

Gender protections in mental health legislation: a review of 64 jurisdictions



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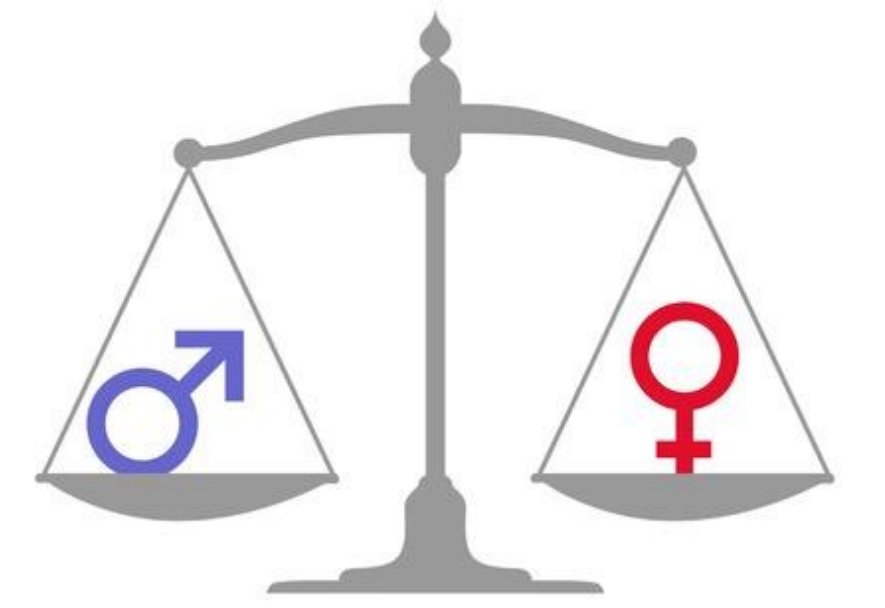
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Background

- Mental health legislation is a powerful tool, and since the appearance of formal mental health law it has had both positive and negative effects.
- Gender can have a significant role in the onset, course and treatment of mental illness

Aims

- This study aims to identify and discuss any gender-based provisions in mental health legislation in English speaking jurisdictions

