

# HUMAN RIGHTS

# ALERT

JULY 5, 2000

ISSUE # 10

A Psychiatric Survival Broadsheet



## ONTARIO

### 'Brian's Law' Passes

Forced community 'treatment' of psychiatrically labeled persons came one step closer to being reality in Ontario with the passage of Bill 68, also known as 'Brian's Law', on June 22 this year.

This legislation, which was named for sportscaster and former NHL player Brian Smith, makes substantial changes to both the Mental Health Act and Health Care Consent Act. (Smith was murdered by a supposedly 'mentally ill' man in Ottawa in 1995). The bill is tentatively scheduled for proclamation in December 2000.

Among the changes to the criteria for involuntary admission is the removal of the qualifying word 'imminent' from the requirement that a physician believe a person poses a 'threat of harm to self or others' or is 'at risk of substantial physical deterioration.'

### 'Need of Treatment'

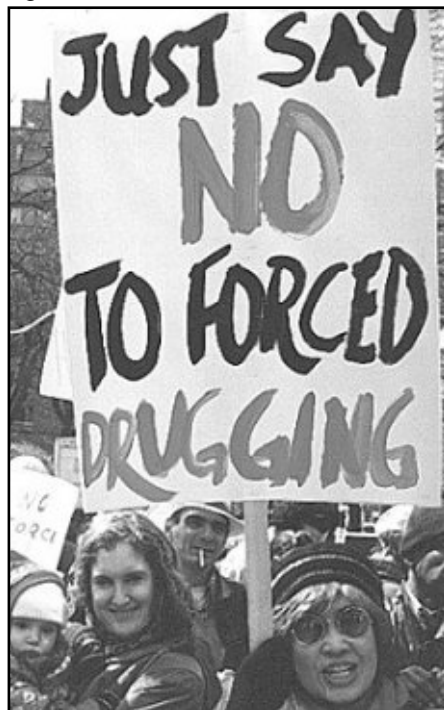
Much of the new criteria focuses upon a shrink's subjective opinion that an individual is 'in need of treatment', with even the minimally objective criteria contained in the original Mental Health Act being jettisoned. In addition, sweeping new powers will be granted to the police, who will now be in a position to apprehend persons based purely on secondhand information about alleged 'disorderly behavior' whereas before they were required to actually observe such for themselves in order to detain someone under the Act.

The new law also paves the way for the implementation of community treatment orders, which are a legal mechanism used to enforce compliance with psychiatric 'treatment' as a requirement for discharge from an institution.

It won't even take much for someone to qualify for this draconian intervention - two hospital admissions

within the previous three years (or a cumulative hospital stay of thirty days or longer during the same time period) will suffice if the person also currently meets the (loosened) criteria for inpatient committal.

The sponsors of this law have been trying to put this scenario forward as being a strictly voluntary arrangement - one especially Orwellian amendment which was suggested at the Committee hearings was that the name of such interventions be changed to 'community treatment agreements' in order to reflect this.



However, it boggles the imagination to suggest that there is anything even remotely 'voluntary' about an arrangement entered into under the duress of facing potential indefinite incarceration, or that may be entered into by a substitute decision-maker not of the individual's choosing, or

that involves the level of supervision spelled out in the new law (potentially almost anyone involved in the 'patient's' life could be pressed into serving a quasi-police function under these orders) and that are a legally binding arrangement that ultimately can be enforced by the police.

In other words, this 'less restrictive alternative' basically turns peoples' homes into locked wards and places all control over their lives into the hands of others.

### Lopsided Vote

The legislation passed by a vote of 82 to 10, with most members of the opposition Liberal Party and a couple of New Democrats also supporting the government-sponsored bill. The third-reading debate revealed the totally farcical nature of the 'public hearings' by making no reference whatever to the substantial, highly-informed and passionate testimony offered by Survivors and human rights advocates. The entire 'discussion' seemed to focus almost exclusively on the lack of community 'resources' rather than giving any consideration to the human rights abuses that will invariably result upon proclamation.

Previous experience indicates that political party lines are essentially meaningless when it comes to this particular issue - similar legislation has been implemented in three other Canadian provinces under NDP governments, and in Ontario Liberal MPP Richard Patten has made two previous attempts to bring in amendments to the Mental Health Act through private member's legislation. In the United States, a bipartisan-sponsored Federal bill has been introduced that potentially will greatly expand the use of coerced psychiatric 'treatment'.

About the only good news is that the Canadian province of New Brunswick, and the states of Connecticut and Iowa have rejected forced community 'treatment' as a viable alternative, with the state of Vermont upholding an earlier statute that severely

<'Brian's Law' - next page>

**SURVIVORS' RIGHTS ARE HUMAN RIGHTS!**

**<'Brian's Law' - continued>**

limits the circumstances under which a person can be force-drugged. As well, the recently-introduced CTO legislation in California is on the verge of being defeated, having been blocked at the Appropriations Committee level.

**Bill 68 itself is likely to face a court challenge under Canada's Charter of Rights and Freedoms shortly after it is proclaimed.**

**JULY 2000**

**Survivor Pride Goes International!**

July 8 to 15 marks the first international 'Mad Pride Week' with cultural and political events being planned for the state of Oregon and in Albany, New York as well as London (England), Uganda, and the Congo. In addition, an exhibit focusing on disability issues is (by coincidence) slated to open at the Smithsonian Institute in Washington, D.C. during this time.

