

Symposium | Forensic Psychiatry : [Symposium 26] Balancing Legal Obligations and Medical Ethics: Implementing Rights-Based Mental Health Care under the CRPD

📅 Fri. Sep 26, 2025 9:00 AM - 10:30 AM JST | Fri. Sep 26, 2025 12:00 AM - 1:30 AM UTC 🏢 Session Room 4 (Large Hall B)

[Symposium 26] Balancing Legal Obligations and Medical Ethics: Implementing Rights-Based Mental Health Care under the CRPD

Moderator: Samuel F. Law (University of Toronto), Shinsuke Kondo (University of Tokyo)

[SY-26-02] Comparative Analysis of the Thai Mental Healthcare Act and WHO Mental Health Legislation Standards based on the UNCRPD

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Keywords : UNCRPD Human rights Mental health legislation、 Thai Mental Health Act、 Human rights、 Mental health legislation

Background: The WHO Checklist on Mental Health Legislation provides practical guidance for developing mental health laws that adhere to the principles of the UNCRPD. It emphasizes a legal structure that safeguards the rights of individuals with mental health conditions while also improving the quality and accessibility of care. Thailand ratified the UN Convention on the Rights of Persons with Disabilities (UNCRPD) in 2008, and its Mental Health Act was most recently revised in 2019. However, no study has yet assessed how well the Act aligns with the WHO Checklist (WHO-RB).

Method: The Thai Mental Health Act 2019 was compared to each item in the WHO-RB. The authors categorize each item as either concordant or not, offering additional details in the text. Any items that was not consistent will be rechecked for concordance with other Thai legislation.

Results: The majority of the Thai Mental Health Act meets the WHO-RB standards. When considering other relevant Thai legislation, a greater number of WHO's standards are addressed in Thai law. However, some human rights aspects based on the UNCRPD still lack detailed provisions for practical and clinical application in Thailand by both healthcare providers and magistracy.

Conclusion: The UNCRPD plays a key role in shaping mental health policy in Thailand by guiding healthcare practices, promoting higher standards of care, and protecting the rights of individuals with mental health conditions. These efforts contribute to a more just and effective mental health system. As the 2019 Thai Mental Health Act is currently undergoing revision, insights from this process could support aligning the updated law with international standards for mental health legislation.