

The primary object of the dissertation was to identify contemporary constitutional and international standards in the field of involuntary commitment in a psychiatric establishments, understood as any form of placement of a person with a mental disorder in a psychiatric institution without his/her consent. The analyzed standards refer to both the substantive criteria for legality of detention as well as procedural guarantees and conditions of stay in psychiatric establishment. In particular, the thesis attempts to answer questions such as: whether and under what conditions is involuntary placement in a psychiatric institution admissible? Which body should take decisions with regard to placement? How should the procedure be constructed to meet the requirement of fairness? What living and therapeutic conditions should be provided to patients compulsorily placed in psychiatric establishments? The dissertation analyzes also positive obligations of the state to provide people with mental disorders with alternative, non-isolative forms of treatment and support.

The thesis consists of six chapters. The first one is of an introductory character and its primary goal was to explain the medical and legal meaning of the terms "mental disorders" and "disability" and to present the issues analyzed in the dissertation from a historical perspective. In the second chapter, compulsory placement in a psychiatric establishment was analyzed as a form of deprivation of liberty. Thus, constitutional and international definitions of personal liberty and deprivation of liberty were presented. The third chapter focuses on the presentation of substantive criteria for involuntary placement in psychiatric establishment. The fourth chapter presents procedural standards. The fifth chapter deals with the conditions of involuntary stay in psychiatric establishment. The last chapter focuses on the question of positive obligations of the state to provide persons with mental disorders with access to non-isolative forms of support and care.

The analysis presented in the dissertation led to the conclusion that the legal standards regarding the compulsory placement in a psychiatric establishments, in particular regarding its admissibility and possible substantive grounds, are still not fully harmonized. This is caused mainly by the different visions of the status of people with mental disorders in the Convention on the Rights of Persons with Disabilities on the one hand and in the case law of the European Court of Human Rights and the Constitutional Tribunal on the other. The former, in accordance with the so-called "social model of disability", concentrates on the respect for autonomy of all persons with disabilities, what is reflected in the activities of the Committee on the Rights of Persons with Disabilities, which condemns all forms of compulsory psychiatric treatment. However, in the light of the case law of the ECHR and the Constitutional Tribunal, while compulsory placement in a psychiatric institution constitutes deprivation of liberty and requires particularly important arguments for justification, it is sometimes admissible and even necessary for the state to fulfil its positive obligations in the area of protection of life and health. The second conclusion formulated in the dissertation is that respect for personal liberty of persons with mental disorders requires not only the introduction of appropriate procedural safeguards against arbitrary deprivation of liberty, but also provision of appropriate, non-isolative forms of support and care. This obligation is reflected primarily in "the right to be included in society" expressed in the CRPD, as well as the necessity to undertake so-called "deinstitutionalisation" process, underlined by many international bodies.