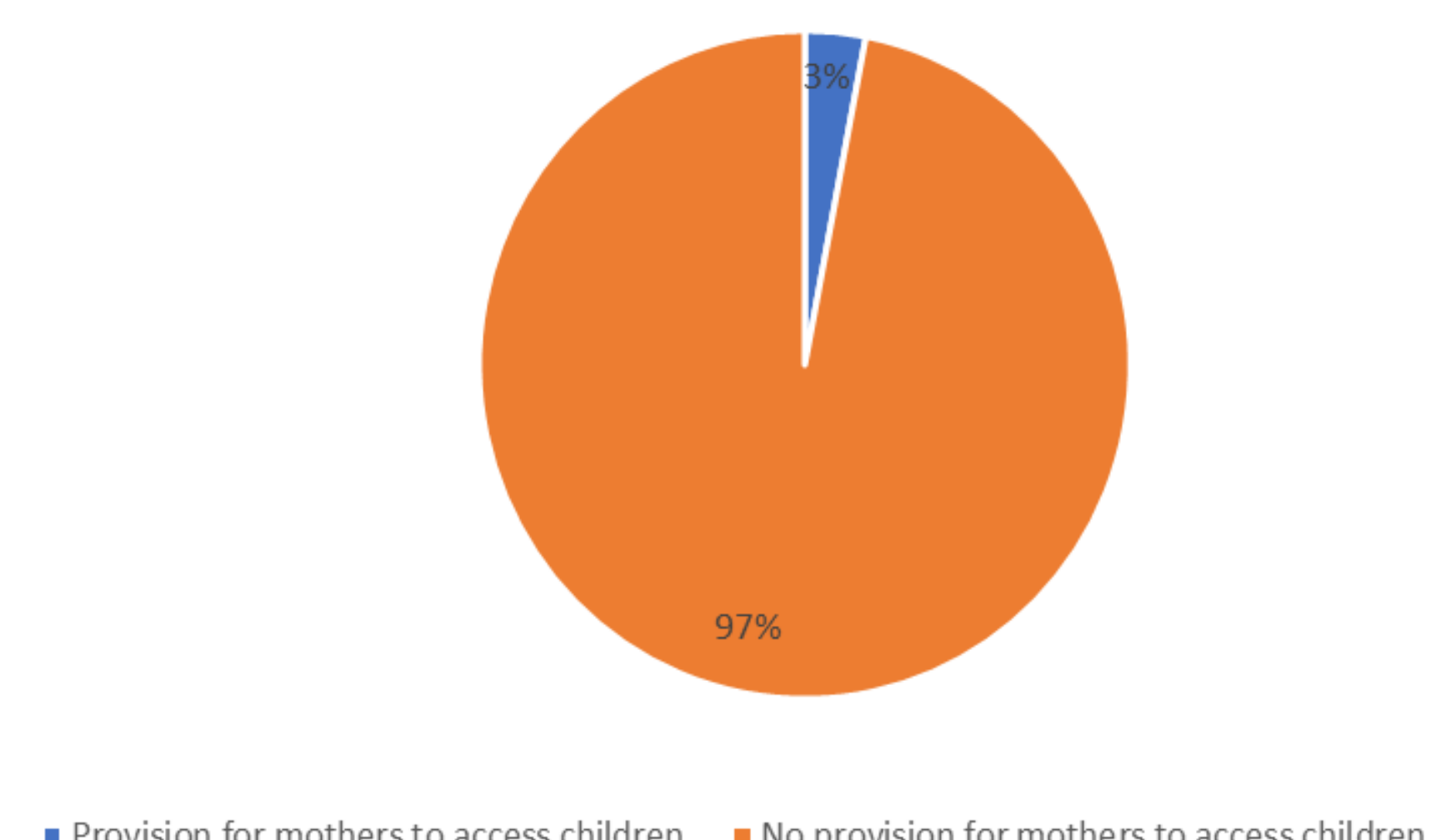
Methods

- We sought a copy of regional and national mental health laws from 54 countries, where English was an official language
- Five countries had no mental health legislation, and the USA was excluded due to the complexity of the legislative system
- Legislation from 64 jurisdictions was examined
- Each piece of legislation read by two researchers and gender specific elements identified and grouped into major themes

