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Protection of the rights of people who have signs of mental illness: experience of Ukraine

Abstract

Introduction. People with mental illness can be restricted in certain constitutional rights only in the manner and within the limits that are established by the laws of a particular country. Such restrictions of the rights and interests of persons with mental health defects are possible only by court decision and to the quantities that are determined by the nature of the disease and the degree of public danger of the diseased. Defining a list of such restrictions and criteria for their application is one of the complex problems of public practice.

Aim. The essence of the problem is revealed and the grounds, possibilities and procedure for interfering in the sphere of rights and interests of persons suffering from certain mental illnesses are indicated in the given research, based on results of the analysis of legislative acts and practice of rendering of psychiatric help to patients in Ukraine.

Methodological framework. The authors of the article have applied scientific theoretical methods, which are analysis, synthesis, concretization, generalization, analogy, as well as empirical method of studying the normative sources, the methodical documentation, and method of system approach for forming conclusions to reveal the essence of the problem.

Results. Interference in the sphere of personal rights and interests of human is possible only in the manner that is determined for this by the legislation of the country. Such are the requirements regarding the restriction of certain rights of persons who show signs of mental illness or suffer from certain mental illnesses. Restrictions of the rights of people suffering from mental illness have long been applied in society and it is based on the stigmatization of mental illness. However, certain restrictions for such persons are important primarily for the protection of their personal interests and the interests of society in general and other people, who are located near them. This relates to the application, in the court manner, of coercive measures of a medical nature not as a form of punishment, but as a system of treatment, medical-prevention and rehabilitation measures, the provision of psychiatric care in accordance with the general principles of treatment. Separate problems are the issues of provision of the rights of persons with mental disorders, who belong to the category of witnesses, victims, plaintiffs, defendants. Here the legislation of Ukraine and departmental documents, by which the issues of protection of the rights of the person with defects of mental health have been regulated, has certain inconsistencies or insufficient clarity of the wording of regulations.

Conclusion. Standards and principles of the providing of psychiatric care in Ukraine are in line with modern European approaches. Judicial manner for making decisions on temporary restriction of the rights of individuals with psychiatric disorders serves as a guarantee of fairness in the application of legal requirements, and the restrictions themselves must be exclusive and minimal in nature. The disadvantage is that there are no rules for conducting psychiatric assessment of victims, witnesses, plaintiffs, defendants today in Ukraine. At the same time, all these measures require the awareness-building among the population and the education of humane treatment of those whose mental sphere of life needs help.

Keywords: psychiatric status, stigma of mental illness, restriction of the rights, compulsory treatment, psychiatrics in Ukraine.

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INTRODUCTION

Every human has a certain set of rights conditioning the possibility of a dignified existence, development, full life. Every country, its legislation, governmental and state apparatus are obliged to provide the observance of the rights and interests of citizens, stateless persons, foreigners, who are under their protection. At the same time, the cases exist when there are some restrictions on the natural or constitutional rights of a person. But such restrictions must always be duly justified and be kept

to a minimum. This is sometimes associated with a state of a person's health and such causes have a place in all countries. The problem of the reliable provision of the legal rights and interests of diseased, patients of hospitals and, to a large extent, people who show the signs of mental illness, is relevant for the modern society and does not have state borders.

The rights of citizens to health care and medical assistance, freedom and personal inviolability are ensured by constitutional provisions that have direct and immediate effect, as well as by laws, by-law and departmental regulations that have

