

Wolf-Dieter Narr

Freie Universität Berlin
Potsdamer Straße 41, 12205 Berlin

Amnesty International
International Secretariat
1 Easton Street
London
WC1X 0DW
Great Britain

Ihr Zeichen	Ihre Nachricht vom	Unser Zeichen	Telefon:	(030) 833 7162	Datum
			Email:	narrwd@zedat.fu-berlin.de	18.05.2013

Dear Ladies and Gentlemen,

My name is Wolf-Dieter Narr. I have been teaching political science with a focus on human rights at the *Freie Universität* in Berlin since 1971. Among other activities I was one of the initiators of the *3rd Russell Tribunal on Human Rights* in the Federal Republic of Germany in 1978.

For the last 20 years I have participated in the struggle for human rights in psychiatry: I was one of the organizers of the *Foucault Tribunal on the State of Psychiatry* in 1998 and on the *5th Russell Tribunal on Human Rights in Psychiatry* in 2001.

I was delighted that with the *Convention on the Rights of Persons with Disabilities*, the international community has acknowledged the human rights of people confined in psychiatry and that the convention made the paradigm shift in recognizing indivisible human rights to all individuals, no matter whether they have a psychiatric diagnosis or not.

This paradigm shift was especially strengthened by the UN statement A/HRC/10/48: *Thematic Study by the Office of the United Nations High Commissioner for Human Rights on enhancing awareness and understanding of the Convention on the Rights of Persons with Disabilities* of 26/1/2009. In this regard, please read therein articles 47, 48 and 49.

The stand taken by the office of the UN High Commissioner on Human Rights has now also been taken by the UN Special Rapporteur on Torture Juan E. Méndez.

In a speech in the 22nd session of the "Human Rights Council" on 4 March 2013 explaining his report of 1 February 2013, he qualified forced treatment in psychiatry as "*cruel, inhuman or degrading treatment and/or torture*". This is a remarkable step because if forced treatment is torture (CID), there must be an absolute ban on it. In my opinion that means that we now have the blessing of the highest authority on the question of human rights that our struggle on Human Rights in Psychiatry and therefore against forced treatment is now a legitimate claim for any civil society, a mandatory duty for all member states of the United Nations.

However we do have a deficit in making this paradigm shift known.

So I initiated a campaign for a national *Alliance Against Torture in Psychiatry* in Germany asking several university professors to give support this alliance, among them Manfred Nowak,

the predecessor of Juan E. Méndez, should be specially mentioned. This alliance has been formed as an alliance of organizations in Germany and published in the internet:

www.folter-abschaffen.de

The translation of the agreement of the Alliance is:

Alliance Against Torture in Psychiatry

The undersigned organizations

- have noted that the Special Rapporteur on Torture of the UN High Commission for Human Rights, Juan E. Méndez, in the 22nd session of the "Human Rights Council" on March 4, 2013 has declared forced treatment in psychiatry as torture and/or cruel, inhuman or degrading treatment.
- support the recommendation of the Special Rapporteur that:
*"States should impose an absolute ban on all forced and non-consensual medical interventions against persons with disabilities, including the non-consensual administration of psychosurgery, electroshock and mind-altering drugs, for both long- and short- term application. The obligation to end forced psychiatric interventions based on grounds of disability is of immediate application and scarce financial resources cannot justify postponement of its implementation."**

We therefore call on all state and federal legislators to immediately declare void all special laws that legalize forced psychiatric treatment. Only a prompt reaction can fulfill the demand for an absolute ban on torture: *"The prohibition of torture is one of the few absolute and non-derogable human rights, a matter of jus cogens, a peremptory norm of customary international law."***

* "Statement by Mr. Juan E Méndez; Special Rapporteur on torture [...] 22nd session of the Human Rights Council, Agenda Item 3, 4 March 2013, Geneva", page 5 http://mdac.info/sites/mdac.info/files/march_4_torture.pdf

** See article 82 of the "Report of the Special Rapporteur on torture [...], Juan E. Méndez; A/HRC/22/53" http://www.ohchr.org/Documents/HRBodies/HRCouncil/RegularSession/Session22/A.HRC.22.53_English.pdf

The consideration is that also human rights activist organizations such as Amnesty International should join the alliance. So on the 26th of March we sent a kind request to join the alliance to the two Amnesty International German section groups: *Network of Healing Professions* and the *Anti-Torture Group*. On the 22nd of April the *Network of Healing Professions* declined a participation but promised that for a final decision the Amnesty International secretariat in London would be asked. I replied with a letter (enclosed) to the network and again it was confirmed that a definite answer would be delivered by the Amnesty International secretariat in London. The *Anti-Torture Group* also answered that before a decision from the international secretariat has been made, they would not join the alliance.

