

Address

by

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at the

***MEETING OF TECHNICAL EXPERTS ON
“A SYSTEMATIC APPROACH TO DEVELOPING AND
IMPLEMENTING MENTAL HEALTH LEGISLATION”***

***WHO/SEARO, New Delhi
6-8 December 2004***

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APPROACH TO DEVELOPING AND IMPLEMENTING MENTAL
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Regional Director, WHO South-East Asia**

Distinguished Participants,

Colleagues,

Ladies and Gentlemen,

- With great pleasure, I welcome you all to the WHO Regional Office for South-East Asia.
- I am sure this workshop will be of great help to Member States in their efforts to develop and update mental health laws.
- As we are aware, there have been substantial changes in the field of mental health during the last several decades.
- The era of ‘lunatic asylums’ is over, and we are now well into the period of community-based mental health care and promotion.
- Accordingly, WHO’s current priority is to work closely with Member States in developing strategies and programmes on community mental health.

- While embarking on this path, there is a need for appropriate laws, regulations and rules as the requisite for facilitating the implementation of community mental health programmes.
- Appropriate laws will not only provide a legal framework for such facilitation, but also ensure sustainability of the development initiatives in mental health in countries.
- According to the WHO Project, 'ATLAS: country profiles on mental health resources', only 50 per cent of all the Member States in the world have modern mental health legislation.
- In our Region, only two countries, India and Indonesia, have enacted new legislations in mental health during the last fifteen years.
- In other parts of the world, 75% of countries in Europe and 33% in Africa had passed mental health legislations between 1991-2001.
- Several of our countries, including Bangladesh, Nepal and Sri Lanka are actively pursuing the review and updating of their laws in this area.
- Most Member States have provided mental health care through the promotion of benevolent traditions and customs that recognize human dignity of the mentally ill individuals.
- At the same time, observations have been made on some abuses of mental health laws; such as, imprisonment of innocent people by declaring them as 'insane'; or annulling a marriage by declaring a woman 'mentally ill'.

- With the changing moral values of society, we can no longer depend entirely on the kindness of either the judiciary or medical profession in protecting such human dignity.
- Therefore, modern mental health legislation, which recognizes the advances in medical sciences, and, at the same time, protects human rights, assumes a vital role in this delicate area.
- The WHO Resource Book on Mental Health Legislation, developed in 2004, provides suggestions on how to write legislation that can help mentally ill individuals overcome the many barriers that impede their right to humane and dignified care and treatment.
- Any modern mental health law must preserve, to the greatest extent possible, the individual's right to voluntary admission and discharge from mental health institutions.
- It must protect an individual's right to informed consent, guarantee the least restrictive form of care, and also warrant appropriate medical services to each person.
- Given the limited resources available, how each Member State will implement such legislation needs careful consideration by the Government itself.
- Necessary advice and support from WHO on how countries should proceed with such implementation may be considered.
- We must also take into account the issue of stigma against persons with mental illness.
- This certainly leads to their discrimination and isolation; and frequently affects their entire family.

- The situation usually deprives the patients of effective treatment and care, and further aggravating an already serious condition.
- However, for persons with mental health problems in our Region, there are still many positive and supportive socio-cultural factors.
- The deeply rooted spiritual and religious traditions, and strong family ties of the populations help improve prognosis of care for mentally ill patients.
- While collective family decision-making is unique to our culture, some may argue that only the patient himself or herself has the right to decide.
- Certainly, in our deliberations during the workshop, we will discuss this important issue of consent, and come up with a balanced guidance.
- In this meeting, there will be a critical review of mental health legislation in the individual countries, based on the WHO resource book.
- This analysis will be an important first step to elicit what is considered to be a good part of the individual legislation, and what could be further improved and how to move forward for such improvement.
- WHO will be a close partner of the Governments in moving this agenda forward in the most efficient and effective manner.
- I hope our deliberations this time will further help strengthen efforts in countries to promote a wider discussion that can stimulate development and implementation of modern mental health legislation.

- In conclusion, I wish you success in your deliberations; and a very pleasant stay in New Delhi.

Thank you.