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been developed on their basis, in Ukraine. Appropriate legal protection has also the mental sphere of a person, the interference in which is prohibited for anyone without the agreement of the same person. The issues of providing assistance to persons who show signs of mental disorders, problems of legislative regulation of responsibility for socially undesirable consequences of their actions, temporary or long-term restrictions on civil, certain constitutional rights are quite close to the moral and ethical dilemmas and problems of bioethics. The urgency of the problem is underlined by the widespread prevalence of mental illness and the presence of various disorders of mental sphere in a significant part of the population. Scientists and practitioners claim that about 450 million citizens of Earth have some kind of mental illness or certain disorders of mental activity. Thus, according to the World Health Organization, today more than 20 million people worldwide suffer from schizophrenia, in addition, the risk of early death for them is 2-3 times higher than for the population in general [1]. There are about 264 million people in the world, most of whom are women, who suffer from a common mental disorder, such as depression, what often leads to disability, more than 45 million people worldwide have bipolar disorder and about 50 million people on our planet suffer from dementia [2]. Even larger number is diseased with neurosis, personality disorders, alcoholism, and drug addiction. An unfavorable social economic situation in many countries, social insecurity of the general population, rising unemployment, cross-national and ethnic conflicts, forced internal and external migration and other factors are called the main causes of the increasing of mental illness. Most of specified reasons are extremely relevant for Ukraine in modern conditions, and namely they often contribute to the development of stressful and threatening psychotic states of many people. In addition, the pandemic was added to these reasons today, which covered almost all countries, regardless of their level of economic development, population, social or property status of people who fell ill, with a new disease. And the impact of this stressor on the human psyche has not yet been studied, but the forecasts are not comforting.

Until recently, the problem of the attitude of most part of society towards the mentally ill people, towards people with certain defects of mental health or psychological development remains relevant. At the same time, the issues of protection of the inalienable human rights of persons who show signs of mental disorders were and remain relevant. Observance and provision of the rights of persons with mental disorders is a kind of indicator of the level of development of society, its humanization, the state of democratization of social processes in a particular state. Social alienation, unjustified restriction of rights, contempt or neglect attitude and any other forms of humiliation of human dignity of persons with mental disorders – these all moments are the subjects to legal assessment and regulation through legal mechanisms.

AIM

The authors of this article as the aim of it see the need to draw the attention of society, doctors, patients of psychiatric and other medical institutions, law enforcement officers to a certain category of citizens, who have signs of abnormality of mental health. The legal status of such persons differs from the status of other members of our society and is sometimes associated with the need to restrict certain rights. Such restrictions

do not have a punitive aim, they are applied for the benefit and in the interests of both the diseased themselves and other people around them. At the same time, the authors of the article argue that the legislation of each country, which regulates these issues, should comply with the general standards and modern practice of the European Community and be such one as permits the application of restrictions in extreme cases and in minimum amounts.

MATERIAL AND METHODS

The separate scientific methods were used in the process of the problem research: theoretical (analysis, synthesis, concretization, generalization, analogy); empirical (study of legislative and other regulatory sources, of methodological documentation); method of systematic approach for forming conclusions based on the results.

RESULTS

Problems of provision of the rights of persons who show signs of mental disorders are the most social in their subject, methodology of research and practice of realization. This results from the characteristics of patients of practical psychiatry, the difficulties of psychiatric diagnosis and a wide range of mental disorders – from the borderline (related) violations of adaptation to expressive chronic psychoses and deep, total dementia. In individual cases, this may be related to the diagnosis of the states of almost healthy people in terms of the risk of appearing mental illness for them. Social factors provide their influence both on the state of mental health of individual citizens and society as a whole, and on the formation of public opinion and conceptual terms regarding the essence of the mental norm and pathology. In addition, a huge part of the complex social factors that are acutely perceived and understood by a person, can become pathogenic, lead to deformation of social relations of the individual and, as a consequence, cause the development of mental pathology. At the same time, there is a risk of an expanded interpretation of mental pathology, hyperdiagnostics of mental illness, deferment of psychiatric clinical assessments and terms to the plurality of variants of individual identity of personality and human behavior in unusual or simple situations at a glance. In the conditions of variability of clinical concepts and diagnostic criteria of mental states, the danger not only of erroneous judgments, but also intentional distortions of the reality, establishment by experts psychiatrists of false conclusions under pressure of social circumstances or subjective partiality grows. The price of such mistake in criminal or civil trial support can be prohibitively high.