Here is what I know so far about the stand of the discussion in AI on torture in psychiatry: In 1991 in Yokohama the International Council of AI convened and passed a resolution with the title "Psychiatric Confinement". It reads: *"The International Council decides that AI's mandates on cruel, inhuman or degrading treatment or punishment of prisoners applies fully to persons forcibly confined to psychiatric institutions, although AI does not enter the area of treatment which AI's itself regards as authentically medical."*

Thus AI has put itself into the position of specifying the criteria of what "authentically medical" treatment is and how it differs from non-medical abuse which occurs through the use of coercion

and violence. The problem here is: On the one hand almost any punitive act can also be exercised by mutual consent, e.g. during sexual play. On the other hand it must be excluded that the state simply uses medical institutions as a front for torture centers. To make an absolute distinction there remains therefore only the criterion of an agreement with the concerned person or his consent for treatment. Classically this is referred to as "informed consent" and is the basis for medical treatment, because without advance agreement even the Hippocratic Oath i.e. to do no harm, is broken, because the expressed will of the person is violated. Therefore the result of the definition of "authentically medical" from a human rights point of view can only be that coercive psychiatry is reconcilable neither with medicine nor with morality, but rather motivated by torture and humiliation for political reasons (concluded in respective laws). To my knowledge since 1991 the concrete AI definition of the term "authentically medical" is pending.

Another point of consideration is in my opinion the actual discussion in the USA about the invalidity of all psychiatric diagnoses as published by Thomas Insel, director of the NIMH on 29th of April: *While DSM has been described as a "Bible" for the field, it is, at best, a dictionary, creating a set of labels and defining each. The strength of each of the editions of DSM has been "reliability" – each edition has ensured that clinicians use the same terms in the same ways. **The weakness is its lack of validity.*** [emphasis added by me]

A wave of discussion on the invalidity of psychiatric diagnoses followed, e.g. see:

- "Scientific American" title: *Psychiatry in Crisis! Mental Health Director Rejects Psychiatric "Bible" and Replaces With... Nothing*
<http://blogs.scientificamerican.com/cross-check/2013/05/04/psychiatry-in-crisis-mental-health-director-rejects-psychiatric-bible-and-replaces-with-nothing>
- „Psychology Today“ on May 4.:
www.psychologytoday.com/blog/side-effects/201305/the-nimh-withdraws-support-dsm-5
 Citation: *For others still, the NIMH's "seismic" decision represents an unmistakable "kill shot to DSM-5," and not a moment too soon.*
- The „New York Times“ used the title:
Psychiatry's Guide Is Out of Touch With Science, Experts Say
www.nytimes.com/2013/05/07/health/psychiatrys-new-guide-falls-short-experts-say.html?partner=rss&emc=rss&_r=0
- The „Guardian“ title is: *Medicine's big new battleground: does mental illness really exist?*
www.guardian.co.uk/society/2013/may/12/medicine-dsm5-row-does-mental-illness-exist?CMP=tw_t_gu
- The Economist of today: *Shrink wrapping*
www.economist.com/news/leaders/21578050-single-book-has-come-dominate-psychiatry-dangerous-shrink-wrapping?frsc=dg%7Cc

To sum up my letter with a question: Could you please send me your opinion on whether or not it is reconcilable with AI that one of their groups join an *Alliance Against Torture in Psychiatry* as mentioned above ?

I can confirm that the alliance here will not require more work than consenting on the founding text, as the alliance has no executing board, so any further decision could only be made on the consent of all members of the alliance.

Best regards,

CC: AI Network of Healing Professions and the German AI Anti-Torture group