
European Commission - Health & Consumer Protection Directorate-General

Research Project

Compulsory Admission and Involuntary Treatment of Mentally Ill Patients – Legislation and Practice in EU-Member States

Final Report

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Executive summary

This study contributes clear evidence that legal regulations on the practice of involuntary placement or treatment of mentally ill patients are very heterogeneous across European Union Member States. Simple categories of a more legalistic or a more medical orientation of national commitment laws which are frequently discussed in the literature do not reflect the rather complex reality and might not adequately characterise the approaches of the Member States. Any assumption of unidirectional influences of legal regulations upon practice must probably be rejected. Besides legal regulations there are far more factors that determine actual practice or outcome. Different cultural or legal traditions, general attitudes towards mentally ill people, and the structure and the quality of mental health care systems or administrative procedures must be considered along with other factors when analysing or comparing the outcome from the legal frameworks the Member States.

In the future, applying coercive measures or compulsory interventions to mentally ill people will still be inevitable under specific circumstances, in order to avoid harm to the patients themselves as well as to the public. Compulsory admission and compulsory treatment, however, infringe fundamentally upon human rights; therefore appropriate legal regulations will be even more crucial in the future. It will be an ongoing task to adapt legal frameworks in all countries continuously to keep pace with developments and new achievements in mental health care, and in order to balance patients' rights and interests against their need and right for treatment, and public safety.

All in all, mental health care experts all over the world agree that the involuntary placement or treatment of a patient should be a modality of utmost crisis intervention, strictly restricted to situations where less restrictive alternatives have failed. Future efforts at reforming or harmonising legal frameworks across the European Union or in other regions should consider this as the most global guideline.