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Law of the Republic of Uzbekistan "On Protection of Mental Health in the Population of Uzbekistan"

Abstract
The law provides rights for PWD for easy access of public goods, including education, social security, medical treatment, occupational and social rehabilitation and establishes an extent of responsibility of the government and its bodies for the creation of favourable conditions for the social adaptation of PWDs in market environment conditions.

Keywords
law, republic uzbekistan, protection of mental health, psychiatric care, conditions, person, pwd, disability

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LAW OF THE REPUBLIC OF UZBEKISTAN "ON PROTECTION OF MENTAL HEALTH IN THE POPULATION OF UZBEKISTAN"

I. GENERAL PROVISIONS

Article 1. Psychiatric care and the principles of its provision

1. Psychiatric care includes mental health examination of citizens, diagnosis of mental disorders, treatment, care and medico-social rehabilitation of persons with mental disorders, on the basis of and in accordance with, the procedures established by the **law** of the **Republic** of **Uzbekistan** "On protection of citizens' health", this **law** and other laws of the **Republic** of **Uzbekistan**.

2. Psychiatric care for persons with mental disorders shall be guaranteed by the State, and mental patients have the right to standards of care and treatment applied to somatic patients and care provided in accordance with the principles of legality.

3. Psychiatric and psychoneurological facilities of the state system of public health care financed from the state budget shall provide free psychiatric care for the population. Facilities and persons providing psychiatric care shall be financed from the health insurance fund and other sources not prohibited by legislation of the **Republic** of **Uzbekistan**, and in amounts sufficient to provide a guaranteed level and high quality of psychiatric care.

Article 2. Legislation of the Republic of Uzbekistan on psychiatric care

1. The legislation of the **Republic** of **Uzbekistan** on psychiatric care consists of this **law** and other legal acts of the **Republic** of **Uzbekistan**, the **Republic** of Karakalpakstan and of legal acts of the **Republic's** regions and the city of Tashkent.

2. The governments of the **Republic** of **Uzbekistan** and Karakalpakstan and the ministries and government departments have the right to pass legal acts on psychiatric care within their jurisdiction.

3. Legislative and other legal acts adopted in Republics of **Uzbekistan** and Karakalpakstan. in the regions, and in the city of Tashkent must not restrict citizens' rights and the guarantees of their observance in the provision of psychiatric care ensured by this **law**.

4. If an international agreement to which the **Republic** of **Uzbekistan** is a party establishes regulations other than those provided by the legislation on psychiatric care, the regulations of the international agreement shall prevail.

Article 3. Application of this law

1. This **law** concerns the citizens of the **Republic** of **Uzbekistan** when they are provided psychiatric care and shall be applied to any facility or person providing psychiatric care within the territory of the **Republic** of **Uzbekistan**.

2. The State provides protection of mental health for every citizen irrespective of his/her age, sex, race nationality, language, attitude to religion, social origin, views, personal and social position.

3. The State guarantees persons with mental disorders protection from any discrimination, irrespective on the form of disease they have.

4. Foreign citizens and stateless persons when on the territory of the **Republic** of **Uzbekistan**, shall be guaranteed the right to protection of their mental health in accordance with international agreements of the **Republic** of **Uzbekistan** and observance of all rights established by this **law** on an equal footing with the citizens of the **Republic** of **Uzbekistan**.

Article 4. Voluntary request for psychiatric care

1. Psychiatric care shall be provided upon voluntary request or with the consent of the person concerned, except in cases covered by this **law**.

2. Minors, aged under 15 years of age and persons duly recognized as incompetent shall be provided psychiatric care at request or with a consent of their legal representatives, and

3. in accordance with the procedure established by this **law**.

4. Mentally retarded minors may be admitted to facilities for social welfare at request of their parents or persons replacing them. and their residence in these facilities shall be financed from the state budget or by charity and other foundations, or paid by the parents or persons replacing them.

Article 5. Rights of persons with mental disorders

1. Persons with mental disorders shall enjoy all the rights and freedoms ensured by the Constitution of the **Republic** of **Uzbekistan**. Restriction of citizens' rights and freedoms because of a mental disorder shall be allowed only in cases covered by the laws of the **Republic** of **Uzbekistan**.

