

Meet the Judge Before Compulsory Hospitalization; Great Progress for Human Rights in Taiwan

KAOHSIUNG, TAIWAN, January 1, 2023 /EINPresswire.com/ -- On November 29, 2022, the Legislative Yuan passed the third reading of the Mental Health Act, which removes the existing provision that "consent of the patient's guardian is the only requirement" for patients with serious illnesses, in order to implement the patient's right to informed consent. The new law also specifies that compulsory hospitalization will be based on the judge's reservation principle and a participatory trial system, and that compulsory hospitalization cannot exceed 60 days.



Taiwan CCHR ED Eric Tung

[CCHR](#) (Citizens Commission on Human Rights International) is a credible international organization that was founded in 1969 and has more than 200 chapters in 34 countries around the world. Dr. Thomas Szasz, co-founder of CCHR International, is Professor Emeritus of Psychiatry at the State University of New York, and a lifetime member of the American Psychiatric Association (APA). As an expert in psychiatry and a life member, Dr. Szasz opposes human rights violations such as coercive intervention, deception, and coercion in psychiatry.

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[Eric Tung](#), the Executive Director of the CCHR Taiwan, expressed his approval of the latest amendments to the Mental Health Act.

Mr. Tung commented that one of the highlights of the amendment is the part of "mandatory

hospitalization must be ruled by a judge".

Compulsory hospitalization would put psychiatrists and family members above judges.

Mr. Tung believes that this amendment to the Mental Health Act, which requires mandatory hospitalization to be adjudicated by a judge, is a great advancement in human rights in Taiwan. Why? Because people who are forcibly hospitalized are often not necessarily seriously ill, but are likely to be in conflict with family members or in an emotional state. CCHR Taiwan has received reports that more than one such victim has been sent to the hospital without regard to their wishes or human rights.

The amendment to the law requires a judge to rule on mandatory hospitalization. The purpose of the emergency placement is to have a mandatory psychiatric evaluation done within 3 days and then to have it heard by a judge. The judge will then decide whether or not to make the hospitalization mandatory. This series of actions should be completed within 7 days.

In the past, a mandatory hospitalization could take a long time. If a person was required to be hospitalized, he or she could stay for up to 60 days at a time. If a doctor felt it was "necessary," he or she could even extend the stay indefinitely.

With this amendment, even if a judge rules, the period of stay will be limited to one time to protect the patient's rights. If the period of hospitalization has expired, but the psychiatrist still feels it is necessary to continue treatment, he must re-initiate the process and apply to the court for another mandatory hospitalization ruling.

Compared to the past, this procedure greatly protects the rights of psychiatric patients. Although it is not the most ideal situation, it is a great step forward in the history of human rights protection in our country and is a memorable milestone.

In addition, the new bill provides for the protection of patients who are suddenly admitted to psychiatric wards for emergency placement by providing them with legal assistance and the option of judicial relief to meet their needs. During the period of emergency placement, the hospital has to notify the Legal Aid Foundation and other units to provide legal assistance to the patients and improve the protection of human rights.

Mr. Tung noted, "In the past, mental health patients were forced to seek medical treatment. For example, a family member or friend called an ambulance. This is actually a very big break. This is a very big rupture. The rupture of their family relationship, the rupture of their friendship. The amendment to the law, which provides a legal aid channel for the emergency placement of patients, will greatly reduce the possibility of infringement of personal freedom.

Not much attention has been paid to the injustice that occurs in the area of mental health human rights, but it is the inhumane treatment that psychiatry imposes on human beings. The amendment to the Mental Health Act was the result of years of advocacy by many civil society

organizations, which led to the change. After the amendment, the field of psychiatry will need to implement a series of actions to protect the human rights of the mentally handicapped, and to reduce the infringement on the personal freedom of patients.

Eric Tung

CCHR Taiwan

+886 7 722 8011

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