

**SECRETARIAT GENERAL**

DIRECTORATE GENERAL  
HUMAN RIGHTS AND RULE OF LAW

DIRECTORATE OF HUMAN RIGHTS

HUMAN RIGHTS POLICY  
AND CO-OPERATION DEPARTMENT

*BIOETHICS UNIT*  
Please quote: DG1/BIO/

COUNCIL OF EUROPE



CONSEIL DE L'EUROPE

Strasbourg, 22 June 2015

Dear Madam,  
Dear Sir,

The Committee on Bioethics (DH-BIO) of the Council of Europe is currently elaborating an ***Additional Protocol to the Convention on Human Rights and Biomedicine*** concerning the protection of human rights and dignity of persons with mental disorders with regard to involuntary placement and involuntary treatment. Within this context DH-BIO has decided to make public for consultation a draft version of the said Protocol as a working document, carrying the reference DH-BIO/INF (2015) 7.

The reference texts for the elaboration of the draft Protocol were the Convention on Human Rights and Biomedicine, and the European Convention on Human Rights as interpreted by the decisions and judgments by the European Court of Human Rights. Moreover, DH-BIO considered the United Nations Convention on the Rights of Persons with Disabilities, and other relevant legal instruments adopted at the international level.

The standards and recommendations of the European Committee for the Prevention of Torture (CPT), and Recommendation Rec(2004)10 of the Committee of Ministers concerning the protection of the human rights and dignity of persons with mental disorder also served as a reference. A thorough examination of the implementation of this Recommendation revealed legal gaps in certain member States, in particular concerning legal provisions governing measures for involuntary placement and treatment of persons with mental disorders.

The aim of the Additional Protocol is to protect the human rights and fundamental freedoms of all persons with mental disorder with regard to the use of involuntary placement or involuntary treatment. It does this by promoting the use of alternatives to involuntary measures; by ensuring that involuntary measures are only used as a last resort; and by ensuring that if such measures are used, then the persons concerned benefit from appropriate protection and procedural safeguards that enable them to effectively exercise their rights.

The purpose of this consultation is to elicit comments from individuals and bodies/institutions from all the fields concerned. The comments received will be taken into consideration in finalising the Additional Protocol.

The DH-BIO would be interested in receiving comments on any of the parts of the draft Protocol, accompanied, if possible, by drafting proposals. In order to allow DH-BIO to make full use of contributions, **comments should be as precise and concise as possible**. They should refer to specific provisions in the document, indicating the line to which the comment makes reference.

A draft Explanatory Report to the Additional Protocol, which has been prepared under the responsibility of the Secretariat, is attached as a background document. The aim of this document is to provide a better understanding of the content of the different provisions included in the draft Protocol.

The consultation process launched today will close on 15 November 2015. **You are invited to submit comments in English or French, by 15 November 2015 via email to the following address: [dqI.consultation@coe.int](mailto:dqI.consultation@coe.int).**

We thank you in advance for your contribution to this consultation.

Yours sincerely,

A handwritten signature in dark ink, appearing to read 'Laurence Lwoff', with a stylized flourish at the end.

Laurence Lwoff  
Secretary of the Committee on Bioethics (DH-BIO)