

# **GUIDELINES FOR THE PROMOTION OF HUMAN RIGHTS OF PERSONS WITH MENTAL DISORDERS**

This is an excerpt of a document which contains instruments for the assessment and the promotion of the respect of human rights of people with mental disorders, and the improvement of mental health care, according to major international documents on this issue, particularly a Resolution adopted by the UN General Assembly in 1991. **KEY WORDS:** human rights, mental disorders, persons with mental disorders, mental health legislation.

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Selected reference documents

UN Resolution 46/119 - The Protection of Persons with Mental Illness and the Improvement of Mental Health Care, 1991.

UN Declaration on the Rights of Disabled Persons, 1975.

UN Declaration on the Rights of Mentally Retarded Persons, 1971.

Declaration of Caracas, PAHO/WHO, 1990.

Declaration of Hawaii II, WPA, 1992.

Recommendation 1235 on Psychiatry and Human Rights, Council of Europe, 1994.

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## PART II

### CHECKLIST

1. Can persons with mental disorders exercise their civil, economic and cultural rights, e.g.

- a. the right to marry.
- b. the right to own property.
- c. the right to vote.
- d. the right to have children and to maintain parental rights.
- e. the right to access to one's own medical records.
- f. the right to freedom from cruel, inhuman or degrading treatment or punishment?

2. Are there laws prohibiting discrimination against persons with a mental disorder?

If YES, please, specify:

3. Is there legislation governing mental health care?

If YES, please, specify:

4. Is there legislation governing the commitment of patients (to treatment and/or to admission)?

If YES, please, specify:

5. Is there a specific government body responsible for promoting and maintaining the quality of mental health care?

If YES, please, specify:

6. Are there provisions for education for minors with mental disorders?

If YES, please, specify:

7. Are there standards for the determination of mental disorders (e.g. ICD; DSM)?

If YES, please, specify:

8. Are the standards of care for people with mental disorders comparable to those for physically ill persons?

9. Are the resources (human, financial and material) for mental health facilities comparable to those for other health facilities?

10. Are patients always asked for an informed consent prior to the beginning of a treatment?

11. Are there forms of restraint which are allowed and which are not?

If YES, please, specify:

12. Does use of drug therapy follow internationally accepted guidelines for mental disorders?

If YES, please, specify:

13. Are there essential drugs widely available (e.g. within one hour's walk for all patients) for the treatment of mental disorders?

Please, specify:

14. Is there an operational system to protect confidentiality?

If YES, please, specify:

15. Can patients access their medical records upon request?

16. Is a patient treated in a mental health facility always informed of his/her rights?

17. Is there a voluntary admission procedure?

18. Is there a time limit on involuntary commitment?

If YES, please, specify:

19. Do patients have the right to appeal a decision on involuntary admission?

If YES, please, specify:

20. Is the patient represented in any complaint procedure or appeal?

If YES, please, specify:

21. Are there living arrangements (both in institutions and in the community) tailored to the needs of those with mental disorders?

If YES, please, specify:

22. Are there specific programmes or measures taken for psychosocial rehabilitation?

If YES, please, specify:

23. Are prisons or jails being used to house people with mental disorders?

24. Is there a specific forensic hospital for mentally-ill prisoners?

25. Is mental health care guaranteed to prisoners?

26. How far away from home is the majority of patients being treated?

27. What is the average duration of an inpatient psychiatric hospitalization?

28. What is the proportion of voluntary to involuntary admissions?

29. How many signatures (and of whom?) are required for involuntarily commitment?

30. What authority reviews involuntary admissions?