Mental Health and Human Rights

Report of the United Nations High Commissioner for Human Rights

Plain English

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About this report

The United Nations (UN) is an organisation made up of many countries from all over the world. It works to make the world a safer and better place. The Office of the United Nations High Commissioner for Human Rights (OHCHR) has written this report about mental health and human rights. This booklet is a plain English version of the report.

Mental health is the way you think, feel and behave. Having good mental health means being able to cope with your emotions.

Human rights are the things that every person should have, like:

- The right to have the best health.
- The right to food and clean water.
- The right to an education.

This report explains the main problems and challenges with human rights and mental health around the world. It also has ideas on how to make human rights and mental health better.

Problems and challenges

The Human Rights Council asked the High Commissioner to have a meeting on 23 October 2024. They wanted to talk about how to make sure persons with psychosocial disabilities and users of mental health services get their human rights. Psychosocial disabilities are disabilities that come from a mental health issue. The High Commissioner talked to experts at the meeting and looked at information from different countries to write this report.

All around the world, countries have agreed that everyone should have the right to have the best health they can. This includes mental health and physical health.

Governments must make sure that people's most basic rights are met, such as the rights listed/protected under the International Covenant on Economic, Social and Cultural Rights. They need to make sure that people can use these rights. This includes making sure that people can get help from a court when their rights are not met.

Persons with psychosocial disabilities and users of mental health services are treated differently around the world, and the law is not always followed. Sometimes, people are treated badly and cannot make choices for themselves. These choices include choosing their treatment or whether they go into hospital. Persons with psychosocial disabilities and users of mental health services are not always listened to. Some people can be treated poorly because of their race, how much money they have, and their gender.

Getting healthcare for mental health conditions is a big problem all around the world. COVID-19 has made mental health problems worse. This is because people are feeling worried, alone, and might be in danger at home.

People who are already struggling, like persons with psychosocial disabilities and users of mental health services, are having the hardest time. Most people who need help with their mental health cannot get good help. This is because people are not always treated fairly, there are not enough people to help, the way help is given is not good, and there is not enough research to make things better. It is also hard to get help because it costs a lot, insurance does not always pay for it, and there are long waits, even in rich countries.

Around the world, mental health services mainly look at medical reasons for mental health conditions. They do not think about other important things that can affect mental health, like people's lives and the world around them. This means that mental health services do not always give people all the care they need.

People who are treated badly for more than one reason can find it harder to get help with their mental health. This makes unfairness worse. Also, bad management stops services from working well together to give people good mental health support.

Treating people unfairly

Some persons with psychosocial disabilities and users of mental health services are treated unfairly. This happens all over the world. This makes it hard for them to get the services and help they need. In some countries, most persons with mental, neurological or drug problems do not get any help at all.

People’s gender can affect their health, including mental health, all over the world. For example, women and girls are more likely to be hurt because of their gender. They may also be treated unfairly at work, and give unpaid

care at home. The way people understand mental health is connected to their culture and is affected by things like beliefs and traditions.

Some countries believe that mental health problems are caused by magic or curses. People can get hurt because of this. Older people, children, persons with disabilities, and other groups can also be treated badly. Poorer people might not be able to get healthcare because they do not have enough money. This can make them more likely to get hurt and make mental health conditions worse. Getting a good education and having more money often means people are healthier. This includes mental health.

Persons with psychosocial disabilities and users of mental health services are more likely to get in trouble with the police and courts. For example, a group called the International Independent Expert Mechanism was worried because a lot of persons with psychosocial disabilities and users of mental health services are in prison in the United States. This included 43% of people in state prisons and 44% of people in local jails. Many of these people are African American. This shows that racism makes it harder for persons with psychosocial disabilities to be treated fairly. The World Health Organization (WHO) thinks that 1 in 3 people in prison in Europe has a mental health problem.

Some persons with psychosocial disabilities and users of mental health services are treated badly by the police. Black people are more likely to be treated badly by the police. It can make them more likely to get hurt or even die if they are arrested.

