

ASSIGNMENT FOR MODULE 10:

Exercise 1, Module 10

Needs	How legislation can address these needs
<p>1. Stigma and discrimination associated with mental illness affect access to care in negative manner which in turn causes barrier in the social integration of people suffering from those disorders.</p>	<p>New legislation may emphasize the importance of public awareness campaign, disseminating information about the rights provided in the new legislation which can help to change public attitudes towards people with mental disorders. National mental health legislation should be supported by adequate financial resources for public awareness campaign.</p> <p>New legislation should emphasize about integration of mental health care with primary, secondary and tertiary health care and also in all health programmes run by the appropriate State government. Also it should lay grounds for development of community mental health services in order to improve the community involvement of people with mental disabilities.</p> <p>New legislation should involve consumers, families and advocacy organizations in the process of drafting, implementation and monitoring legislation and policies related to persons with mental disabilities.</p>
<p>2. Admission , treatment and discharge process in government and private mental health establishments leading major violations of human rights of users.</p>	<p>According to the CAT standards “the admission of a person to a psychiatric establishment on an involuntary basis should not be construed as authorising treatment without his consent . It follows that every competent patient, whether voluntary or involuntary, should be given the opportunity to refuse treatment or any other medical intervention. Any derogation from this fundamental principle should be based upon law and only relate to clearly and strictly defined exceptional circumstances (para. 41).”</p> <p>Law should have following provisions - all admissions at such facilities should happen in two categories – 1. Voluntary admission-Independent patients who want to take treatment,can be admitted , receive treatment and take discharge according to their will. The psychiatrist should then see the need for admission and treatment.</p>

	<p>2. Involuntary - in case of user's incapacity to make this decision , he or she should be supported with decision making. This process can be worked out through facilitator or nominated representative. It should be supported decision making and not substituted.</p> <p>3. The state review / monitoring body should have representatives from different stakeholders so that it can function honestly. This monitoring body should make surprise visits to these establishments and check for admission and discharge procedures. There should be strict punishments or restrictions on establishment if they do not follow this procedure. Also review body should held periodic meeting and submit quarterly report to Central body. The different NGOs working in human rights area should be given access to mental health establishments .</p>
<p>3. The quality of care and the living conditions in mental establishments are poor,leading to human right violations.</p>	<p>1.The new Mental Health Law should stipulate necessity of accreditation of mental health facilities and establish a specialized Monitoring Body that should have access to all mental health facilities to ensure that all rules relating quality of care and to accreditation of mental health facilities are applied by such units. Else there should be strict punishments.</p> <p>2. At the same tame, it is important to give the opportunity to NGOs to monitor the situation in psychiatric institutions. National and some international NGOs can be given permission to monitor these establishments. There should be media reporting of these reports. So that these reports can be public.</p> <p>3. The monitoring body should also have the following responsibilities: maintain statistics, make periodically reports, have surprise visits, and recommendations to the government for improvements to the law and services, grant and withdraw accreditation to professionals and facilities, impose sanctions and financial penalties for violation of legislative norms.</p> <p>4. The new mental health legislation should support the training for mental health professionals.</p>

Exercise 2, Module 10

Potential barriers/obstacles to drafting, adopting or implementing mental health legislation	Strategies to overcome them
<p>1. Barrier to drafting -</p> <p>Low prioritization by government / parliament or other health sectors</p>	<p>1. lobbying with legislators and politicians – Have meetings with legislators and key politicians , involve various stakeholders which can influence them in this process and</p> <p>2. Mobilizing public opinion – involve different stakeholders (like user and family organizations ,professional groups) in creating awareness about mental illness and human right oriented mental health legislation , using mass media to depict human rights violations happening in mental health field. By all these means the message will be more stronger and louder.</p> <p>3. Reporting Human rights violations to international bodies which in turn can influence government for new legislation.</p>
<p>2. Barrier to adopting -</p> <p>users and family s organizations fighting over their rights issues.</p>	<p>1. Involve various users / family organizations in drafting process .</p> <p>2. hold consultations and workshops / lectures to negotiate with these organizations and to know key issues.</p> <p>3.The goal is to help them to identify their similarities in order to find common issues and goals that can contribute to the formation of long lasting partnerships.</p> <p>4. Using mass media to increase outreach and sensitization of various organisations.</p>
<p>3. Barrier to implementing -</p> <p>Resistance from mental health professionals and their organizations</p>	<p>1. Mental health professionals and their organizations should be involved in drafting process and there should be consultations with them at stage 2 and 3 , which can reduce their fears and sensitize them for rights based legislation.</p>

2. There should be adequate efforts to increase human resources in mental health field so existing professionals should not feel overburdened.

3. There can be awareness campaign addressing professionals and organizations at various conferences and seminars. Also help of print and mass media can be sought for increasing awareness.