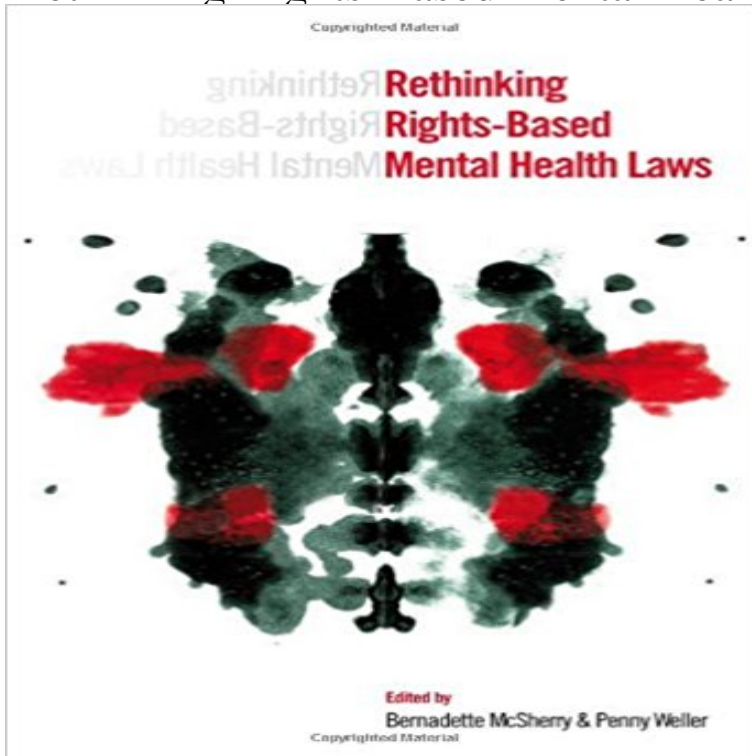


# Rethinking Rights-Based Mental Health Laws



Mental health laws exist in many countries to regulate the involuntary detention and treatment of individuals with serious mental illnesses. Rights-based legalism is a term used to describe mental health laws that refer to the rights of individuals with mental illnesses somewhere in their provisions. The advent of the United Nations Convention on the Rights of Persons with Disabilities makes it timely to rethink the way in which the rights of individuals to autonomy and liberty are balanced against State interests in protecting individuals from harm to self or others. This collection addresses some of the current issues and problems arising from rights-based mental health laws. The book emphasizes the importance of moving away from the limitations of a negative rights approach to mental health laws towards more positive rights of social participation. While the law may not always be the best way through which to alleviate social and personal predicaments, legislation is paramount for the functioning of the mental health system. The contributions encourage the enactment of legal provisions governing treatment, detention, and care that are workable and conform to international human rights documents. Chapters are grouped into the following five parts: Historical Foundations \* The International Human Rights Framework and the United Nations Convention on the Rights of Persons with Disabilities \* Gaps between Law and Practice \* Review Processes and the Role of Tribunals \* Access to Mental Health Services.

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