Persons with psychosocial disabilities and users of mental health services sometimes get involved with the police and the criminal justice system because of problems with housing, jobs, addiction or mental health treatment, and not because of crimes. This often happens because people think they are dangerous. Being in trouble with the police and courts can

make their mental health worse. Some prisoners are made to stay on their own - this is called solitary confinement. This can make their mental health worse.

Some persons with mental health problems or psychosocial disabilities are treated badly by doctors and nurses. In a report from 2021, the WHO found that in some countries, persons with psychosocial disabilities and users of mental health services are much more likely to be forced to do things they do not want to do by doctors. This can happen if the country does not check on how doctors treat people with mental health problems. This can also happen if the person cannot get legal help if they are treated badly.

Sending people to hospital when they do not want to go

Some countries have laws that let people be put in institutions when they do not want to go - this is often called institutionalization. People in institutions are sometimes treated badly, like being chained up. There is not enough independent checking to stop this from happening and to make sure old hospitals are not used.

Some people may think that institutionalization only affects persons with mental health problems or psychosocial disabilities. But it also affects people who use drugs, people who are homeless and other people.

Countries around the world do not spend enough money on mental health. Most of the money goes to mental health hospitals. There is not enough support in communities for persons with psychosocial disabilities and users of mental health services. It is hard to change this because there is not enough money or buildings, and people who run the hospitals do not want

to change. This often means that persons with psychosocial disabilities do not get the help they need.

Some people who have been in hospital for mental health conditions have asked for compensation, like money, for the bad things that happened to them. Countries need to say sorry for the bad things that happened in the past and make things better. This could include giving back things that were taken away and helping people get better. Countries should do more than just give people money. It is also very important to make sure people can get care in their local community, and do not have to go into hospital if they do not want to.

Some people are worried about a kind of therapy called conversion therapy. This kind of therapy tries to change the sexual orientation or gender identity of people who are lesbian, gay, bisexual or transgender. This is done without the person's agreement. The UN and the WHO are worried about these therapies. The therapies might involve keeping people in hospital, giving them electric shocks or hurting them in other ways. This can hurt people and make them feel bad about themselves. It is not right and in some cases could be a type of torture. It should not be allowed.

Problems with making laws happen

Most countries have agreed to important human rights rules about having good physical and mental health. But countries still need to make sure that these rules are part of their own laws. It can be hard to follow these rules, especially in the countryside and places with less money.

Sometimes, persons with psychosocial disabilities and users of mental health services have their rights broken. This stops them from making their own choices and taking part in their communities. This is a big problem that needs to be fixed. In 2009, the UN introduced the Convention on the Rights

of Persons with Disabilities (CRPD), which outlines the rights of persons with disabilities. The CRPD also includes rules about how countries should treat and include persons with disabilities, including the rule that everyone should have the right to make choices. Some countries do not have rules that follow this, and this really affects people's lives.

Countries should make sure people have good mental and physical health. The African Commission on Human and Peoples' Rights in Africa tells countries to try to help persons with psychosocial disabilities and users of mental health services live in their communities, not in hospitals. Countries should give people the right help, especially to people who do not have much money.

The Council of Europe made some rules about human rights, called the Oviedo Convention. Some of the rules in the Oviedo Convention say that people can make their own choices about their health. But there are some rules that let doctors make choices about people's health if they have a mental disorder. A mental disorder means a health problem that affects how someone thinks or feels. Since 2014, the Council of Europe has been writing a new part of the Oviedo Convention. This new part is about the rights of people with mental disorders. The United Nations and other groups want the Council of Europe to stop writing this new part of the Oviedo Convention, because it does not follow human rights rules.

Another concern is when killing yourself, which is called suicide, and drug use are criminal offences. This can make people feel ashamed and stop them from getting help.

Access to mental healthcare and support

As we already said, countries do not give enough money to mental health services. This means that sometimes mental health services are not very good and are hard to use. It also shows that looking after people's mental health is not important enough for some countries.

