

P4. Mental Health Law and Disability

23 rd ASLI Conference 2026		
Panel Category	:	Health Law
Panel Title	:	Mental Health Law and Disability
Panel Abstract	:	
<p>This panel brings together scholars from three Asian jurisdictions, each applying legal analysis from diverse areas of law to contemporary issues relating to mental health and persons with disabilities. The United Nations Convention on the Rights of Persons with Disabilities (UNCRPD) has crucially ushered in a paradigm shift – away from the medical model of disability that locates the source of disadvantage in ‘impairment’, towards the social and human rights models of disability that emphasise confronting discriminatory attitudes and removing social and environmental barriers through law and policy. Several Asia-Pacific countries have ratified the UNCRPD and a campaign to ‘Make the Right Real!’ seeks to accelerate its domestic implementation in the region. Psychosocial disabilities (arising from mental health issues) and intellectual disabilities are particularly implicated by Article 12 of the Convention which stipulates that all persons with disabilities should receive support to enjoy legal capacity, or the recognition of their decisions as legally effective, on an equal basis with others. Article 13 promotes effective access to justice for disabled people, including mentally disordered defendants. Meanwhile, Article 25 on the right to health could support the use of AI chatbots in mental health care, but this raises privacy and safety concerns that must be addressed. Article 27 further upholds the right to non-discrimination in employment, which is important for destigmatising mental health conditions in the workplace. The legal implications of these provisions, and of re-evaluating archaic legal concepts like the ‘unsound mind’ will be explored in this panel.</p> <p>The presentations will be structured as follows:</p> <ul style="list-style-type: none"> • Introduction of speakers (5 mins) • Presentations by individual panellists (1.15h / 15 mins each) • Q&A with the panel (15 mins) <p>The panellists and their respective topics are as follow:</p> <p>Professor Gary Chan, Singapore Management University: “Discrimination Based on Disability and Mental Health Conditions – Examining Workplace Fairness Legislation and Guidelines in Singapore”</p> <p>Associate Professor Dr Chan Hui Yun, University of Reading Malaysia: “Accountability in the Regulation of Mental Health Chatbots: Singaporean and Southeast Asian Approaches”</p> <p>Sheridan Fellow Ms Hillary Chua, National University of Singapore: “Intellectual Disability and Intimacy – Mother Knows Best? Mapping the Limits of Legal Capacity in Singaporean Mental Capacity Law”</p> <p>Assistant Professor Edward Lui, The University of Hong Kong: "On the Unsound Mind"</p> <p>Dr Urania Chiu, Postdoctoral Researcher (DPhil in Law from the University of Oxford): "Reconstructing a Biography and Pathology of the Criminal: The Mentally Disordered Offender as a Familial Subject in Sentencing"</p>		

P4. Mental Health Law and Disability

Name of Convenor	:	Hillary Chua
Designation / Academic Post	:	Full-Time Researcher
Institution / Organisation	:	National University of Singapore, Faculty of Law

Title of Paper

Intellectual Disability and Intimacy – Mother Knows Best? Mapping The Limits of Legal Capacity in Singaporean Mental Capacity Law

Legal guardianship regimes that appoint decision-makers for incompetent people are said to cause ‘civil death’ for those under guardianship. This especially undermines the agency of intellectually disabled people in decisions about reproductive health and intimacy. In many countries, parents and doctors have imposed long-term contraception or sterilisation in their ‘best interests’: often due to scepticism about their parenting abilities, concerns about helping to raise grandchildren with their condition, and fears about sexual exploitation, among other reasons.

Singapore is one such common law country, whose Mental Capacity Act 2008 was modelled after the English Mental Capacity Act 2005. As a type of guardianship law, it stipulates that ‘best interests’ decisions should be made on behalf of people who lack mental capacity, and facilitates the court-appointment of deputies. In Singapore’s multiethnic society, communitarian values and conservative views about sexuality in Confucian, Hindu, and Islamic beliefs have led to families being appointed as personal welfare deputies, and intellectually disabled people being restricted from forming sexual relationships through the practice of mental capacity law. Yet Article 12 of the United Nations Convention on the Rights of Persons with Disabilities (which Singapore ratified) has been understood to require the elimination of legal guardianship regimes, which should be replaced with supported decision-making, respect for will and preferences, and recognition of universal legal capacity. This paper maps the socio-political factors, cultural taboos, and underlying models of disability that have contextualised the practice of Singaporean mental capacity law. Insofar as these factors have constrained intellectually disabled people’s agency in the intimate sphere, this paper identifies supported decision-making strategies that draw upon prevailing family-centric values, while analysing the conceptual barriers towards a implementing a full ‘universal legal capacity’ approach.

