

# A HUMAN RIGHTS BASED APPROACH TO MENTAL HEALTH

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Spirituality, Mental Health and Resilience during the dual  
pandemics of COVID-19 and HIV**

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# Momentum

- Importance of mental health – increasingly recognized
- Agenda 2030 and SDGs: “to promote mental health and well-being”. Good opportunity to place mental health from margins to center of health and development agenda globally.
- States are urged to invest more in mental healthcare
- Invest more in mental healthcare - as they are (status quo) or **do we need a shift of paradigm? The context of COVID-19!**
- Unacceptable situation with violations of human rights of persons who need and use mental health services. Is this just because of lack of resources?
- All stakeholders should rethink their position on important issues and their role. Global movement for mental health should critically address status quo and fully embrace human rights based approach (HRBA).

# Status quo in global mental health

- Reports of the UN Special rapporteur on the right to health (2017, 2019, 2020)
- Systemic obstacles in the global “status quo” have been identified and should be addressed:
  - overuse of biomedical model and interventions
  - power asymmetries between providers and users of services
  - biased use of evidence and knowledge
- A need for change in mental health laws, policies and practices – towards full realization of HRBA (within and beyond mental health services). Investing in status quo reinforces vicious cycle of discrimination and disempowerment

# Change: Opportunities and challenges

- Parallels – HIV and COVID-19 epidemics. Public health crisis provides opportunity to revitalize universal human rights principles
- Measures aimed at preventing COVID-19 should not discriminate groups in vulnerable situations. For example, children and women are at increased risk.
- Good mental health is about good quality of relationships. Investing in solidarity, respect, trust, resilience – these are mental health equivalents of vaccination. Start from preventing adverse childhood experiences (ACE)
- Addressing high rates of depression – highlight and prevent power imbalances rather than chemical imbalances in the brain
- Psychiatry and mental health care should learn painful lessons from history when HRBA was undermined. “First do no harm”
- Global South can be more open than global North to innovative rights based practices. Promote cultural practices that support, respect and empower, abandon those that are discriminatory and harmful

# Examples of avenues heading towards change

- Promote good mental health of everyone – through addressing social determinants. All forms of inequalities, discrimination and violence are detrimental to mental health and well-being
- States need to invest in enabling non-discriminatory and non-violent environments in all settings (family, school, workplace, community, healthcare services, society at large)
- Critically address excessive pathologization of common mental health conditions (especially in the context of COVID-19!). Prevent medicalization of human diversity and misery
- Support persons with psychosocial disabilities – fully implement CRPD convention, abandon legacy of institutionalization and coercive practices (especially in the context of COVID-19!).
- Replicate good practices that provide non-coercive mental health services
- Crucial role of civil society and experts with lived experience.
- Powerful resolutions of the UN Human Rights Council (2016, 2017, 2020) on mental health and human rights. WHO QualityRights initiative.

# Parallels between HIV, COVID-19 epidemics and “epidemics” of poor mental health

- There is no hierarchy of rights. Indivisibility of ALL rights is crucial. Selective approach to human rights and human rights abuses in the name of medicine and “saving lives” does more harm than good.
- All healthcare services, including mental health services, should be free from discrimination.
- COVID-19 pandemic offers a unique opportunity for mental health policies and services to abandon outdated practices, and to fully embrace human rights based approach

**NO MENTAL HEALTH WITHOUT FULLY EMBRACING  
HUMAN RIGHTS**

**“The human rights framework provides a more useful approach for analyzing and responding to modern public health challenges than any framework thus far available within the biomedical tradition.”**

**Jonathan Mann**

**Health and human rights, HIV/AIDS physician & advocate**

## More on mental health and human rights – normative framework

- Resolution of UN Human Rights Council on mental health and human rights (2020)
- <https://undocs.org/A/HRC/RES/43/13>
- Reports of the UN Special rapporteur on the right to health
- <https://www.ohchr.org/EN/Issues/Health/Pages/AnnualReports.aspx>