



Croke v. Ireland

[2000] EHCR 33267/96

Country: Ireland

Region: Europe

Year: 2000

Court: The European Court of Human Rights

Health Topics: Health care and health services, Hospitals, Mental health

Human Rights: Right to liberty and security of person

Facts

The applicant, Mr. Croke filed a complaint under Article of the European Convention on Human Rights about the absence of an independent and automatic review prior to or immediately after his initial detention in a psychiatric hospital and about the absence of a periodic, independent and automatic review of his detention thereafter.

In the early 1980s, the applicant was diagnosed with mental illness. By July 1993 he had had three temporary admissions to a psychiatric institution. He was again admitted on his parents's request. In July 1994 he was released on court order as the period of his detention had not been formally extended as required under the Mental Treatment Act 1945 (the 1945 Act). However, he was involuntary detained again under section 172 of the 1945 Act after two doctors certified the need for detention for treatment. The applicant was released in July 2000.

In March 1995 the applicant challenged the constitutionality of various sections of the 1945 Act which regulated the detention. The High Court stated that it was a case fit for the Supreme Court on the constitutionality of the section 172 of the 1945 Act. The Supreme Court found that it had not been demonstrated that that section was unconstitutional.

Decision and Reasoning

After the parties reached a friendly settlement, the Court struck the case off its list because it was satisfied that settlement was based on respect for human rights. The state settled the applicant's claim with an undisclosed amount of compensation and also stated that they intent to enact the Mental Health Bill of 1999.

Decision Excerpts

Each of the parties confirmed to the Court their agreement on the following terms of settlement, requesting that the application be struck out: 1. The State being conscious of its obligations under the Convention in respect of the rights of persons detained under its Mental Health laws has agreed by way of a friendly settlement with the Applicant to acknowledge, by an agreed compensatory sum, the Applicant's legitimate concerns in relation to the absence of an independent formal review of his detention under the Mental Health Acts. (Para 11).

[The Court] is satisfied that the settlement is based on respect for human rights as defined in the Convention or its Protocols. (Para 15)