

Regulating mental health in Maldives

Aishath Mohamed



Outline

- The drafting process of MH Bill
- The main areas covered in the Bill
- Status and way forward

The Process:

- The Bill was initiated by the Ministry of Health. This was the second time MH Bill was drafted.
- A working group was set up to draft the Bill.
- Main participants of the WG comprised of persons representing:

The Ministry of Health

Mental Health Program within the Ministry

Center for Mental Health IGMH

Participants from support groups

The Attorney General's Office

- Long discussions was held with regards to the main technical concepts to be covered within the Bill and drafting was done by AGO.

National policy on mental health and governance

- The Ministry of Health will be vested with power to make policy decisions on mental health.
- Policies were to be based on to be in line with the already existing National Mental Health Policies and Strategic Action Plan on Mental Health.
- Set up a new authority known as **Mental Health Department** responsible for implementation of mental health policies will be set up within the Ministry.
- Department will be head by a **Director General**.
- **National Advisory Board** on Mental Health will be set up by the Minister to advise the MHD in carrying out its mandate.
- The Board will comprise of 5 members appointed for a term of 5 years

Rehabilitation centers and treatment centers

- Treatment and rehabilitation would be provided in the existing health care facilities and should be equipped to deliver mental health services.
- Within 2 years of implementation of the Act treatment centers will be developed in different regions of the country.

Rights of persons suffering from mental health

- Any person suffering mental health issues is entitled to the same rights as any other person and further the rights stated in the Bill.
- Right to receive all information with regards to the treatments
- A person seeking voluntary treatment will have the right to suspend or stop treatment
- Right to seek redress whenever the right to receive treatment has been violated or restricted
- Right to confidentiality of all personal information and treatment details

Rules and procedures of treatment

- Every person seeking treatment for mental health has the right to receive the best available treatment.
- Every attempt must be made to ensure that treatment is carried out with the consent and involvement of the person seeking treatment.
- Treatment is divided in to **voluntary** and **involuntary** treatment.
- Special rules for children are given:
 - Children between the age of **15-18 years** and able to give consent treatment should be conducted with the consent of the child
 - Children **below the age of 15** treatment will be conducted with the consent of the parents or legal guardian and with the involvement of the child

Involuntary treatment

- **Criteria** to determine when should involuntary treatment be administered:
 - Being suffering from a mental illness to the extent that requires treatment
 - The person is incapable of giving consent due to the nature of the disease
 - Due to the nature of the disease if treatment is not give fear that: he might be a threat to himself or to life, he might be a danger to others
 - Illness worsens and affects normal living conditions
- In involuntary treatment cases where it is not possible to obtain consent of the person suffering from mental person the parents or any person who can make a decision on behalf of the person can give consent.

Process of treatment

- Treatment must be given at a hospital/health center or clinic.
- There must be an assessment made by a psychiatrist
- Types of treatments:
 - Community treatment
 - Treatment with admission at a treatment center
 - Treatment at a rehabilitation center
- Special rules are applicable to persons in state custody and persons in custody or serving sentences.

Mental Health Tribunal

- A Mental Health Tribunal will be established to review complaints submitted with regards to treatments and to investigate other violations of the MH Act.
- The Tribunal will consist of 3 members appointed for a term of 5 years.
- Decisions of this Tribunal can only be appealed to the High Court of Maldives.

Status and way forward

- The Bill is still pending
- Some of the concepts still needs refining and confirmation
- Bill is yet to be circulated for comments and would need stakeholder collaboration and international expertise
- It would be better to conduct the drafting of MH Bill as a funded project as it is very difficult to be worked on during normal work hours and this is one of the reasons why it has been pending
- Comments and questions are welcome



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mental health conference

15 - 16 october 2023

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~ forming connections

Thank you