Reclaiming Our Future Alliance International Committee Statement on the Additional Draft Protocol to the Oviedo Convention.

ROFA IC share’s the concerns raised by the European Disability Forum (EDF) in relation to the additional draft protocol (ADP) to the Oviedo Convention (OC). <http://www.edf-feph.org/withdraw-additional-protocol-oviedo-convention?fbclid=IwAR2Ko8ToiQHMQmUAC8UZMYKFQmlVSjEL3cVHxZzI6J91PBDkwStkY3wOf9k>

The ADP threatens to undermine the legal rights and protections that disabled people enjoy thanks to international rights documents like the UNCRPD and the European Fundamental Rights Charter (EFRC).

The Convention On Human Rights And Biomedicines aka the “Oviedo Convention” states that human rights must come before all considerations in the field of biomedicines. We along with our allies in the EDF believe that the ADP directly threatens this principle in the following ways:

* The ADP contradicts the UNCRPD, specifically in regards to involuntarily detaining persons with mental health support needs.
* It would create a legal double standard in which European law goes against wider international law.
* It consolidates oppressive institutions which run against the principles of the social model and the “nothing about us, without us” approach of the Disabled People’s Movement (DPM), in the UK and internationally.
* It enables medical authorities to recommend the detention of certain disabled people even if that detention is against the will of the disabled person/person(s) in question.

In addition to the EDF and ROFA IC, the ADP has been opposed by the Committee on the Rights of Persons with Disabilities (CRPD), the UN special Repoteaur on the Rights of Persons with Disabilities, the UN special Repoteaur on the Right to Health and was rejected in 2016 by The Parliamentary Assembly on the Council of Europe.

Despite this opposition The Oviedo Convention confirmed it would continue work on the APT as long as the ministers of the nation states of the Council of Europe willed it. The APT was scheduled to be confirmed and accepted by the COE in November 2018; however since then the protocol has been delayed as a ‘good practice’ clause is being added to the APT which the COE is seeking legal advice on from the European Court of Human Rights (ECHR).

ROFA IC cautiously welcomes this latest development but still notes with concern the intent for the APT to be allowed to continue towards legal recognition regardless of the ‘good practice’ clause. Therefore we propose the following action:

* A joint general meeting between all the relevant parties, which includes, proponents of the APT like the Ministers Of The Council Of Europe (COE), disabled activists from DPO’s across Europe, representatives from the committee on the rights of persons with disabilities (CRPD), the UN special Repoteaur on the rights of persons with disabilities, the UN special Repoteaur on the right to health, the European Human Right’s High Commissioner, Representatives of the European Disability Forum, and Council of European Parliament, so that by a collective effort from these groups we can convince the COE to drop the ADP.
* Lobby MP’s in Westminster and Her Majesties Government of the United Kingdom of Great Britain and Northern Ireland to reject the ADP at the COE level.
* Connect with the European Network on Independent Living (ENIL) and its youth wing (YENIL) to organise grass roots campaigns against the ADP if possible.
* Draw mainstream media attention to the ADP and the serious human rights implications it has for disabled people across Europe.