On the other hand, mental illness or pathological mental states make difficult the social adaptation for a person, cause disturbances in his/her behavior, create a risk of committing dangerous actions that can harm this person and other people. Both the interests of the mentally ill person and society need protection. The general moral ground on which any medical and legal science, including psychiatrics, criminal law, civil law and psychiatric and legal practice, is based, is the recognition of life and health of human as the highest social value. The preservation of life and health of each human meets the interests of the individual and society as a whole. Therefore, the size and nature of restrictions for persons with deviations from the norm of mental behavior should correspond to the nature,

level of severity of mental disorders, type and degree of public danger of a mentally ill person. A feature for people with defects of mental sphere is that the mental states of a particular person can change significantly and differ at different stages of the disease, for example, in the period of exacerbation of the disease and in remission period. But in any case, the rights and freedoms of a person with signs of mental disorders remain integral and subject to comprehensive protection by the state and its bodies. Every person should be aware of this, the opinion of society should be conscious.

An important achievement of legal and psychiatric thought in modern Ukrainian society is the legislative recognition of the presumption of mental health that was proclaimed in the art. 3 of the Law of Ukraine "On Psychiatric care" (2000) [3], according to which, each person is considered as such one that do not have mental disorder, until the presence of such a disorder is established on the grounds and in the manner that are provided by this Law and other laws of Ukraine. Persons, who may have signs of mental disorders, as well as those of them, who are provided with psychiatric care, are endowed with rights and freedoms that are provided by Constitution of Ukraine and relevant other laws. Restriction of their rights and freedoms is allowed only in cases that are provided by the Constitution of Ukraine, and in accordance with the requirements of the laws of Ukraine and according to a clearly defined procedure.

The established and communicated to the patient and others diagnosis of mental disorder as such has a clear social ethical burden, and therefore, is considered as one of the ethical problems in psychiatrics. Most citizens are willing to use the help of psychiatric services, which is a manifestation of the general positive attitude towards psychiatrics as a field of medicine and psychiatrists as doctors, who struggle for human health. However, public reporting of the availability of person mental illness is often perceived negatively by society. Therefore, psychiatric patients are afraid to admit it in front of outsiders and even family members, avoid visiting a psychiatrist because of fear that someone will find it out, and in the case of receiving qualified psychiatric care, they do not inform the doctor about the deterioration of their state in order to avoid hospitalization. Ignoring the psychiatric problem by the diseased, relatives, colleagues leads to complex consequences. Family misunderstandings, dismissal from service, financial troubles, loss of social contacts, psychological breakdowns can lead to irreparable consequences and even suicide committing attempts.

At the same time, many people associate the vision of psychiatrics with the inevitable restriction of liberty of patients or with application of repressive measures regarding them. In psychiatrics, it is even told about the "stigma of mental illness" as a shameful feature of the person, a peculiar hallmark, the main aspects of which is considered to be the separation of a person with a psychiatric diagnosis from other members of society as deviant, with deviations from the norm and a socially dangerous person with the attribution of domestic negative perceptions of the mentally diseased to him/her, which leads to further discrimination [4; 5]. Stigmatization, as a negative separation by the society an individual from the environment of the social group that is followed by the further stereotypical set of social reactions, is based on historical, religious, social prejudices, which in most cases are reduced to the vision of a negative feature, danger, sinfulness, inferiority of a human with mental disorders. Such a socially unjustified phenomenon

is also present in Ukrainian society. Its negative result is considered to be frequent and late request of mentally ill people to doctors, low level of providing the psychiatric care, preferential providing such care in the conditions of inpatient care of large psychiatric hospitals and the separation of mental health facilities from other medical institutions [6].

