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## NGO Advocates for Rights of People with Mental Disabilities

by Fatimah A. Mateen

**M**ental Disability Rights International (MDRI), a nongovernmental organization (NGO) based at The American University, is working to bring international attention to the human rights concerns of people with mental disabilities.

MDRI is a joint project of the law school's Center for Human Rights and Humanitarian Law and the Bazelon Center for Mental Health Law, an organization that advocates for the civil rights of people with mental disabilities in the United States. This joint effort allows MDRI to utilize "the experience of top human rights and mental disability rights attorneys in the United States," says its director, Eric Rosenthal. Rosenthal, a 1992 graduate of the Georgetown University Law Center, received a fellowship from the Echoing Green Foundation to establish MDRI.

When human rights organizations investigated psychiatric abuses in the past, they focused largely on the institutionalization of political dissidents but MDRI advocates for the rights of all people subject to commitment in a psychiatric institution, says Rosenthal. He explained that this approach to international advocacy was pioneered by WCL professor Herman Schwartz in his work for Human Rights Watch on the rights of prisoners.

Rosenthal hopes that international focus on the problems facing people with mental disabilities will ultimately result in the United Nations appointing a permanent special rapporteur to monitor treatment of people with mental disabilities and drafting a mental disability rights treaty.

Rosenthal is encouraged that for the first time, the U.S. Congress has required the State Department to include the human rights conditions of people around the world with disabilities in its annual country reports. "There is a pressing need for attention to [these] concerns from the human rights community," says Rosenthal. "People with mental disabilities are subject to the most severe forms of cruel, degrading, or inhuman treatment prohibited by human rights treaties."

MDRI's agenda is to document and publicize human rights violations against people with mental disabilities and to create pressure to reform local mental health care systems. It will assist domestic human rights and disability rights organizations in their efforts to improve the condition of people with mental disabilities. MDRI will also assist mental health care providers and governments with technical support to reform their mental health care systems.

In November 1993, MDRI initiated

its first project, of documenting the conditions of mental institutions in Uruguay, on behalf of the Instituto de Estudios Legales y Sociales de Uruguay (IELSUR). In addition to Rosenthal, the MDRI team included Leonard S. Rubenstein, director of the Bazelon Center for Mental Health Law, Clarence Sundram, director of the New York Commission on Quality of Care, and Dr. Humberto Martinez, director of the South

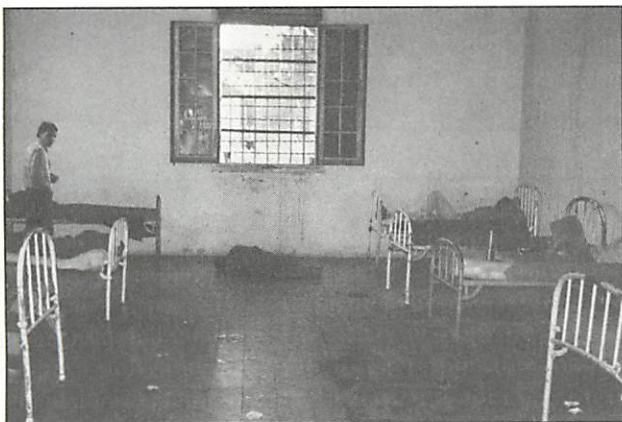
Bronx Community Mental Health Council.

The team spent two weeks touring numerous public and private psychiatric institutions throughout Uruguay. Rosenthal says that they discovered that a large portion of psychiatric hospital residents are referred to as "social patients" - persons placed in psychiatric institutions because they are poor, elderly, or mentally retarded, or simply have no place to go. He explains that in Uruguay there is no right to independent judicial review of psychiatric commitment. Neither is there a complaint mechanism to give people in psychiatric institutions a chance to be heard when their rights are violated.

Mental health care providers in Uruguay explained that they institutionalize people as social patients because there are almost no community alternatives. Nonetheless, many service providers indicate their interest in reforming the mental health care system.

"We found a widespread concern about human rights violations of people with mental disabilities in Uruguay," says Rosenthal. "In that respect, the work in Uruguay was very encouraging. There is a real sense on the part of service providers that they would like to bring the system into conformity with international standards."

Protection from harm is one of the most important human rights principles that MDRI will seek to enforce. Under the UN Principles for the Protection of Persons with Mental Illness and for the Improvement of Mental Health Care, every patient shall be protected from acts causing mental distress or physical discomfort, including injury from unjustified medication, and abuse by other patients, staff or others. The MDRI team documented some cases of the inappropriate use of antipsychotic drugs and electric shock treatment on patients for which there could be no medical justification, including people with mental retardation. These medications, which act as powerful sedatives, were prescribed at such high doses that many patients were confined to their beds for much of the day.



