

CCHR Says MA Bill to Ban Electroshock Aversion Therapy is Needed Nationwide

Massachusetts is set to ban skin electroshock aversion therapy, described as torture by the UN, signaling urgent need for nationwide end to all electroshock use

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A Massachusetts state bill that would prohibit painful and abusive behavior modification, involving the use of [electroshock](#), could set a national precedent if passed, according to the [Citizens Commission on Human Rights \(CCHR\) International](#), a mental health industry watchdog. The group praised state Representative Danielle Gregoire who introduced a bill prohibiting skin shock behavioral "treatment" conducted at the Judge Rotenberg Center (JRC).[1] While the use of the

specific skin shock method appears largely limited to JRC, the ban's wording is broad enough to encompass any physical or chemical restraint or punishment to change or "control" behavior in a mental health or intellectual disability system. CCHR says it signals the need to eliminate the use of all electroshock in these systems.

The bill is H.180, "An Act regarding the use of aversive therapy." It prohibits any facility from administering "any procedure which causes obvious signs of physical pain, including, but not limited to, hitting, pinching, and electric shock for the purposes of changing the behavior of the person." [2]

The passage of the bill would align with the international Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, which the U.S. is a signatory to. As early as 2010, the United Nations Special Rapporteur on Torture, Manfred Nowak, called such aversion



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therapy torture and sent an urgent appeal to the U.S. government asking it to investigate. Two years later, another Special Rapporteur on Torture, Juan Mendez, reiterated that “the passage of electricity through anybody’s body is clearly associated with pain and suffering,” which constitutes torture.[3]

CCHR stands among a coalition of over 100 advocacy groups, notably the Stop the Shock Coalition, in supporting the ban on the device used for behavior control called an electrical stimulation device (ESD).[4] Moreover, CCHR advocates for an extension of this ban to encompass all electroshock treatment devices.

In September 2023, the state Supreme Judicial Court ruled in favor of allowing JRC to continue to operate on a consent decree given it in 1987 to use the device. However, the ruling didn’t look at the so-called “therapeutic” value of the practice, allowing state agencies to do that, leaving the door open for legislators to act.[5] The MA Joint Committee on Children, Families, and Persons with Disabilities is now reviewing the bill.

States such as New York had been sending individuals with disabilities to JRC, prompting New York Assemblyman Harvey Epstein (D-Manhattan) and New York Senator Jabari Brisport in May 2022 to introduce a bill banning the practice of electroshock on disabled children. New York prohibited aversive conditioning within its borders back in 2005. However, a loophole in the law resulted in New York spending more than \$100 million over the past decade sending disabled children to out-of-state facilities that use electro-shock and other forms of aversive conditioning. The New York bill would end this practice, which is a multi-million-dollar threat to JRC in particular.[6] In January 2023, the bill was referred to the Children and Families Committee for review.[7]

Senator Brisport, chair of the New York Senate’s Children and Families Committee stated: “No facility that thinks it’s acceptable to electro-shock children can be trusted with their care. Our nation has found excuses for far too long to lock away disabled children and subject them to inhumane practices.”[8]

Mike Schweinsburg, president of the 504 Democratic Club, a group that serves to promote and advance the interests of the disability community in the City of New York, points out: “Years ago, New York State banned the use of electroshock on animals. Yet today, children and young adults with disabilities are subjected to what the UN defines as torture and procedures....”[9]

“You’re not allowed to use electric shock on prisoners or prisoners of war or convicted terrorists,” said Nancy Weiss, a retired professor who has helped organize opposition to the practice. Weiss said a ban on the use of painful electroshocks will be fought by those using the device because “this is how they make their money.”[10]

In January 2019, the American Bar Association’s (ABA) Criminal Justice Section adopted a resolution that urged legislatures to clearly define child torture and make it a felony offense

regardless of whether a serious physical injury occurs. Child torture includes a combination of two or more cruel inhuman degrading treatments occurring for protracted periods of time.[11]

In January this year, the U.S. Congress passed a bill that gives the Food and Drug Administration (FDA) the authority to ban skin shock devices. This followed the U.S. Court of Appeals for the District of Columbia Circuit overturning the FDA's ban on the devices in 2021, claiming the agency did not have such authority.[12]

CCHR immediately wrote to all MA state legislators pointing out that the FDA had determined that the shock device presented "unreasonable and substantial risks of both physical and psychological injury." [13] It called for the legislators to ban the device and electroshock therapy.

