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New report finds disturbing rights violations in BC's mental health detention system

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BC is violating the rights of people in mental health detention, according to a report released today by the Community Legal Assistance Society: **Operating in Darkness: BC's *Mental Health Act* Detention System.**

"BC's mental health detention system has been operating in darkness for too long," says Laura Johnston, the lawyer who wrote the report. "While other Canadian provinces have been conducting investigations to evaluate their mental health detention systems, the BC Government has failed to engage in any systemic review."

Mental health detentions in BC have increased dramatically over the last ten years, rising from at least 11,937 to 20,008 per year. But the number of voluntary mental health admissions has remained virtually unchanged, going from at least 17,659 to 17,060 per year over the same period.

"Our mental health system is increasingly interacting with people with mental health problems in an adversarial way by removing their rights, rather than in a voluntary way that promotes autonomy and collaboration in the recovery process," says Johnston. "We need to ask why and take a hard look at what is going on in this detention system."

The report reveals several disturbing practices and points to a number of deep flaws in the BC *Mental Health Act* that do not comply with the rights guaranteed by the *Charter* and international human rights law:

- A doctor can make detention decisions without conducting an in-person examination.
- The BC *Mental Health Act* authorizes detaining facilities to "discipline" involuntary patients. Involuntary patients can be subject to restraints (eg. tied to a bed with mechanical straps) and put in seclusion (solitary confinement).
- Unlike other detained populations in Canada, involuntary patients in BC have no right to same sex clothing removal and female patients routinely have their clothes removed by male staff, including security guards from private companies.
- The BC *Mental Health Act* permits indefinite detention with no mandatory periodic oversight.
- Although everyone is constitutionally entitled to a lawyer without delay at the time they are detained, there is no legal aid for mental health detainees to get independent legal advice upon detention.

The report lays out a clear set of actions that the BC Government should take, including establishing an independent law reform commission to overhaul the *Mental Health Act*.

The report is available [here](#).

CLAS Lawyer Laura Johnston will be available for interviews on November 29, 2017.

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