



UNITED NATIONS HUMAN RIGHTS TREATY BODIES

The Council of Europe must immediately halt any action that perpetuates coercion in mental health: Open letter from the Committee on the Rights of Persons with Disabilities urging Member States of the Council to oppose and withdraw the draft Additional Protocol to the Oviedo Convention and to uphold their human rights obligations under the Convention on the Rights of Persons with Disabilities.

1 July 2026

The Committee on the Rights of Persons with Disabilities (the Committee) recalls that the Convention on the Rights of Persons with Disabilities (UNCRPD) is the primary universal human rights treaty protecting the human rights, fundamental freedoms and dignity of persons with disabilities, without discrimination. The Convention is legally binding on its States Parties.

The Committee recalls its longstanding concern regarding the draft Additional Protocol to the Council of Europe Convention on Human Rights and Biomedicine, commonly referred to as the Oviedo Convention, concerning “the protection of the rights and dignity of persons with disabilities in relation to involuntary placement and involuntary treatment in mental health services”. The Additional Protocol was presented as an instrument to regulate practices affecting persons with psychosocial disabilities and persons with intellectual disabilities. It, however, retains coercive psychiatric measures that are incompatible with the Convention on the Rights of Persons with Disabilities adopted on 13 December 2006.

The Committee reminds that the UNCRPD prohibits involuntary placement and involuntary treatment of persons with disabilities on the basis of disability, without exceptions. Involuntary placement and involuntary treatment, whether as measures of last resort or subject to certain safeguards are still incompatible with the human rights model of disability set out in the UNCRPD, which prohibits coercion in mental health services. Such measures infringe on the prohibition of deprivation of liberty on the basis of impairment (art. 14 (1) (b) of the Convention), alone or in conjunction with other

criteria such as perceived dangerousness or therapeutic need, as stated in the Committee's Guidelines on article 14. They also violate the requirement that health services or treatments be based on the free and informed consent of the person concerned (art. 25 (d) of the Convention).

Involuntary placement and involuntary treatment, including as measures of last resort or subject to safeguards, also constitute forms of discriminatory treatment and violence against persons with disabilities, as they perpetuate institutional power imbalances that have been widely documented as exposing persons with disabilities to torture and ill-treatment.

The draft Additional Protocol is inconsistent with the UNCPRD, and its adoption and implementation will render States parties to the UNCPRD, which are Member States to the Council of Europe in breach of their obligations under the Convention on the Rights of Persons with Disabilities. States parties to the UNCPRD are under the general obligation to refrain from engaging in any act or practice that is inconsistent with the Convention (article 4 (1) (f)). States parties cannot derogate from their obligations under the Convention, and even worse in 2026 – 20 years after the adoption of the Convention – by creating exceptions, through a Protocol to a regional treaty, alleging that coercion is compatible with human rights, or pretending that the current text of the draft Additional Protocol is aligned with the UNCPRD.

States parties promoting the draft Additional Protocol are ignoring the voices of persons with disabilities and their representative organizations, which have actively engaged in public consultations and called for the process of the draft Additional Protocol to be discontinued. From the outset, organizations of persons with disabilities and other civil society organizations, as well as National Human Rights Institutions, raised grave concerns as the draft Additional Protocol does not move towards the elimination of coercion in mental health settings but rather seeks to preserve it under a regional human rights framework. This is a breach of the obligation of States Parties under article 4 (3) of the UNCPRD, which requires them to closely consult with and actively involve persons with disabilities in public decision-making.

In a broader context, the Committee regrets that States promoting the draft Additional Protocol have not yet abandoned the medical model of disability, as required by the Convention. They continue to reinforce the idea that persons with disabilities are inherently dangerous or incapable of autonomous decision-making and may therefore be subjected to involuntary placement and involuntary treatment, in violation of the Convention. In this respect they have failed to recognize that bioethics in relation to mental health has changed radically since the process leading to the draft Additional Protocol began in 1994 with the proposal of the Council of Europe's Committee on Bioethics (now Steering Committee on Bioethics 'CD-BIO') for the preparation of an "appropriate instrument" for the "protection of persons suffering from mental disorder

placed as involuntary patients”, and then the 2004 Recommendation of the Committee of Ministers Rec. (2004)10.

The World Health Organization’s Comprehensive Mental Health Action Plan 2013–2030, emphasizes that mental health services, including for persons with disabilities, must be provided in the community and be free from coercion. The 2023 joint WHO-OHCHR guidance *Mental health, human rights and legislation: guidance and practice* also call for legislative reform to end coercion in mental health services, replace psychiatric institutions with inclusive community support systems, and enshrine free and informed consent as the basis of all mental health-related interventions. Likewise, governing bodies of the international community have reaffirmed the need to move away from coercion in mental health, such as the United Nations General Assembly in its Resolution A/RES/77/300 (2023) and the Human Rights Council, in its 2026 Resolution 61/18 on mental health and human rights.

