



WHO-OHCHR launch new guidance to improve laws addressing human rights abuses in mental health care

9 October 2023 - Geneva - Ahead of World Mental Health Day, the World Health Organization (WHO) and the Office of the High Commissioner on Human Rights (OHCHR) are jointly launching new guidance, entitled “Mental health, human rights and legislation: guidance and practice”, to support countries to reform legislation in order to end human rights abuses and increase access to quality mental health care.

Human rights abuses and coercive practices in mental health care, supported by existing legislation and policies, are still far too common. Involuntary hospitalization and treatment, unsanitary living conditions and physical, psychological, and emotional abuse characterize many mental health services across the world.

While many countries have sought to reform their laws, policies and services since the adoption of the United Nations Convention on the Rights of Persons with Disabilities in 2006, too few have adopted or amended the relevant laws and policies on the scale needed to end abuses and promote human rights in mental health care.

“Mental health is an integral and essential component of the right to health,” said Dr Tedros Adhanom Ghebreyesus, WHO Director-General. “This new guidance will support countries to make the changes needed to provide quality mental health care that assists a person’s recovery and respects their dignity, empowering people with mental health conditions and psychosocial disabilities to lead full and healthy lives in their communities.”

“Our ambition must be to transform mental health services, not just in their reach, but in their underlying values, so that they are truly responsive to the needs and dignity of the individual. This publication offers guidance on how a rights-based approach can support the transformation needed in mental health systems” said Volker Türk, UN High Commissioner for Human Rights.

Promoting more effective community-based mental health care

The majority of reported government expenditure on mental health is allocated to psychiatric hospitals (43% in high-income countries). However, evidence shows that community-based care services are more accessible, cost-efficient and effective in contrast to institutional models of mental health care.

The guidance sets out what needs to be done to accelerate deinstitutionalization and embed a rights-based community approach to mental health care. This includes adopting legislation to gradually replace psychiatric institutions with inclusive community support systems and mainstream services, such as income support, housing assistance and peer support networks.

Ending coercive practices

Ending coercive practices in mental health – such as involuntary detention, forced treatment, seclusion and restraints – is essential in order to respect the right to make decisions about one’s own health care and treatment choices.

Moreover, a growing body of evidence sets out how coercive practices negatively impact physical and mental health, often compounding a person’s existing condition while alienating them from their support systems.

The guidance proposes legislative provisions to end coercion in mental health services and enshrine free and informed consent as the basis of all mental health-related interventions. It also provides guidance on how more complex and challenging cases can be handled in legislation and policies without recourse to coercive practices.

Using the guidance to adopt a right-based approach to mental health

Recognizing that mental health is not the sole responsibility of the health care sector alone, the new guidance is aimed at all legislators and policy-makers involved in drafting, amending and implementing legislation impacting mental health, such as laws addressing poverty, inequality and discrimination.

The new guidance also provides a checklist to be used by countries to assess and evaluate whether mental health-related legislation is compliant with international human rights obligations. In addition, the guidance also sets out the importance of consulting persons with lived experience and their representative organizations as a critical part of this process, as well as the importance of public education and awareness on rights-based issues.

While the guidance proposes a set of principles and provisions that can be mirrored in national legislation, countries may also adapt and tailor these to their specific circumstances (national context, languages, cultural sensitivities, legal systems, etc.), without compromising human rights standards.

On 10 October, WHO will join global communities in marking World Mental Health Day 2023, the theme of which is “Mental health is a universal human right”.

Available from: <https://www.who.int/news/item/09-10-2023-who-ohchr-launch-new-guidance-to-improve-laws-addressing-human-rights-abuses-in-mental-health-care>