



National
Council of
Ethics for the
Life Sciences

121/CNECV/2023

**OPINION ON DRAFT BILL NO. 24/XV/1 -
"APPROVES THE MENTAL HEALTH LAW AND
AMENDS THE RELATED LEGISLATION"**

March 2023



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Executive Summary

The National Ethics Council for Life Sciences (CNECV) unanimously approved, on 23 March, during its 275th Plenary Meeting, the Opinion 121/CNECV/2023 on the Draft Bill no. 24/XV/1 - "Approves the Mental Health Law and amends the related legislation".

The CNECV, being aware of the general approval of the Proposed Law by the Portuguese Parliament, on 14 October 2022, decided, on the same date, to issue an opinion on this matter, given its ethical and legal relevance.

Meanwhile, following the establishment by the Parliamentary Health Committee of a Working Group on Mental Health, the CNECV received on 9 January 2023 a request for an opinion from the Coordinator of the Group, to which the CNECV responds, based on the ethical assessment of the legislative initiative.

In general terms, the CNECV highlights as relevant to the assessment of this topic the importance of informing and guaranteeing citizens the right to prospectively declare their will regarding treatments and other procedures related to their health, to be taken into account if they lose the capacity to express it, and that such information is accessible to professionals directly involved in the provision of care.

In its reflection, the CNECV further underlines the breadth of the concept of Mental Health and recognises the urgency of the revision of the Portuguese Mental Health Law, in force since 1999. This should take in due consideration the advances in science, the new social realities and perceptions and the legislative evolution marked by the introduction, in 2012, of the Advance Declarations Law and, in 2018, by a new regime for representing or accompanying adults with diminished capacity replacing the legal institutes of interdiction and inability in the Portuguese Civil Code.

At international level, special focus is given to the United Nations Convention of 30 March 2007 on the Rights of Persons with Disabilities, which is applicable to situations considered as Mental Health disorders.



In its Opinion, the Council recognises the merits of the Proposal in developing the rights of this especially vulnerable group. Nevertheless, the CNECV urges the legislator to go further, so as to include all those who can benefit from access to this care, on the understanding that mental health policies must cut across all levels of health systems and take into account other determinants and economic, labour, social, cultural and environmental conditions.

Mental Health should be person-centred, respecting its singularity and context. Public policies on this matter should promote their full and effective participation and inclusion in society, in conditions of equity and non-discrimination.

Lisbon, 23 March 2023.

National Council of Ethics for the Life Sciences

President, Maria do Céu Patrão Neves.

Rapporteurs: Luís Madeira, Miguel Ricou and Sandra Horta e Silva.

The present opinion was adopted unanimously on 23 March 2023 at the 275th Plenary Session of the CNECV