**Consultation on mental health and human rights**

15 November 2021 | 10 – 12HRS & 15 – 17HRS (CEST)

Virtual meeting on Zoom platform / Room XVII Palais des Nations, Geneva, Switzerland

**Concept Note**

# Mandate

In its resolution [43/13](https://undocs.org/A/HRC/RES/43/13) entitled “Mental health and human rights”, the Human Rights Council requested the United Nations High Commissioner for Human Rights (paras. 18 - 22) to organize a consultation to discuss the best ways to harmonize national laws, policies and practices relating to mental health with the norms of the Convention on the Rights of Persons with Disabilities. The Council also requested the High Commissioner to prepare a report on the outcome of the consultation, with recommendations for States and all other relevant stakeholders, including health professionals, on ways to harmonize, as appropriate, laws, policies and practices relating to mental health with the norms of the Convention and on how to implement them and to present the report to the Human Rights Council at its forty-ninth session.

Due to the COVID-19 pandemic and associated restrictions, the consultation was unable to be held before the seventy-fourth session of the World Health Assembly (para. 18).

# Background

Human Rights Council Resolution 43/13 reaffirms resolutions 32/18 of 1 July 2016 and 36/13 of 28 September 2017 and Council resolutions on the rights of persons with disabilities, and OHCHR’s report on mental health and human rights following the related consultation held in Geneva on 14 and 15 May 2018. In this report, the High Commissioner issued a number of recommendations aimed at promoting a shift towards human rights-based approaches to mental health.

The Covid-19 pandemic has highlighted the urgent need for States to appropriately address mental health based on human rights. The pandemic itself continues to threaten health and wellbeing for the general population. In addition, the pandemic has had an impact on mental health across different population groups, with a disproportionate negative impact on persons with mental health conditions or psychosocial disabilities as well as older persons, and persons belonging to other groups in vulnerable situations. Persons residing in institutional settings have faced a higher risk of contagion, confinement, overmedication, isolation and death.

The pandemic has led to setbacks in the achievement of the 2030 Agenda for Sustainable Development and related goals, particularly, Sustainable Development Goal (SGD) 3, to ensure healthy lives and well-being, and SDG 10, to reduce inequality within and between nations. Renewed efforts, including more attention to the need for universal health coverage and to mental health systems that are respectful of human rights are critical to achieve sustainable, inclusive development.

Since the adoption of the Convention on the Rights of Persons with Disabilities, the number of countries that have adopted, reviewed or amended mental health-related legislation, or that are considering doing so has increased rapidly. However, most mental health-related legislation around the world is outdated and continues to deny or restrict the rights of persons with mental health conditions or psychosocial disabilities, particularly to equal recognition before the law and to liberty and security, in violation of the Convention.

Most countries, 184 to date, have ratified the Convention on the Rights of Persons with Disabilities and made a voluntary, legally-binding commitment to implement it across their jurisdictions. They now need to adopt, implement, update, strengthen or monitor, as appropriate, laws, policies and practices to ensure compliance with the Convention in areas related to mental health.

A large range of stakeholders within and beyond the health sector – including legislators, mental health professionals, persons with disabilities, and advocates – demand information and technical assistance on how to ensure a rights-based approach to mental health-related legislation.

# Objective

The consultation will be a space to highlight and discuss law and policy interventions and experiences to ensure a rights-based approach to mental health. This includes efforts to harmonize national laws, policies and practices relating to mental health with the Convention on the Rights of Persons with Disabilities; to promote and protect the rights of persons with mental health conditions or psychosocial disabilities in mental health systems and to address the underlying social, economic and environmental determinants of mental health. The current context of the Covid-19 pandemic and efforts to address mental health consequences will also be explored. As the Director-General of the World Health Organization noted “mental health needs must be treated as a core element of our response to and recovery from the COVID-19 pandemic”.

# Outcome

OHCHR will prepare and submit a report on the consultation to the Human Rights Council at its 49th session on ways to harmonize, as appropriate, laws, policies and practices relating to mental health with the norms of the Convention on the Rights of Persons with Disabilities and on how to implement them, as called for under resolution 43/13.

# Panellists and participants:

The names of key-note speakers and panelists at this high-level event is being finalized in partnership with the Governments of Brazil and Portugal, co-sponsors of the resolution.

The event is open to Member States and all other stakeholders including relevant United Nations bodies, Intergovernmental Organizations, National Human Rights Institutions, organizations of persons with mental health conditions or psychosocial disabilities, including persons using mental health services.

Participants can join the virtual platform Zoom by registering here at www.indico.un.org event 35631: <https://indico.un.org/event/35631/>

# Format:

This virtual consultation will take place on 15 November 2021, in an online platform over two 2-hour sessions (10.00-12.00 and 15.00-17.00 CEST). The programme will focus on two different thematic areas, starting with an introduction of the theme by the panellists followed by an interactive discussion.

The consultation will be organised as follows:

1. **Panel I: (10:00 to 12:00 CEST): Exploring and sharing positive experiences in reforming mental health systems guided by a human rights-based approach in order to move from practice to policy.**
2. **Panel II: (15:00 to 17:00 CEST): Highlighting key aspects of legal reform based on the Convention on the Rights of Persons with Disabilities**

Information regarding participation, including the submission of pre-recorded statements for the interactive discussion, and technical guidance as well as the online platform hosting the event, is available separately. Simultaneous interpretation will be available in six languages (Arabic, Chinese, English, French, Russian and Spanish) as well as in International Sign. Captioning in English will also be provided.

# Accessibility

In an effort to render the Human Rights Council more accessible to persons with disabilities and to promote their full participation in the work of the Council on an equal basis with others, resolution 43/13 requested that the panel be made fully accessible to persons with disabilities (para. 19). International Sign interpretation and remote captioning in English will be provided.

# Background documents

* Human Rights Council resolution [43/13](https://undocs.org/A/HRC/RES/43/13) on Mental health and human rights (2020)
* Human Rights Council Resolution [36/13](https://undocs.org/A/HRC/RES/36/13) on Mental health and human rights (2017)
* Human Rights Council Resolution [32/18](https://undocs.org/A/HRC/RES/32/18) on Mental health and human rights (2016)
* Report of the Special Rapporteur on the rights of persons with disabilities (2018) ([A/73/161](https://undocs.org/en/A/73/161))
* Report of the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health on the global agenda for mental health that is human rights-based (2020) ([A/HRC/44/48](https://undocs.org/A/HRC/44/48))
* Report of the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health on the role of the determinants of health in advancing the right to mental health (2019) ([A/HRC/41/34](https://undocs.org/A/HRC/41/34))
* Report of the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health on mental health (2017) ([A/HRC/35/21](http://undocs.org/A/HRC/35/21))
* Report of the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment (2020) ([A/HRC/43/49](https://undocs.org/en/A/HRC/43/49))
* United Nations High Commissioner for Human Rights, Report on mental health and human rights on the consultation on human rights and mental health held in Geneva on 14 and 15 May 2018 (A/HRC/39/36)
* WHO [QualityRights training & guidance tools](file:///C:\Users\fuentes\AppData\Local\Microsoft\Windows\INetCache\Content.Outlook\YI4CFVN8\%09https:\www.who.int\publications\i\item\who-qualityrights-guidance-and-training-tools)
* WHO [Guidance on community mental health services: Promoting person-centred and rights-based approaches](https://www.who.int/publications/i/item/guidance-and-technical-packages-on-community-mental-health-services) (2021)

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