A residential area in the Colonia Etchepare Security Ward in Uruguay. Hospital authorities may place any patient determined to be "aggressive" in this locked ward, but there are no specific medical or legal criteria for such placement.

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## World Bank Creates Inspection Panel

by Steven T. Weston

In September 1993, the World Bank voted to create an independent inspection panel to investigate complaints from parties in borrower countries who demonstrate that their rights or interests have been affected by the Bank's failure to act within its operating rules and procedures. An affected party is defined as an organization, association, or other grouping of individuals in the territory of the borrower. It can also include the local representatives of such parties.

"By establishing this panel, the bank has acknowledged that international organizations are directly accountable to those people adversely affected by their decisions," says American University Professor Daniel Bradlow. The inspection panel is modelled on Bradlow's proposal that the Bank appoint an ombudsman to review private complaints concerning Bank operations.

Although the panel has advisory powers, its creation is an important advancement by an international organization in holding itself more accountable to those affected by Bank operations, says Bradlow. The range of complaints that the inspection panel may consider covers almost all aspects of the design, appraisal, and implementation phases of Bank projects. The panel can inspect potential violations of the Bank's procedural regulations governing Bank conduct in projects which forcibly uproot people in borrower countries as well as its alleged failure to conduct proper investigations of proposed projects' environmental impact,

required prior to the implementation of all major Bank projects.

After receiving requests for inspection by an affected group, the panel will notify the executive directors and will review the request to determine whether it meets eligibility criteria. Eligible complaints must allege that the affected party is or is likely to be directly and adversely affected by acts or omissions of the Bank that are inconsistent with its operational policies and procedures. Such requests cannot include complaints related to actions which are the responsibility of other parties, or issues pertaining to loans that have been substantially disbursed. Complaints can only relate to the rules and procedures that the Bank must follow.

The panel will recommend to the executive directors whether to investigate complaints. If the directors accept its recommendation the panel conducts all investigations and has access to all pertinent Bank records as well as to the Bank's staff and officers. Its findings are submitted to the executive directors and the Bank's president in the form of a written report. Furthermore, the executive directors will within two weeks inform the complainant of the results of the investigation and of any actions they have or will take. All complaints, findings, and recommendations will be public.

The efficiency and utility of this panel depends on the independence and credibility of the panelists and the way affected parties use the panel. The

three-member panel will be appointed by the Bank's Board of Directors. Each panelist must come from a different Bank member country and will serve a single five-year term. Its members cannot have worked for the World Bank within two years prior to appointment or subsequent to the expiration of their term. These measures were created to ensure that the panel creates an effective forum for persons affected by World Bank operations.

Human rights organizations and other groups can participate in this process by developing a network of resources to ensure the independence and effectiveness of the panel. These groups may also assist affected groups in raising successful complaints. Preliminary steps human rights groups, environmental groups, and local organizations can take include: learning about Bank rules and procedures, carefully documenting actions of the Bank, identifying complaints for submission to the panel, and assisting local groups prepare written complaints. Handbooks on how to use the panel are being prepared.

The panel's work will become public record and can be used to bring pressure on the Bank to change unfair rules and practices. These reports may also be used to assert pressure to maintain an effective and independent panel and to monitor the Bank and executive directors' compliance with the funding and recommendations of the panel. 🌐

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While visiting facilities, the MDRI team was able to speak with some patients, many of whom were elderly and had been in institutions for most of their lives. One woman had been in the hospital for 20 years "waiting for her sister to pick her up." Another woman, born in the institution, had no other home. Rosenthal indicates that one of "the complaints we most frequently heard was that the patients had no pri-

vacy—there is no place they can go to be alone." In some wards, 30 patients eat, sleep, and spend almost every waking moment together in one large room.

The MDRI team plans to release a report summarizing their findings at a conference in Montevideo this spring or summer. The conference will be used to bring attention to human rights abuses in Uruguay's mental health system. If possible, MDRI will introduce experts to assist IELSUR and other mental disabili-

ty advocates to work with the government of Uruguay to bring about needed reforms.

In addition, MDRI's report will include a set of recommendations and proposals for the development of community-based service programs. MDRI's next projects will be in Hungary and Ukraine. 🌐