

AIMS OF RESEARCH

Comparison of the legal procedures between Japan and Germany required for hospitalizing patients psychiatric institutions without patients' consent.

Specific aims:

1. Obtain knowledge on how the jurisdiction and the legal procedure of involuntary hospitalization of psychiatric patients is conducted in Germany, based on the "Gesetz zur Reform des Rechts der Vormundshaft und Pflegschaft für Volljährige (Betreuungsgesetz-Btz), .
2. Obtain knowledge on how the jurisdiction and the legal procedure of involuntary hospitalization of psychiatric patients is conducted based in Germany, on the "Mental Health Act".
3. Learn how German deals with psychiatric patients under the two systems described above.
4. Learn how distinction is made, in terms of legal procedure, for involuntary hospitalization of psychiatric patients from of other patients, such as serious body disability, senile dementia and juvenile.

Background:

For last six years, I have been working as a psychiatric social worker in a hospital in Tokyo. Through these years, I have found that Japanese system is unfortunately inadequate for hospital amenity and insufficient for informed consent given to patients before and after the treatments.

I understand that in Germany under the important articles of the "Betreuungsgesetz-Btz" system, the legal procedure is conducted to decide the validity between "the right not to be physically restrained" and "the right to obtain appropriate medical service". By this system, legal procedure of involuntary admission of patients into a psychiatric hospital is processed.

By my visit to Germany, I would like to learn how the German legal systems deal these matters and I hope to obtain enough knowledge to contribute the welfare of psychiatric patients in Japan.

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