2. All persons with mental disorders when being provided psychiatric care shall have the right to:

- respectful and humane treatment that excludes any humiliation;

- information about their rights and. taking into account their mental condition, information about the nature of their mental disorder and the treatment methods applied;

- psychiatric care under the least restrictive conditions, if possible, close to their place of

residence;

- examination, treatment and staying in conditions that meet sanitary-hygienic standards;

- hospitalization only for the period essential for diagnosis and treatment;

- all forms of treatment (including health resorts) on medical grounds;

- prior consent to. or refusal at any stage of disease from, being used as a subject of a trial of medical agents and methods, of research or for educational purposes, or taking photographs, or shooting a video or a film in which they are featured;

- access to a lawyer, a legal representative, or other party, in accordance with procedure established by **law**.

3. The rights and freedoms of persons with mental disorders shall not be restricted solely on the basis of psychiatric diagnosis or the fact of being under dispensary observation, or hospitalization in a psychiatric clinic or in a psychoneurological facility for social welfare or special education. Officials guilty of such violations shall be liable in accordance with legislation of the **Republic** of **Uzbekistan**.

4. If the rights of a person with mental disorders are violated, he/she or his/her legal representatives may appeal directly to the head or another official of the treatment or prevention facility concerned, to a superior agency or to a court.

Article 6. Restrictions in specific occupations and high risk activities

1. A citizen may be temporarily (for a maximum period of five years, but with the right to subsequent review) recognized as unfit for certain types of occupations or high risk activities because of a mental disorder. Such decision shall be made by a medical commission, authorized for this purpose by the public health agency, on the basis of evaluation of the mental health status of the citizen and in accordance with the list of medical-psychiatric contraindications, and can be contested in court.

2. The list of medical-psychiatric contraindications on specific types of occupations and high risk activities shall be approved by the government of the **Republic** of **Uzbekistan** and

3. periodically (at least once in every five years) reviewed in terms of the experience and research data accumulated.

Article 7. Representation of citizens receiving psychiatric care

1. A citizen receiving psychiatric care shall have the right to designate a representative to protect his/

her rights and legitimate interests. The representation shall be executed in accordance to procedures established by the civil **law** and the **law** of civil procedure of the **Republic** of **Uzbekistan**.

2. The rights and legitimate interests of minors under 15 years of age and of persons duly recognized as incompetent shall be protected during provision of psychiatric care by their legal representatives (parents, foster parents or guardians) or, in their absence, by the administration of the psychiatric hospital or the psychoneurological facility for social welfare or special education.

3. The rights and legitimate interests of a citizen during provision of psychiatric care can be protected by a lawyer. The procedure of appointing a lawyer and paying for his/her services shall be established by the legislation of the **Republic** of **Uzbekistan**. The administration of the facility providing psychiatric care shall ensure an opportunity to obtain a lawyer except in the emergency cases mentioned in item "a", paragraph 4, article 15 and in item "a". paragraph 6. article 17, of this **law**.

Article 8. Medical confidentiality in the provision of psychiatric care

1. Information about a citizen's having a mental disorder, the fact of his/her applying for psychiatric care and treatment in a facility providing such care, and other information concerning mental health shall be not disclosed to a non-official and shall be a matter of medical confidentiality protected by **law**. In order to protect.

2. In order to assure that a citizen's rights and freedoms are respected, a request for information on his/her mental health status or his/her examination by a psychiatrist shall be permitted only in cases established by laws of the **Republic** of **Uzbekistan** i.e. from agencies of investigation, courts and Prosecutor's Office, and from other psychiatric facilities and superior health care agencies.

Article 9. Diagnosis, treatment, consent to treatment and refusal of treatment in persons with mental disorders

1. The diagnosis of a mental disorder shall be made in accordance with acknowledged international standards and may not be based only on the citizen's disagreement with socially accepted moral, cultural, political or religious values or on other grounds not directly connected with the state of the citizen's mental health.

2. The diagnosis and treatment of persons with mental disorders shall be carried out using medical means and methods authorized in accordance with procedures established by the **law** of the **Republic** of **Uzbekistan** "On Protection of citizen's health".

3. Medical agents and methods shall be only used for diagnostic and treatment purposes, in accordance with the nature of the pathological conditions, and shall not be used for punishment of the person with a mental disorder or in the interests of other persons.

4. A person with a mental disorder may be treated after he or she has given a written consent, except in cases mentioned in paragraph 7 of this article.

5. The doctor must give the person with a mental disorder, in a form appropriate for him/her and with regard for his/her mental condition, information about the nature of the mental disorder and the objectives, methods - including alternative - and duration of the treatment recommended, and also about pain sensations, possible risks, side effects and the results expected. A note shall be made in the medical records about the information given.

6. A consent to treatment of minors aged under 15 years of age and of persons duly recognized as incompetent shall be given by their legal representatives after they have received the information described in paragraph 5 of this article.

