



Right Honourable Justin Trudeau
Conservative Leader, Erin O'Toole
New Democratic Party Leader, Jagmeet Singh
Green Party of Canada, Annamie Paul

September 3, 2021

Dear Federal Party Leaders,

Re: UN Convention on the Rights of Persons with Disabilities – Mental Health Implications

The British Columbia and Saskatchewan Schizophrenia Societies are seeking assurance that your party intends to continue to uphold Canada's Reservation to the UN Convention on the Rights of Persons with Disabilities (CRPD). That reservation, similar to Australia, the UK and many other countries, allows for people with serious mental illnesses, such as schizophrenia, who cannot be treated as a voluntary patient to receive the treatment they require to prevent harm to themselves or others. Implementing the CRPD fully would abolish this health service and create many serious problems for people with the mental illness, their families, staff and society.

CRPD

The UN's official CRPD Committee has interpreted the CRPD as: "Committal of individuals to detention in mental health facilities, or imposition of Community Treatment Orders contravene the convention and must be eliminated."

The UN High Commissioner for Human Rights has also stated that the 'Not Criminally Responsible on Account of Mental Disorder' (NCRMD) defense also contravenes the convention and must be eliminated: "*In the area of criminal law, recognition of the legal capacity of persons with disabilities requires abolishing a defense based on the negation of criminal responsibility because of the existence of a mental or intellectual disability.*"

We are pleased to see each party bring forward thoughtful plans on mental health and mental illness and urge them to increase funding to mental illness programs. Previous Canadian governments have upheld Canada's reservation to the CRPD. This election, the NDP position appears to suggest abolishing Canada's reservation and following the UN committee's interpretation of the CRPD to abolish treatment for people with a serious mental illness. The policy *Ready for Better: New Democrats' Commitments to You* states that: "We can do much more to make Canada an inclusive and barrier-free place. As a start, New Democrats will uphold the United Nations Convention on the Rights of Persons with Disabilities..." This is problematic and would lead to a dramatic loss of treatment for people who need it. We urge the NDP to change this position and other parties to uphold the current position.

Why does this matter to Canadians?

The implications of a Canadian government upholding this CRPD position for people with a severe mental illness is frightening:

1. Each year, more than 100,000 Canadians living with serious, but treatable, mental illnesses who do not want hospitalization or are not capable of an admission decision, would not be admitted and turned away from hospitals. The consequences of this include: continued suffering, danger to self or others (possibly resulting in criminal charges), and a diversion of people living with untreated serious mental illness to unsatisfactory places like the street, prisons, or stressed families.
2. Even if the CRPD allowed for involuntary admission, which it does not, these 100,000 people could be detained indefinitely but not given treatment because the CRPD requires involuntary treatment be abolished.
3. There are thousands of Canadians who need antipsychotic medication to help them manage symptoms of hallucinations, delusions and paranoia. For many people living with serious mental illness, their illness robs them of insight into their own illness and the need to take medication. This brain-based lack of awareness of being ill is called anosognosia. Because the CRPD recommends abolishing involuntary treatment, many of these people would deteriorate and eventually require involuntary hospitalization. However, the CRPD also recommends abolishing involuntary hospitalizations, so people living with serious mental illnesses would be left on their own to manage – homelessness etc.
4. Court ordered involuntary psychiatric treatment to make a person fit to stand trial would be abolished by the CRPD. People living with serious mental illness will be left in jail untreated until they become fit or die. Another option would be for the Criminal Code to be changed to allow persons not fit to stand trial to be tried. This is unlikely given the fundamental importance in Canadian law of fitness.
5. The CRPD recommends abolishing the defense of *Not Criminally Responsible on Account of Mental Disorder*. At present, people are sent to a forensic psychiatric hospital where they are able to receive treatment for their mental illness. The CRPD instead recommends to send them to prison without involuntary treatment where they would be victimized and their mental illness would progress unchecked making it harder for them to regain their mental health. A large number of psychiatric beds would be closed and an even larger number of penitentiary and prison beds opened.

Please also consider the article published by Canadian Psychiatric Association explaining why removing Canada's reservations to full implementation of the CRPD is not in the best interests of patients who need to access to involuntary treatment:

<https://pubmed.ncbi.nlm.nih.gov/29925272/>

We urge all parties to retain Canada's reservation to the CRPD and be concerned about the right to health of persons with serious mental illness that the CRPD has abridged.

We would appreciate a response to our concerns for people with serious mental illnesses.
Thank you.

Respectfully,

A handwritten signature in black ink, appearing to read 'D. Halikowski', with a small dot at the end.

David Halikowski
President
British Columbia Schizophrenia Society

Cc: Dan Sherven, Executive Director, Schizophrenia Society of Saskatchewan