

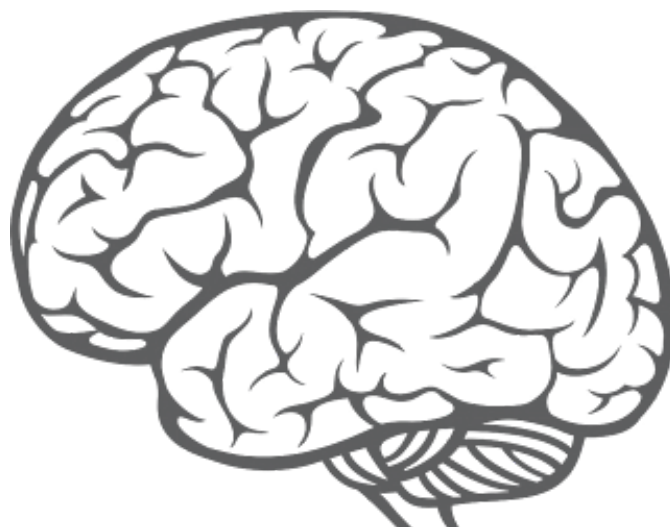


CHELD POLICY BRIEF

MENTAL
HEALTH LAW IN
NIGERIA

PREPARED BY

CHELD POLICY TEAM



Nigeria has highest
suicide rate in Africa,
sixth globally.

- WHO 2006

*SUICIDE IN THE WORLD: Global
Health Estimates*

The Big Picture

The World Health Organisation describes health as “a state of complete physical, mental and social well-being and not merely the absence of disease or infirmity.”

An important implication of this definition is that it identifies mental health as an integral component of health, deserving of equal protection and promotion even in legislation.

However, more than sixty years after the recognition of mental health as an important aspect of healthy living, Nigeria still grapples with creating an enabling framework for the protection of mental health in Nigeria.

Why Do We Need Mental Health Legislation?

Recent events emphasise the need for an improvement in mental health services, access to such services and a legal foundation for such services. These include an apparent increase in rates of suicides and suicide attempts, substance abuse and addiction disorders, news reports emphasising inhumane treatment of persons living with mental health conditions such as chaining and torture.

A legal foundation is also essential for the protection of the rights of persons living with mental health conditions and also the proper licensing and monitoring of facilities providing care for persons living with mental health conditions.



The Current Status of Mental Health Legislation in Nigeria

Whilst health has scarcely ever been a Legislative priority in Nigeria, mental health in particular has received an infinitesimal level of attention in law and policy making. The Lunacy Act, dating from a 1916 Ordinance, is the extant federal law on mental health. Although it provides a process for involuntary commitment, its references to 'lunatics' 'idiots' and 'asylums' and provisions relating to the 'arrests' of persons suspected to be mentally ill, are discriminatory.

In 2003, an unsuccessful Mental Health Bill was introduced at the Senate and another was not introduced until a decade later in 2013.

However, attempts to pass a national Mental Health Bill which reflects the needs of persons with mental health condition, protects their rights and provides optimum support and care are yet to produce concrete results.

A new Mental Health Bill was sponsored by the Senate Committee on Health early 2020. The Bill has undergone public hearing.

In view of the key gaps in the existing legislation, the renewed efforts of the Senate to pass a Mental Health Bill is a welcome development. It is anticipated that this Bill will address existing challenges and provide an enabling framework for the protection and support of persons with mental health conditions is a welcome development.

At the State level, only Lagos State has enacted a Mental Health Law that creates a more conducive framework for the provision of mental health services. Other States continue to rely solely on the provisions of the Lunacy Act which hardly have a place in the 21st century.

Notable Gaps in the Legal Framework for Mental Health in Nigeria

1. Failure to address key issues related to improved access to mental health care and support for all, especially financing;
2. Inadequate safeguards for the rights of persons with mental health condition in healthcare facilities and within the community;
3. Absence of specific provisions prohibiting sterilization and the use of other forms of irreversible treatments on persons with mental health conditions;
4. Inadequate restrictions on the use of seclusion and restraints such as chains in the treatment of persons with mental health conditions;
5. Inadequate safeguards for protection of people who are at risk of harming themselves and others and require treatment;
6. Absence of provisions for community care, deinstitutionalization or re-integration into society;
7. Failure to address the special needs of vulnerable populations such as children and the aged with mental health conditions; and
8. Failure to expressly decriminalize attempted suicide.



Call to Action

As citizens, it is our responsibility to get familiar with the existing laws on mental health and the proposed Bill, as this is the only way we can properly advocate for enforcement. Whilst we are not nearly where we should be in terms of mental health in Nigeria, through increased awareness of the law and engagement in efforts to ensure proper enforcement, we can ensure that persons with mental health conditions are treated and receive support on an equitable basis as those with bodily infirmity.



CHELD Mental Health Programme

The Mental Health Unit of CHELD advocates for visibility, awareness and support for persons living with mental illness and disability in Nigeria.

Apart from advocacy for mental health law reform at the Federal level, CHELD is currently working with several States to reform the mental health and criminal laws to decriminalize attempted suicide.

CHELD's work on decriminalizing attempted suicide has appeared in several local and International outlets, including a CNN appearance in December, 2018.



Decriminalize Suicide Project

CHELD's current activities include the 'Decriminalise attempted Suicide' Project under its Mental Health Unit which advocates for the decriminalization of attempted suicide in Nigeria.

Through this Project, CHELD has obtained the release of persons who have attempted suicide from prisons and provided rehabilitation for them through its rehabilitation programs. It has also provided material support for persons who we have helped secure their release on charges of attempted suicide.



1. Preamble to the Constitution of WHO as adopted by the International Health Conference, 1948.
2. Adegboyega Ogunlesi et al, "Mental Health Legislation in Nigeria: Current Learnings and Future Yearnings" (2012) 9(3) International Psychiatry 62.
3. Lagos State Mental Health Law, 2019.
4. National Mental Health Bill, 2020.



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