

# Rights of Mentally Ill Patient's

Renuka Polly Dass<sup>1</sup>, Dr. Anu Gauba<sup>2</sup>

<sup>1</sup>PhD Scholar, Department of Nursing, Bareilly International University, Bareilly

<sup>2</sup>Dean, Faculty of Nursing, PDM University, Bahadurgarh, Delhi-NCR

**Abstract:** *Mental health is an important component of the overall health of any individual. This was long recognized in ancient India, where in addition to the medical dimension, philosophical, religious, moral and ethical dimensions shaped and provided the ground for normal mental health and contributed to an integrated healing and welfare system for mental illness. Mental health conditions are disturbances in a person's thinking, feeling, or behavior (or a combination of these) that reflect a problem in mental function. They cause distress or disability in social, work, or family activities.*

## 1. Introduction

*"All persons with a mental illness, or who are being treated as such persons, shall be treated with humanity and respect for the inherent dignity of the human person...There shall be no discrimination on the grounds of mental illness..."*

Mental health is the foundation for emotions, thinking, communication, learning, resilience and self-esteem. Mental health is also key to relationships, personal and emotional well-being and contributing to community or society. Many people who have a mental illness do not want to talk about it. But mental illness is nothing to be ashamed of! It is a

medical condition, just like heart disease or diabetes. And mental health conditions are treatable. We are continually expanding successfully manage the mental health conditions. Mental illness does not discriminate; it can affect anyone regardless of your age, gender, geography, income, social status, race/ethnicity, religion/spirituality, sexual orientation, background or other aspect of cultural identity. While mental illness can occur at any age, three-fourths of all mental illness begins by age 24. Mental illnesses take many forms. Some are mild and only interfere in limited ways with daily life, such as certain phobias (abnormal fears). Other mental health conditions are so severe that a person may need care in hospital.

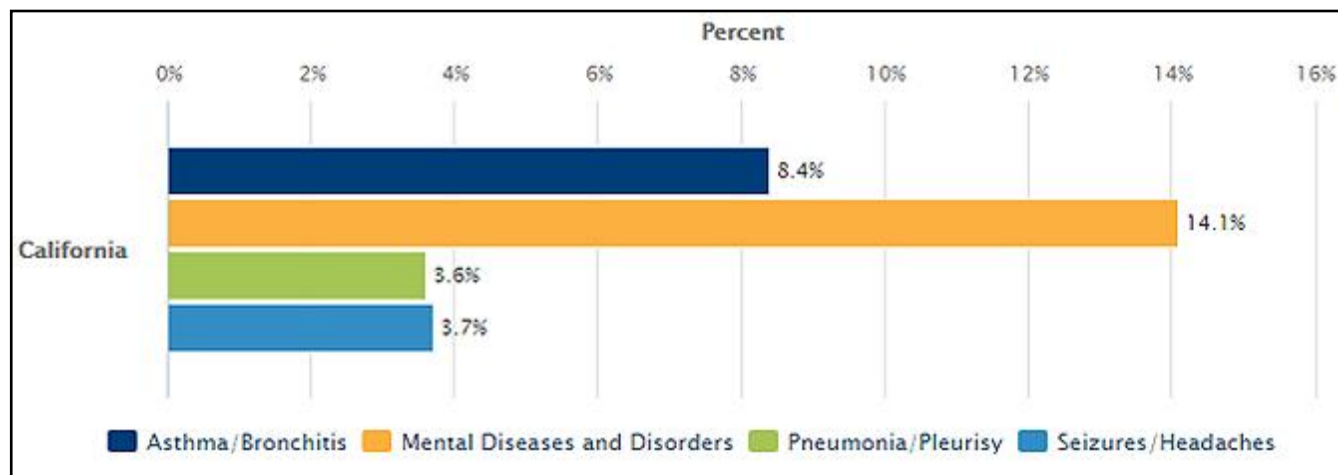


Figure 1: Mental Health issues account for largest percentage of hospitalizations among youth

### The Current Picture of Mental Health Globally from the OHCHR (Office of the United Nations High Commissioner for Human Rights) Report -

- Mental health conditions will affect one in four people throughout their lifetime.
- Globally, mental health does not enjoy parity with physical health in terms of budgeting, or medical education and practice.
- Stigma is a significant determinant of quality of care and access to the full range of services required by persons with mental health conditions.
- Almost two thirds of persons with mental health conditions will not seek treatment for their condition.

- Poor mental health is a predisposing factor for physical health problems.
- Persons with mental health conditions have a much-reduced life expectancy compared with the general population, with an estimated drop in life expectancy of 20 years for men and 15 years for women

### Mental Health Declaration of Human Rights by Citizens Commission on Human Rights (CCHR)

All human rights organizations set forth codes by which they align their purposes and activities. The Mental Health Declaration of Human Rights articulates the guiding principles of CCHR and the standards against which human rights violations by psychiatry are relentlessly investigated and exposed.

