

Oral presentation

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Differences of legal regulations concerning involuntary psychiatric hospitalization in twelve European countries: the legal point of view

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Background

To present results of a standardized comparison of the legal regulations concerning involuntary psychiatric hospitalization in 12 European countries.

Methods

It is considered legally involuntary admission when a patient is brought to hospital (or retained there within 24 hours of voluntary admission) under coercion sanctioned by a national non-criminal law. The 12 countries produced a report on the national related law frame, and – following a common guideline for writing this text – reported in detail (i.e. original legal texts) on applicable laws and general norms, as well as on jurisprudence and protocols. Afterwards, a cross-national analysis of this material from a legal point of view was performed.

Results

Three types of phenomena have influenced the regulations on the use of psychiatric coercive means in Europe: a) the new geopolitical map after 1989; b) the great variety of internal political structures (from unitary to federal models); and c) specific dissimilarities in psychiatric legal issues. Thus, a plurality of regulating systems of the involuntary civil admission appeared, that responds to several models (physician-based, administrative, judicial). However, all analyzed norms contain the option of an admission based on urgency grounds; the authorization of which first corresponds to either the administrative or the medical authority, followed by judicial ratification. Further, we identified the scarce existence of a clear jurispru-

dential doctrine, due either to the lack of capacity in superior bodies or to the shortage of demands presented in front of the courts. Heterogeneous control systems of the judicial procedures seem to be of limited effectiveness.

Conclusion

Harmonization of the legal regulations on this issue across Europe would be advisable.