



An Taoiseach,  
Mr Micheál Martin, TD  
Government Buildings  
Merrion St Upper  
Dublin 2

30<sup>th</sup> May 2022

**Ref: Please ensure the rights of people with mental health difficulties are not omitted from the Assisted Decision-Making (Capacity) legislation**

Dear Taoiseach,

We, the undersigned members of Mental Health Reform, write to urgently bring your attention to what in the context of considerable legislative progress overall, is a serious omission for people with severe and enduring mental health difficulties. We call on you as Taoiseach to ensure the requirement for cross department work to address this gap urgently happens.

The Assisted Decision-Making (Capacity) (Amendment) Bill 2022 now set to progress through the Oireachtas marks a historic turning point in establishing a modern statutory framework for supported decision-making in Ireland. The long-awaited Assisted Decision-Making (Capacity) Act 2015 will finally be commenced, and the Decision Support Service (DSS) will be operational. These are welcome developments and will bring Ireland more in line with our obligations under the UN Convention on the Rights of Persons with Disabilities (UNCPRD).

However, we have serious concerns that people involuntarily detained under the Mental Health Act 2001 are excluded from the important provisions of this legislation.

Without Government amendments at this juncture, people who are detained in hospital for mental health treatment will be specifically excluded from legally binding advance healthcare directives. They will have no legal right to have their advance wishes respected, even though they had capacity to make decisions about their mental health care and treatment at the time of making their directive. There is no other group of individuals that are specifically excluded from this legal right. This is contrary to international human rights standards including the UNCPRD.

The importance of individuals being listened to and being active partners in their own mental health care is a core component of our national mental health policy, *Sharing the Vision*. We are calling for urgent amendments to the Assisted Decision-Making (Capacity) (Amendment) Bill 2021 to ensure that the will and preferences of people with severe and enduring mental health difficulties are respected, and their human rights are protected.

Government has this opportunity to address this omission which is a recommendation in the pre-legislative scrutiny report of the Joint Committee on Children, Equality, Disability, Integration and

Youth (CEDIY). As members of Mental Health Reform, we implore you to ensure that people with severe and enduring mental health difficulties are included in this crucial step forward for disability rights in Ireland.

Yours sincerely,

Róisín Clarke, Interim CEO, Mental Health Reform  
Sharon Lane, CEO, Dyspraxia Ireland/ DCD Ireland  
Martin Rogan, CEO, Mental Health Ireland  
Dr Sheila Gilheany, CEO, Alcohol Action Ireland  
Brendan McCarthy, CEO, Cork Mental Health Foundation/Housing Association  
Nicola Byrne, CEO, Shine  
Paula Lawlor, CEO, Suicide or Survive  
Vivian Geiran, Chair, Irish Association of Social Workers  
Julie Cruickshank, Head of Services, HAIL  
Patricia Scully, Chair, Irish Council for Psychotherapy  
Mary McHugh, Director, Irish Online Counselling and Psychotherapy Service  
Dr Caroline Munyi, Migrant Women's Health Coordinator, AkiDWA  
Ruaidhri O' Connor, CEO, Irish Society of Chartered Physiotherapists  
Barry McGinn, CEO, Rehab Group  
Helen Ryle, Chairperson, European Association of Professional Hypnotherapists  
Hugh Morley, Head of Business, Cork Counselling Services  
Neil Ward, Head of Advocacy and Communications, Fighting Blindness  
Sam McGuinness, CEO, Dublin Simon Community  
Carol Moore, Trustee, Dual Diagnosis Ireland  
Jacinta Hastings, CEO, Bodywhys  
Noel Smyth, Chairman, 3Ts  
John Church, CEO, Irish Society for the Prevention of Cruelty to Children  
Saoirse Brady, Executive Director, Irish Penal Reform Trust  
Shane Kelly, CEO, The Psychological Society of Ireland  
Louise O' Leary, Advocacy Manager, St Patrick's Mental Health Services  
Michele Kerrigan, CEO, Grow  
Fiona Tuomey, CEO, HUGG  
Ken Kilbride, CEO, ADHD Ireland  
Stephanie Manahan, CEO, Pieta House