



Mental Health Reform

Promoting Improved Mental Health Services

Submission on the Department of Justice and Equality's Statement of Strategy 2015- 2017

13th October 2014

Introduction

Mental Health Reform welcomes this opportunity to contribute to the Department of Justice and Equality's Statement of Strategy 2015 – 2017. As the national coalition promoting improved mental health services and implementation of the mental health policy A Vision for Change, Mental Health Reform makes this submission with particular reference to individuals experiencing mental health difficulties. Specifically, this submission is focused on

- the need to review Ireland's equality legislation to see if it is working effectively to protect people with mental health disabilities against discrimination in goods, services and employment
- ratification of the UN Convention on the Rights of Persons with Disabilities
- enhanced Protections for Young People in Detention Centres

A Review of the Equality Legislation

Mental Health Reform has previously asked the Department of Justice and Equality to undertake a review of the effectiveness of Ireland's equality legislation (Employment Equality and Equal Status Acts) for protecting people with mental health disabilities from discrimination. Most recently, Mental Health Reform has sought such a review within the Comprehensive Employment Strategy for People with Disabilities. The Employment Equality Acts 1998-2008 expressly prohibit discrimination on the grounds of a mental health disability. However in a study by DCU, 36% of participants reported having experienced unfair treatment in finding a job and 43% in keeping a job.¹ Amnesty International Ireland concluded that it is likely discrimination by employers against people with a mental health disability is occurring in Ireland.²

Successive national surveys of public attitudes towards people with a mental health condition undertaken by the National Disability Authority in 2001, 2006 and 2011 have shown that the general public have more negative attitudes towards people with a 'mental health difficulty' than any other

¹ MacGabhann, et al. (2010), p.26.

² Amnesty International Ireland (2010) *Hear my voice: challenging mental health prejudice and discrimination*, Dublin: Amnesty International Ireland, p.49.

disabling condition. In the most recent survey, people were least comfortable working with or living near someone with a 'mental health difficulty' than someone with any other disability.³

Mental Health Reform recommends that the Department's Statement of Strategy contain a commitment to undertake a review of the effectiveness of Ireland's equality legislation (Employment Equality and Equal Status Acts) for protecting people with mental health disabilities from discrimination.

Ratification of the UN Convention on the Rights of Persons with Disabilities

It is of crucial importance that the government ratify the UN Convention on the Rights of Persons with Disabilities. The Convention has particular relevance to the Department of Justice in the context of Article 12 concerning equality before the law and enjoyment of legal capacity. The Department must recognize that persons with disabilities enjoy legal capacity on an equal basis with others in all aspects of life and provide access by persons with disabilities to the support they may require in exercising their legal capacity. In previous submissions to the Department of Health and the Department of Justice and Equality, Mental Health Reform has commented on the implications of this Article for both the Mental Health Act, 2001 and the Criminal Law (Insanity) Act, 2006. The Department of Justice and Equality's Statement of Strategy should make a commitment to bringing forward amendments to the Criminal Law (Insanity) Act, 2006 to bring it in line with the Convention on the Rights of Persons with Disabilities.

Enhanced Protections for Young People in Detention Centres

In 2013 the Children's Mental Health Coalition produced a report entitled *Someone to Care*, which explored the mental health needs of children and young people with experience of the care and youth justice systems. The report recognises the Department of Justice, Equality and Law Reform's Standards and Criteria for Children in Detention Schools (2008) which govern the inspections undertaken by the Health Information and Quality Authority of all three Children Detention Schools in Ireland. However, it also states that the standards do not contain any specific requirements in relation to meeting the mental health needs for children in detention. In line with the views of the Children's Mental Health Coalition, Mental Health Reform recommends that the Statement of Strategy make a commitment to an integrated approach by the Department of Children and Youth Affairs, the HSE and the Department of Justice in ensuring that the mental health needs of children and young people in the youth justice system are addressed by:

- Engaging with children and young people and involving them in planning service developments
- Developing a national strategy to address the mental health needs of children in detention centres, including policies on suicide and self-harm
- Developing an integrated assessment framework and ongoing monitoring of children's mental health needs
- Ensuring full compliance with the international protections of children and young people in detention
- Providing adequate and equitable access to mental health services

³ National Disability Authority (2012) *National Survey of Public Attitudes to Disability in Ireland 2011* available at <http://www.nda.ie/website/nda/cntmgmtnew.nsf/0/90F8D23334D786A880257987004FCF51?OpenDocument> downloaded 22 July 2012.

- Establishing mandatory protocols for inter-agency work
- Providing legislative protection for children and young adults leaving the youth justice system, and for children and young people who are at risk of homelessness.

Conclusion

Mental Health Reform is the national coalition of 48 organisations working to promote improved mental health services and the implementation of the mental health policy *A Vision for Change*. For more information see www.mentalhealthreform.ie.

Mental Health Reform is available to discuss the above recommendations. Please contact Kate Mitchell, Policy and Research Officer at 01 874 9468 or via email kmitchell@mentalhealthreform.ie.