

# Guest editorial

Niall O’Kane and Ian Hall

This special edition of *Advances* focusses on mental health law and human rights as they relate to people with intellectual disabilities. In particular, we will explore the rapidly changing law relating to deprivation of liberty, mental capacity and consent to sexual relations, as well as examining international views on compulsory detention, and supported decision making.

We are very honoured to have articles from leading experts in the field of Mental Capacity law and policy in England: Alex Ruck Keene and Victoria Butler Cole. Keene provides a thought provoking article, examining the difficulties with defining “mental capacity” as well as Convention on the Rights of Person with Disabilities compliance issues faced by current Mental Capacity legislation in England and Wales. Butler Cole provides perspectives into recent case law decisions surrounding a controversial area of mental capacity: consent to sexual relations. Her paper highlights the various ethical dilemmas faced by the courts in balancing individual’s autonomy with protection from harm.

We include the perspective of a person with intellectual disability: a case report about his experience of successfully appealing against a deprivation of liberty safeguard authorisation in England. The paper highlights the wider issues relating to an individuals’ rights to challenge authorisations under different legislation, as well the development of the Deprivation of Liberty Safeguards legislation in light of evolving case law.

Providing an international perspective, Davies *et al.* describe shifts in guardianship practice as well as developments in supported decision making in Israel following the new Legal Capacity and Guardianship Law amendments; Frederiks *et al.* provide a viewpoint on coercive practice in Holland and how it compares with other countries worldwide.

Addressing the question of whether people with intellectual disability are more likely to be subject to compulsory detention, Walsh *et al.* report their comparison of detention rates in different groups in Scotland, and explore why people with intellectual disability may be more likely to be compulsorily detained.

The law in relation to people with intellectual disability is a rapidly changing field and we hope this collection of papers informs about those developments as well as how things might change in the future, hopefully acknowledging the views of people with intellectual disability themselves.

## About the Guest Editors

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