7. The treatment can be implemented without consent of the person with a mental disorder or without the consent of the person's legal representative only if compulsory medical measures are applied on the grounds defined by the **Republic** of **Uzbekistan's** Criminal Code and, in cases of involuntary hospitalization, on the grounds defined in paragraph 6 article 17 of this **law**. In these cases, except in an emergency, the treatment is provided by decision of the psychiatric commission.

8. The use of surgical and other methods with irreversible effects and trials of medical agents and methods shall not be permitted on persons mentioned in paragraph 7 of this article.

9. A person with a mental disorder or his/her legal representative shall have the right to refuse the treatment offered or to withdraw from it, except in the cases covered by paragraph 7, article 9 of this **law**.

10. The possible consequences of withdrawal from treatment shall be explained to a person refusing treatment or to that person's legal representative. An entry about the refusal of treatment, with a description of possible consequences, shall be made in the medical record, which shall be signed by the person concerned or his/her legal representative and by the psychiatrist.

Article 10. Compulsory medical measures

1. Compulsory medical measures shall be applied by decision of the court to persons with mental disorders who have committed socially dangerous acts. on the grounds and in accordance with procedures established by the Criminal Code and the Code of Criminal Procedure of the **Republic** of **Uzbekistan**.

2. Compulsory medical measures shall be implemented in psychiatric facilities of the health agencies. Persons committed to psychiatric hospitals by a court decision on application of compulsory medical measures shall enjoy the rights ensured by article 20 of this **law**. They shall be recognized unfit for work for the whole period of their stay in a psychiatric hospital and shall, on general principles, have the right to a state social insurance benefit or to a pension.

Article 11.

Forensic psychiatric evaluation and psychiatric examination to determine a citizen's fitness for military service shall be conducted in accordance with article 39 "Forensic Medical and Forensic Psychiatric Evaluation" and article 38 "Military Medical Evaluation" of the **law** "On Protection of Citizen's Health" of the **Republic** of **Uzbekistan**.

Part II. PROVISION OF PSYCHIATRIC CARE AND SOCIAL PROTECTION OF PERSONS WITH MENTAL DISORDERS

Article 12. Types of psychiatric care and social protection guaranteed by the state

1. The State shall guarantee

- emergency psychiatric care;
- consultation and diagnosis, treatment, preventive mental health care and rehabilitation under out- and in-patient conditions;
- all types of psychiatric evaluation and determination of temporary disability;
- social care and assistance in finding a job for persons with mental disorders;
- solution of guardianship problems;
- consultations on legal issues and other forms of juridical aid in psychiatric and psychoneurological facilities;
- social welfare arrangements for the disabled and the elderly with mental disorders, and provision of care for them;
- training of the disabled and minors with mental disorders;
- psychiatric care in case of natural disasters and catastrophes.

2. In order to provide persons with mental disorders with psychiatric care and social protection, the State shall

- establish all types of facilities providing out- and inpatient psychiatric care, if possible, in the patient's place of residence;
- organize comprehensive education and vocational training of minors suffering from mental disorders;
- establish industrial enterprises for occupational therapy, vocational training, and employment of

persons with mental disorders, including the disable, and special shops or sections in industry with easier working conditions for such people;

- establish at enterprises and in institutions and organizations mandatory quotas of working places for the employment of persons with mental disorders;

- apply economic incentives for the enterprises, institutions, and organizations that provide working places for persons with mental disorders;

    - set up hostels for persons with mental disorders who have lost their social contacts;

    - take other measures necessary for the social support of persons suffering from mental disorders.

3. All types of psychiatric care and social welfare for persons with mental disorders shall be provided by the republican agencies of state power and government of the **Republic** of **Uzbekistan**, the agencies of state power and government of the **Republic** of Karakalpakstan. of the regions, and of the city of Tashkent, and by local authorities within the limits of their competence as defined by the legislation of the **Republic** of **Uzbekistan**.

Part III. THE RIGHTS AND DUTIES OF MEDICAL WORKERS AND OTHER PROFESSIONALS

Article 13. The Rights and the responsibilities of medical workers and other specialists in the provision of psychiatric care

1. Professional rights and responsibilities of psychiatrists, other specialists and medical personnel in the provision of psychiatric care shall be established by the health legislation of the **Republic** of **Uzbekistan** and this **law**.

2. Diagnosis of a mental disorder, decisions authorizing involuntary psychiatric care. and decisions reviewing cases of

3. involuntary psychiatric care shall be the exclusive right of the psychiatrist or a commission of psychiatrists.