Stigma acts as a kind of social symptom of mental illness, as an ontological difference between the mentally ill and healthy people. Sometimes it even comes down to a social cultural ban on certain relationships in society, which prevents the adaptation of a person with disabilities of mental health to certain and desirable and favorable for his/her living conditions. On the other hand, the possibility of direct or indirect coercion that can be applied to a mentally ill person, creates an intimidating halo around psychiatry, causes public distrust not only to people with mental disorders, but also to psychiatrists and this evokes a natural desire to isolate yourself from interference with one's private life. That is why, the task of psychiatry and at the same time the task of legislation that regulates the procedure of intervention in the mental sphere of a person and regulates the behavior of persons with mental health disabilities acts the limitation of the application of coercion in providing psychiatric care to the limits that are determined by medical necessity. This is a guarantee of the provision of the rights and interests of everyone.

Equally important is the establishment of the principles of the providing of psychiatric care, which in Ukraine the legality, humanity, compliance with rights of human and civil, voluntariness, accessibility and compliance with the current level of scientific knowledge, the need and sufficiency of measures of treatment with minimal social legal restrictions have been recognized. The last of the specified principles is the minimum of social and legal restrictions for a person, directly is related to their application in the field of criminal and civil proceedings. That is why the legal norms of criminal, criminal procedural, civil and civil procedural legislation of Ukraine in the case of establishing legislative provisions, which may affect the rights and interests of persons who show signs of mental disorders, must always take into account the need of provision not only the basic constitutional rights and freedoms of man and citizen, but also the basic principles of providing patients with psychiatric care. Observance and provision of the rights of persons with mental disorders is not only an indicator of the level of development of society, its humanization, democratization, but at the same time indicates the development of the legal basis for the existence of a particular state. Special attention should be given to provision of the rights of such persons in cases when their actions and the consequences of such actions fall within the scope of attention of law enforcement agencies or the court and need proper legal assessment and application of appropriate restrictions or measures of influence by the state regarding the mentally ill persons.

In general psychiatry, obtaining the consent of the patient to any intervention in the field of his/her health, in particular, the hospitalization, treatment or conducting any medical research, is considered in several aspects. First of all, information about the disease, the significance of the established clinical symptoms, informing regarding the plans of providing medical care to patients, prognosis of the duration of treatment and the associated risks refer to information that has not only medical but also ethical and legal significance. It is the responsibility of the psychiatrist to obtain the patient's informed consent,

and the information that has been provided to the patient must be true, comprehensive and complete. The consent of the patient to clinical experiments or the application of dangerous or such methods that can lead to irreversible consequences, methods of treatment in psychiatry requires additional guarantees to protect the rights of the mentally ill people. From an ethical and legal items, informed consent is the right of competent patients. Their consent must be voluntary and conscious that has been obtained without threats or violence. Such consent may be revoked at any time, but the refusal to provide psychiatric care should not affect the state of the patient and cannot pose a threat to his/her mental state and life [7]. But certain aspects of the right of individuals to waive the providing of psychiatric care are related to the problems of availability of severe mental illness, which creates a danger for themselves or surrounding, or caused by the deciding of issue on liability for the committing of socially dangerous actions and their consequences. That is why the voluntary provision of psychiatric care as one of its principles has certain legal restrictions. In accordance with the provisions that are set out in the art. 14 of the Law of Ukraine "On Psychiatric Care", a person suffering from a mental disorder may be hospitalized by a decision of a doctor-psychiatrist at a psychiatric facility without his/her informed consent or without the consent of his/her legal representative, if his/her examination or treatment is possible only in an in-patient setting and when a person is diagnosed with a severe mental disorder, as a result, she/he commits or shows real intentions to commit the acts, that pose an immediate danger to him/her or surrounding, or unable to meet their basic life needs at the level which ensures its viability [3]. A person who has been hospitalized without his/her informed consent to a psychiatric institution by a decision of psychiatrist shall be subject to a mandatory examination within 24 hours of hospitalization by a commission of doctors of psychiatric institution to decide on the appropriateness of hospitalization. If the medical commission finds hospitalization as inexpedient and the person does not express a desire to stay in a psychiatric institution to receive medical care, he/she is subject to immediate discharge. This is to restore the temporary restriction of a person's right to voluntary treatment. In cases when the hospitalization of a person in a psychiatric institution is forcibly recognized by the commission as appropriate, a representative of the psychiatric institution where the person is, within 24 hours sends to the court at the location of the psychiatric institution an application for hospitalization of a person in a psychiatric institution forcibly. Judicial procedure for resolving the issue regarding involuntary hospitalization serves as a guarantee of provision of the rights of the individual, who needs to be provided with qualified psychiatric care and solely for the purpose of providing such care.

