

ANZAPPL CONGRESS OCTOBER 2008

Title: 'The right to health in the Convention on the Rights of Persons with Disability: developing principles for clinical practice'

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An understanding of international human rights law enables clinicians to practice with a full appreciation of the law, and to develop 'best practice' approaches to complex clinical problems. International human rights law influences the law through its effect on the common law, interpretations of law pursuant to the operation of relevant human rights legislation, and the normative influence of human rights principle on the development of professional ethics. The extant interpretation of international instruments and the normative influence of 'soft' and 'hard' law is therefore relevant to the development of domestic legal and clinical standards in Australia and New Zealand. Both nations are signatories to the Convention on the Rights of Persons with Disabilities. This unique Convention encapsulates the current international interpretation of traditionally recognised civil, political, social and cultural rights. Its most important contribution to current debates in psychiatry and psychology is the recognition of the right to health, particularly the right to mental health. The emphasis in the Convention on improving access to quality treatment on an equal basis with others, compared with its brief recognition of psychical and mental integrity in Article 17, suggests that the Convention strongly favours the provision of medical treatment for people living with mental illness, including the provision of involuntary medical treatment. This review of the scope of the right to health as it is currently interpreted in relevant jurisprudence and authoritative comment, shows that while the emphasis of the Convention highlights the right to treatment, the right to health encompasses the right to refuse medical treatment. This paper argues that the contribution of the Convention to improved clinical practice is the establishment of processes of interaction between consumers and clinicians that work to resolve the apparent tensions between consumer rights and the clinician's obligation to assess and ameliorate risk.

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