It is important to get help for mental health problems quickly. If you do not get help, it can make you feel worse and cause more problems with your health. You might need to use more emergency services and other services, which can cost more money.

People should be able to get help for their mental health quickly and in a way that is based on human rights. This helps people and communities to be stronger and means people need less help in the long term.

Countries have made changes to mental health care services because they have less money. Many of these changes have made it harder for people to access mental health care services. This makes it more difficult for people to get good and quick help and support. This has affected people who need help and the people who give it. Doctors and family carers often feel upset because they have to give support in bad conditions with not enough community services.

Many countries are spending less on mental health services, so more persons with mental health conditions or who use drugs are getting into trouble with the police. They are at risk of going to jail. They are also more likely to spend a long time in jail, compared to persons without mental health conditions who have done the same things. In some places, the police are the first to help when people need medical help. Countries need to find better ways to help persons with mental health conditions, instead of sending them to jail.

People who work at schools around the world do not know enough about mental health. This means that young people do not get the right help for their mental health. This can mean that their mental health problems get worse or are not identified.

Lack of information

Around the world, countries do not have enough information about mental health rights. This makes it hard to know what is happening, and whether countries are doing enough to support mental health. Not having enough good and quick information means that governments and health organisations in each country cannot give the right services for persons with psychosocial disabilities and users of mental health services. To fix this, countries need to collect lots of information that is both good quality and easy to understand. This information should focus on things like how much money is spent, who has the right care for their mental health, and who is treated badly. This information should be sorted into groups by age, sex, how much money they have, if they have a disability, and what else is important in each country. To collect this information, countries need to talk to organisations of persons with psychosocial disabilities, users of mental health services, and people from different races and backgrounds.

Collecting information about how easy it is to get jobs, homes, and schooling can help countries understand how users of mental health services are treated, especially people who are discriminated against for more than one reason. Countries should also collect more detailed information on how things like climate change and not having enough money can affect mental health to help them give the best mental healthcare.

Including persons with lived experience

Persons with lived experience are people who have had support from mental health services. Persons and groups who have lived experience with mental health should help make rules and laws about mental health. This is important because it means the rules will work better. But it can be hard for persons with lived experience to get their voices heard. Also, families and groups are often not allowed to help with making mental health rules. Countries do not always have enough money to make sure people can really be involved.

Making rules to promote a human rights-based approach to mental health

To make sure persons with psychosocial disabilities and users of mental health services have the same rights as everyone else, countries need to make some changes. They need to make laws that include everyone and follow UN rules. They need to make sure everyone can get good healthcare and stop people being treated badly. They need to make sure persons with psychosocial disabilities and users of mental health services can be part of decisions about their own care. These changes will make sure everyone is treated fairly and with respect.

At the same time, things outside of mental health services can also affect mental health services. It is important to work together with other areas, not just mental health services, to make sure people's human rights are respected.

Changes to laws

Mental health is part of all healthcare. Countries should make laws about mental health. This includes making sure that people can get support in their local community. Countries should also make sure that their rules follow UN rules on human rights.

Countries need to change their laws to make sure that persons with psychosocial disabilities and users of mental health services are treated fairly. They need to make sure that people agree to the treatment they get

and they are not forced to go to hospital. It is also important that the laws help mental health services to be fair and treat people well.

Countries need to change the law so that trying to kill yourself, which is called suicide, is not a criminal offence. This could help to change how people feel about suicide and encourage people thinking about it to get help. It would also help countries to get better information about it to make better laws. There are good examples of different organisations working together to stop suicide, which should always be based on human rights.

Some places are thinking about changing the law to get rid of guardianships. A guardianship is where the court decides that someone cannot make decisions for themselves. They want to use a new way of making decisions called supported decision-making for mental health. This is where people get support to make choices for themselves. Some countries also want to stop making new mental health hospitals. They want to focus more on providing mental healthcare in the community.