The Law of Ukraine "On Psychiatric Care" (the article 19) also establishes the possibility of application, continuing, changing or terminating the application of coercive measures of a medical nature without consent of a person. Relevant criminal and criminal procedural norms, in which the bases, types, the order of application of coercive measures of medical nature, the order of implementation of criminal proceedings of this category during pre-judicial investigation and trial are fixed, the basic rights and responsibilities of participants in criminal proceedings and separately – the rights of a person who has signs of mental disorders, are defined, serve the realization of the rights, freedoms and legitimate interests of

a person who requires the application of coercive measures of a medical nature.

Today, the application of coercive measures of a medical nature is provided by the legislation of most countries in the world. Compulsory treatment of the mentally ill people who, under the influence of the disease that they have, have committed socially dangerous acts and have been found insane, as well as criminals who have been diagnosed with a mental illness, has been provided not only by norms of national law but also by international legal acts. Principles for the protection of the mentally ill people that were approved by the UN General Assembly on 17 of December 1991 provide that in respect of persons who have committed acts that are prohibited by criminal law and detained during a trial or investigation, if it is presumed or found them to be suffering from a mental illness, the general principles of protection shall be applied in full with such minimum necessary in such circumstances changes and exceptions, which are not prejudice their rights. The provisions of domestic law may be authorized by a court or other competent authority on the basis of an independent medical conclusion to make decisions on placing such persons in psychiatric facilities for isolation for the purpose of providing psychiatric care [8].

The rights and obligations that are enshrined in the laws of Ukraine, additional requirements to the activity of pre-trial investigation bodies and court on committing criminal proceedings regarding the application of coercive measures of a medical nature, proper training of personnel of law enforcement agencies, pre-trial investigation bodies, judges, lawyers and improvement of their general legal culture are important means and ways of provision of the rights and interests of persons with mental disorders, in respect of which, criminal proceedings are conducted. The coercive measures of a medical nature are not coercive measures that are applied on behalf of the state by a court judgment in Ukraine. They do not have the function of punishing a person for a committed criminal offense. Such measures are a system of medical, medical-preventive and rehabilitation measures that are carried out in special medical institutions of psychiatric profile and are applied to a clearly defined category of persons exclusively by the court and in accordance with the law. The subjects to which such measures are applied, the natural persons act who have reached the age of criminal legal influence, but state of their mental health does not allow the application of measures of criminal penalties at all or for a certain period of time until their convalescence. Given the specified circumstances, such an individual is a special subject to which special measures of criminal law influence are applied due to the public danger of the act and the existing degree of danger of the mentally diseased for themselves or other persons. Such medical measures may be applied in the form of the providing of compulsory outpatient psychiatric care or involuntary hospitalization of an ill person in a psychiatric institution under normal, intensive or strict supervision. The type of coercive measure of a medical nature is prescribed only by the court and depends on the nature and severity of the mental illness of a person, the severity of the socially dangerous act that has been committed by his/her, taking into account the degree of danger of the mentally diseased for himself/herself or other persons. The application of punishment to such persons does not correspond to the punitive purpose and the purpose of correction of convicts. Instead, the application of coercive measures of

a medical nature to persons suffering from mental illness, the nature of which makes them socially dangerous, aims the provision of their mandatory treatment and measures of rehabilitation regarding them, as well as preventing them from committing socially dangerous acts in the future.