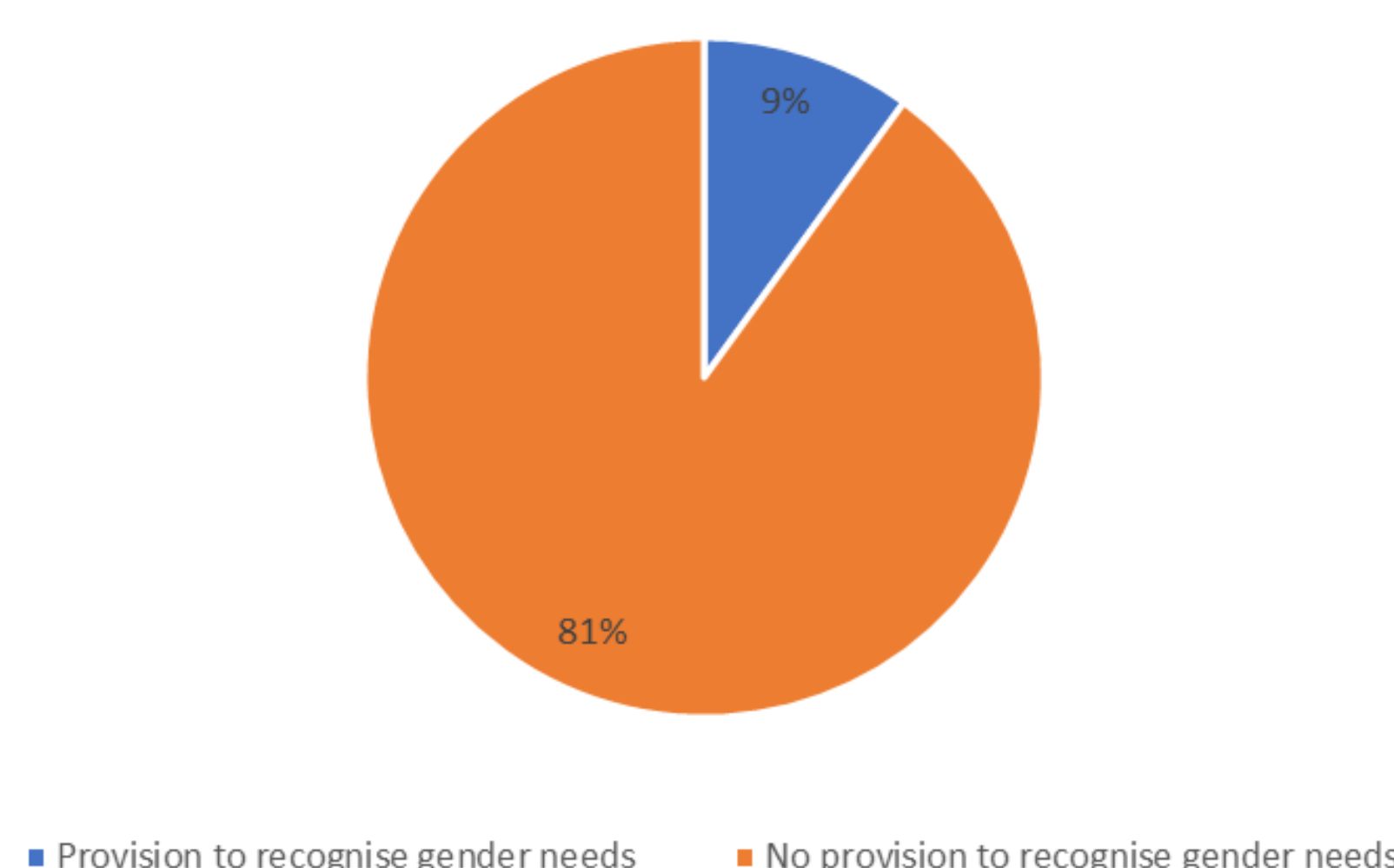
Results

- 33% (n=21) of jurisdictions had no gender-based protections
- 8% (n=5) had a provision to ensure equal rights and treatment
- 11% (n=7) provided for a female quota on committees and boards
- 6% (n=4) had ensured a female presence in tribunals
- 11% (n=7) of jurisdictions had a provision to prevent sexual exploitation/ assault
- Only 3% (n=2) had provisions to ensure the right of mothers to access their children
- Four states in Australia (6% total) have a provision that a person is not deemed to have a mental illness because of gender expression/ preference/ orientation and six states (9% total) had a provision to recognise gender related needs

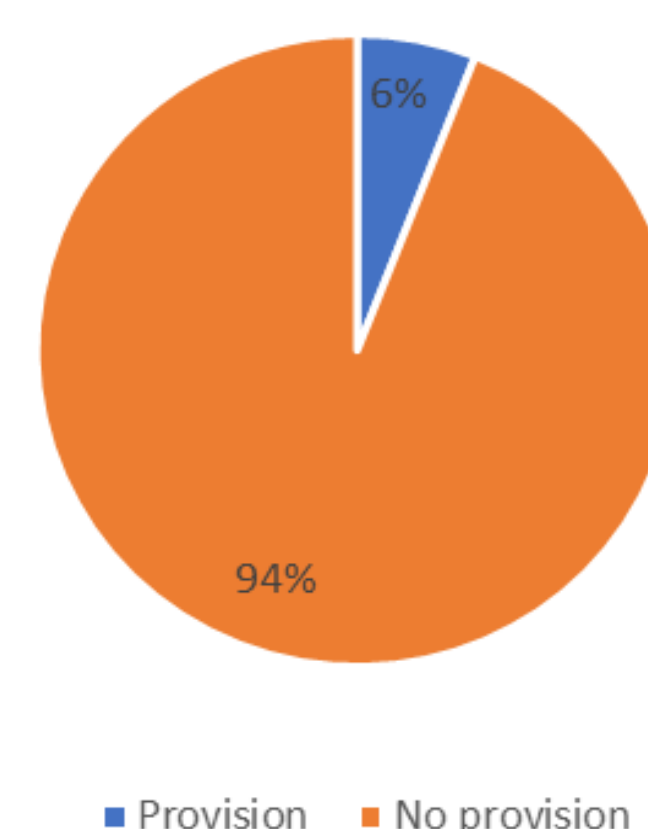
Provision to ensure rights of mothers to access children