Countries need to do more to give people better mental health care. The European Union has made a new plan for mental health. The plan helps people get good mental health care that they can afford. It also helps them take part in their local communities. The European Union has started 20 big projects to help with this. They have also promised to give 1.23 billion euros to help.

Community-based services

Making sure that people can get help in their own communities is very important for treating mental health problems in the right way. Some countries, cities, and areas are trying to move away from big hospitals and give people help in their own communities. For example, in Trieste, Italy, there are four centres where people can get help for their mental health.

Health workers there work closely with family members, help with housing, and help people get more training or a job. In Ukraine, teams that help with mental health have been made stronger because of war, so that they can help persons with psychosocial disabilities and users of mental health services in a better way.

In some places, local governments, community health workers and mental health advocates work together, along with persons with lived experience of mental healthcare. This has helped to make mental healthcare in the community better. In India, a program shows how communities can help with mental healthcare. People in the community are trained to help with mental health. They use traditional self-care ways and professional mental health ways. This has worked well.

Community-based mental healthcare is a good example of how mental healthcare can work by allowing persons with psychosocial disabilities and users of mental health services to make choices for themselves and including them in society. For example, the Gerstein Crisis Centre in Canada helps people in a crisis without making them do things they do not want to do. They have services like a 24/7 helpline, mobile crisis teams, and support in the community. They also help people with drug problems and give them a place to stay. Other places use technology and the community to make it easier for people to get mental health help and to stop people from feeling bad about it, like the Atmiyata service, which helps people in six areas of India. In Brazil, centres in the community are the main mental healthcare providers.

Some ways to help people join the community focus on looking after yourself, eating well, being active, helping families, learning new skills, getting a job, helping each other and getting help from the community. To help people live in the community, countries focus on solving problems and making spaces for people to talk. This stops people from being put in

hospitals and helps the community to be more supportive. In India, a project helps women move from hospitals to the community. In France, the government has made local groups that help to make mental health services better. These groups bring together users of mental health services, professionals and elected officials to make and improve local mental health rules.

Some community-based mental health programs also offer support and hotlines for young people throughout the day and night. They give young people help and care straight away. Community groups also help people take part in culture and art. They work to stop people thinking badly about mental health. They do this by getting people involved and sharing stories. Some countries have plans to help people in a crisis as part of plans to stop suicide and help with mental health. They offer help quickly, from different types of experts. They also offer help after a crisis. Mental health services are now more and more online. This can really help in places where it is hard to get health care.

In countries that have been involved in wars, it is really important to help people with their mental health. This is not always done well. Some countries have included mental health care in their plans to bring peace. They have used local helpers and trained them. Some places have sent teams to help people who have had to leave their homes.

It is really important that children and young people can get help with their feelings at school and in the community. Since COVID-19, some countries have set up counselling at schools to help with this and it has worked well.

Checking mental health services

When people are in a difficult situation, they may not get the help they need under mental health laws. This can mean they are treated badly in places that are meant to help them, like therapeutic communities and prayer camps. These places might tie people up or lock them away, even though that is against the law. These people often cannot get help from the law, and are scared of the police. This means that they may be treated badly for a long time.

It is important that people can enjoy their right to mental health. This means that people can have good mental health and get help if they need it. This depends on three things:

1. Checking that people are getting the help they need.

2. Independent groups checking and reviewing how people are getting help.

3. Improving or changing mental healthcare when it has not met people's needs.

Countries can set up ways to make sure people get the help they need for their mental health. They can do this by making laws. This is important for checking and making mental health services better. In some countries, courts have helped persons with psychosocial disabilities and users of mental health services get their rights by making changes to the law.

The Convention on the Rights of Persons with Disabilities says that all places and services for persons with disabilities must be checked by independent organisations. This rule applies to everywhere that supports people with their health. Different countries may have different ways of checking that the rights of people using mental health services are being followed, but

persons with psychosocial disabilities and users of mental health services are not very involved in these checks and rules. This shows that countries need to do more in this area.

