


The Meaning of Rule of Law for PWD under Involuntary Hospitalisation

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Rule of Law and Access to Justice

- Access to Justice is a basic principle of RoL.
- The right of equal access to justice protected by fair, transparent, effective, non-discriminatory and accountable services is crucial.

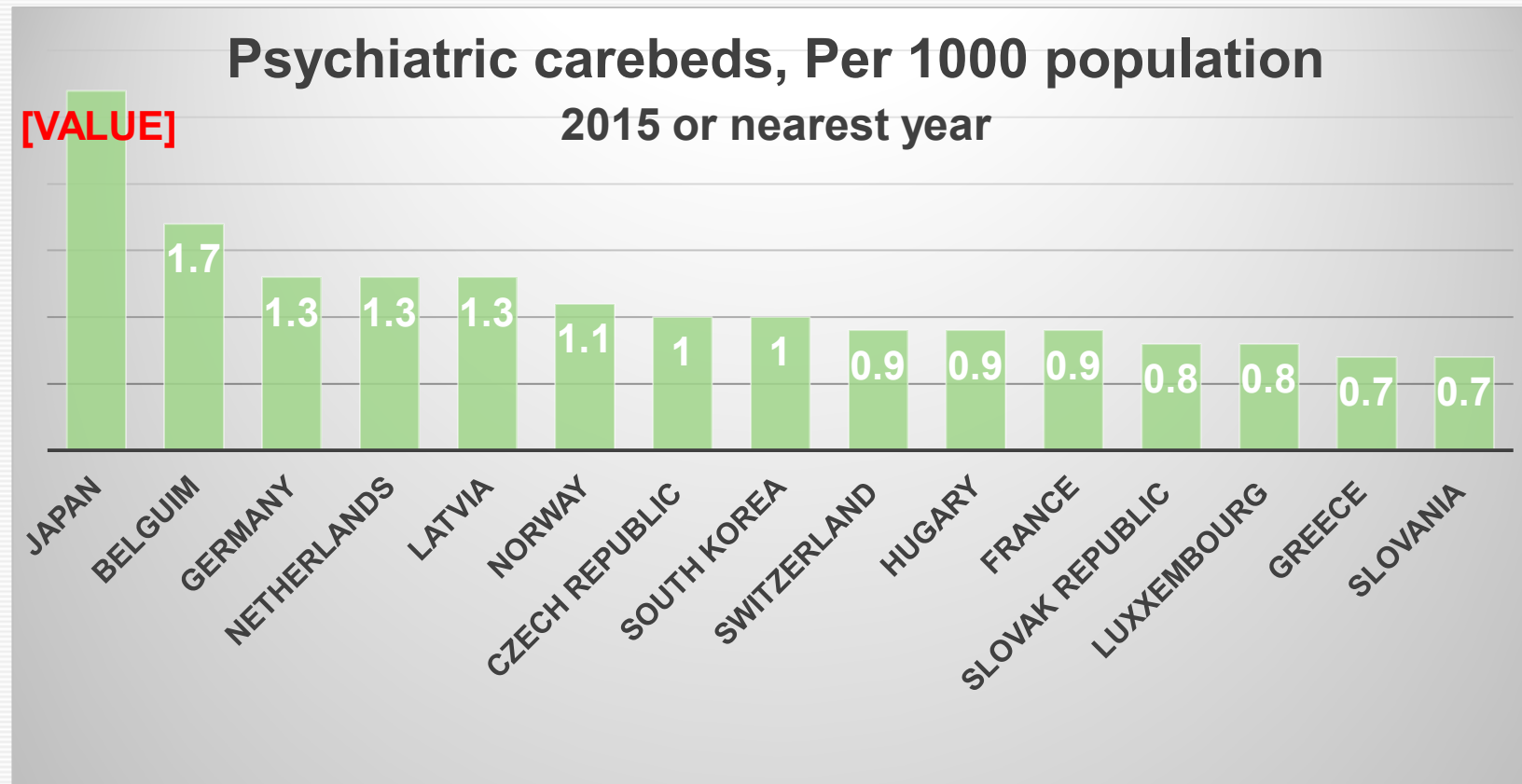
Today's focus is RoL of PWD under involuntary hospitalisation from A2J viewpoint



