Equality, Dignity and Inclusion: Legislation that Enhances Human Rights for People Living with Mental Illness
Presentation Purpose

• To share information regarding a national research project focused on the human rights for people living with mental illness in Canada

• Increase familiarity with the principles and rights outlined on the United Nations Convention on the Rights of Persons with Disabilities (UNCRPD)

• Increase awareness of the supports and barriers to the human rights of people living with a mental illness

• Provide information on how to access and use a tool to evaluate current, law, policies and service standards with regard to human rights for people living with a mental illness
Background

- Canada’s Charter of Rights and Freedoms sets the foundation for the protection of the rights of all its citizens, and establishes the standard from which all other Canadian laws are measured.
- Despite this, provincial mental health legislation for the most part is not grounded in human rights principles and there is a lack of consistent human rights monitoring of mental health legislation and policies.
- Senate Report “Out of the Shadows at Last…” suggested governments could review existing mental health legislation as a means of developing a framework that addresses the rights of people with mental illness.
- The Mental Health Commission of Canada (MHCC) established the Mental Health and the Law Advisory Committee to lead this initiative.
In 2010 the Canadian Mental Health Association – Winnipeg Region and the Public Interest Law Centre of Legal Aid Manitoba were engaged by the Mental Health Commission of Canada to develop an instrument to evaluate mental health legislation, regulations, policies and service standards as it relates to the rights of person with mental illness, and to develop a core set of mental health service standards.
Project Objectives

- Develop an instrument to evaluate the extent to which human rights are addressed in mental health legislation, regulations, policies, and service standards.
- Pilot the instrument in selected jurisdictions in Canada
- Develop recommendations for further use of instrument
- Develop recommendations for legislative reform and policy and standards development
Project Foundation

• Three (3) pilot jurisdictions—British Columbia, Manitoba, and Nova Scotia.
• A Consultative Group consisting of individuals with lived experience was established for the purpose of providing guidance and feedback to the Project Research Team regarding the Project deliverables.
• Stakeholder Groups comprised of government and non-government representatives were consulted in each of the pilot regions with respect to the status of mental health and human rights within their areas of expertise.
• After the instrument was created it was piloted in each of these jurisdictions with pilot leads that arose from the stakeholders groups.
The Evaluation Instrument

- Highlights how to evaluate legislation and policies based on principles and rights
- Based on the strong foundation of the CRPD attempts to translate this into practice to ensure it is not “just another piece of paper”
- Supports Canada’s ratification and signing of the CRPD which means that we have an obligation to not only meet the requirements but to report on them
- Supports the realities of the Canadian context in which mental health is a Provincial jurisdiction
Convention on the Rights of Persons with Disabilities

The purposes:

• “to promote, protect and ensure the full and equal enjoyment of all human rights and fundamental freedoms by all persons with disabilities, and to promote respect for their inherent dignity”

• to make a “significant contribution to redressing the profound social disadvantage of persons with disabilities and promote their participation in the civil, political, economic, social, and cultural spheres”
Convention on the Rights of Persons with Disabilities

- Identifies principles:
  - are rules or standards of behaviour
  - guide decisions about what laws should be created and how laws should be applied

- Identifies rights:
  - are specific entitlements for all people
United Nations Convention on the Rights of Persons with Disabilities

Human rights, fundamental freedoms and full participation in society for people living with a mental illness
Using a Human Rights Lens

Examining individual experience, organizational structures, social policy and laws

Appreciate experience
Guide behaviour
Facilitate accountability
Photovoice Presentation

- Create awareness about the links between human rights principles and rights, and the experiences of people living with a mental illness
- Share strategies for creating environments in which human rights can flourish
THE CONSULTATIVE GROUP
The Evaluation Instrument in Action

- Sample Questions
What Now?

• The final report and instrument were released in March 2013 and are available along with the Photovoice at www.cmhawpg.mb.ca/mhcc or on the MHCC website (postcards)

• Organizations and governments are encouraged to consider how they may use this work to evaluate their own standards and policies

• Partners are planning on hosting an information session in October for parties interested in participating in a process of using the instrument to evaluate the current MB Mental Health Act
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