Rights
Of people living with a mental health problem

A fact sheet produced by the Mental Health Information Service

Human Rights?
“Every person with a mental illness shall have the right to exercise all civil, political, economic, social and cultural rights as recognised in the Universal Declaration of Human Rights…”?

“People with a mental illness are human beings with human rights.”?

The principles outlined in the United Nations Declaration (1991) were primarily concerned with the mental health system. However they also include rights such as:
- Protection from exploitation, abuse and degrading treatment (Principle 1.3)
- Discrimination on the basis of mental illness is not permitted (principle 1.4)
- Every person with a mental illness has the right to live and work, as far as possible in the community (Principle 3);
- People being treated for a mental illness must be accorded the right to recognition as a person before the law (Principle 13)

Mental Health Statement of Rights and Responsibilities (1991)
The National Mental Health Strategy began the process of mental health reform by producing a document outlining the rights and responsibilities of consumers, carers, service providers and the community. Professor Beverley Raphael identifies the intention of the document to “promote social justice, equity, access and a compassionate society with mental health as a primary goal.” (Foreword, 1991) ? The document outlines general rights and responsibilities, and specifically in relation to;

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<tr>
<th>Assessment</th>
<th>Treatment</th>
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<td>Diagnosis</td>
<td>Rehabilitation</td>
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<tr>
<td>Admission to a mental health facility or community program</td>
<td>Mental Health Legislation in all States and Territories affirming the rights and responsibilities outlined in the document</td>
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<td>The same rights are recognized for people within the criminal justice system.</td>
<td>The law will not discriminate against people because of current or previous mental health status</td>
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<td>Carers and advocates entitlements with the consent of the consumer</td>
<td>Mental health service providers to be recognised and acknowledged for their professional qualifications and abilities</td>
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<td>Information provided to the community, to increase community awareness of mental health issues</td>
<td>All parties have the responsibility to respect the rights, worth and dignity of all people</td>
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Mental Health Act (1990, amended 1997) ?
The Mental Health Act 1990 and the Mental Health Legislation Amendment Act 1997 provide the legal framework for the care and treatment of people living with mental health problems in the community and psychiatric facility.

**Rights when you are a patient in a Psychiatric facility**
The Mental Health Act provides all patients with rights including the following:

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<th>To be informed of your rights and treatment plan</th>
<th>To see another doctor of your choice</th>
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<td>To receive the best possible care and treatment</td>
<td>To talk to a lawyer and have legal representation</td>
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<td>To have your religious, cultural and language needs respected</td>
<td>To send and receive letters without anyone else looking at them</td>
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<td>To speak with an advocate in privacy and without fear of reprisal</td>
<td>To ask questions and receive answers that you understand</td>
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<td>To have interference with your freedom, dignity and self-respect kept to a minimum</td>
<td>To be informed of the complaints procedure and offered assistance and advocacy throughout this process</td>
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<td>To be provided with information presented in an understandable format detailing your rights and responsibilities according to your admission status i.e. are you a voluntary or involuntary patient.</td>
<td>To be informed of treatments being ordered by the doctor. These include medications and their side effects and other treatments such as ECT.</td>
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**Where to go for help**
- Local Consumer Network, Consultants or Advocates (contact local Mental Health Service or NSW CAG if unknown)
- NSW CAG (Consumer Advisory Group): (02) 9556 9219; PO BOX 1108, Rozelle NSW 2039.
- Mental Health Advocacy Service: (02) 9745 4277; PO Box N1018, Burwood North 2134.
- Disability Complaints Service: 1800 424 007 or (02) 9319 6549; PO BOX 666 Strawberry Hills NSW 2012

**References**
- United Nations Principles for the Protection of Persons with a Mental Illness and for the Improvement of Mental Health Care, Principle 1.4 (1991)

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Mental Health Information Service
Mental Health Association NSW Inc
60-62 Victoria Road
Gladesville NSW 2111

Phone: 02 9816 5688 or
1800 674 200 (outside Sydney metro)
Email: info@mentalhealth.asn.au
Web: www.mentalhealth.asn.au