This time frame embraces Bastille Day, the date on which the French Revolution was initiated with the liberation of prisoners (including a number of confined 'lunatics') from the infamous Bastille prison. This day (July 14) is a national holiday in France itself and has likewise been adopted by the Survivor movement as representing a significant date in history.

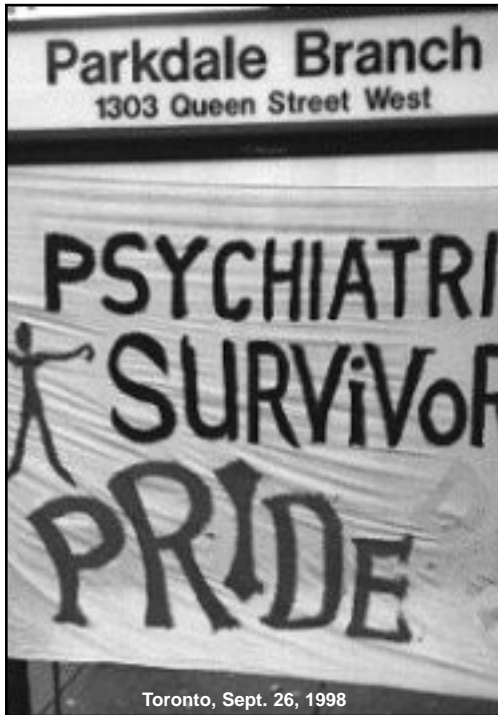
**Survivor Pride Day**

The first Psychiatric Survivor Pride Day took place in Toronto, Canada in September of 1993. Inspired by the celebrations of lesbian/gay pride that take place annually in many large cities, the event, which was attended by nearly 200 people, featured workshops, theatre, music and a march on a local psychiatric facility. Subsequent celebrations have occurred annually in the early fall of the year, with this year's event rescheduled to July in solidarity with the initiatives happening elsewhere in the world.

The events in Toronto get underway on July 8 with a launch party at the Great Hall Centre (1087 Queen St. W.) featuring performers from the local Survivor community. Proceeds from this pay-what-you-can event will go to the Edmond Yu Safe House project (an effort to establish a sanctuary for people with a psychiatric diagnosis, named for a young

man who was gunned down by the Toronto cops in February 1997).

Subsequent events will include workshops to be held at the Parkdale Library on July 12 from 3 to 8 PM (1303 Queen St. W.) and a 9:00 PM candlelight vigil outside the Queen Street Mental Health Centre on July 14.



The main event, on Saturday July 15 will be the 'Instances of Resistance' march and rally, beginning at Mazaryk/Cowan Parkette (Cowan Ave. south of Queen St. W.) at 11 AM. The march will proceed along Queen Street to Trinity/Bellwoods Park, after which there will be an outdoor celebration including music, theatre, a healing circle and information and artistic displays.

With our lives and basic rights under ongoing assault from shrinks, media, drug companies and 'family advocacy' groups, it is more important than ever that we affirm and celebrate our strength as survivors, and seek to strengthen the solidarity within our diverse community. These annual observances of Survivor Pride are an important means to this end.

**For information on the Toronto events call (416) 531-2411 x401 or e-mail: <psychepride@yahoo.com>**

**For information on international Mad Pride events go to [www.ctono.freeserve.co.uk/index.htm](http://www.ctono.freeserve.co.uk/index.htm)**

**Psychiatric Survivor Resources in Toronto**

**People Against Coercive Treatment**

P: 760-2795 F: 368-5984

Internet: <pact@tao.ca>

<[www.tao.ca/~pact](http://www.tao.ca/~pact)>

\*\*\*

**Queen Street Patient's Council**

Room 2059, 1001 Queen St. W.

Toronto, Ontario M6J 1H4

P: 535-8501x2018 F: 325-9749

<patientsco@icomm.ca>

<[www.icomm.ca/patientsco](http://www.icomm.ca/patientsco)>

\*\*\*

**No Force! Coalition**

(c/o Queen Street Patient's Council)

<[www.tao.ca/~pact/noforce.html](http://www.tao.ca/~pact/noforce.html)>

\*\*\*

**Sound Times Support Services**

96 Granby St.

Toronto, Ontario

P: 979-1700 F: 979 5863

E-mail: <stimes@icomm.ca>

<[www.icomm.ca/stimes](http://www.icomm.ca/stimes)>

\*\*\*

**C/S Information Resource Centre**

c/o Day Centre

252 College St. 3rd Floor

Toronto, Ontario M5T 1R8

P: 595-2882 F: 595-0291

E-mail: <csinfo@icomm.ca>

<[www.icomm.ca/csinfo](http://www.icomm.ca/csinfo)>



**HUMAN RIGHTS ALERT**

**319 Dundas St. E. #408**

**Toronto, Ontario M5A 2A2**

**Fax: (416) 368-5984**

**E-mail:**

**<HRA@homefreeweb.com>**

**Contributions welcome!**

**(Contributions may be edited for space)**

<http://bacque.graeme.tripod.com/HRA/HRA.html>