4. A report regarding a person's mental health status made by a doctor belonging to another medical specialty shall be considered preliminary, and may not serve as the basis for a decision regarding restriction of that person's rights and legitimate interests or granting the privileges ensured by **law** for persons with mental disorders.

5. While providing psychiatric care, the psychiatrist shall be independent in his decision and shall be guided only by medical indications, medical duty, and the **law**.

6. A psychiatrist whose opinion does not agree with the decision of a medical commission shall have

the right to formulate a report of his/her own, which shall be included in the medical record.

Article 14. Guarantees and privileges of psychiatrists, other specialists, and medical and other personnel involved in the provision of psychiatric care

Psychiatrists, other specialists, and medical and other personnel involved in the provision of psychiatric care shall have the right to privileges established by the legislation of the **Republic** of **Uzbekistan** for the persons working under special labor conditions and shall be subject to mandatory state insurance for damage to health or death caused in the line of duty.

If a person involved in provision of psychiatric care suffers a loss of health leading to temporary disability, he/she shall be paid insurance compensation up to the value of an annual salary, due regard being given to the severity of the damage inflicted. In case of disability, insurance compensation shall amount to up to five times the value of an annual salary, depending on the degree of disability; in case of death, the insurance compensation shall be paid to the heirs in the amount often times the deceased's annual salary.

Psychiatrists, other specialists, and medical and other personnel involved in forensic psychiatric evaluation and compulsory treatment of mental patient which have committed offenses. have the right to the privileges in social and legal protection established by the **law** of the **Republic** of **Uzbekistan** on forensic medical expertise.

Part IV. TYPES OF PSYCHIATRIC CARE AND PROCEDURE FOR ITS PROVISION

Article 15. Psychiatric examination

1. Psychiatric examination shall be conducted in order to determine if the person examined suffers from a mental disorder, whether that person needs psychiatric care, and, if so, in what form.

2. A psychiatric examination shall be conducted at the request, or with the consent, of the person examined; for minors aged under 15 years of age, at the request, or with the consent, of their parents or another legal representative;

in the case of persons duly recognized as incompetent, at the request, or with the consent, of their legal representatives. If one of the parents objects, or in the absence of parents or another legal representative, the examination of a minor shall be conducted by decision of a guardianship agency, which may be contested in a court. Preventive examinations shall not be considered as identical to primary psychiatric examination and shall be conducted on an equal basis with others.

3. The doctor conducting the psychiatric examination must introduce himself/herself as a psychiatrist to the person examined and his/her legal representative, except in cases covered by item "a", paragraph 4 of this article.

4. Psychiatric examination may be conducted without the consent of the person or of his/her legal

representative when the person's behavior suggests that he/she has a severe mental disorder presenting:

a/ an imminent danger to himself/herself or others, or

b/ helplessness i.e. inability to cope the basic needs of everyday living, or

d substantial harm to that person's health as a result of deterioration of his/her mental condition if that person is not given psychiatric care.

5. Psychiatric examination may be conducted without the consent of that person or of his/her legal representative if the person examined is under dispensary observation on grounds defined in paragraph 4, article 16 of this **law**.

6. The findings of the psychiatric examination and the report concerning the mental health status of the person examined shall be entered into the medical record along with the reasons for consulting a psychiatrist and medical recommendations.

7. In cases covered by item "a", "b" and "c" of paragraph 4 and by paragraph 5, article 15 of this **law**, the decision to perform a primary psychiatric examination of the person without his/her consent or without the consent of his/her legal representative shall be made by a psychiatrist on his or her own.

8. A decision on psychiatric examination of a person without his/her consent or without the consent of his/her legal representative, except in cases defined in paragraph 5 of this article, shall be made by a psychiatrist on the basis of a request containing the grounds for such examination, as mentioned in paragraph 4, article 15 of this **law**.

9. The request may be submitted by relatives of the person to be examined, by a doctor of any medical specialty, by officials and other citizens.

10. In an emergency in which, according to the information obtained, the person presents an imminent danger to self or to others, the request may be made orally. The decision concerning a psychiatric examination shall be made by a psychiatrist immediately and included in the medical record.

11. In the absence of imminent danger to self or to others, the request of a psychiatric examination shall be submitted in written form, and should contain precise information justifying the necessity for such an examination and an indication that the person or his/her legal representative has refused to seek psychiatric care. The psychiatrist is entitled to request any additional information necessary for making a decision. If it has been established that the application does not contain findings indicative of the presence of circumstances covered by items "b" and "c", paragraph 4. article 15 of this **law**, the psychiatrist shall refuse to carry out the psychiatric examination, stating the reasons for his/her refusal.

