

## **2nd Study Commission questionnaire – 1981**

1. How does your legal system afford care and protection for mentally disordered persons?
2. How is involuntary commitment to mental institutions regulated?  
How does the commitment procedure try to reconcile needs for protecting measures and for reasonably adequate procedural safeguards?
3. Does your law authorize summary commitment on the simple certificate of a doctor, to get an immediate emergency hospitalization?
4. What degree of mental incapacity can justify the civil commitment of a disordered person?  
How can formal commitment come to an end?
5. How does your law organize the treatment of persons addicted to narcotic drugs?
6. How does your legal system protect mentally disordered persons who lack capacity to manage their own affairs or to care for their estate?  
Are there different degrees of protection or guardianship?
7. Can a guardian be appointed with reference either to the person or to the property of the patient, or both?  
Who can start the procedure for the appointment of a guardian?  
Can the afflicted person prepare a legal defence against such petition?  
How can the guardianship concerning a mentally disordered person come to an end?
8. What are the powers of a guardian relating to the ward and his property?  
Can a guardian represent the ward in a civil proceeding, both as plaintiff or defendant?
9. How does your law consider the marriage of a ward and the contracts, conveyances and wills made by him?
10. As to mentally unsound persons who are not guardianship, does your law consider that the contracts or conveyances made by them are void or voidable?  
Does your law consider that such persons lack capacity to dispose of property by will?
11. Can a marriage be annulled when one of the spouses was mentally disordered at the time of the ceremony?
12. Does your law recognize prolonged and incurable insanity occurring after marriage as a ground for divorce?
13. According to your legal system, are insane persons held liable for their torts and negligent harms?
14. Can insane persons give testimony in judicial proceedings?