Helping people know and understand more about mental health

In many countries, people are working to make sure that everyone has the same rights to good health. They are working to make sure that persons with psychosocial disabilities and users of mental health services are treated fairly and have the same chances in jobs, healthcare and education.

Some countries have led campaigns to help people understand mental health better, and to stop people feeling bad about it. In Sri Lanka, there is a group that helps people in communities talk to mental health experts.

Climate change is making people more worried and stressed. Some countries are also making plans to help people's mental health in a climate emergency. Australia, Bangladesh, Burkina Faso, Haiti, and India are helping people to understand mental health and climate change. In some places, they have made mobile phone apps to help young people who have been in wildfires. The apps are used with adverts to help people know more about mental health after a disaster. This can help people to not feel ashamed to ask for help.

Using traditional ways to help people with their mental health

In some countries where mental health services are not good or not available at all, people and their families look for other ways to get help with their mental health. They might go to religious leaders, shamans or other therapists.

Making mainstream mental healthcare better by including other ways of looking after mental health, like Indigenous and other ways, can help people more if these ways follow human rights. Some Indigenous Peoples in Latin America think about living well in a way that is about community, dignity and nature. This has helped change mental health care to include traditional and cultural values.

Giving mental healthcare at doctors' offices

Making sure that people can get help for their mental health is very important. Everyone should be able to get help for their mental health easily. It is a good idea to have mental health services at doctors' offices because it makes it easier for people to get help. It also means that people can get help for their mental health early and close to where they live. In Armenia, mental health services are part of doctors' offices in places where people have had to leave their homes. In Zimbabwe, persons with lived experience help others with mental health problems. This happens at a place called the "Friendship Bench". This is part of the country's health services.

Some countries have made it easier for people to get help for their mental health. They did this because more people need help after COVID-19. New laws have also helped make it easier to get mental health care from your

normal doctor. This is because mental health is just as important as physical health.

While these actions are important, they are not enough to make sure everyone who needs it can get all the mental health help they need. Countries need to work hard to make sure that the help people get from their main doctor also gives them their human rights. There are big challenges to making sure everyone can get help from their main doctor. Countries need to fix these challenges too.

Dealing with social determinants of health

The social determinants of health are things that are not about your body that can affect how healthy you are, like where you live and how much money you have. Countries need to make changes in money, jobs, and the law to make sure everyone is healthy. This can include:

- Stopping all kinds of discrimination.
- Making sure everyone has the same chances.
- Helping people in the community.
- Making sure everyone has a safe place to live and a job.
- Taking action on climate change.
- Building communities to support everyone.

Some countries are working on ways to help persons with lived experience of mental health problems get and keep jobs. They are doing this by giving them training in skills to help them make money or apply for jobs. For

example, Israel, Switzerland and Thailand are helping persons with psychosocial disabilities in the community. They are teaching them skills like fixing bikes, cooking and public speaking. Some countries are also training doctors and other health professionals to give services in the community and respect people's rights.

Peer support programs are when people help and support each other. They are important because they help people feel connected, make people feel better about themselves and give people access to things that help their mental health and happiness.

Some programs have worked well in helping persons with lived experience of mental health problems. For example, the Uganda National Self-Advocacy Initiative runs groups where people help each other. They work with local leaders to help with housing, jobs, and support. Other places offer appointments outside of the hospital, visits to people's homes, and online services.

In some countries, groups have helped persons with lived experience of mental health problems to be more involved in making plans about mental health and carrying them out. Around the world, persons with psychosocial disabilities and users of mental health services and their families are not usually involved enough in making decisions about policies. They are mostly asked to help with promoting good health and making people more aware of mental health problems.

During financial and economic crises, countries should only use strict spending rules if they really have to. These rules should be fair. They should follow the rules of human rights, like the right to having the best health they can. This includes thinking about the human rights of family caregivers and making sure care and support workers are treated fairly, as their work can be very stressful.

