

	<p>RECOVERY Assistance Dogs, Humberstone House, 81-83 Humberstone Gate, Leicester, LE1 1WB</p> <p>Phone: 0116 253 2073 E-Mail: RECOVERY4Wellbeing@gmail.com Web: RECOVERY4Wellbeing.org Charity Number: 1125395</p> <p>RECOVERY is a charity for Wellbeing that spreads the word about how people can recover from Mental Health needs with the healing of memories through Creative Therapies.</p> <p>RECOVERY Assistance Dogs for Mental Health assist Survivors and help them to find Wellbeing. We campaign against compulsion and for freedom of choice.</p>
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## HUMAN RIGHTS CHECK UK 2016 UNITED NATIONS REVIEW SUBMISSION

### INTRODUCTION TO RECOVERY Assistance Dogs

This is a Charity for Mental Health set up by Survivors of Mental Health problems in July 2004 to educate, campaign and support Survivors of Mental Health in the UK. We became a Charity in August 2008 and these are our Charitable Objectives:

- (a) "To advance the education of the public in the subject of Mental Health."
- (b) "To promote the physical, emotional and Mental Health of sufferers of any mental health problem in Leicester, Leicestershire and Rutland through the provision of support, education, advocacy and practical counselling."
- (c) "To advance education, relieve mental health conditions, problems discrimination and stigma; preserve and protect mental health by the use of centering therapy, The Christian Healing Ministry, Complementary Alternative Medicine (CAM) and RECOVERY Assistance Dogs throughout the UK."

This is a coalition with RECOVERY Assistance Dogs and Warwick Research. We are working together to find Scientific Evidence that Dogs can help Mental Health Survivors recover.

We have no status with ECOSOC to date but have attended two meetings with British Institute of Human Rights in UK on 29 June 2016 and 1 September 2016.

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1. What human rights issues are of concern to you and your organisation?

#### HUMAN RIGHTS CHECK 2016

The Human Rights Check 2012 failed to include human rights for people with mental health and learning disabilities.

Mental Health treatment in UK is in breach of the **Universal Declaration of Human Rights**.

#### **Article 5. People within the mental health services are subjected to torture/inhuman/degrading treatment.**

- Stop excessive force against people and ban/limit to last resort holding restraints. (Change the type/style of restraint). Patients have had their thumb bent back, Psychiatric Professionals should be trained like match stewards to hold around the wrist. Patients have been rugby tackled if they even looked like they were leaving the ward. Others have been thrown physically into a seclusion room for 24 hours without food or drink, no toilet, seat or bed. People have been injected against their will with drugs that cause them to be unable to move for hours, sometimes days. When women are injected against their will sometimes they are stripped naked in front of men and injected in their bottom. It is a degrading and traumatising experience.
- **SECTION 136 1983** is out of date and the wording, '**appears to be mentally ill**' is ambiguous and could result in people without a mental health problem being arrested and placed under section. People could have had an autistic '**meltdown**'. Thus instead of section 136, a place of safety and a court trial as for Article 10.

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- Protection/law against parental/family abuse, verbal and physical, plus against being called degrading names associated with mental health and learning disabilities.
- Protection/law against abuse from other people in regards to verbal and physical, plus against being called degrading names associated with mental health and learning disabilities.

**Article 10. Right to a fair trial.**

- People with Mental Health disabilities have a right to a fair and public independent hearing, as well as equality with other Human Beings.
- Law **REFORM** - ban section 136 and replace with a law for a place of safety and a court hearing for involuntary admission, like in America.

**Article 11. Innocent till proven guilty**

- Sane till proven insane.
- Court hearings should not be subjective like 'in house' tribunals or section 136 (72 hours assessment period). The police should primarily be tackling crime and not sectioning people. In house tribunals take place 7 weeks after admission to decide if you met the criteria for being sectioned. Often people are allowed home so this proves that it is against Human Rights and they should have a Tribunal or Court Case before being sectioned.
- Place of safety and then a court hearing before admission to a hospital. In the Court Hearing it can be established if the person is a danger to themselves or others. Too often patients are being forced into hospital when they are well as the Doctors are not considering the truth of the situation. They just listen to family, friends and other professionals. Too often Service Users are not being allowed access to a hospital ward when they need it. Some people go for years needing hospital treatment because they feel suicidal and the Doctors are not listening to them. A Court Case with a jury of non-Psychiatric professionals would help the person to get their needs met before they complete suicide. THOMAS SZASZ, Psychiatrist in USA says that "Freedom is more important than Health" (Szasz, 1988, p.128).

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- If a patient needs to be admitted to a hospital, involuntary, then it should be a last resort, where all other resources and means possible have been exhausted this includes a proper court case that can establish where else they might go.
- The patient should be a threat to others and/or a danger to themselves to the point of serious harm or injury. The person should be at the point where they are unable to look after themselves properly and complete basic daily tasks.