Article 16. Types of outpatient psychiatric care and dispensary observation for persons with mental disorders

1. Outpatient psychiatric care of a person with a mental disorder shall, depending on medical indications, be provided in the form of consultation and treatment or in the form of dispensary observation.

2. Consultation and treatment shall be provided by a psychiatrist if a person with a mental disorder personally asks for care, at his/her request or with his/her consent, and, in case of minors under 15 years of age, at the request of, or with the consent of, his/her parents or another legal representative.

3. Dispensary observation may be arranged irrespective of the consent of the person with a mental disorder or his/her legal representatives in cases defined by paragraph 4, article 26 of this **law** and entails monitoring the mental health condition of that person by means of regular examinations conducted by a psychiatrist and also the provision of necessary medical and social care.

4. Dispensary observation may be arranged for a person suffering from a chronic and protracted mental disorder with persistent symptoms or frequent exacerbations.

5. A decision concerning the necessity for initiating dispensary observation or canceling it shall be made by a commission of psychiatrists appointed by the administration of the psychiatric facility providing outpatient psychiatric care or by a commission of psychiatrists appointed by a public health agency.

6. A validated decision of the commission of psychiatrists shall be included in the medical records. A decision to start or cancel dispensary observation may be contested according to the procedure established by part VI of this **law**.

7. Previously arranged dispensary observation shall end in case of recovery or of substantial and persistent improvement of the patient's mental condition. After dispensary observation has been withdrawn, outpatient psychiatric care, in the form of consultation and treatment, shall be provided at the request or with the consent of the person or his/her legal representative. If the mental status of the person with a mental disorder changes for the worse, that person may be subjected to a psychiatric examination without his/her consent or the consent of his/her legal representative in accordance with the grounds and procedures defined in paragraphs 4. 7. 8. 9,10 and 11, article 15 of this **law**. Dispensary observation may be resumed in such cases by decision of a commission of psychiatrists.

Article 17. Grounds for admission to a psychiatric hospital and safety measures in provision of psychiatric care

1. The grounds for admission to a psychiatric hospital are the presence of a mental disorder in the person and the decision of a psychiatrist concerning examination or inpatient treatment, or the decision of a judge.

2. Another ground for admission to a psychiatric hospital is the need to conduct a psychiatric expertise in cases and in accordance with the procedures established by the laws of the **Republic** of **Uzbekistan**.

3. Admission to a psychiatric hospital is a voluntary act - at the request of the person concerned or with his/her consent - except in cases defined by paragraph 6. article 17 of this **law**.

4. A minor under 15 years of age may be admitted to a psychiatric hospital at the request or with the consent of his/her parents or another legal representative. A person duly recognized incompetent shall be hospitalized at a psychiatric inpatient clinic at the request, or with the consent, of his/her legal representative. If one of the parents objects, or in the absence of parents or another legal representative, the minor shall be admitted to a psychiatric hospital on decision of a guardianship agency, which may be contested in the court.

5. Consent to hospitalization, signed by the person concerned or his/her legal representative and by the psychiatrist, shall be included in the medical record.

6. A person with a mental disorder may be admitted to a psychiatric hospital without his/her consent or the consent of his/her legal representative if his/her examination or treatment is possible only under inpatient conditions and the mental disorder is severe and presents:

a/ an imminent danger to self or to others, or

b/ helplessness, i.e., inability to cope with the basic needs of everyday living, or

d substantial harm to that person's health as a result of deterioration of the mental condition if that person is not given psychiatric care.

7. Inpatient psychiatric care shall be provided under the least restrictive conditions, which guarantee the safety of the hospitalized person and other persons, and the medical personnel shall respect the patient's rights and legitimate interests.

8. In cases of involuntary hospitalization, measures of physical restraint and seclusion shall be used only. in a specified manner and for a specified period, when the psychiatrist deems that no other measures could prevent the hospitalized person from becoming an immediate danger to him/herself or others, and shall be continuously supervised by the medical personnel. The method and duration of physical restraint and seclusion shall be noted in the medical records.

9. Militia officers shall help medical workers in handling the involuntary hospitalization procedure and provide safe conditions for taking custody of the person to be hospitalized and for his/her examination. If necessary to prevent actions, on the part of the person to be hospitalized or of other persons, that threaten the life and health of others or if it is necessary to search and detain the person to be hospitalized, the militia officers shall act in accordance with the procedure established by the **law** of the **Republic** of **Uzbekistan** "On the Militia".

