

Recommendation 2158 (2019)¹

Ending coercion in mental health: the need for a human rights-based approach

Parliamentary Assembly

1. The Parliamentary Assembly refers to its [Resolution 2291 \(2019\)](#) “Ending coercion in mental health: the need for a human rights-based approach” and its [Recommendation 2091 \(2016\)](#) on the case against a Council of Europe legal instrument on involuntary measures in psychiatry.
2. The Assembly reiterates the urgent need for the Council of Europe, as the leading regional human rights organisation, to fully integrate the paradigm shift initiated by the United Nations Convention on the Rights of Persons with Disabilities (CRPD) into its work regarding the protection of human rights and dignity of persons with mental health conditions or psychosocial disabilities. It thus calls on the Committee of Ministers to prioritise support to member States to immediately start transitioning to the abolition of coercive practices in mental health settings.
3. The Assembly notes with satisfaction that the Council of Europe Committee on Bioethics (DH-BIO) is planning to engage in a study entitled “Good practices in mental healthcare – how to promote voluntary measures”. It invites the Committee of Ministers to encourage the DH-BIO to carry out such a study, with the involvement of all relevant actors in the field and, in particular, relevant non-governmental organisations representing persons with mental health conditions or psychosocial disabilities.
4. The Assembly notes the continued widespread opposition to the pursuance of work on an additional protocol to the Convention for the Protection of Human Rights and Dignity of the Human Being with regard to the Application of Biology and Medicine (ETS No. 164, “Convention on Human Rights and Biomedicine”) concerning the protection of human rights and dignity of persons with mental disorder, with regard to involuntary placement and involuntary treatment. Taking into consideration the comments received during the consultations in 2015 and 2018 (including from the Assembly’s competent committees), which underline the draft protocol’s incompatibility with the CRPD and its incapacity to protect persons with mental health conditions or psychosocial disabilities from violations of their human rights, the Assembly invites the Committee of Ministers to redirect efforts from the drafting of the additional protocol to the drafting of guidelines on ending coercion in mental health.

1. *Assembly debate* on 26 June 2019 (23rd Sitting) (see [Doc. 14895](#), report of the Committee on Social Affairs, Health and Sustainable Development, rapporteur: Ms Reina de Bruijn-Wezeman; and [Doc. 14910](#), opinion of the Committee on Equality and Non-Discrimination, rapporteur: Ms Sahiba Gafarova). *Text adopted by the Assembly* on 26 June 2019 (23rd Sitting).

