatment of persons facing distress and crisis situations. In 2018, the University of Melbourne published [A Literature Review on alternatives to coercion in mental health setting](#).

Alternatives in the European context will be presented during the Board and are more detailed below. It should be noted however that none of these developments and changes in mental health systems fully prohibit and end forced treatment and detention, as required by the CRPD.

Recent developments

During this Board item, we will hear from:

- [ENUSP](#) to present its [work](#) calling out for an end to forced treatment and detention in Europe.
- MHE to present its report on [‘Promising practices in prevention, reduction and elimination of coercion across Europe’](#): MHE has collected information on promising practices. The report presents ways to reduce coercion, if the practice had been evaluated, what were factors contributing to its success and what were the challenges.



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- EDF Vice President, Pat Clark will talk about [EDF and its members work](#) towards the withdrawal of the [draft additional protocol to the Oviedo Convention](#).
- [Mieli](#) – Mental Health Finland to bring the recent positive developments in Finland.