The Committee is the body established by the Convention (art. 34) and mandated to assist States parties in fulfilling their obligations pursuant to the Convention. It, therefore, reiterates its call to States parties also member States to the Council of Europe to ensure that all standards adopted within the regional system are consistent with the CRPD. Contrary to this paradigm shift, the Steering Committee on Bioethics of the Council of Europe continues to promote the Additional Protocol setting a regional standard that contradicts the UNCRPD.

Evidence-based reports have concluded widespread violence experienced by persons with disabilities in institutions, along with harm and death caused by involuntary commitment and involuntary treatment. There are no therapeutic benefits and a lack of clinical evidence supporting use of coercion and involuntary institutionalization. A June 2026 report by the European Union Agency for Fundamental Rights (FRA), *Places of care = places of safety? Violence against persons with disabilities in institutions*, confirms that neglect, abuse and violence against persons with disabilities living in institutions are widespread across the European Union, and calls on Member States to end institutionalisation and prioritize inclusion in the community. In the same vein, the European Court of Human Rights’ landmark 2024 judgment in *Validity Foundation on behalf of T.J. v. Hungary* concluded that violence, ill-treatment and torture are associated with involuntary placement and involuntary treatment.

In February 2025, the Council of Europe’s Committee of Ministers requested an opinion from the Parliamentary Assembly (PACE), and in December 2025 the Assembly’s Committee on Social Affairs, Health and Sustainable Development, as it has done in the past, unanimously rejected the draft Additional Protocol, and called the Council of Europe to align its work to the UNCRPD, thereby confirming the growing recognition within the Council of Europe that this text is not aligned with contemporary human rights standards. In January 2026 the plenary PACE in a unanimous vote confirmed the

Assembly's position and it issued a negative opinion on the draft protocol as it stands. The PACE reiterated that "the Council of Europe, as the leading regional human rights organisation, must fully integrate the paradigm shift initiated by the UNCRPD into its work".

The Committee recalls its previous pronouncements addressing the Council of Europe and its Member States, since the beginning of the drafting process. It first intervened in the public consultation in 2015, then issued a statement in 2018, followed by an open letter in June 2021 together with the Special Rapporteur on the rights of persons with disabilities, and again in January 2025. In January and March 2026, the Committee reiterated its position and called once more for the withdrawal of the draft Additional Protocol. The Committee has consistently pointed out at the incompatibility of the draft text with the Convention on the Rights of Persons with Disabilities, which conflicts with the rights of persons with disabilities to equality and non-discrimination, equal recognition before the law, liberty and security of person, freedom from torture and ill-treatment, respect for physical and mental integrity, living independently and being included in the community, and the right to health. In its dialogues with States Parties, the Committee has explicitly reiterated this position.

The Committee further recalls that the appropriate response to individual crisis should respect the will and preferences of the person, including supported decision-making, peer support, community-based services, individualized crisis planning, access to legal and social support, and non-medical approaches that preserve autonomy and dignity. These alternatives are not peripheral to the Convention; they flow directly from articles 12 on equality before the law, article 13 access to justice, article 14 on liberty and security of person, article 19 on independent living, and from the obligation to ensure access to free and informed consent under article 25 on health.

The Committee reiterates that involuntary placement, involuntary treatment, seclusion, restraint and similar practices are not legitimate rights-based responses to distress or crisis, but discriminatory measures that deny legal capacity, undermine liberty, and may amount to cruel, inhuman or degrading treatment.

The Committee further notes with concern that by perpetuating coercion in its regional legal framework, the Council of Europe falls behind other regional human rights developments. The Protocol to the African Charter on Human and Peoples' Rights on the Rights of Persons with Disabilities in Africa explicitly protects the right to liberty and security of the person, reflecting a rights-based approach consistent with the Convention. The Inter-American Commission on Human Rights' report on the merits in Case 13.524 concerning persons under involuntary treatment at the Federico Mora psychiatric hospital in Guatemala concluded violations to the right of life, personal integrity, and health of persons with disabilities as a result of institutionalization, and referred the case to the Inter-American Court of Human Rights.

The Council of Europe shall hear the voices of pluralistic bodies, such as the PACE; human rights experts, and National Human Rights Institutions calling for the withdrawal of the Additional Protocol, and the strong opposition to the additional Protocol by persons with disabilities and their representative organizations; otherwise it may expect a massive backlash and serious reputational damage.

States parties to the Convention should redirect funding from institutions to social interventions and supports, including mental health services, in the community, which is more cost-efficient than investment in institutions.

The Committee therefore

- 1. Commends States parties to the UNCRPD and member States of the Council of Europe which have opposed the draft Additional Protocol and have called for its withdrawal.**
 - 2. Reiterates its call on the Council of Europe and its member States to withdraw the draft Additional Protocol, and reminds States pursuing its adoption that they are acting in breach of their international obligations under the UNCRPD.**
 - 3. Calls on the Council of Europe to redirect its work towards non-coercive, community-based and human rights-compliant approaches that end coercion in mental health and fully respect the dignity, autonomy, will and preference of persons with disabilities.**
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