

REFERENCE: CRPD/2025/JA/ro

The Secretary-General (Office of the High Commissioner for Human Rights, present its compliment to the Permanent Representative of the United Kingdom of Great Britain and Northern Ireland to the United Nations Office in Geneva and other international organizations, and wishes to refer to the below request of the Committee on the Rights of Persons with Disabilities.

Request pursuant to article 36, paragraph 1, of the Convention.

Pursuant to paragraph 1 of article 36 of the Convention on the Rights of Persons with Disabilities, which allows the Committee to request further information from States Parties relevant to the implementation of the Convention, the Committee respectfully request information about:

1. The measures adopted to ensure the removal from the text of the proposed “*Mental Health Bill*” (Bill 225), of provisions allowing for the deprivation of liberty of persons with disabilities on the basis of actual or perceived impairment, in conjunction with any other criteria, such as posing a danger to oneself or to others (e.g. “*serious harm may be caused to the health or safety of the patient or of another person*”, under section 5, Grounds of detention)
2. The measures adopted to ensure the removal from the text of the proposed “*Mental Health Bill*” references portraying persons with disabilities as “patients”, and measures to ensure that the “mental health bill”, is consistent with the standards and principles of the Convention on the Rights of Persons with Disabilities.
3. The measures adopted to secure that the proposed “Mental Health Bill” ensures that the provision of community-based mental healthcare services is available to everyone, including to persons with disabilities and that the provision of health services, including mental health services, is based on the free and informed consent of the person with disability concerned, through supported decision-making and not by third party interventions.
4. The measures adopted to ensure that persons with disabilities and their representative organizations are closely consulted and actively involved in the drafting process of this proposed legislation.

Previous Concluding observations and recommendations

In August 2017, the Committee adopted Concluding Observations in relation to the initial report of the State Party. It recommended that the State Party repeal legislation and practices that authorize non-consensual involuntary, compulsory treatment and detention of persons with disabilities based on actual or perceived impairment. A recommendation along the same lines was made in the 2024 Committee’s report on follow-up to the inquiry carried out in the territory of the State Party. (CRPD/C/GBR/RFIR/1, paragraph 90, h).

Paragraph 7 of the Committee's Guidelines on article 14 of the Convention on the Rights of Persons with Disabilities, states "During the negotiations of the Ad Hoc Committee on Disability leading up to the adoption of the Convention, there were extensive discussions on the need to include in the draft text of article 14 (1) (b) a qualifier, such as "solely" or "exclusively", in the prohibition of deprivation of liberty owing to the existence of an actual or perceived impairment. States opposed the inclusion, arguing that it could lead to misinterpretation and could allow deprivation of liberty on the basis of actual or perceived impairment in conjunction with other criteria, such as posing a danger to oneself or to others. Furthermore, discussions were held on whether to include a provision concerning the periodic review of deprivation of liberty in the text of draft article 14 (2).c Civil society opposed the use of qualifiers and the inclusion of a provision concerning periodic review. Consequently, article 14 (1) (b) of the Convention prohibits the deprivation of liberty on the basis of actual or perceived impairment, even if additional factors or criteria are also used to justify the deprivation of liberty.

Information available regarding the proposed Bill

The Committee has received credible information indicating that if approved, the Mental Health Bill (Bill 225) will allow for the deprivation of liberty of persons with disabilities based on actual or perceived danger to themselves or to others and for the provision of mental healthcare services to persons with disabilities not based on the free and informed consent of the person concerned, or based on the consent of third parties under substitute decision-making schemes.

Timeframe and further steps.

The Committee would appreciate receiving information to the above-referred questions by 11 August 2025, in Word format. The Committee will examine the responses and all credible information during its thirty-third session, to be held in Geneva, Switzerland, from 11 to 29 August 2025.

For any additional information, please kindly contact the Secretary of the Committee, Mr. Jorge Araya, at jorge.araya@un.org

The Secretary-General (Office of the High Commissioner for Human Rights) reiterates to the Permanent Representative of the United Kingdom of Great Britain and Northern Ireland to the United Nations Office at Geneva, the assurances of his highest consideration.



23 June 2025