



Bulletin of the Mental Health and Specialized Programs Unit

June 2006

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The Mental Health and Specialized Programs Unit of the Pan American Health Organization (PAHO)/World Health Organization (WHO) is pleased to send you a new issue of the Bulletin. Like previous issues, the object of this publication is to communicate important advances, news, and information on publications in the fields of mental health, the control of alcohol and substance abuse, rehabilitation, and the international protection of human rights in this context. The main objectives of this Unit are to strengthen the countries' capacity to develop mental health policies, plans, programs, and services; formulate public policies for the control of alcohol abuse; prevent disabilities and achieve equal opportunities for people with disabilities; and promote and protect the human rights and fundamental liberties of people with disabilities and their families. In this issue, the bulletin highlights advances in the promotion and protection of the human rights of people with mental illness.

Ombudsperson's Reports on Mental Health and Human Rights: A New Protective Mechanism of Protection

The office of the human rights defender, or ombudsperson, plays a key role in promoting and protecting the human rights of people with mental disabilities and their families. The institution of the Ombudsperson arose out of the need for public oversight mechanisms to safeguard citizens' exercise of human rights. With origins in the XVI century, it has the power to negotiate with government on behalf of all citizens. Generally, the functions of the ombudsperson are to learn about and issue recommendations to the government on citizen's disputes with national, state, or municipal public agencies; complaints about the effectiveness of any public service (including public health services); cases involving group rights and interests (the rights of indigenous peoples, for example); and cases involving violations of civil, political, economic, social, and cultural rights and fundamental liberties.

Some ombudspersons offices in Latin America and the Caribbean have begun to address the rights of persons with mental disabilities and other vulnerable groups in their reports. For example, the ombudspersons of Panama and Guatemala have visited psychiatric institutions and systematically review the situation with regard to the rights of people with disabilities and HIV/AIDS.

The Ombudsperson in Peru (<http://www.defensoria.gob.pe/defensoria.html>) recently completed a report that explores issues such as the right to the enjoyment of the highest attainable standard of health in light of the State's obligation to provide health services without discrimination; the rights and liberties of people confined to mental health facilities; the current mental health situation in Peru and the results of the evaluation of eight facilities in which such people are hospitalized. The pdf version of this report (available in Spanish only) is attached to this Bulletin.

PAHO Meets with Special Commission on Disability of the National Congress in Peru

Last April, PAHO officials visited Peru with the objective of visiting its mental health services (Hospital Delgado-Noguchi); meeting with the National Council on Mental Health (Ministry of Health), which is in charge of drafting national mental health regulations to protect the human rights of people with mental disabilities; participating in a technical meeting with the Special Commission on Disability of the National Congress; and holding a workshop on human rights and mental health for mental health personnel from the

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general hospitals and five Mental Health Bureaus (Lima and Callao).

On that occasion, PAHO staff members Dr. Hugo Cohen (Subregional Adviser on Mental Health) and Mr. Javier Vásquez (Regional Adviser on Human Rights) met with the National Council on Mental Health, which is drafting regulations to protect the human rights of institutionalized people with mental disabilities. They offered recommendations on basic matters such as independent monitoring of rights; voluntary commitment procedures; periodic review of commitments (due process); and the creation of independent review boards. PAHO offered to collaborate in reviewing the consistency of these regulations with international human rights law.

On 24 April, the Commission on Disability of the National Congress held a special meeting in which the PAHO advisers gave a presentation on international human rights law in the mental health context, in which they offered PAHO's technical collaboration to include the general international norms and standards on human rights in the draft mental health law recently drafted by the Commission. They were informed that the Commission would be submitting the bill to the congressional Health Commission and that PAHO might be asked to participate if the Health Commission requested it. PAHO (the Representative Office in Peru and Headquarters) provided written comments on the bill, focusing on the applicable international human rights regulations and standards pertaining to the structure of mental health services and other related matters.

As part of this mission, on 25 April a training workshop was held for 50 employees working in general hospitals, psychiatric hospitals, mobile teams in emergency zones, and Bureaus of Health in Lima and Callao. The groups discussed and examined the issue of human rights through cases reviewed by the Inter-American Commission on Human Rights (IACHR) in psychiatric hospitals of the Region. The groups concluded that there was a limited information on the international standards such as the United Nations principles on mental health and their role in the structure of mental health systems; lack of knowledge about the need to link mental health services and mental health care with the provisions of the human rights treaties ratified by Peru; and a lack of knowledge about State responsibility for human rights violations perpetrated by its mental health workers, among other things.

New York University (New York City) Mental Disability Law Online Program

New York University Law School has created a distance learning program on law, mental health, and disability that could be offered at the national and international level by interested academic institutions. One of the available courses has been offered in Nicaragua, and another (on U.S. disability law) in Japan, along with the course "International Human Rights and Mental Disability Law." The new course, "Mental Health Issues in Jails and Prisons," will be offered in spring 2007. The courses are 14 weeks long and include lectures on CD, readings, questions and answers via e-mail, and law school seminars. The Program Director is Michael Perlin, Professor of Law at New York Law School, 57 Worth St., New York, NY 10013 (mperlin@nyls.edu). Prof. Perlin is also Director of the Justice Action Center's International Mental Disability Law Reform Project at that same university. For additional information on the program and how to take advantage of these courses and opportunities, please contact Liane Bass, Graduate Programs, New York Law School (lbass@nyls.edu). Further information on this program can be found at <http://www.nyls.edu/pages/166.asp>

Module on Mental Health, Legislation and Human Rights

We remind you that you can consult this module on the following WHO website:

http://www.who.int/mental_health/resources/en/Legislation.pdf.

Information about the WHO Mental Health Department (Geneva) can be accessed at: www.who.int/mental_health/en/