

Tonio Borg

Member of the European Commission, responsible for Health

Commissioner Borg delivers speech on safeguarding the legal rights of people with mental health problems

*Check Against Delivery
Seul le texte prononcé fait foi
Es gilt das gesprochene Wort*

Tonio Borg, European Commissioner for Health, attends reflection seminar on the legal rights of people with mental health problems.

Buskett, Malta, 22 February 2014

**REFLECTION SEMINAR ON THE LEGAL RIGHTS OF PEOPLE WITH
MENTAL HEALTH PROBLEMS**

MALTA

22 FEBRUARY 2014

SPEECH

President,
Minister,
Commissioner,
Distinguished guests,

I am very pleased to be here with you today, to open this important seminar, which aims to raise awareness and open discussions on safeguarding the legal rights of people with limited mental capacities.

As the European Commissioner for Health, I seek to foster action at European Union level to promote both mental health and physical health.

The European Commission is indeed keen to support and complement Member States' work to improve citizens' mental health.

For example, last year, the European Commission launched a Joint Action on Mental Health, co-funded by the Health Programme, bringing together 25 EU Member States to shape a common framework for action on mental health by 2016.

The Commission also fosters exchange of knowledge and good practice on mental health, for example through the Group of Governmental Experts on Mental Health.

I am really pleased that Malta plays a highly active role in mental health initiatives at EU level, including participation in the Joint action which I have just mentioned.

However, today I do not intend to speak so much about my work on European cooperation on mental health.

I would like to focus instead on the issue which has brought us here this morning – the need for adequate legal protection for the vulnerable, in particular those that have limited mental capacity.

When we speak of limited legal capacity of persons with mental and intellectual limitations, we need to mention the rights enshrined in the Charter of Fundamental Rights of the European Union; and the fact that equal and non-discriminatory recognition before the law is a long-established right.

With the entry into force, in addition, of the UN Convention on the Rights of Persons with Disabilities, which Malta ratified in 2012, the EU became a party to an international human rights Treaty.

This Convention enshrines the right of people with disabilities to live independently, to be included in the community, and that community services be available and responsive to their needs.

This certainly marks an upgrade in the commitment towards the rights of vulnerable people, and a policy shift that considers a rights-based approach to physical and mental impairments which affect EU citizens.

Let me stress here that promoting equal treatment and combating discrimination against persons with both physical and mental disabilities has long been a cornerstone of EU policy; and one of the areas in which EU law closely affects the everyday life of people in the EU.

However, there remain considerable obstacles which prevent people with intellectual or mental disabilities from fully and effectively participating in community life and exercising their civic, political and legal rights.

This is why the European Commission – in particular Vice President Reding who is responsible for fundamental rights within the Commission - has made a firm commitment to improve the life of vulnerable persons and promote their rights as equal citizens in the EU.

EU law, through the Employment Equality Directive of 2000, provides protection against discrimination on the ground of disability in employment, occupation and vocation training.

The obligation for employers to adapt the workplace to the disability - for example adapting premises and equipment or patterns of work - is one of the key elements of the Directive, to enable a person with a disability to have equal access to employment.

The Commission has rigorously monitored the transposition of this Directive in national laws. The Commission found that the main challenge now is to increase awareness of existing protection and to ensure better practical implementation and application of the Directive through awareness-raising and training.

To extend anti-discrimination protection beyond the field of employment, the Commission proposed in 2008 an Equal Treatment Directive that covers social protection; social security and health care; social advantages; education; and access to and supply of goods and services, including housing.

The proposal is being negotiated in the Council where it requires the unanimous vote of the Member States to be adopted.

It is also important to highlight some recent initiatives in the area of Justice that illustrate the Commission's commitment to the protection of persons with disabilities in line with the Convention.

In October 2012, the EU adopted a Directive establishing minimum standards on the rights, support and protection of victims of crime.

The Directive aims to ensure that victims with disabilities can benefit fully from the rights and safeguards established, on an equal basis with others including by addressing their specific needs.

Of course all victims of crime are *per se* vulnerable. However, people suffering with cognitive impairments that may come with old age, or with disabilities, are particularly vulnerable; and likely to experience additional difficulties in understanding standard criminal proceedings.

Our action does not stop here.

Last November, the Commission presented a package of proposals to strengthen the procedural rights in criminal proceedings of citizens who may be disadvantaged due to age, or to their mental or physical condition.

This is another example of how the Commission, within its competence, is working to further enhance the legal protection of vulnerable persons, including those with mental limitations.

I am pleased that Malta is making important progress on safeguarding the rights of people with mental health problems through a more patient-focused approach and the new Mental Health Act enacted in October 2013.

The Act can be regarded as a major step forward in the realm of mental health policy in Malta.

With regard to legal capacity, I am aware that legislative changes introducing a system of guardianship for those suffering from mental conditions have also been under way in Malta.

Before I conclude, allow me to stress that the Commission will continue to work together with the Member States and stakeholders to realise the full potential of EU law and policies in terms of protection of the fundamental right to equal treatment in the EU.

The Commission is, in addition, committed to contributing to active and healthy ageing, social inclusion and equal opportunities, access to affordable healthcare services and a transition from residential to more community-based care for those with mental conditions.

Thus, in line with achieving these objectives, Member States have the opportunity to make use of EU-co-funding through the European Structural and Investment Funds.

Ladies and gentlemen,

To conclude: fighting all forms of discrimination and defending the rights of vulnerable people are longstanding objectives of the European Union.

I augur the initiative taken by the Officer of the Commissioner for Mental Health and Older Persons under the patronage of his Excellency the President of Malta, to organise this seminar and reflect upon this very pertinent issue.

I would like to thank you once again for inviting me to be here today, and wish you all a fruitful seminar.