

PRESS RELEASE: Civil Society Coalition on Legal Capacity Reform

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Eight Years of Broken Promises: Replace the Lunacy Act

Today, a broad disability rights alliance called on the Irish government to finally replace outdated 'lunacy' laws and end the crisis of widespread human rights violations against people with disabilities in Ireland. On the eight-year anniversary of Ireland signing the UN Convention on the Rights of Person with Disabilities, it called for an end to the foot-dragging on the Assisted Decision-Making (Capacity) Bill 2013 and for it to finally move to Committee Stage in the Dáil.

Dr. Eilionóir Flynn, Acting Director, Centre for Disability Law & Policy, National University of Ireland Galway said: **"It seems unimaginable that a country would use a 'Regulation of Lunacy Act' from the 1800s to govern decision-making issues for people with disabilities.** While horrific disability abuse scandals make national headlines, the 2013 Bill has been long-fingered by the government. The UN Convention on the Rights of Persons with Disabilities entered into force in 2007. Yet Ireland is one of only three EU governments that has failed to ratify it."

The government has promised to enact the Assisted Decision-Making (Capacity) Bill following a law reform process that was initiated in 2008. This is a necessary precursor to Ireland's ratifying the UN Convention. Yet reports indicate that the Bill published in 2013 may fail to be enacted in 2015.

Tina Leonard, Head of Advocacy & Public Affairs, Alzheimer Society of Ireland said: "People's lives are being impacted by this delay. **Today, thousands of people in residential centres, hospitals and in their own homes are having decisions about their lives and care made for them, not by them. These include decisions like what to eat or what they may spend their money on, as well as very serious decisions like what invasive health procedures they should have.** This is a systematic abuse of their human rights caused by the ongoing lack of a legal framework on legal capacity.

Colm O'Gorman, Executive Director, Amnesty International Ireland said: "We urgently need legislation that enables people to exercise their legal capacity and autonomous decision-making. They should have access to the supports they need to fully exercise those rights rather than have decisions about their day-to-day lives made by others. Otherwise they remain voiceless with no control over their own lives, and at risk of coercion, neglect or abuse."

Áine Hynes, PRO, Irish Mental Health Lawyers Association said: "We are calling on the Government today to take urgent action to bring the Bill to Committee Stage. We are also asking the Government to have a fresh look at our recommendations for how this Bill should be strengthened. It particularly needs to reform 'informal decision making' so potential for abuse is removed, and put in place safeguards for people who are effectively deprived of their liberty in residential settings."

Gráinne McGettrick, Policy and Research Manager, Acquired Brain Injury Ireland said: "It is not just people with disabilities who are being let down by this failure to bring the Bill to Committee Stage in the Dáil. It is families who may feel forced to make their loved one a 'ward of court' to support them to manage financial assets. It is older people with age-related disabilities who remain open to abuse and lack of support. It is people

whose informed consent is not currently required for mental health treatment, including electroconvulsive therapy, to be administered against their will. It is for all people who may require decision-making assistance and safeguards at some point in their life. In other words, the Bill is for all of us.”

Shari McDaid, Director, Mental Health Reform said “We are calling on the Government to keep its promise to bring the Bill to committee stage before the summer recess. We are also asking the Government to have a fresh look at our recommendations for strengthening the Bill, and in particular to affirm that people with mental health difficulties can have their advance decisions respected during mental health treatment.”

Paddy Connolly, CEO, Inclusion Ireland said: “The Áras Attracta scandal in December 2014 shocked the Irish nation. But the revelation of abuse of people receiving disability support services is only the tip of the iceberg. The abuse shows the need for human rights-compliant capacity legislation to be swiftly passed and implemented as a matter of urgency.” **ENDS//**

The list of organisations issuing this press release is below. We cordially offer our expertise to media professionals who wish to cover any issues associated with the Bill. Contact Dr. Eilionóir Flynn, National University of Ireland Galway for comment on 091494010, 0876365408 or eilionoir.flynn@nuigalway.ie

Note to Editors:

On April Fool's Day (April 1st 2015) Inclusion Ireland is calling on the Government to [replace the Lunacy \(Regulations\) Act 1871](#). In partnership with Age Action, the Centre for Independent Living, the Disability Federation of Ireland and others, Inclusion Ireland is asking for the Assisted Decision Making Bill to be enacted. A petition for the campaign [has been created here](#). Our own Civil Society Coalition on Legal Capacity Reform – which includes a number of these organisations – wishes to voice its support for the Fool Me Once campaign. Our coalition has also produced a **list of suggested amendments** (see [here](#)) to the Assisted Decision-Making (Capacity) Bill, to make the legislation more compliant with international best practice and human rights standards.

Age Action Ireland
Acquired Brain Injury Ireland
The Alzheimer Society of Ireland
Amnesty International Ireland
Centre for Disability Law and Policy
Disability Federation of Ireland
Inclusion Ireland
Irish Advocacy Network
Irish Congress of Trade Unions
Irish Mental Health Lawyers Association
Mental Health Ireland
Mental Health Reform
Neurological Alliance of Ireland
National Advocacy Service
National Federation for Voluntary Bodies Providing Services to People with Intellectual Disabilities
Recovery Experts by Experience
St. Patrick's Mental Health Services
Tallaght Dialogue