Article 18. Examination of persons subjected to involuntary confinement in a psychiatric hospital, examination of persons recognized as incompetent and minors for purposes of

reviewing the grounds and continuation of hospitalization

1. A person admitted to a psychiatric hospital on the grounds defined in paragraph 6. article 17 if this **law** shall be subject to mandatory examination within 48 hours by a commission of psychiatrists of the psychiatric facility, which will decide whether the hospitalization is justified. When the hospitalization is ruled unjustified and the person hospitalized does not wish to remain in the psychiatric hospital, he/she shall be discharged immediately.

2. If the hospitalization is ruled justified, the report of the commission of psychiatrists shall be sent within 24 hours to the chief psychiatrist of the territorial health agency in order to consider the issue of further confinement of the person therein.

3. A person shall be detained in a psychiatric hospital only for as long as the grounds for that hospitalization continue.

A person committed to a psychiatric hospital shall, at least once a month for the first six months, be examined by a commission of psychiatrists of the psychiatric facility in order to decide whether hospitalization should be continued. If the hospitalization is continued beyond six months, the examination should take place at least once every six months.

4. A person duly recognized as incompetent and a minor aged under 15 years of age who has been admitted to a psychiatric hospital at the request or with the consent of their legal representatives shall be subject to mandatory examination by a commission of psychiatrists of the psychiatric facility in accordance with the procedure established by paragraph 1, article 18 of this **law**. During the first six months, these persons shall be examined by a commission of psychiatrists at least once a month in order to decide on continuation of hospitalization. If the hospitalization is continued beyond six months, examinations by a commission of psychiatrists shall take place at least once every six months.

5. If the commission of psychiatrists or the administration of the psychiatric hospital detects abuses committed in the course of hospitalization by legal representatives of a person duly recognized as incompetent or of a minor under 15 years of age, the administration of the psychiatric hospital shall report the matter to the guardianship agency at the place of residence of the person under guardianship.

Article 19. Application to the court concerning the issue of involuntary hospitalization

1. The issue of involuntary admission to a psychiatric hospital on the grounds defined in paragraph 6 article 17 of this **law** shall be resolved, when contested, in the court at the location of the psychiatric facility.

2. The matter of involuntary hospitalization of a person to a psychiatric hospital, when contested, shall be reviewed by the judge within five days of receiving it, in the court or in the psychiatric facility.

3. The person shall be given the right to attend the court hearing on his/her hospitalization. If,

according to evidence received from the representative of the psychiatric facility, the mental condition of the person precludes his/her personally attending the hearing on his/her hospitalization, then the matter of hospitalization shall be heard by the judge in the psychiatric facility.

4. The attendance of the procurator, a representative of the psychiatric facility applying for hospitalization. and a representative of the person whose hospitalization is requested shall be mandatory.

5. After considering the substance of the application, the judge shall approve or reject it.

6. The judge's decision may be appealed, within ten days of its pronouncement, by the person hospitalized in the psychiatric hospital, by his/her representative, by the head of the psychiatric facility, by an organization entitled by **law** or its charter to protect the rights of citizens, or by the procurator, in accordance with the procedure established by the Code of Civil Procedure of the **Republic** of **Uzbekistan**.

Article 20. The Rights of patients in psychiatric hospitals

1. The patient should be explained, in his/her own language, the grounds and the objectives of his/her admission to a psychiatric hospital, his/her rights .and the hospital regulations; and this should be noted in the medical records.

2. All patients who undergo treatment or examination in a psychiatric hospital shall have the right:

- to appeal directly to the head of the hospital or the head of the unit on matters of treatment, examination. discharge from the psychiatric hospital and observance of the rights ensured by this **law**,
- to submit uncensored complaints and applications to legislative and executive agencies, to the procurator's office, to a court and to a lawyer;
- to meet a lawyer or a priest in private;
- to perform religious rituals, to observe religious canons, including fasting, and, by agreement with the administration, to have religious belongings and literature;
- to subscribe to newspapers and magazines;
- to receive an education within the limits of comprehensive secondary school or that of a special school for children with impaired intellectual development, if the patient is under 18;
- to receive, on an equal footing with other citizens, payment for work in keeping with its quantity and quality if the patient is involved in productive work.

