

[Sample letter to Minister Harney]

**[Insert your own
address]**

Minister Mary Harney
Minister for Health and Children
Department of Health and Children
Hawkins House
Hawkins Street
Dublin 2

[Insert date]

Dear Minister

I am writing to express my concern about the lack of clarity in Irish law about informed consent to mental health treatment i.e. that no treatment shall be given to a patient without his or her informed consent. This is a human rights issue.

During a debate in the Seanad on the Private Members' Mental Health (Involuntary Procedures) (Amendment) Bill 2008, on 25 June, it was recommended that the issue of informed consent to treatment be discussed further in the Oireachtas Joint Committee on Health and Children and that the Committee hold a hearing on the issue. While this debate focussed on Electro Convulsive Therapy, I believe that the Oireachtas Committee should undertake a review of the wider area of informed consent to treatment within Ireland's mental health system, including the legal protections for people not involuntarily admitted to in-patient care. This review should have full regard to the international human rights treaties to which Ireland is a party.

Free and informed consent should form the basis of all mental health treatment. For instance, Principle 11 of the 1991 United Nations Principles for the Protection of Persons with Mental Illness sets out the general principle that "no treatment shall be given to a patient without his or her informed consent". So, where a person has the capacity to give or withhold informed consent to a treatment, such consent is required.

Of course, legal protections regarding informed consent need to be underpinned and complemented by legislation defining legal capacity. The Government's Legislation Programme announced in

September 2007, indicates that the Mental Capacity Bill is due for publication in 2008. This needs to be published and enacted a matter of utmost priority.

[Insert specific concerns in your own experience or community related to the monthly question(s)]

I would be grateful for an answer to the following questions:

Will you a review of the area of informed consent to treatment within Ireland's mental health system be undertaken?

Will you urge the Minister for Justice, Equality and Law Reform to ensure that the Mental Capacity Bill will be published as soon as possible during the Autumn Oireachtas session, and enacted as a matter of priority?

I look forward to hearing from you.

Yours sincerely,

[Insert your name]