

Human Rights Council

Thirty-second session

Agenda item 3

**Promotion and protection of all human rights, civil,
political, economic, social and cultural rights,
including the right to development**

32/... Mental Health and Human Rights

The Human Rights Council,

PP1 - Guided by the purposes and principles of the Charter of the United Nations,

PP2 - Guided also by the Universal Declaration of Human Rights and by all relevant international human rights treaties, in particular, the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the Convention on the Elimination of All Forms of Discrimination against Women, the Convention on the Rights of the Child and the Convention on the Rights of Persons with Disabilities,

PP3 - Reaffirming that all human rights are universal, indivisible, interrelated, interdependent and mutually reinforcing,

PP4 - Reaffirming that all human beings are born free and equal in dignity and rights and recognizing that these rights derive from the inherent dignity of the human person,

PP5 - Reaffirming that everyone has the right to life, liberty and security of person, to live independently and be included in the community and that no one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment,

PP6 – Recalling that, according to the Constitution of the World Health Organization, health is a state of complete physical, mental and social well-being and not merely the absence of disease or infirmity,

PP7 - Reaffirming the right of everyone to the enjoyment of the highest attainable standard of physical and mental health

and *emphasizing* that mental health is an integral part of that right,

PP8 - Recalling that States should undertake measures, to the maximum of their available resources and, where needed, within the framework of international cooperation, in the context of mental health,

PP9 – Reaffirming the right of everyone to be guaranteed the full enjoyment of their human rights and fundamental freedoms without discrimination of any kind,

~~*PP10 – Deeply concerned* that persons experiencing mental ill health, in particular persons using mental health services, may be subject to widespread discrimination, stigma, prejudice, violence, social exclusion and segregation, unlawful or arbitrary institutionalization, over-medicalization and treatment practices that fail to respect their will and preferences,~~

***PP10 - Deeply concerned* that persons with mental health conditions or psychosocial disabilities, in particular persons using mental health services, may be subject to, *inter alia*, widespread discrimination, stigma, prejudice, violence, social exclusion and segregation, unlawful or arbitrary institutionalization, over-medicalization and treatment practices that fail to respect their autonomy, will and preferences,**

PP11 - Equally concerned that such practices may constitute or lead to violations and abuses of their human rights and fundamental freedoms, sometimes amounting to torture or other cruel, inhuman, or degrading treatment or punishment, and *conscious* that greater commitment is needed to address all the remaining challenges in this regard,

PP12 – Recognizing the need to protect, promote and respect all human rights in the global response to mental health related issues, and *stressing* that mental health and community ~~support~~ services should integrate a human rights perspective, so as to avoid any harm to persons using them,

PP13 - Convinced that the Human Rights Council, in fulfilling its responsibility for promoting universal respect for the protection of all human rights and fundamental freedoms for all, without distinction of any kind and in a fair and equal manner, has an important role to play in the area of mental health and human rights, to foster constructive international dialogue and cooperation and to promote human rights education and learning, as well as advisory services, technical assistance, and capacity-building and ~~to raise awareness~~ **raising**, ~~on the rights of persons experiencing mental ill health, in particular of persons using mental health services,~~

*PP14 - Acknowledging the World Health Organization's leadership in the field of health and also the work it has carried out to date to ~~promote~~ **integrate**, *inter alia*, a the human rights **perspective in mental health** of persons experiencing mental ill-health, in particular persons using mental health services, and recalling States' commitment to **achieve this** expressed through the **implementation of the World Health Organization Comprehensive Mental Health Action Plan 2013-2020**,*

~~1. *Reaffirms* the obligation of States to promote and protect the human rights and fundamental freedoms of persons experiencing mental ill-health, in particular persons using mental health services, and to take all appropriate measures to eliminate violence and discrimination against them and to promote their full inclusion and effective participation in society;~~

1. *Reaffirms* the obligation of States to promote and protect all human rights and fundamental freedoms and to ensure that policies and services related to mental health comply with international human rights norms;

2. *Recognizes* the need for States to take active steps to fully integrate a human rights perspective into mental health and community services, particularly with a view to eliminating all forms of violence and discrimination within that context, and to promote the right of everyone to full inclusion and effective participation in society;

3.2. *Requests* the United Nations High Commissioner for Human Rights to prepare a report on the **integration of a human rights perspective in mental health and the realization of the human rights and fundamental freedoms of persons with mental health conditions or psychosocial disabilities, including persons using mental health and community services, ~~question of the realization of the human rights of persons experiencing mental ill-health, in particular of persons using mental health services~~, to be submitted to the thirty-fourth session of the Human Rights Council, which:**

(a) identifies existing challenges and ~~best~~ **emerging good practices and formulates recommendations in that regard;**

(b) identifies ways and means for strengthening technical assistance and capacity building, taking into account existing activities and experiences in this area, in consultation with and with the consent of the States concerned;

4. ~~3.~~ *Encourages* the United Nations High Commissioner for Human Rights, to liaise with and seek the views of Member States and all other relevant stakeholders, as appropriate, including relevant United Nations bodies, agencies, funds and programmes, in particular the World Health Organization, special procedures, in particular the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health and the Special Rapporteur on the rights of persons with disabilities, treaty bodies, national human rights institutions and civil society;

5. ~~4.~~ Decides to remain seized of the matter