The pre-trial investigation regarding persons that are suspected of committing a criminal offense in a state of limited sanity, shall be carried out by the investigator in accordance with the general rules, which are provided by the Criminal Procedure Law of Ukraine. The circumstances are taken into account that such persons, despite the presence of mental disorders or other mental defects, have a certain degree of preservation of the mental sphere, which allows them, though not fully, be aware of their actions (inaction) and manage them. During criminal proceedings, the procedural capacity of persons with limited sanity in respect of criminal offenses that are committed by them may be compensated at the cost of the involvement of a lawyer, who will provide them with the necessary legal assistance and in doing so will ensure the protection and defense of their legitimate rights and interests.

The concept of social danger of a mentally ill person is key in forensic psychiatry and is directly related to the concept of sanity and limited sanity. The scope of the concept of social danger of the mentally diseased includes two main criteria: legal that is the fact of socially dangerous act, which is provided by criminal law and which took place with the participation of a particular person, and medical that is a person who has signs of disorders of mental sphere that exclude the ability to be aware of their actions or manage them. Establishment and assessment of signs of public danger of a mentally ill person is carried out by the investigator, the prosecutor during the pre-trial investigation and the court during the trial, and criminal proceedings regarding the application of coercive measures of a medical nature, taking into account the social danger of a person, are carried out in a special manner. The court cases regarding the providing of psychiatric care are compulsorily considered in the presence of an ill person in respect of whom the issue of providing such care is being resolved. The participation in the consideration of these cases by the prosecutor, doctor psychiatrist or representative of psychiatric facility, who has applied, and the legal representative of the persons in respect of whom the issues of providing them with psychiatric care are being considered, is required. A person in respect of whom a court is considering a case of compulsory psychiatric care is entitled to free legal aid in the manner that is prescribed by the law, which is governing the provision of free legal aid during the trial.

A separate section of the problem is the issue of provision of the rights of persons with mental disorders and belong to the category of such procedural subjects as witnesses, victims, plaintiffs, defendants. The legislation of Ukraine and departmental documents, which regulate the issues of protection of the rights of person with defects of mental health, have here certain inconsistencies or insufficient clarity in the wording of regulations. In order to be a full-fledged witness, a victim as an eyewitness to the event, a person must have preserved mental functions, understand the legal side of the factual circumstances of the committed criminal offense and the consequences for the suspect (accused, defendant) of the information that has been reported by her. Properties of the mental sphere of the witness, the victim can be established only as a result of carrying out examination of psychiatric or complex that is psy-

chological and psychiatric. The task of an expert psychiatrist and an expert psychologist is not to determine the reliability of the testimony of witnesses and victims, but a clinical assessment of the mental state and psychological characteristics of the person, who testifies, detection of psychopathological disorders that may prevent the tested subject to properly commit her procedural rights and perform duties. A person with any form of mental pathology can be a witness and a victim. But experience shows that forensic psychiatric examination is most often prescribed for people suffering from mental immaturity (oligophrenia), from early organic brain lesions, for such people as those who received a traumatic brain injury during a criminal situation and not often for the research of diseased with schizophrenia or other serious mental illnesses. The medical criterion in the conclusion of a psychiatrist is defined by the concept of "the mental illness", which covers all forms of mental pathology. The legal criterion is determined by the inability of victims and witnesses to correctly perceive the circumstances of the event and give correct testimony about them, to understand the nature and significance of the actions that have been committed against the victim, to resist. The modern forensic psychiatric examination of witnesses and victims is based on a clinical assessment of impaired and preserved mental functions of the person, which allows to make balanced and credible expert conclusions and thus helps to protect the rights of witnesses and victims with various mental disorders. The expert conclusion becomes especially relevant when it comes to witnesses or victims with mental pathology who were the only witnesses to the crime.

Ukrainian legislation and regulations of the Ministry of Health of Ukraine do not contain the norms, which establish and regulate the possibility and procedure for conducting forensic psychiatric examination of witnesses and victims, plaintiffs and defendants in criminal and civil proceedings. The impossibility of conducting a forensic psychiatric examination of the victim, witness, plaintiff and defendant may create problematic criminal legal and civil legal situations, if the conclusions of such examination determine the possibility of establishing the circumstances and qualifying features of the crime or the involvement of a particular person in illegal actions, of correctness of dispute resolution and of compliance with the rights of the parties in civil proceedings.

