



WHO MANUAL ON MENTAL HEALTH LEGISLATION

Few countries have adequate legislation to protect the rights of persons with mental disorders

Worldwide, people suffering from mental disorders experience human rights violations, both in the treatment that they receive and in their day-to-day lives within the community.

In many countries no legal framework exists to protect and promote their interests. Even in countries where legislation does exist, it often remains largely unimplemented or misimplemented.

A recent WHO study showed that:

- of the 160 countries providing information on legislation, 23% have no legislation on mental health.
- Nearly half of the existing legislation has been formulated in the last decade, whereas about 17% dates back to a period before 1960, before most of the current treatment methods became available.

There is increasing awareness at international and national level of the need to protect the rights of persons with mental disorders

The adoption of the *UN Principles for the Protection of Persons with Mental Illness and for the Improvement of Mental Health Care* in 1991 reflects a growing consensus among countries, of the necessity to establish international standards in the area of mental health and human rights.

Furthermore, a growing number of countries have, in the last few years, undertaken to formulate, amend and implement their laws governing people with mental disorders. WHO has recently provided support to a number of countries, in the form of on-site assistance, legal drafting and advice.

Legislation represents an important means of protecting the rights of persons with mental disorders

Legislation enables the codification and consolidation of the fundamental principles, values, aims and objectives of mental health policies and programmes. It provides a legal framework to ensure that critical issues such as access to care, stigma and discrimination, consent to treatment and confidentiality are addressed.

WHO Manual on Mental Health Legislation

Purpose of the Manual:

As part of the Project on Mental Health and Human Rights, WHO is developing a Manual on Mental Health Legislation. The purpose of the manual is to bring together information and best practice evidence on mental health law in order to inform and assist countries wishing to formulate, adopt and implement legislation.

Content:

The manual will provide practical, user-friendly guidance on legal issues as they relate to, among others things: admission, treatment and care in institutions and community settings; forensic psychiatry; civil, political, economic social and cultural rights, for example the rights to employment, housing voting. It will also examine implementation strategies, obstacles that may occur at different phases of the legislative process and suggestions for overcoming them. The manual will be illustrated throughout by country best practice examples.

Target audience:

The manual is designed to assist key stakeholders at national and local levels, including Ministries of Health, lawyers, health and mental health professionals, consumer and family organizations, NGOs, and representatives from social services, education and employment, the judicial system and other relevant fields.

Dissemination:

The Manual will be disseminated to countries seeking to undertake mental health law reform and implementation. It will also be made available on internet.

Furthermore, the Manual will be disseminated through a series of workshops aimed at providing key actors with information and documentation related to the protection of rights of persons with mental disorders. Participants will include Ombudsman offices, Ministries of Health, U.N. agencies, the judiciary, lawyers, consumer and family organizations, associations of psychiatrists, and nurses.

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