**Launch Event**

**9 October, 2023**

**Geneva.**

***‘Mental Health, Human Rights and Legislation: Guidance and Practice.’***

Remarks of Gerard Quinn, UN Special Rapporteur on the rights of persons with disabilities.

<https://www.ohchr.org/en/special-procedures/sr-disability>

The launch of this Guidance is a significant moment in the evolution of mental health law, policy and practice around the world.

It marks a step change in our global policy imagination on mental health. It is one of the defining issues of our times. It is at the confluence of so many intersecting domains. Especially today, as conflict rages and has a deeply traumatising and inter-generational effect.

**Why a step change?**

**First of all, the Guidance marks a profound moment when human rights becomes more than just tools to control the coercive power of the State**.

The first phase of human rights as applied to mental health is now over. This involved accepting intrusions on liberty and forced treatment and developing limiting principles to minimise their use. Important though that is, it does not exhaust the full potential of human rights in the field.

The new agenda – which is well set out in this Guidance – is about how to breath life into rights and especially for those with mental health issues.

To me, this is human rights at its very best – informing and guiding the constructive use of power and largesse to serve the dignity and autonomy of all persons with disabilities. Arguably, this was the original design of the Universal Declaration of Human Rights.

**Secondly, it gives States and others confidence that the parameters of the new approach to legislation and practice are well known, tested and indeed successful.** A marriage of vision with practicality.

I can attest from my ‘country visits’ as Special Rapporteur that there is a hunger out there for practical guidance that goes beyond generalities. Most are acutely aware of the need for change.

This guidance gives those who are motivated to seek a new path, the practical tools to think through their law reform and policy agenda.

To me, this is the WHO and the UN OHCHR at their best – crystallising the need for change and equipping policy-makers and others with the practical tools to enable it to happen.

**Thirdly, the Guidance does not shy away from hard or difficult policy choices. Its honesty shines through.** But, by providing a different framing for the issues, the Guidance provides the basic tools to think though some of these policy dilemmas. Solving them will be an ongoing process. For example, what to do about the insanity defence and the whole field of criminal responsibility?

**Finally, no process of change is complete or even legitimate without the active involvement of persons with disabilities from the very outset.**

I have always said that the process innovations - and not just the substantive innovations of the UN CRPD - are the most important thing to keep change alive. This points to a radically different future compared with the past. The future is one of co-production.

In a way, this is a model for other domains and will transform how broader health policy is imagined, framed and articulated. Given the imbalances of power in the past especially in the mental health field this can only be a good thing.

We have yet to focus on 'moral repair’ for past wrongs in the mental health field. But that will surely come in time.

I encourage all States, professional groups and civil society to use this guidance to steer reform. Change means learning. We can all learn from each other.

In this respect, the guidance is **not an end-point** but a departure point – a new departure point for the world. And I welcome it as such.

…./Ends