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Blast the Silence to Recognize the Rights of Persons with Mental Illnesses in Sri Lanka: Ideas for a New Law

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Attention paid to the rights of persons with mental illnesses are rare, although this group should neither be ignored, nor unattended. Hence there's an imperative to break long silence and pay more attention to those who are in need of such attention. Sri Lanka signed the United Nations Convention on the Rights of Persons with Disabilities in 2008 and ratified it in 2016. Yet there is no positive indication on the part of the State to take initial actions to recognize such rights of mentally disabled persons. Due to the vulnerability of the group in consideration, it is accepted that such rights shall be expressly recognized in the statutory form since they face stigma, discrimination and marginalization in all societies, which increases the likelihood that their human rights will be violated. Yet there is no national mental health legislation in 25% of countries as per the Mental Health Policy and Service Guidance Package issued by the World Health Organization in 2003. Sri Lanka stands out as one of the three South Asian countries that does not possess specific mental health legislation, a key legislative lacuna. The objective of this study is to identify the need to have mental health legislation and to identify factors that shall be covered by such mental health legislation in Sri Lanka. Methodology will be exploratory where documented sources are utilized to realize the objectives of the study. Related legislation and judicial decisions will be used as primary sources and books, research papers and journal articles will be employed as secondary sources. Findings of the research would cover the areas that require statutory recognition of rights of persons with mental illness, the definition and recognition of mental illness, and rights that need to be addressed including the reasons for such recognition and obligation of the parties concerned. Recommendations will be followed taking lessons from UK and South Asian Countries.

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