

In the name of God, the Compassionate, the Merciful

Address by

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to the

**INTERCOUNTRY CONSULTATION ON MENTAL
HEALTH LEGISLATION IN DIFFERENT LAW
TRADITIONS INCLUDING ISLAMIC LAW**

Kuwait, 29 September - 3 October 1997

Your Excellency, Ladies and Gentlemen, Dear Colleagues,

It gives me great pleasure to welcome you to this important Intercountry Consultation which is being co-sponsored by the Islamic Organization for Medical Sciences. I would like to take this opportunity to extend my sincere thanks to the Government of Kuwait for hosting this Consultation and for its continuing support to WHO's collaborative activities in mental health, and to His Excellency, Mr Anwar Abdullah Al Nouri, Minister of Public Health, for accepting our invitation to inaugurate this Consultation.

I would also like, once again, to extend my special thanks to the Islamic Organization for Medical Sciences and in particular to its president Dr Abdurrahman Al Awadi, for cosponsoring the Consultation. The collaboration between our two Organizations during the past years has been quite fruitful in holding consultations on a number of important health issues. The result of these consultations has been a number of publications on Islamic points of view on different health issues.

The task of the present consultation is to produce guidelines for preparing mental health legislation to be used by experts and legislative bodies in the countries of the Region and beyond.

For the past two decades, the World Health Organization has been very active in initiating new ideas in the field of mental health. The aim of these initiatives has been the integration of mental health into the primary health care system, decreasing the stigma attached to mental illness and finding ways of returning patients to live in the community. The Eastern Mediterranean Region has collaborated with Member States in the preparation of national mental health programmes, in different levels of training, in evaluation and in the actual development of integrated services, which are now becoming acceptable in many countries. Important as these developments

are, they have not been accompanied by necessary reforms in the area of mental health legislation, and unfortunately, only a few countries of the Region have updated laws in this area. In the absence of such legislation, mental health programmes are also devoid of the judicial support that is always necessary to facilitate their satisfactory implementation. Mental health legislation covers a wide range of issues that go beyond the basic subjects of health and disease. These issues have civil rights, social, economic, and above all, moral and ethical implications and consequences. It is an area where the fundamental rights of individuals, family and society meet. It is an area where the real value attached to human dignity in each society is being tested. Therefore, the task of this Consultation is honourable and very important.

The areas covered in any mental health legislation should include among other things, the right to treatment, authority for determining treatment-setting, the right of society to prevention of mental illnesses and promotion of mental health, the effect of mental illness on personal affairs and civil liberties, and the effect of mental illness on family affairs, such as marriage and guardianship. In all these areas, it should be noted that the treatability of diseases and the changing nature of conditions due to the natural course of illnesses or modern treatment must be kept in consideration.

I would also like to draw your kind attention to the comprehensive nature of Islamic Jurisprudence which makes it compatible to sustaining individual and social rights and responsibilities. Also, as your Consultation has a comparative theme, I would like to request you to examine carefully other existing legal traditions and legislation before concluding each chapter you deal with.

The issue of mental health legislation is also related to human rights. In this connection, I am pleased to note that there is historical evidence in this Region of respect for the human rights of mentally ill individuals, largely influenced by Islamic teachings. Centuries ago, when in medieval Europe mental patients were being tortured or even killed as carriers of demonic souls, they were treated with dignity in clean hospitals from Fez to Cairo, and from Aleppo to Baghdad and Rey. These patients received good nutrition, their environment was calm and the treatment methods used for them were composed of music, useful work and poetry. The model legislation that your Consultation would come up with, would undoubtedly reflect these noble traditions.

Dear Colleagues,

I wish to emphasize that mental health legislation must be comprehensive. It should not be concerned only with the mentally ill, but should also give legal support to the promotion of mental health and prevention of mental illnesses. It must not be reduced to a set of rigid legal procedures, convenient only for bureaucratic purposes, but not sufficient to cater for all the services required by the community. Social activities related to the development and maintenance of healthy behaviour are also among the areas which should be covered by mental health legislation. Mental health legislation should clearly spell out the minimum activities required of governments, communities, schools and also of families in the promotion of mental health and prevention of mental illnesses.

Finally, I need not emphasize the fact that it is not possible to have uniform mental health legislation, given the diversity of cultures and socioeconomic conditions in the world. A law that works perfectly well in one social setting may cause disruption beyond repair in another. Different levels of development require different approaches to protect the rights of society and the individual. A premature law that is not enforceable may have a negative effect by decreasing the social respect for the law of the land. Therefore, I would like to request the group to address this issue very carefully.

I am confident your deliberations will produce model legislation capable of being adjusted to different countries of the Region and a model capable also of showing Islam's great respect for human rights and dignity.

I wish you a fruitful meeting and a pleasant stay in Kuwait and look forward to seeing the final publication of your deliberations.