



**College of Psychiatrists
of Ireland**

Wisdom • Learning • Compassion

A Human Rights Approach for Patients

Human Rights and Ethics Committee

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Updated by a work group of the Human Rights and Ethics Committee

The College of Psychiatrists of Ireland

The College of Psychiatrists of Ireland (referred to thereafter as the College) is an organisation for the professional development & training of psychiatrists. The College promotes and advocates for the best mental health care of those with mental disorders. It recognises that those with mental ill health are at risk of being marginalised - socially, economically and occupationally.

Human Rights

Human rights express core principles and values such as respect, justice, equality and dignity. The concepts of autonomy, liberty, and capacity are closely protected. There are absolute rights such as the interdiction on torture and there are limited rights, such as the right to liberty, and qualified rights such as the right to privacy and family life.

Roots of Human Rights and their Formulations

Although internationally agreed codes of human rights have appeared only relatively recently, this was only possible because of a millennia-old tradition of regard for human dignity, which found expression, for example in Persia in the 6th century B.C., Greece in the 5th century B.C., Islam in the 7th century, and Europe with the *Magna Carta* in 1215.

Human rights were first enshrined internationally in 1948 with the UN Declaration of Human Rights¹ and by subsequent Conventions such as the International Covenant on Civil and Political Rights² and the International Covenant on Economic, Social and Cultural Rights³.

There are many other documents such as the *UN Convention on the Rights of Persons with Disabilities*⁴, *The UN Declaration for the Protection of Persons with Mental Illness and the Improvement of Mental Health Care*⁵, the *WHO Mental Health Declaration for Europe*⁶, the *Council of Europe's Protection of the Mental Health of Certain Vulnerable Groups in Society*⁷ among others.

The College supports the aims of these documents in promoting and protecting human rights in our society.

¹ Universal Declaration of Human Rights (10th December 1948), G.A Res 217A (III).

² International Covenant on Civil and Political Rights, (16th December 1966) G.A.Res 2200A(XXI).

³ International Covenant on Economic, Social and Cultural Rights (16th December 1966), G.A. Res 2200A(XX)

⁴ U.N. Convention on the Rights of Persons with Disabilities, 61st Session, G.A. A/RES/61 106, 24th January 2007.

⁵ The Declaration for the Protection of Persons with Mental Illness and the Improvement of Mental Health Care, A/RES/46/119, 17th December 1991.

⁶ WHO European Ministerial Conference on Mental Health, Helsinki, Finland, EUR/04/5047810/6, 14th January 2005.

⁷ Council of Europe, Committee of Ministers to Member States, Recommendation on the protection of the mental health of certain vulnerable groups in society, Recommendation No: R(90) 22. Adopted at the 445th meeting of the Minister's Deputies, 18th October 1990.

Human rights and mental health interaction

Human rights and mental health interact in three different ways; (1) poor mental health care services may affect mental health e.g. The lack of availability or under-resourcing of necessary services will compromise the mental health of those requiring treatment, (2) human rights violations may affect mental health and (3) the positive promotion of mental health reinforces human rights⁸. The College holds the view that those who suffer from a mental disorder are entitled to enjoy all of their human rights including the right to evidence based, high quality treatment and rehabilitation. Too often prejudice and stigma hamper the development of mental health policies and are reflected in the provision and delivery of poor services, low status of care providers and a lack of respect for the human rights of those with mental health problems.

It must also be recognised that psychiatry has been used as a weapon in totalitarian regimes to violate human rights, particularly throughout the 20th century.

Human rights approach - Duty of Members

The Psychiatrist uses his or her skill and knowledge in delivering a service to the public which is governed by professional ethics. Statements of ethics include the Hippocratic Oath; Declaration of Geneva 1948 (dedication to humanitarian goals of medicine); Declaration of Helsinki 1964 (ethical principles governing human experimentation/research); Declaration of Tokyo 1975 (guidelines regarding detention and imprisonment).

The Irish Medical Council provides guidelines on Professional Conduct and Ethics to which we subscribe. These provide comprehensive guidance on professional conduct, responsibility towards patients, medical records, confidentiality, consent to treatment and professional practice.

There is a duty on Members of the College (referred to thereafter as Members) to make every effort to ensure that these basic human rights are fostered, respected and realised. This duty extends beyond those under their care to all who may become affected by their practice, for example, when Members have a role, because of their knowledge and expertise, in formulating public policy.

The College shall promote the human rights of people with mental health problems and shall make every effort to eliminate the stigma and discrimination that is associated with mental illness. This will necessarily involve promoting the role of services to support people to exercise their rights. Patients themselves may need to be more involved in exercising their rights. Indeed a better service may be provided when patients are involved in exercising their rights.

⁸ Gostin L, Gable L, *Maryland Law Review*, 2004, 20-121 at 27.