DISCUSSIONS

The issue of observance of the rights and legitimate interests of persons who have signs of mental illness and whose behavior may cause harm to themselves or other individuals or legal entities, organizations, violate generally accepted social norms, etc., has long been the subject of interest from the side of scientists, practitioners from the psychiatric medicine, law enforcement officers and even ordinary citizens. Some of the decisions that establish special or limit the generally established rules are expressed in the laws of the state, in departmental regulations. Some aspects of this problem have been studied and written about in scientific and other sources by researchers from different countries. Including these issues were covered by E. Goffman [4], C. Mann and M. Himelein [5], S. Gluzman and S. Kostyuchenko [6], V. Kolesnyk [7], J. Argunova [9], T. Moskalkova [10] and others. In most cases, they discuss the issue of effectiveness of providing the care for the mentally ill, promote humane treatment for them from the side

of other citizens, and determine the criteria for establishing coercive measures of a medical nature. However, the authors of such publications do not always pay attention to the need to establish minimum permissible restrictions on the rights of persons with defects of mental health, as well as to the taking into account the rights not only of persons who have committed socially dangerous acts and need the providing of compulsory medical care, but also to the rights of those persons who are other participants in court proceedings: victims, witnesses, civil plaintiffs or defendants. This calls us for a broader discussion of the issues that are raised in this article.

CONCLUSIONS

Ukrainian legislation regulating the issue of temporary restriction of the rights of persons suffering from mental illness or who have shown signs of mental health aberrations, is focused on common European norms. Standards and principles of the providing psychiatric care in Ukraine are in line with modern European approaches. This fully applies to the provision of psychiatric care in compulsory manner, the right to establish which has only a court. However, to date, not all issues that are related to provision of the observance of the rights and interests of persons with diseased mental sphere, have sufficient regulation by norms of the current legislation in Ukraine. This applies to the establishment of a clear normative manner and rules for holding the outpatient and inpatient psychiatric examination of victims, witnesses, plaintiffs, defendants, and to changes in a specific type of coercive medical measures taking into account the social danger of a mentally ill person, etc. At the same time, all these measures require awareness-raising among the population and the education of humane treatment of those people whose mental sphere of life needs help.

REFERENCES

1. Schizophrenia. [<https://www.who.int/news-room/fact-sheets/detail/schizophrenia>]
2. Mental disorders. [<https://www.who.int/news-room/fact-sheets/detail/mental-disorders>]
3. Zakon Ukrayiny Pro psykhiatrychnu dopomohu. Vidomosti Verkhovnoyi Rady Ukrayiny. 2000;19:143.
4. Goffman E. Stigma: Notes on the management of spoiled identity. New York: Simon and Schuster; 1986. p. 147-8.
5. Mann CE, Himelein MJ. Factors associated with stigmatization of persons with mental illness. *Psychiat Serv.* 2004;55:185-7.
6. Gluzman S, Kostyuchenko S. Psychiatry in Ukraine. *Bull Board Int Affairs R Coll Psychiatrists.* 2006;3:38-40.
7. Kolesnyk V. Zapewniene prav i swobod osob zaburzeniami psichichnymi w postepowaniu karnym. *KELM.* 2015;3(11):151-62.
8. Principles for protecting mentally ill persons and improving psychiatric care. Adopted by General Assembly resolution 46/119 of December 17, 1991. [http://search.ligazakon.ua/l_doc2.nsf/link1/MU91323.html]
9. Argunova YuN. Prava grazhdan s psikhicheskimi rasstroystvami. Izd. 2-ye. Moskva: FOLIUM; 2007. p.147.
10. Moskalkova TN. Zashchita prav grazhdan s narusheniyami psikhicheskogo zdorov'ya kak aktual'naya zadacha dnya. *Byulleten Upolnomochenogo po pravam cheloveka v Rossiyskoy Federatsii.* 2018;4:4-6.

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