Handout 12: Documents which Set Out the Rights of People with a Mental Illness

Everyone has certain basic human rights and responsibilities. It is essential that people who have a mental illness/mental health problem are able to exercise those rights and responsibilities, and the diagnosis of 'mental illness' is not an excuse for inappropriately limiting their rights and responsibilities.

Principles for the Protection of Persons with Mental Illness and for the Improvement of Mental Health Care were adopted by the United Nations General Assembly and endorsed by the Commonwealth Government in 1991. These principles include:

- Every person with a mental illness has the same basic rights as every other person
- Discrimination on the basis of mental illness is not permitted
- Every person with a mental illness has the right to live and work, as far as possible, in the community
- People who have, or have had, a mental illness have the right to protection from exploitation, abuse and degrading treatment
- All persons with a mental illness have a right to the best available health care
- Individuals with a mental illness should be treated and cared for, as far as possible, in the community and in ways suitable to the individual's cultural background

In 1993, the Report of the National Inquiry into the Human Rights of People with Mental Illness was released in Australia (you can find the website address for this Report in the library). The inquiry found that people with a mental illness and psychiatric disability:

- experience widespread systemic discrimination and are consistently denied the rights and services to which they are entitled;
- are still subject to ignorance and discrimination by the community.

The Inquiry also found that individuals with special needs (children, Aboriginal and Torres Strait Islanders, people from non-English speaking backgrounds, people in rural and isolated areas, prisoners) experience seriously inadequate specialist services.

In 1995, the Commonwealth Government released a "Mental Health Statement of Rights and Responsibilities", covering consumers, carers and advocates, service providers and the community. The document deals with the areas of prevention of mental health problems, assessment, treatment and rehabilitation and the expected standards of mental health care. The website for accessing this Statement is available in the Library.
Mental health rights are also contained in the various State Government Mental Health Acts. For example, under the NSW Mental Health Act (1990), the Mental Health Review Tribunal has the role of ensuring that the rights of people in psychiatric hospitals or subject to Community Treatment or Counselling Orders are respected.

State Anti-Discrimination legislation also protects the rights of people with a mental illness.