

HUMAN RIGHTS THAT INFLUENCE THE MENTALLY ILL PATIENT IN SOUTH AFRICAN MEDICAL LAW: A DISCUSSION OF SECTIONS 9; 27; 30 AND 31 OF THE CONSTITUTION

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SUMMARY

The personalised nature of mental illness obscures from general view the intolerable burden of private and public distress that people with serious mental illness carry. Invariably the mentally ill person encounters rejection and humiliation that are in some way tantamount to a "second illness." The combination either disrupts or puts beyond reach the usual personal and social life stages of marriage, family life, raising children, sexual relationships, the choice of treatment, affordable housing, transportation, education and gainful employment. As a result of their lack of financial and social support and their experience of rejection from society, persons with mental illness tend to neglect themselves and their diet, and frequently delay seeking treatment. Against this background, this contribution critically focuses on the human rights that influence the mentally ill patient in South African medical law. Specific attention is paid to the relevance and meaning of sections 9 (the equality clause), 27 (access to health care services), 30 and 31 (language, culture and religion) of the *Constitution of the Republic of South Africa, 1996*.

KEYWORDS: Mentally ill person; medical law; human rights law; equality; health care services; language, culture and religion

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