



Chinese Human Rights Defenders (CHRD)

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Promoting human rights and empowering grassroots activism in China

“The Darkest Corners”: Abuses of Involuntary Psychiatric Commitment in China

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Press release

One day in January 2008, Fujian website editor Cheng Tianfu was on his way to the train station to catch a train to Beijing when a group of men rushed towards him, dragged him away and shoved him into a van. The people who kidnapped him turned out to be medical staff from Xinqiao Psychiatric Hospital in Fujian’s Longyan City. Cheng, who had been battling depression since 2005, wanted to go to Beijing to visit a female friend who had moved to the capital in late 2007. Upon learning of Cheng’s plan, his wife called the hospital and told staff there that her husband was mentally ill, and that they should hospitalize him. During his one-month detention in the hospital, Cheng was subjected to electric shocks and forcibly medicated. Only when Cheng’s family consented to his discharge was he allowed to leave the hospital.

Every year, hundreds of thousands of people are locked up against their will in China’s psychiatric hospitals because they have, or are alleged to have, psychosocial disabilities. CHRD’s report, released today, details the grim conditions and human rights abuses faced by these individuals. In the hospitals, those committed against their will are denied the right to make decisions regarding their own fate, including admission, discharge and treatment. Forced medical treatment, violence and mistreatment occur frequently. Hospitals restrict or prevent patients from communicating with the outside world, including with their family members and legal counsel. Patients are not entitled to independent reviews upon admission or during their time in psychiatric hospitals. Courts are generally unwilling to accept cases involving individuals released from psychiatric hospitals who seek to hold the hospital or the party who committed them accountable for unlawful acts, or courts will rule that such individuals lack the capacity to sue.

“Those locked up for ‘mental illnesses’ are one of the most vulnerable groups in China,” said Renee Xia, international director of CHRD. “Not only are they deprived of their liberty on the basis of alleged disabilities; those who violate their rights also face little legal oversight or accountability.”

Disability-based detention is a human rights violation and is prohibited under Article 14 of the Convention on the Rights of Persons with Disabilities (CRPD), which China ratified in 2008. On September 12 and 13, the UN Committee on the Rights of Persons with Disabilities will [review](#),

for the first time, China's compliance with the Convention. CHRDR has submitted this report to the Committee for the upcoming review. We urge the Committee to call on the Chinese government to take immediate steps to abolish the involuntary commitment of people with psychosocial disabilities.

The CRPD stipulates that "persons with disabilities enjoy legal capacity on an equal basis with others in all aspects of life." Yet, when people with psychosocial disabilities are forcibly brought to the hospital, hospital staff disregards their will and objections. Hospital staff refers the committing party, usually family members, employers, police or other state authorities, as the "guardians" and allows them to authorize both the admittance as well as the discharge of the committed. This guardianship is established despite the fact that Chinese law stipulates that only after a citizen has been declared legally incompetent by a court can a guardian act on behalf of that citizen. According to one estimate, more than 99% of those treated for mental illnesses (including those involuntarily committed) have not gone through legal procedures in the appointment of guardians. The norm of "substitute decision-making"—where people who have or are alleged to have psychosocial disabilities are considered unable to make decisions for themselves and thus need to have decisions made for them by their guardians—undermines their ability to enjoy legal capacity on equal basis with others.

There is no law in China specifically dedicated to protecting the rights of those with psychosocial disabilities. While there are several national laws that touch on certain aspects of involuntary commitment, they are vague. Some local legislatures in China have drafted their own regulations regarding involuntary commitment. These regulations permit such a wide variety of situations in which individuals can be committed against their will that virtually anyone can be involuntarily committed. Although the Chinese government released a draft Mental Health Law ("draft MHL") for public comment in October 2011, the law has not yet been enacted by the National People's Congress (NPC). The Standing Committee of the NPC, its permanent body, is going to deliberate the draft MHL during its upcoming session between August 27 and 31. The result of this deliberation will determine if, and when, the draft law will be subject to a vote at the NPC. Regardless of the outcome, the draft in its current form appears to codify the current involuntary commitment system, which violates the CRPD.

The current system of psychiatric confinement is also highly vulnerable to abuse. Those who have the means—power and money—to either compel or pay psychiatric hospitals to detain individuals out of a desire to punish and silence them have been able to do so with impunity. Although people who initiate a commitment usually allege that the prospective patient suffers from psychosocial disability, there are cases in which government officials bring a "patient" to a hospital, admit that the individual is not mentally ill, and the hospital commits them anyway. Currently, many of those involuntarily committed by state agents are petitioners, dissidents and activists.

For this report, *"The Darkest Corners": Abuses of Involuntary Psychiatric Commitment in China*, CHRDR analyzed over 60 cases of individuals held in psychiatric hospitals in 22 different provinces and municipalities and, in collaboration with another Chinese NGO, conducted 15

interviews with individuals who were previously detained in psychiatric hospitals. Although these cases are certainly not comprehensive, they are nonetheless illustrative of how widespread and serious the abuses of the involuntary commitment system in China are.

CHRD calls on the Chinese government to make all efforts to put an end to involuntary commitment, and urges the Committee on the Rights of Persons with Disabilities to focus on this issue in its upcoming review of China. Our main recommendations to the Chinese government are:

- Ensure that the NPC revise the draft MHL to comply with the CRPD and adopt the revised law as soon as possible;
- Abolish regulations adopted by provincial and municipal governments authorizing or otherwise relating to involuntary commitment;
- Train officials involved in the administration of justice so that they respect all citizens' right to take part in judicial proceedings regardless of psychosocial disabilities;
- Monitor psychiatric hospitals to ensure that the human rights of patients are respected;
- Hold legally accountable those responsible for detaining individuals in psychiatric hospitals; and
- Develop community-based care for people with psychosocial disabilities.

Please click [here](#) for the full report and [here](#) for the accompanying photo gallery.

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