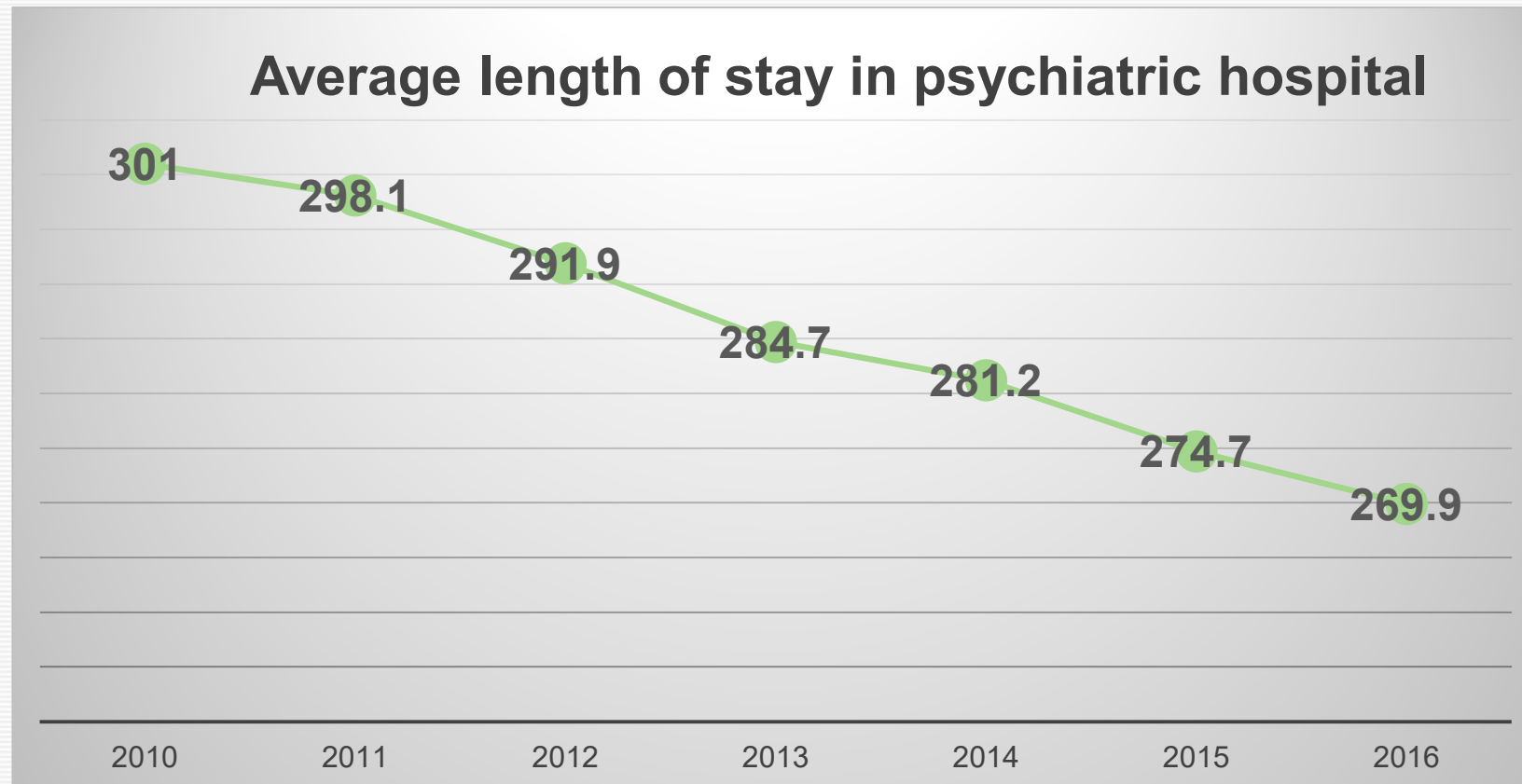
Legislation in Japan

- Ratified CRPD in Jan 2014
- Act on Mental Health and Welfare for the Mentally Disabled regulates involuntary hospitalisation
 - ✓ Voluntary Hospitalisation: **149,219** in June 2018
 - ✓ Hospitalisation for medical care and protection (forced) and compulsory hospitalisation: **131,596** in June 2018

The situation of hospitalisation in Japan



The situation of hospitalisation in Japan





Why hospitalised for such long years?

- Around 10% of the patients have been hospitalised for more than **20 years**.
- Due to the fact that 90% of hospitals became private motivated by financial assistance by the gov, it is hard to decrease the number of psychiatric beds by changing policy because of the pressure from private enterprises.



Lack of proper procedure

- Insufficient informed consent to patients in the process of hospitalisation without right to appoint an attorney which results in lacking of meaningful complaint opportunity.
- Inconsistent and vague interpretation of conditions for involuntary hospitalisation without sufficient evidence compared to criminal procedure
 1. Risk of hurting themselves and others
 2. Necessity for cure



Psychiatric Review Board

- Established under Act on Mental Health and Welfare for the Mentally Disabled
- Comprised of psychiatric doctors (the majority), social workers, professor, and lawyers
 - Review reports submitted by hospital in accordance with law
 - Review cases filed by patients who allege improving treatment in hospital/de-institutionalization
 - ✓ Interview with a patient, doctor, and sometimes parents
 - ✓ Panel makes a decision sometimes with some conditions



Does it ensure A2J for PWD?

- Established in administrative body = not independent
- No complaint mechanism = hard to bring a case to the court
- In fact...
 - ✓ The number of discharge complaint: 3,033 (**2.3%** of the total)
 - ✓ The number of acceptance: 132 (**0.1%** of the total, **4.7%** of review)
 - ✓ Most of all document examination (**99.9%**) are accepted

Obviously, the answer is NO



How can we achieve A2J?

- The current situation on involuntary hospitalisation itself violates right to liberty and security of person (CRPD Art.14), in addition to infringement of the right to A2J under such circumstance.
- Solutions?
 - Function the psychiatric review board which delivers A2J
 - Ensure right to appoint an attorney along with right to information
 - Raise awareness of this issue in society
 - Provide enough support for living in community

Thank you for your attention!

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