**Article 18. There should be freedom of thought/conscience and religion.**

- Change in the law sane until proven insane like not guilty till proven guilty. Only a Court Order should determine that a person should lose capacity and be able to make rational decisions for themselves. Anything less than this is seen by Survivors in our Charity and throughout the UK as a loss of their rights to a fair trial, liberty and freedom of thought.
- Objective brain scans should be allowed and developed to prove objectively that a person has a mental health disability, like in Australia, <http://www.perthbraincentre.com.au/>
- People should be allowed to go to pray outside the hospital. Too often in hospital people are not allowed to go out due to lack of Nursing Staff.
- Psychiatrists can mistake autistic behaviour for mental health and this is in breach of freedom of thought because of fixated topics and not, 'flights of ideas' or 'disordered thoughts'.
- Psychiatrists should be regulated and a check made to determine if they prescribe certain psychiatric medications more than others. A law should make sure that there is no CONFLICT OF INTEREST prescribing for the pharmaceutical companies or the patient.
- Psychiatrists should be made to prescribe holistic treatment as well as just use the medical model within psychiatry.
- Medicine is objective, so why isn't psychiatry? The perception of behaviour can be misleading and impacted by Bandura, SLT, social learning theory.

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People who are autistic, drunk, or who have a physical disability can be mistaken as having mental health symptoms.

- The use of the Yellow card system to report side effects to psychiatric medication should be made compulsory and the worst side effects of reported drugs should be put under review to ban the psychiatric medication.

**Article 19. There should be freedom of opinion/expression.**

- Alternative therapies need to be prescribed as well as the prescription of psychiatric medication.
- Talking therapies need to be prescribed. Safeguards need to be put in place for the safety of psychiatric patients.
- Problems with the use of different diagnostic criteria through the ICD-10 and DSM-5. Sensory processing disorder not recognised in adults, for example. Restricts people because there are differences between the WHO and the American version. The criteria are restrictive and limit the ability of people to be able to express an opinion.
- Use the least restrictive diagnostic criteria for the patient and not use diagnostic criteria that allow a psychiatrist to diagnose a patient more easily.

**MENTAL CAPACITY ACT 2005**

- **BEST INTERESTS** can sometimes be for the psychiatrist, family, friends and not the patient. It needs to be the best for everyone.
- **Statement of Guiding Principles**, respect, participation, least restriction, effectiveness, efficiency and equity principle, communication with other people nominated by the patient.
- Mental health is in breach of the Guiding Principles. Least restriction is often breached because of the use of section 136, section 2 and section 3.

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- LAW REFORM. Like America, place of safety and then a court case to pursue involuntary detention. Thus adhering respect to people.
- Specialist psychiatrists/psychologists for learning disabilities, including autistic behaviour.

2. What steps have been taken since to improve the situation?

We are concerned that no steps have been taken to address these issues as yet. At the Human Rights Check UK Training Day in Leicester 3 May, 2016 Mental Health issues and groups were hardly mentioned. In the groups relevant to our work Mental Health should have its own separate group. How can we address the unjust lack of Human Rights for Mental Health Survivors without recognition that this is an area that needs improvement?

No recommendations were made in 2012 to protect Mental Health Service Users from torture, inhuman and degrading treatment. Everyone suffers at some point in his or her life with Mental Health problems. We all have a:

- Right to Liberty
- Right to a Fair Trial

At the very least if someone is to lose their capacity to know what is best for them, then only a fair trial should decide this. When people are locked up against their will the most disturbing factor is why and who did it. This causes problems in family and friends relationships. A court case would help to make it clear what the problem was. Nobody should ever lose their freedom, whether rightly or wrongly, without a proper investigation.

Also people should have the opportunity to go to hospital as a voluntary patient if they want to and a court case could establish their needs.

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3. What do you think the government should be doing on this issue?

This includes the UK government, the Scottish and Welsh government if relevant, and any other public bodies such as local authorities or the police.

Mental Health demands a 'Convention on the Rights of Survivors of Mental Health problems' (CRSMH). This would look towards a law to protect the Human Rights of those people labelled with a Mental Health diagnosis. This law would include the recommendations listed above and make sure that no one should:

- Lose their capacity
- Be locked up against their will (or be prevented from being a voluntary patient)
- Be forced onto drugs (or not allowed to take drugs, complementary alternative remedies or therapies)

without a proper Court Case where family, friends, solicitors, Mental Health Professionals, the Service User can make recommendations to make sure that the everyone can see and get the best outcomes for an individual.

4. If you could tell the government one thing about human rights, what would it be?

Freedom is more important than health; as lack of freedom means losing the will to live.

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5. Your Details

Your Name: Elizabeth Maitland (Information submitted agreed by Trustees, Staff, clients and volunteers at RECOVERY Assistance Dog) Ben Sharpe, Volunteer.

Your Organisation: RECOVERY Assistance Dogs

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Please check the boxes representing the geographical area which your organisations works in:

- England
- Scotland
- Wales
- All of Great Britain

If acting on behalf of an organisation or organised group please check the box to confirm that you have the necessary authority to submit this form.

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