Conclusions and the way forward

Countries need to make big changes to mental health services. They need to focus on people's rights. They need to move away from only using medicine to help people and to understand mental health in a bigger way. They need to give people help in their communities. This means changing the laws and rules. They need to spend money on community mental health services.

Countries need to make laws better for persons with psychosocial disabilities and users of mental health services so they are treated well and get better mental healthcare. They need to use information about different groups of people to make mental healthcare better. They need to make sure persons with psychosocial disabilities, persons with lived experience and users of mental health services are part of making these laws.

Countries need to make sure that there is enough money for mental health healthcare, and that different groups to work together. This will help to make sure that persons with psychosocial disabilities and users of mental health services get the help they need. They also need to think about how different things like race, money, sexual orientation, if you have a disability, and your gender, can all affect each other. These things can all affect how well persons with psychosocial disabilities and users of mental health services are doing.

Richer countries and groups should help poorer countries to give mental healthcare that is making sure people’s human rights are met. Countries need to work together to make sure mental health services are funded properly. This will help countries change from hospitals to care in the community. The international community needs to make sure everyone has the chance of a good life, including having a good place to live and a good job.

Countries need to gather very detailed information and study it carefully to help groups of people who have not been treated fairly in the past to get good health care. It is also important to use this information to make sure that mental health care is just as good as physical health care.

As the Office of the United Nations High Commissioner for Human Rights (OHCHR), we are ready to help make sure mental health services follow human rights. We will talk to people in different countries, experts, and groups about what is happening. This will help us support countries and people who make rules to think about human rights when they make rules about mental healthcare. We are also working with the World Health Organization to share information about mental health and human rights. We will need more help to fix the big problems in this report.

What should change

The High Commissioner says countries need to think about human rights when they look at mental health. This is a very important part of the right to have the best health. The Commissioners also say it is important for governments and other groups to work together to make sure human rights are part of mental health plans.

The High Commissioner suggests that countries and other groups make sure that the laws about mental health in their country follow international human rights rules. Sometimes, changing and making these laws better can help persons with psychosocial disabilities and users of mental health services to have more rights and be part of society.

Countries should also change from punishing people to helping them with their health and human rights. This means changing the law so it is not a crime to try to kill yourself or to use drugs. It also means giving other options instead of putting people in jail and making sure people can get help and support with their mental health quickly. They should focus on giving people care in the community instead of punishing them.

They should make sure people can choose what happens to them when it comes to their mental health. They should stop forcing people to get mental health care, like forcing them to stay in a hospital. They should also make sure all mental health services respect the choices of persons with psychosocial disabilities and users of mental health services.

Countries should do as much as they can to make sure mental health services are available, cheap, easy to get to, fair and right for different cultures.

Countries should focus on moving from hospitals for mental health to community services. These services should focus on helping people get better, making their own choices, and being part of society.

Countries should also use community-based ways to help with mental health. This means that people in the community help each other. It should be the right way for the culture of the people. They should give enough money to mental health services. This is very important for community-based mental health. They should think about the needs of people in the countryside, poor areas, and groups of people that do not have a lot of power.

Countries should do big campaigns to stop people from thinking badly about mental health. They should listen to persons with lived experience and help people in the country understand more about mental health conditions.

They should make sure that police, doctors, people who make decisions and leaders in the community get special training. This training will help them to deal with their own unfair thoughts, use fair ways of doing things, and stop people from being treated badly. This is needed under UN rules about human rights. They should make big plans that focus on the needs of women, children, persons with disabilities, young people, LGBTIQ+ people, refugees and minorities. These plans will help make things fair for everyone and include everyone.

The High Commissioner thinks countries should make it easier for persons with psychosocial disabilities and users of mental health services to get enough money to live a good life.

Countries should make strong systems to collect different types of data about mental health. They should think about how different things like race,

gender and money might affect mental health, and make sure to deal with any unfair differences.

Countries should make a way to help people who have been hurt by being forced to do things for their mental health. This could include giving them money, saying sorry in public, and letting the community check that it is fair. This should follow the rules of fairness and fixing things in international human rights law.