3. Patients shall also have the following rights, which, in the interests of the health and safety of themselves or others, may be restricted on recommendation of the treating doctor, by the unit head or by the head of the hospital:

- to correspond with others;
- to receive and to send parcels, printed matter, and money;

- to use the telephone;
- to receive visitors;
- to have and to purchase safe essential items;
- to wear their own clothes.

4. Paid services (personal subscription to newspapers and magazines, communication services etc.) shall be provided at the expense of the patient receiving them.

5. The State shall set up a service independent of health agencies, for the protection of the rights of psychiatric inpatients.

6. The representatives of this service shall protect the rights of patients in psychiatric hospitals and receive their complaints and applications, which shall be settled with the administration of the psychiatric facility concerned or depending on their nature, be conveyed to the agency of legislative and executive power, the procurator's office or a court.

Article 21. Responsibilities of the administration and the medical personnel of a psychiatric hospital

The administration and the medical personnel of a psychiatric hospital shall provide conditions facilitating the exercise of the patients' rights and the rights of their legal representatives, as ensured by this **law**, through

- providing the necessary medical care to psychiatric inpatients;
- providing an opportunity for patients to become acquainted with the text of this **law**, the regulations of the psychiatric hospital, and the addresses and phone numbers of governmental and public agencies, institutions, organizations, and officials to whom they can appeal when their rights are infringed upon;
- providing conditions enabling patients to carry on correspondence, and to submit complaints and requests to agencies of legislative and executive power, the procurator's office, the court, and the lawyer.
- taking measures, within 24 hours of the patient's involuntary hospitalization, to notify his/her relatives, a legal representative, or another person designated by the patient;
- informing the patient's relatives, a legal representative or another person designates by the patient of changes in his/her condition, and any accidents involving the patient;
- ensuring the safety of the patients in the hospital and control of the contents of parcels and messages;
- performing the function of a legal representative for a patient duly recognized as incompetent who has no such representation;
- establishing and clarifying for religious patients the regulations that should be observed in a psychiatric hospital in the interests of other patients during performance of religious rituals, the procedure of inviting a priest, and help in realization of the right to freedom of conscience for both believers and atheists;
- fulfillment of other duties established by this **law**.

Article 22. Discharge from a psychiatric hospital

1. A patient shall be discharged from the psychiatric hospital when he/she has recovered or his/her mental condition has sufficiently improved so that inpatient treatment is no longer required, and also on completion of the examination or evaluation that have been the grounds for hospitalization.

2. A patient who is in the psychiatric hospital on a voluntary basis shall be discharged on personal request or that of his/her legal representative, or by decision of the treating doctor.

3. A patient who has been subjected to involuntary hospitalization in a psychiatric hospital shall be discharged by decision of a commission of psychiatrists or by decision of a judge who has refused to continue the hospitalization, when the matter of involuntary hospitalization is contested.

4. A patient who has been subjected to compulsory medical measures shall be discharged only by decision of the court.

5. A patient who has been admitted to a psychiatric hospital on a voluntary basis may be refused discharge if the commission of psychiatrists of the psychiatric facility establishes grounds for involuntary hospitalization as defined in paragraph 6. article 17 of this **law**. In such cases the issues of confinement in a psychiatric hospital, continuation of hospitalization, and discharge shall be resolved in accordance with the provisions established in paragraph 1, article 18. article 19. and paragraph 3, article 22, of this **law**.

Article 23. Grounds and procedure for admission to psychoneurological facilities for social welfare and responsibilities of administration of these facilities

1. Grounds for admission to a psychoneurological facility for social welfare shall be a personal request made by a person with a mental disorder, his/her relative or his/her legal representative, and a report of a medical commission. which must include a psychiatrist; in the case of a minor under 15 years of age or a person duly recognized as incompetent, admission shall be by a decision of the guardianship agency made on the basis of the report of a medical commission which must include a psychiatrist.

The report shall include findings on the presence of a mental disorder that precludes the person's confinement in a nonspecialized facility for social welfare and, in the case of a competent person, also an explanation of why there are no grounds for requesting a court to declare him/her to be incompetent.

2. The guardianship agency shall take measures in order to protect the property of persons admitted to psychoneurological facilities for social welfare.

3. Grounds for admission of a minor under 15 years of age suffering from a mental disorder to a psychoneurological facility for special education shall be a request of his/her parents or another legal representative and a mandatory report of a commission consisting of a psychologist, a teacher, and a psychiatrist. The report must indicate the need for the minor's education in a special school for children with impaired intellectual development.

4. Persons residing in psychoneurological facilities for social welfare and special education shall enjoy the rights ensured by article 20 of this **law**.

