

Treatment of persons with mental disorders from the point of view of Art. 3 of the European Convention on Human Rights and the Czech Republic

Abstract

The diploma thesis is mainly dedicated to possible forms of ill-treatment of people with mental disorders. The main aspect of ill-treatment in the thesis is Article 3 of the European Convention on Human Rights, the convention concluded within the Council of Europe. The introduction describes the most important decisions of the European Court of Human Rights on this issue. However, the basic pillar of the work is the out-of-court control mechanism of the Council of Europe based on inspection visits and subsequent recommendations of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT). Following the CPT's findings, the work describes the current state of affairs in the use of restraints, which the author currently considers to be the largest source of disagreement in the professional debate on psychiatric care. The content therefore also includes a description of the Czech legislation on the use of restrictive measures and the main views on their advantages, disadvantages and risks. The conclusion of the thesis consists of a description of a possible solution to the unsatisfactory situation in the field of treatment of people with mental disorders – mental health care reform.

An analytical approach with comparative elements is chosen for the thesis. The work is divided into 4 main chapters. The first chapter presents important judgments of the European Court of Human Rights related to the topic of the thesis. The first part of the case law defines the basic terms used, the second part consists of two related Czech decisions of the European Court of Human Rights – *Bureš v. The Czech Republic* and *Dvořáček v. The Czech Republic*. The second chapter is devoted to the CPT, including an analysis of its standards and a report from the last visit to the Czech Republic in 2018. The third chapter describes the use of restraints in the Czech Republic and the last chapter contains basic information on the ongoing mental health care reform in the Czech Republic.

Klíčová slova: Art. 3 of the European Convention on Human Rights, persons with mental disorders, reform of mental health care in the Czech Republic