

9<sup>th</sup> April 2021

## **Samaritans Ireland Submission to the Mental Health Act (2001) Review**

Samaritans Ireland offers free 24/7 emotional support for anyone who needs someone. Without any distinction of any kind such as age, gender, sexual orientation, ethnicity, disability, etc., we believe everyone should have the opportunity to speak to someone without fear of prejudice or rejection and be met with undivided attention and empathy. This type of support meets a fundamental emotional need and reduces distress and despair and should be available to anyone.

Samaritans Ireland believes mental health and wellbeing of a person is a human right and everyone should have direct access to safe health care, as well as healthy occupational and environmental conditions, and freedom from discrimination. It is imperative everyone has their mental health and wellbeing looked after and are provided with the best possible situations and opportunities to foster good mental health and that their rights as individuals are upheld at all times.

Under the Universal Declaration of Human rights everyone has the right to life, liberty, and security of person. Individuals are entitled to lives free from discrimination and under equal protections of law.

Any individual seeking mental health treatment should be able to take part in their care and recovery planning and have access to information about their care including honouring any advance healthcare directives. Both voluntary and involuntary patients should have full rights to advocacy of their choosing.

The Mental Health Act (2001) is outdated and does not respect rights-based and partnership approach to treatment and leaves individuals unprotected and unable to exercise autonomy. It leaves Irish mental health law behind in best international standards and is and non-compliant with both the European Convention on Human Rights and with the UN Convention on the Rights of Persons with Disabilities (UNCRPD) which was ratified by the Irish Government in 2018.

Samaritans Ireland has since welcomed the passing of the Mental Health (Amendment) Act 2018 which significantly strengthens the rights of people in-hospital for mental health care and calls for its immediate commencement as a positive step forwards in better alignment to human rights standards of care. Samaritans Ireland fully supports and calls for the full implementation of the recommendations from the Expert Group Report (2015). Any amendments or additions to the mental health act should be based on this report. These recommendations ensure adults and children have their human rights adequately and appropriately protected when seeking mental health care.

The recent publication of the Government's new mental health strategy, *Sharing the Vision*, discusses the importance of lived-experiences and user-led service design and was the result of in-depth consultations with individuals and their families who had experienced the mental health system and services. Individuals in-hospital for their mental health treatment should have the same rights to be considered in their own care and recovery. It is of the utmost importance individuals of all ages have their rights adequately and appropriately protected especially when they are facing a mental health crisis and that during this consultation the voices of those who have personally experienced the impact of this Act are heard, respected, and critically inform the outcomes of this consultation.

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Samaritans Ireland is a charity registered in the Republic of Ireland (20033668) and incorporated as a company limited by guarantee (450409). Samaritans Ireland's registered office is located at 4-5 Usher's Court, Usher's Quay, Dublin 8, D08Y223. CHY number: CHY11880. The directors/trustees of Samaritans Ireland are as follows: E Farrell, K Flood, D O'Criodan, C Skelly, D Walsh (United Kingdom), G Danton (United Kingdom) J Trenaman, É Ní Mhuircheartaigh, R Fitzgerald, A Heron (United Kingdom)



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