

PE1667/P

Petitioner submission of 19 March 2019

I very much welcome the Minister's statement and hope to be given an opportunity to respond to the forthcoming consultation about the reform of the 2003 Mental Health Act and hence raise the many issues which concern me. At present I will content myself with suggesting one question which the Public Petitions Committee might consider asking the Minister when she appears before it on Thursday:

When the Minister spoke about reformed legislation which safeguarded the human rights of mental health patients, why did she make no reference to the absolute right of those patients not to be subjected to inhuman or degrading treatment? The judgment in the case of Robert Napier v The Scottish Ministers found that slopping out in a prison damaged the human dignity of Robert Napier and caused there to arise in him feelings of anxiety, anguish, inferiority and humiliation and hence constituted degrading treatment. Will the Scottish Government examine closely the possibility that that all forced treatment could have the same effect on every mental health patient who is subjected to it and hence fall into at least the prohibited degrading category? Will the Scottish Government study the definition of inhuman and degrading treatment provided by the European Court of Human Rights in paragraph 52 of its judgment the Pretty v UK case and consider whether forced treatment might at times fall into the prohibited inhuman category as I believe that it did in the forced treatment to which Mrs A was subjected? See my submission PE1667/B.