5. The responsibilities of the administration and the personnel of a psychoneurological facility for social welfare or special education in terms of conditions for realization of the rights of those residing there shall be established by article 21 of this **law** and the legislation of the **Republic** of **Uzbekistan** on social welfare and on education.

6. The administration of a psychoneurological facility for social welfare or special education shall, at least once a year. have the persons residing therein examined by a medical commission that includes a psychiatrist in order to decide whether they should be retained any longer in this facility and whether the issue of their incompetence should be reviewed.

Article 24. Transfer and discharge from a psychoneurological facility for social welfare or special education

1. A person shall be transferred from a psychoneurological facility for social welfare or special education to a similar facility of a general type on the basis of a report of a medical commission, which must include a psychiatrist, finding that there are no medical indications for continued residence or education in a specialized psychoneurological facility.

2. A person shall be discharged from a psychoneurological facility for social welfare or special education:

- upon personal request of the person, supported by the report of a medical commission, which must include a psychiatrist, finding that the condition of the person's health allows his/her independent living;
- upon request of parents, other relatives or a person's legal representative, who assume responsibility for caring for a discharged minor under 18 years of age or for a person duly recognized as incompetent.

Part V. CONTROL AND PROCURATOR'S SUPERVISION OF THE PROVISION OF PSYCHIATRIC CARE

Article 25. Control by public associations and procurator's supervision of observance of the citizens' rights and legitimate interests in the provision of psychiatric care

1. Public associations of psychiatrists and other public associations may, by virtue of their charters, control observance of citizens' rights and legitimate interests in the provision of psychiatric care at their request or with their consent. The right to visit psychiatric and psychoneurological facilities should be reflected in the charters of such associations and agreed upon with the agencies responsible for psychiatric and psychoneurological facilities.

2. The representatives of public associations shall agree with the administration of a psychiatric or psychoneurological facility on the terms of visiting, become acquainted with the regulations of the facility, comply with them, and sign an obligation to observe confidentiality.

3. Control of the functioning of the facilities and the persons providing psychiatric care shall be handled by local authorities.

4. Control of the functioning of psychiatric and psychoneurological facilities shall be handled by health, social welfare, and educational agencies of the **republic**, regions, the city of Tashkent, and by ministries and departments having such facilities.

5. Compliance with the **law** in providing psychiatric care shall be supervised by the Procurator General of the **Republic** of **Uzbekistan** and the procurators under their authority.

Part VI. COMPLAINTS REGARDING ACTIONS ASSOCIATED WITH THE PROVISION OF PSYCHIATRIC CARE

Article 26. Procedure and time limits for complaints

1. The actions of medical workers, other specialists, social welfare and education officials, and medical commissions that infringe on the rights and legitimate interests of citizens during provision of psychiatric care may be contested, by submitting a complaint, by the person's choice, directly to a court, to a superior agency (a superior authority), or a procurator.

2. The complaint may be lodged by the person whose rights and legitimate interests have been infringed upon, by his/her representative, or by an organization authorized by its charter or by **law** to protect citizen's rights, within a month of the person's learning of the actions that infringe upon his/her rights and legitimate interests.

3. If a person misses the time limit for an important reason, the time elapsed may be discounted by the agency or the official reviewing the complaint.

Article 27. Procedure for reviewing a complaint in a court or in a superior agency (by a superior authority)

1. A complaint concerning the actions of medical workers, other specialists, social welfare and education officials, and medical commissions that infringe upon the rights and legitimate interests of citizens during provision of psychiatric care shall be reviewed by the court in accordance with the procedure established by the Code of Civil Procedure of the **Republic** of **Uzbekistan** and by this article.

2. The presence at the hearing of the person whose rights and legitimate interests have been infringed upon, if his/her mental condition allows it, or of his/her representative, and the presence of the person whose actions are contested or of his/her representative and of a procurator are mandatory.

3. The State shall bear the costs of the court hearing.

4. A complaint lodged with a superior agency (a superior authority) shall be considered within ten days following application.

5. The decision of a superior agency (a superior authority) on the essence of a complaint shall be justified and based on the **law**.

6. A copy of the decision of a superior agency (a superior authority) shall, within three days, be sent or handed to the plaintiff and to the person whose actions are contested.

7. The decision of a superior agency (a superior authority) may be contested in a court in accordance with the procedure established by the Code of Civil Procedure of the **Republic** of **Uzbekistan**.

Article 28. Responsibility for violation of this law

Criminal, administrative and other responsibility for violation of this **law** shall be established by the legislation of the **Republic** of **Uzbekistan**.