Brief Biography of Author

Hillary Chua is a Sheridan Fellow at the National University of Singapore Faculty of Law, where she has taught the law of torts and conducts research in medical law and ethics, and disability law. She is currently on leave while pursuing a Doctor of Philosophy (DPhil) in Law at the University of Oxford, with a focus on comparing mental capacity law in England and Wales and Singapore, in terms of how it regulates consent to intimate relationships among intellectually disabled adults. She holds a Master of Bioethics (MBE) from the Harvard Medical School Center for Bioethics and a Bachelor of Laws (LLB) from King’s College London. She has been called to the Singapore Bar and practised medical law before joining academia. She was a member of the National University Hospital (Singapore) Clinical Ethics Committee from 2022-2024.

P4. Mental Health Law and Disability

Name of Panelist	:	Gary Kok Yew Chan
Designation / Academic Post	:	Full-Time Professor
Institution / Organisation	:	Singapore Management University, School of Law
Title of Paper		
Discrimination based on Disability and Mental Health Conditions – Examining Workplace Fairness Legislation and Guidelines in Singapore		
Abstract		
<p>Singapore has enacted a new Workplace Fairness Act (WFA) in January 2025 to protect employees from discrimination at the workplace based on certain protected characteristics including disability and mental health conditions (DMHC). Persons with disability and mental health conditions (PDMHC) are protected under the statute from direct discrimination in respect of employment decisions such as hiring, promotion, the provision of training, dismissal and retrenchment. Disability has been defined in the WFA to include autism, intellectual disability, physical disability and/or sensory disability while mental health condition refers to a medically diagnosed mental disorder.</p> <p>The Workplace Fairness (Dispute Resolution) Act passed by Parliament in November 2025 focuses on the statutory tort of workplace discrimination against employers and the regulation of workplace grievance procedures, compulsory mediation and judicial processes for resolving such employment disputes. In the light of the complementary roles played by the abovementioned legislation, non-binding guidelines and contributions from various stakeholders (government, private sector, civil society groups and PDMHC themselves), the presentation will focus on two main issues.</p> <p>First, whether the scope of DMHC in the WFA and the exceptions to discrimination based on genuine job requirements and disability are appropriate with reference to UN Convention on the Rights of Persons with Disabilities (UNCRPD) and empirical research.</p> <p>The second issue concerns the potential effects of the workforce fairness legislation as well as the non-binding guidelines for employers on making reasonable accommodations for PDMHC with reference to UNCRPD - in particular, whether the legislation and guidelines may alleviate the stigma associated with PDMHC and their access to and adherence to mental health treatment. One key aspect is the assurance of confidentiality of employees' DMHC. Public education campaigns against discrimination are also important. Indeed, combating discrimination based on DMHC demands fundamental legal, policy and educational initiatives targeted at the workplace and public health.</p>		
Brief Biography of Author		
<p>Gary Chan is Professor of Law, Yong Pung How School of Law, Singapore Management University. Prior to joining academia, he had served as a judicial officer in the Supreme Court of Singapore and worked as a corporate lawyer and legal counsel. His main research interests are Tort Law, the Singapore Legal System, Health Law and Ethics. Gary has published in Cambridge Law Journal, Journal of Business Ethics, Law Quarterly Review, Legal Studies, Melbourne University of Law Review, Singapore Academy of Law Journal, Singapore Journal of Legal Studies, Torts Law Journal and The Tort Law Review. His publications have been cited by the Singapore Court of Appeal, High Court and State Courts.</p>		

P4. Mental Health Law and Disability

Name of Panelist	:	Chan Hui Yun
Designation / Academic Post	:	Full-Time Professor
Institution / Organisation	:	University of Reading Malaysia

Title of Paper

Accountability in the Regulation of Mental Health Chatbots: Singaporean and Southeast Asian Approaches

Abstract

The use of conversational agents or chatbots have become increasingly popular across various economic, commercial and lifestyle sectors such as banking and retail, customer services, and mental health support. This development is fuelled by advances in artificial intelligence and global market expansions. In the field of wellness and mental health, the adoption of conversational agents in mobile mental health applications has grown markedly since the pandemic. Ease of accessibility and implied anonymity continue to attract people to use these platforms. However, regulatory oversight in relation to conversational agents remain fuzzy, particularly regarding user safety and wellbeing as well as privacy. This is particularly significant for app users who are experiencing mentally vulnerable moments or seeking support in alleviating mental health conditions through these tools. Additionally, the standard conventions of conventional therapeutic relationships may be inapplicable as these users are not strictly considered as patients, even if they may require assistance that is potentially therapeutic in nature.

The commercial/consumer nature of relationships between chatbots and human users and the regulatory vacuum concerning appropriate determinations of the responsibility and obligations of chatbot developers towards users poses significant questions about user safety and infringement of their privacy interests.

How should legal frameworks contribute to embedding accountability in mobile health app developers? This paper examines these key issues in regulating conversational agents in the mental wellbeing space from a national perspective (Singapore) and situated within international governance discourses. Given the prominence of these developments, the potential broadening of national and international governance approaches and considerations to the Asian/Southeast Asian region is timely as we continue to engage with evolving regulatory developments. Greater emphasis on accountability is essential to address the challenges in balancing user safety and obligations of chatbot developers, whilst ensuring that laws governing emerging technology is cognisant of the broader social and cultural considerations where they operate.

