

# Council of Europe recommendations on Psychiatry- and Human Rights

The Parliamentary Assembly of the Council of Europe adopted the following recommendations on Psychiatry and Human Rights at their 10th sitting on April 12, 1994.

## *Procedure and conditions for admission*

- a. Compulsory admission of a patient to a psychiatric institution must be resorted to only in exceptional cases and must be based on the following criteria:
  - there is a serious danger to the patient or to other persons;
  - the absence of such placement could lead to a deterioration or prevent the patient from receiving appropriate treatment.
- b. In the event of compulsory admission, the decision regarding placement in psychiatric institution must be taken by a judge and the placement period must be specified. Provision must be made for the decision on placement to be regularly and automatically reviewed. The principles established in the forthcoming convention of the Council of Europe on bioethics must be respected in all cases.
- c. There must be a legal provision for an appeal to be lodged against decision.
- d. A code listing the rights of patients must be brought to the attention of patients on their arrival at a psychiatric institution;
- e. A code of ethics for psychiatrist should be drawn up inter alia on the basis of the Hawaii Declaration approved by the General Assembly of the World Psychiatric Association in Vienna in 1983.

## *Treatment*

- a. A distinction must be made between mentally handicapped and mentally ill patients.
- b. Lobotomies and electroconvulsive therapy may **not** be performed unless informed written consent has been given by the patient or a person, counsellor or guardian, chosen by the patient as his or her own representative and unless the decision is confirmed by a select committee not composed exclusively of psychiatric experts.
- c. There must be an accurate and detailed record of the treatment given to the patient.
- d. There must be adequate nursing staff in the institution, appropriately trained in the care of such patients.
- e. Patients must have free access to a counsellor who is independent of the institution. A guardian should be responsible for looking after the interests of minors.
- f. An inspection system should be set up similar to that of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment.

## *Problems and abuses in psychiatry*

- a. The code of ethics must explicitly stipulate that it is forbidden for the therapist to make sexual advances to patients.
- b. The use of isolation cells should be strictly limited. Accommodation in large dormitories should also be avoided.
- c. No mechanical restraints should be used. The **use** of pharmaceutical means of restraint must be proportionate to the objective sought. There must be no **permanent** infringement of individual's right to procreate.
- d. Scientific research in the field of mental health must not be undertaken without the patient's knowledge, or against his or her will or the will of his or her representative and must be conducted only in the patient's interest.

## *Detained persons*

- a. Any person who is imprisoned should be examined by a doctor.
- b. A psychiatrist and other specially trained staff should be attached to each penal institution.
- c. The rule set out above and the rules of ethics should be applied to detained persons. In particular, medical confidentiality should be **maintained in** so far as this is **compatible** with the demands of detention.
- d. Programs for social therapy should be set up in penal institutions where persons suffering from personality disorders are detained.

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