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- a) The right to full informed consent, including:
- The scientific/medical test confirming any alleged diagnoses of psychiatric disorder and the right to refute any psychiatric diagnoses of mental “illness” that cannot be medically confirmed.
  - Full disclosure of all documented risks of any proposed drug or “treatment.”
  - The right to be informed of all available medical treatments which do not include the administration of a psychiatric drug or treatment.
  - The right to refuse any treatment the patient considers harmful.
- b) No person shall be given psychiatric or psychological treatment against his or her will.
- c) No person, man, woman or child, may be denied his or her personal liberty by reason of mental illness, so-called, without a fair jury trial by laymen and with proper legal representation.
- d) No person shall be admitted to or held in a psychiatric institution, hospital or facility because of their political, religious or cultural beliefs and practices.
- e) Any patient has:
- The right to be treated with dignity as a human being.
  - The right to hospital amenities without distinction as to race, color, sex, language, religion, political opinion, social origin or status by right of birth or property.
  - The right to have a thorough, physical and clinical examination by a competent registered general practitioner of one’s choice, to ensure that one’s mental condition is not caused by any undetected and untreated physical illness, injury or defect and the right to seek a second medical opinion of one’s choice.
  - The right to fully equipped medical facilities and appropriately trained medical staff in hospitals, so that competent physical, clinical examinations can be performed.
  - The right to choose the kind or type of therapy to be employed, and the right to discuss this with a general practitioner, healer or minister of one’s choice.
  - The right to have all the side effects of any offered treatment made clear and understandable to the patient, in written form and in the patient’s native language.
  - The right to accept or refuse treatment but in particular, the right to refuse sterilization, electroshock treatment, insulin shock, lobotomy (or any other psychosurgical brain operation), aversion therapy, narcotherapy, deep sleep therapy and any drugs producing unwanted side effects.
  - The right to make official complaints, without reprisal, to an independent board which is composed of non psychiatric personnel, lawyers and lay people. Complaints may encompass any torturous, cruel, inhuman or degrading treatment or punishment received while under psychiatric care.
  - The right to have private counsel with a legal advisor and to take legal action.
  - The right to discharge oneself at any time and to be discharged without restriction, having committed no offense.
  - The right to manage one’s own property and affairs with a legal advisor, if necessary, or if deemed incompetent by a court of law, to have a State appointed executor to manage such until one is adjudicated competent. Such executor is accountable to the patient’s next of kin, or legal advisor or guardian.
  - The right to see and possess one’s hospital records and to take legal action with regard to any false information contained therein which may be damaging to one’s reputation.
  - The right to take criminal action, with the full assistance of law enforcement agents, against any psychiatrist, psychologist or hospital staff for any abuse, false imprisonment, assault from treatment, sexual abuse or rape, or any violation of mental health or other law. And the right to a mental health law that does not indemnify or modify the penalties for criminal, abusive or negligent treatment of patients committed by any psychiatrist, psychologist or hospital staff.
  - The right to sue psychiatrists, their associations and colleges, the institution, or staff for unlawful detention, false reports or damaging treatment.
  - The right to work or to refuse to work, and the right to receive just compensation on a pay scale comparable to union or state/national wages for similar work, for any work performed while hospitalized.
  - The right to education or training so as to enable one to earn a living when discharged, and the right of choice over what kind of education or training is received.
  - The right to receive visitors and a minister of one’s own faith.
  - The right to make and receive telephone calls and the right to privacy with regard to all personal correspondence to and from anyone.
  - The right to freely associate or not with any group or person in a psychiatric institution, hospital or facility.
  - The right to a safe environment without having in the environment, persons placed there for criminal reasons.
  - The right to be with others of one’s own age group.
  - The right to wear personal clothing, to have personal effects and to have a secure place in which to keep them.
  - The right to daily physical exercise in the open.
  - The right to a proper diet and nutrition and to three meals a day.
  - The right to hygienic conditions and non overcrowded facilities, and to sufficient, undisturbed leisure and rest.

## 2. Conclusion

It is difficult to safeguard the safety of the public at the same time without compromising the human rights of the individuals. The proposed reformed Mental Health Act attempts to do so superficially and shifts the difficult balancing act to individual psychiatrists and health professionals. However, the proposals are likely to be

challenged in the European Court when they come into force. These issues are highly relevant to psychiatrists' professional practice, and it is important for psychiatrists to gain both theoretical and practical knowledge of how to deal with situations which might infringe on patients' human rights.

## **References**

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