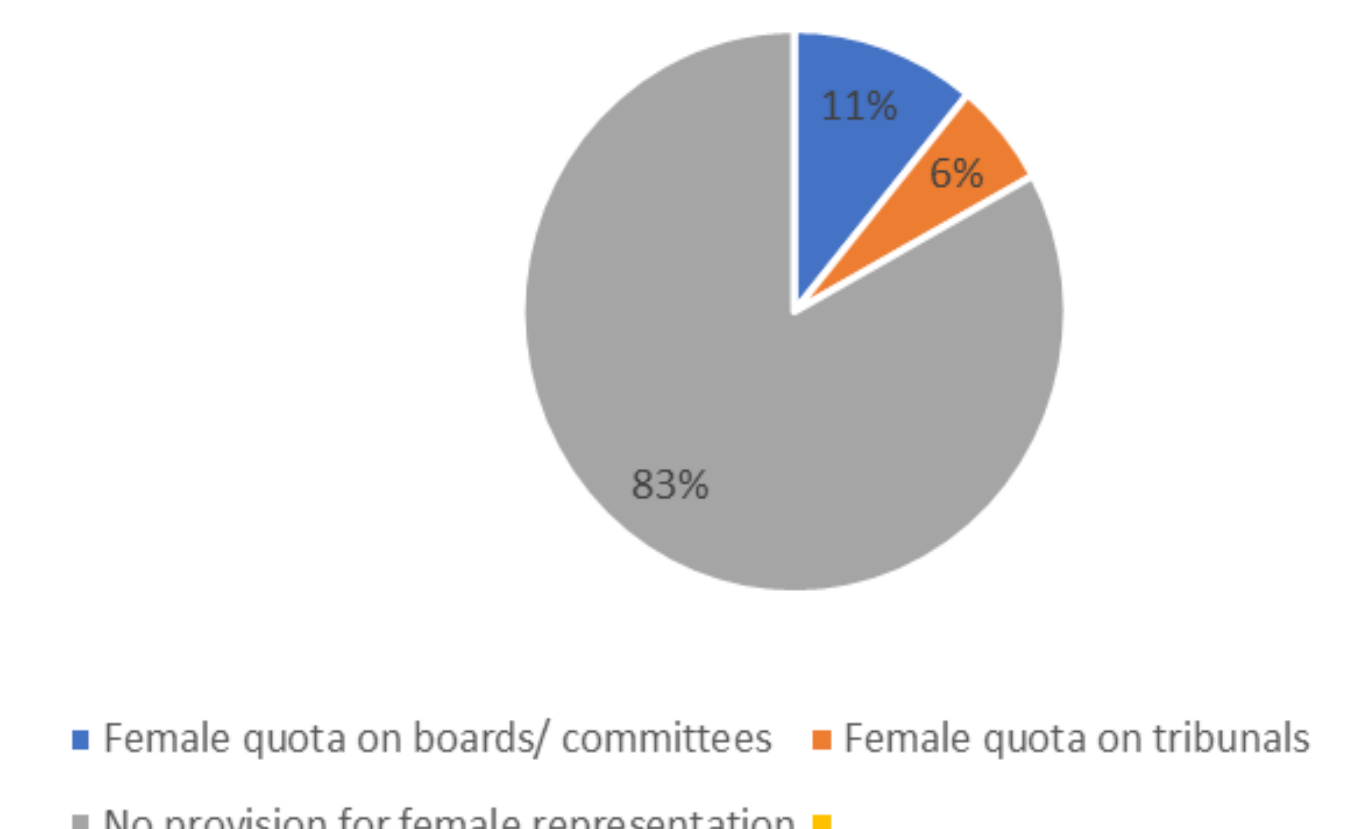
Provision to recognise gender related needs



Provision that a person is not deemed to have a mental illness because of gender expression/ preference/ orientation



Provision to ensure female representation on boards/ committees/ tribunals



Conclusions

- Gender is often omitted from mental health law, however some jurisdictions have introduced protections that counteract the discrimination women often experience, while other jurisdictions have retained paternalistic legislation that may hinder rights
- Ireland has only one protection, with gender quotas for the mental health commission, additional provisions could be added
- Of note is the lack of protections internationally for mothers to access their children, which is concerning given the high rates of admission in the postnatal period
- Australian legislation is notable for its consideration of people who do not identify as cisgender
- If consideration is going to be made to gender in legislation, it is important that this group be considered so their needs are appropriately met