CCHR strongly supports Massachusetts' current proposed ban on skin electroshock aversion therapy, which aligns with international human rights law. As the recent World Health Organization's guideline, "[Mental Health, Human Rights and Legislation](#)" points out: "Widespread human rights violations and harm caused by mental health systems, and enabled by mental health laws, has led to a legacy of trauma that impacts many individuals... Indeed, the structural violence and harm exercised through and facilitated by mental health laws are, in themselves, forms of historical trauma." [14]

There is an urgent need to prioritize human rights and dignity over damaging and coercive psychiatric practices. CCHR calls for swift legislative action to end this practice and says it should extend to all forms of electroshock treatment.

[1] David Linton, "Advocacy group seeks passage of bill that would ban use of shock therapy," The Sun Chronicle, 9 Oct. 2023, https://www.thesunchronicle.com/news/local_news/advocacy-group-seeks-passage-of-bill-that-would-ban-use-of-shock-therapy/article_0f2c61d1-c4ce-5da4-a3c3-f11f6a03d6bc.html

[2] Massachusetts House Bill 180, "An Act regarding the use of aversive therapy," <https://malegislature.gov/Bills/193/H180>

[3] "UN Calls Shock Treatment at Mass. School 'Torture,'" ABC News, 29 June 2010, <https://abcnews.go.com/Nightline/shock-therapy-massachusetts-school/story?id=11047334>; Mike Beudet, "U.N. investigating Judge Rotenberg Center's use of shocks," Boston 25 News, 20 June 2012

[4] Michelle Diament, "Advocates Call On FDA To Reissue Ban On Shock Devices For Those With Disabilities," Disability Scoop, 23 May 2023, <https://www.disabilityscoop.com/2023/05/23/advocates-call-on-fda-to-reissue-ban-on-shock-devices-for-those-with-disabilities/>

[5] Op. cit., David Linton, "Advocacy group seeks passage of bill that would ban use of shock

therapy," The Sun Chronicle, 9 Oct. 2023.

[6] Jabari Brisport, "Bill to End Electro-shock Announced," The New York State Senate, 4 May 2022, <https://www.nysenate.gov/newsroom/press-releases/2022/jabari-brisport/bill-end-electro-shock-announced>

[7]
https://assembly.state.ny.us/leg/?default_fld=&leg_video=&bn=A01166&term=&Summary=Y&Actions=Y&Committee%26nbspVotes=Y

[8] Op. cit., Jabari Brisport, "Bill to End Electro-shock Announced," The New York State Senate, 4 May 2022.

[9] Op. cit., David Linton, "Advocacy group seeks passage of bill that would ban use of shock therapy," The Sun Chronicle, 9 Oct. 2023

[10] Mike Beaudet, "Congress acts to help ban shock devices used for treatment at Massachusetts school," WCVB, 16 Jan. 2023, <https://www.wcvb.com/article/5-investigates-judge-rotenberg-center-shock-therapy/42526127>; "What's happening at the Judge Rotenberg Center?" Autistic Self Advocacy Network, <https://autisticadvocacy.org/stopheshock/>

[11] American Bar Association Criminal Justice Section Report to the House of Delegates Resolution, 109D, Jan. 2019; <https://www.nccasp.org/fighting-child-torture>

[12] Eric M. Garcia, "Will shock treatment finally be banned?" Boston Globe, 30 Jan 2023, <https://www.bostonglobe.com/2023/01/30/opinion/will-shock-treatment-finally-be-banned/>

[13] Heather Morrison, "'It is not too late': Advocates encourage lawmakers to act on bill banning electric shock, used at Judge Rotenberg Center in Canton," Masslive.com, 9 Jun. 2022, <https://www.masslive.com/politics/2022/06/it-is-not-too-late-advocates-encourage-lawmakers-to-act-on-bill-banning-electric-shock-used-at-judge-rotenberg-center-in-canton.html>

[14] World Health Organization, OHCHR, "Guidance on Mental Health, Human Rights and Legislation," p. 14

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