

**An Open Letter  
to  
The Human Rights Industry of Victoria  
on its  
Participation in the Systemic Human Rights Violations of Psychiatric Survivors**

For the purposes of this Open Letter, the Human Rights Industry of Victoria includes, but is not limited to, the following organisations:

Victorian Equal Opportunity and Human Rights Commission (VEOHRC)  
Human Rights Law Centre (HRLC)  
Federation of Community Legal Centres (FCLC)  
Liberty Victoria  
Law Institute Victoria (LIV)  
Office of the Public Advocate (OPA)  
Victorian Law Reform Commission (LRC)

Dear Leaders of Victoria's Human Rights Industry,

With the exception of the Law Reform Commission, which warrants a special mention below, all of you have made submissions to the current review of Victoria's Mental Health Act. In every case, you have all proposed, recommended or endorsed very serious limitations of some of the most fundamental human rights of people labelled as "mentally ill". But none of you – not a single one – has provided any justification for the limitations that you endorse.

This collective discrimination by the human rights industry against psychiatric survivors can be compared with the discrimination of the Stolen Generations, which were perpetrated by people who were mostly well-intentioned and genuinely believed that taking those children from their parents was "for their own good". As the UN Special Rapporteur on Torture has observed in his report on disability rights, good intentions are not sufficient justification for human rights violations.

The true history of the Stolen Generations is now being told. It is time, indeed it is long overdue, for the similar history of paternalistic violence against psychiatric survivors to be told. This task has commenced all around the world and includes a call from psychiatric survivors for a Truth and Reconciliation process similar to what took place in post-apartheid South Africa. This Open Letter is part of this global movement to tell the true history of psychiatric violence and, specifically, how it continues to flourish in Victoria.

This letter is not, however, addressed to the front-line perpetrators of this violence. Rather, it is addressed to those who claim to be the experts and the champions of human rights in Victoria – the people and the organisations that psychiatric survivors have turned to in their fight for justice and their human rights. But Victoria's human rights industry has betrayed psychiatric survivors and instead collaborated with the perpetrators. Once again, the parallel with the Stolen Generations can be made.

A fundamental human rights principle, which is well understood by all the organisations named here, is that human rights should never be limited by the state without very compelling

reasons to justify them. In the language of Victoria's Human Rights Charter, any limitations of rights must be "demonstrably justified in a free and democratic society".

Victoria's Mental Health Act has now been under review for more than three years and included two rounds of public submissions and community consultations. From the outset of the review it was clear that the serious human rights limitation of involuntary psychiatric treatment was to remain a foundation of any new Mental Health Act. This has now been confirmed in the Exposure Draft Bill produced from the review. Despite this lengthy process, not one word of justification for involuntary psychiatric treatment has been provided to the people of Victoria.

Submissions were made to the review, including by some (but only some) of the organisations named here, that were critical of this failure by the government to justify the human rights limitations that it was proposing. But this letter is not about the government's contempt for our democratic rights as defined in the Charter.

This letter is addressed to Victoria's human rights industry, which has been the government's willing ally in this contempt for psychiatric survivors. All but one of the organisations named here (we'll get to the LRC in a minute) have made submissions to the Mental Health Act review that endorse human rights limitations without any justification. Like the government, these organisations hide behind legalistic arguments that they are not (yet) obliged to justify the human rights violations that they endorse. But the moral argument cannot be avoided so easily.

All the organisations named here claim specialist expertise in human rights. They also claim to be advocates, indeed the champions, for the advancement and the strong protection of human rights. Some (perhaps all) are also public authorities under the Human Rights Charter, making them legally bound to observe Charter obligations. They also represent the social institutions that are supposed to be exemplars of human rights principles. They each have a critical role in setting the human rights standards that we might hope for in Victoria. They therefore have a special obligation – if not a legal one then certainly a moral one – to uphold and observe the human rights principles that they claim to represent.

But what do we find in reality? Every single one of these organisations endorses involuntary psychiatric treatment without giving their justification – their compelling reasons – for why it should be permitted. Every single one of these organisations disregards one of the most fundamental human rights principles when it comes to the rights of psychiatric survivors.

This represents a monumental hypocrisy by each of these organisations. With friends like this, who needs enemies? Victoria's human rights industry has shown itself to be an integral component of the systematic and systemic discrimination against people labelled as mentally ill. Indeed, perhaps the best measure of just how deeply ingrained a society's discrimination against psychiatric survivors is when its human rights institutions accept without question the status quo assumptions and prejudices of psychiatric force.

But perhaps the Law Reform Commission gives us an even more precise and explicit measure of the depth of this discrimination. In its recent Guardianship Consultation Paper it made the judgement that equal rights for people who experience psychosocial disability is a "step too far" for Victoria at this time. Once again, no justification is offered for this sweeping and quite outrageous discrimination against psychiatric survivors.

It's probably true that the people of Victoria would oppose the abolition of psychiatric force. But again the comparison can be made with the Stolen Generation, where a privileged elite united with a prejudiced majority to perpetrate those shocking and often tragic human rights abuses. Presumably Neil Rees, if he was President of the Law Reform Commission during those dark days, would have also regarded leaving these children with their families a step too far. Perhaps he would also support bringing back capital punishment if that was the wish of the majority of Victorians.

The organisations named here make a mockery of the human rights they claim to champion. For psychiatric survivors, they have no credibility or legitimacy as human rights institutions unless and until they either withdraw their endorsement of psychiatric force or provide their justification for it.

The failure of these organisations to justify the psychiatric force that they endorse represents another violation of the rights of psychiatric survivors. By denying us the opportunity to question and challenge their reasons, they further silence and exclude us from the public debate on our rights (another Charter obligation). Once again the comparison with the Stolen Generation can be made with their paternalistic arrogance that they believe they know what is best for us without feeling any obligation to explain or justify their prejudices.

The history of psychiatric force is now being told around the world. This Open Letter is part of that unfolding history as a document on how the human rights industry in Victoria collaborates with the perpetrators of psychiatric force in this state. The truth needs to be told of how those who pretend to defend our rights are in fact willing participants in depriving us of our rights. Victoria's human rights industry is an essential component of the systematic and systemic discrimination against psychiatric survivors.

Neil Rees, Helen Szoke, Philip Lynch, Hugh de Kretser, Spencer Zifcak, Colleen Pearce (and Laura Helm) – j'accuse! I name you and I accuse you. Please respond.

As the leaders of your organisations, I call upon you to either withdraw your support for psychiatric force or provide your compelling reasons for why you endorse such serious human rights limitations.

This Open Letter will be circulated to various disability advocacy online bulletins, such as the OzMad and OzAdvocacy yahoo groups, where you can post your justifications – or preferably announce the withdrawal of your advocacy of psychiatric force. If you prefer, you can email your responses directly to me but please know that I will make public any correspondence from you.

Silence from you will be taken as your continued endorsement of unjustified human rights violations against people labelled as “mentally ill” in Victoria.

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