



**Center for the Human Rights of
Users and Survivors of Psychiatry**

A Time to Act: Special Rapporteur on Torture Calls for an Absolute Ban on Forced Psychiatric Interventions

Special Rapporteur on Torture Juan Méndez called for an absolute ban on nonconsensual drugging, electroshock and psychosurgery, as well as restraint and solitary confinement, in his statement and report presented to the Human Rights Council on March 4, 2013. He urged governments to repeal laws that allow confinement and compulsory treatment in mental health facilities.

Mr Méndez's report highlighted torture in healthcare settings, and expanded on the work by his predecessor Manfred Nowak, and an earlier Rapporteur P. Kooijmans, who also considered forced psychiatric interventions to be a form of torture and ill-treatment. Mr Méndez has translated the earlier standards into concrete recommendations for action (paragraphs 85(e) and 89 (b), (c) and (d) of the report).¹

Mr Méndez also built on the work of the Committee on the Rights of Persons with Disabilities, which has consistently urged governments to ensure that mental health services are based on free and informed consent of the person concerned, and to repeal legal provisions authorizing commitment and forced treatment.

The significance of this report lies in bringing forward concrete recommendations to ban forced interventions and institutionalization under the framework of the obligations to ensure that no one is subjected to torture and ill-treatment. Mr Méndez emphasized that the abuses highlighted in the report always amount at least to inhuman and degrading treatment and arguably meet the criteria for torture. By making this classification, Mr Méndez invokes the full force of the obligation imposed on every government to prohibit and effectively prevent acts of torture and ill-treatment.

One implication is that there is a right to reparations for survivors of forced psychiatry. Mr Méndez calls attention to the standards set by the Committee against Torture establishing that all individuals victimized by torture and ill-treatment have a right to reparations, and says:

¹ In his statement to the Human Rights Council, Mr Mendez clarified certain inconsistencies in the report. In particular, he noted that detention on mental health grounds is unjustified, and that it cannot be justified by severity of mental illness or by a motivation to protect the safety of the person or others.

This framework opens new possibilities for holistic social processes that foster appreciation of the lived experiences of persons, including measures of satisfaction and guarantees of non-repetition [as well as restitution, compensation and rehabilitation], and the repeal of inconsistent legal provisions.

It is time to act: time for governments to recognize the utter injustice of forced psychiatry, time for all UN bodies to join in the call for abolition, and time for the psychiatric user/survivor movement to claim the rights to which we are entitled under international law. It is time to put in the place everywhere the kinds of support that we have found valuable, safe and necessary, so that the temptation to use coercion and harsh treatments can be set aside. It is time for the oxymoron of violence in the name of mental health to stop.

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The **Center for the Human Rights of Users and Survivors of Psychiatry (CHRUSP)** provides strategic leadership in human rights advocacy, implementation and monitoring relevant to people experiencing madness, mental health problems or trauma. In particular, CHRUSP works for full legal capacity for all, an end to forced drugging, forced electroshock and psychiatric incarceration, and for support that respects individual integrity and free will.

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