

## Petitioner submission of 3 March 2023

### PE1999/D: Fully implement the UN Convention on the Rights of Persons with Disabilities

Section 44 of the Mental Health Act is not compliant with the UNCRPD because it permits non-consensual treatment to begin before the person detained has had an opportunity to appeal.

Section 50 of the Mental Health Act permits the Tribunal to revoke a detention certificate if it is not satisfied that the necessary conditions for the detention of the patient “continue to be met”. There should be no assumption that the necessary conditions had been met when the patient was detained. Any such assumption would mitigate against the person receiving a fair hearing and so would not be compliant with the UNCRPD.

According to the BNF, “Side-effects caused by antipsychotic drugs are common” and “*Tardive dyskinesia* ... is of particular concern because it may be irreversible”. Further, some young people in good health have died as a consequence of being given antipsychotic drugs. In spite of this, the Scottish Government is implying that there is no need to fully implement the UNCRPD because of the safeguards in Scottish mental health law. The reality is that these safeguards are ineffective. The Scottish Government should legislate to make it an offence to give people antipsychotic or other drugs without their consent: all drugs have undesirable side-effects.