Brief Biography of Author

Dr Hui Yun Chan is a legal scholar with specialisation in the law governing health technologies, bioethics and health law. She qualified and practiced as an advocate and solicitor of the Malaysian Bar prior to joining academia. She has taught at different law schools in the UK prior to moving to the National University of Singapore to focus on research on future health technologies. She has published on topics such as trustworthy data governance, cross-border data transfer, current issues in public health and emerging technology, the regulation of innovations in digital health, care-robots and wearables, pandemics and privacy, and the legal and ethical aspects of artificial intelligence applications in healthcare.

P4. Mental Health Law and Disability

Name of Panelist	:	Urania Chiu
Designation / Academic Post	:	Lecturer
Institution / Organisation	:	Oxford Brookes University
Title of Paper		
Reconstructing a Biography and Pathology of the Criminal: The Mentally Disordered Offender as a Familial Subject In Sentencing		
Abstract		
<p>Drawing on a critical discourse analysis of 300 sentencing judgments involving mentally disordered offenders from Hong Kong courts, this article explores judicial constructions of the defendant-subject as situated within their family environment and relationships. Two narratives relating to the defendant as a 'familial subject' are highlighted. The first views events in their early family life as contributing to the development of their mental disorder and subsequent criminal behaviour, which in turn has implications for their culpability. The second, in contrast, sees these events as central to the development of their character 'outside of' the offence and the onset of their disorder. In this dual manner, family is seen as a powerful influence upon the offender's various instincts and drives leading up to their disordered act. By considering these prominent 'threads' through which the criminal is linked to their crime, these findings give renewed substance and nuance to Foucault's claims about 'the biography of the criminal' in today's penal context.</p>		
Brief Biography of Author		
<p>Dr Urania Chiu is a socio-legal researcher in legal language and discourse who recently completed her DPhil at the Centre for Socio-Legal Studies, University of Oxford. Her current research focuses on judicial constructions of mental disorder and the dis/ordered subject in criminal sentencing. She has previously researched and published on other issues in mental capacity law, criminal law, and international human rights. She holds an LLB from the London School of Economics and Political Science and an LLM in Human Rights from the University of Hong Kong.</p>		

P4. Mental Health Law and Disability

Name of Panelist	:	Edward Lui
Designation / Academic Post	:	Full-Time Researcher
Institution / Organisation	:	The University of Hong Kong, Faculty of Law
Title of Paper		
THE 'UNSOOUND MIND' IN THE EUROPEAN CONVENTION OF HUMAN RIGHTS		
Abstract		
<p>Article 5 of the European Convention on Human Rights permits the deprivation of a person's liberty if (inter alia) she is "of unsound mind".</p> <p>[1] This investigation asks: what is the unsound mind? This apparently mundane exercise is a difficult one. Amongst other difficulties there are two important puzzles. (a) If a person of unsound mind is said to be sufficiently dangerous as to be justifiably detained, it is difficult to understand why the unsound mind should be a ground for detention altogether.</p> <p>[2] For it will suggest that the unsound mind is only a conceptual device used to measure dangerousness: and it is a general criterion of dangerousness that should be the criterion for detention rather than the unsound mind underlying it.</p> <p>[3] (b) If a person is said to have an unsound mind because this person is incapable of making sufficiently good decisions, it seems that even persons of a sound mind can too be incapable of making sufficiently good decisions in many areas of life. A professional chef may not know how to invest and go bankrupt, and an investor may not know how to cook and may burn the kitchen. Or more commonly a person may lack a proper moral conception and thus cannot properly aim at the good in her actions.</p> <p>[4] What is it then that distinguishes the unsound from the sound mind? After seeking to obtain a satisfactory theoretical answer to this question, I will generalise therefrom and critically examine case law in (inter alia) Hong Kong. [1] European Convention on Human Rights, Art 5(1)(e). [2] Claire Hogg and JJ Child, 'Not Guilty by Reasons Other than Insanity' in AP Simester (ed), <i>Modern Criminal Law: Essays in Honour of GR Sullivan</i> (Hart 2024). [3] <i>ibid</i>. [4] See, e.g., Aristotle, <i>The Nicomachean Ethics</i> (Penguin 2020); Plato, <i>Gorgias</i> (Penguin 2004).</p>		
Brief Biography of Author		
<p>Edward's research examines administrative law and public law-related themes in healthcare law. He has completed the LLB and PCLL programmes at the University of Hong Kong, and also the BCL programme at the University of Oxford. His existing research has been published in a number of academic journals – including the <i>Law Quarterly Review</i>, <i>Medical Law Review</i>, <i>Oxford Journal of Legal Studies</i> and <i>Public Law</i>.</p>		