



Human Rights – Mental Health

Using International Human Rights
Legal and Medical Principles to
Protect the Vulnerable

Medical Whistleblower Advocacy Network

Universal Declaration of Human Rights

The Universal Declaration of Human Rights (UDHR) was adopted by the United Nations in 1948.

There are 30 human rights listed in the UDHR.



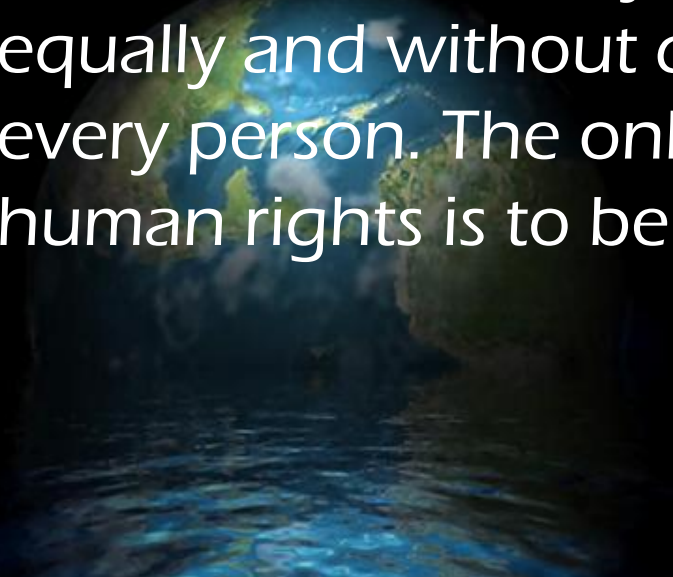
Non-Derogable Rights

- **Non-Derogable Rights - Rights which can not be taken away**
- No nation state may suspend or violate, even in times of public emergency:
 - (a) the right to life;
 - (b) freedom from torture or cruel, inhuman or degrading treatment or punishment and from medical or scientific experimentation;
 - (c) the right not to be held in slavery or involuntary servitude; and,
 - (d) the right not to be subjected to retroactive criminal penalties as defined in the Covenant.
- Customary international law prohibits in all circumstances the denial of such fundamental rights.

Human Rights Are:

Universal:

Human rights apply to every person in the world, regardless of their race, color, sex, ethnic or social origin, religion, language, nationality, age, sexual orientation, disability, or other status. They apply equally and without discrimination to each and every person. The only requirement for having human rights is to be human.



Human Rights Are:

Inherent:

Human rights are a natural part of who you are. The text of Article 1 of the Universal Declaration of Human Rights (UDHR) begins "All human beings are born free and equal in dignity and rights."



Human Rights Are:

Indivisible: human rights cannot be separated from each other;

Interdependent: human rights cannot be fully realized without each other;

Interrelated: human rights affect each other.



Human Rights Are:

Inalienable:

Human rights automatically belong to each human being. They do not need to be given to people by their government or any other authority, nor can they be taken away. Nobody can tell you that you do not have these rights. Even if your rights are violated or you are prevented from claiming your human rights, you are still entitled to these rights.

Essentials Of Advocacy

Awareness of Rights


Awareness of Self

Action



Declaration of Human Rights Defenders

In 1998, the UN General Assembly adopted the **Declaration on Human Rights Defenders**. This marks the first international recognition afforded to human rights defenders, and the first overt commitment by the international community and by the states that are members of the United Nations to the defense of the rights of human rights activists.



Human Rights Defenders

The activities of human rights defenders include:

Documenting violations

Seeking remedies for victims of such violations through the provision of legal, psychological, medical or other support; and

Combating cultures of impunity which serve to cloak systematic and repeated breaches of human rights and fundamental freedoms.

Advocacy for Change

Define The Change You Want To Make

Articulating The Change You Want To Make

Preparing For Action

A glowing blue globe of Earth is shown in the lower-left quadrant of the slide. The globe is partially obscured by a dark, reflective surface that mirrors its light, creating a shimmering effect. The background is a solid black, which makes the blue and white of the globe stand out.

Education

Educating ourselves

Educating others

Changing attitudes



Political Action

Addressing policy-makers

Addressing law-makers

Addressing public officials

Social and community service



Legal Action

Creating new law

Repealing negative law

**Working to implement human
rights law**

A glowing blue globe of the Earth is positioned in the lower-left quadrant of the slide. The globe is partially obscured by a dark, reflective surface that looks like water, with the globe's reflection visible below it. The background is a solid black color.

Victim's Rights and Needs

Requirements for a Victim's Rights System:

Compensation

Redress

Testimony

Truth

Acknowledgment

Memory

Reparation

Justice

Prevention (Never Again!)

JUSTICE



WHO Ten Basic Principles of Mental Health

1. Promotion of mental health and prevention of mental disorders
2. Access to basic mental health care
3. Mental health assessments in accordance with internationally accepted principles
4. Provision of least restrictive type of mental health care
5. Self-determination
6. Right to be assisted in the exercise of self-determination
7. Availability of review procedure
8. Automatic periodical review mechanism
9. Qualified decision-maker
10. Respect of the rule of law

Basic Principles

- **What is a Treaty?** International Human Rights Conventions or Treaties are written agreements between Nation States.
- **Hard vs. Soft International Law**
- **International Case Law**
- **Other Internationally Recognized Ethical Standards**



Universal Instruments

- _ International Covenant on Civil and Political Rights, 1966
- _ International Covenant on Economic, Social and Cultural Rights, 1966
- _ International Convention on the Elimination of All Forms of Racial Discrimination, 1965
- _ Convention on the Elimination of All Forms of Discrimination against Women, 1979
- _ Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, 1984
- _ Convention on the Rights of the Child, 1989
- _ United Nations Convention against Transnational Organized Crime, 2000, and Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the Convention
- _ Universal Declaration of Human Rights, 1948
- _ Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power, 1985
- _ Vienna Declaration and Programme of Action, 1993

Requirement to Investigate

Irrespective of the terms used in international human rights treaties, States parties are duty bound to provide effective protection for the rights and freedoms recognized therein to all persons within their jurisdiction.

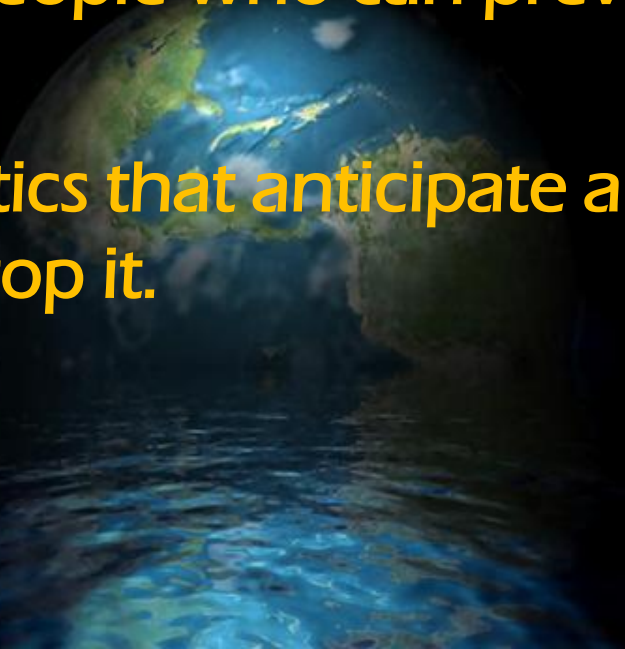
These legal obligations comprise the duty effectively to **prevent, investigate, prosecute, punish** and **redress** human rights violations.

Prevent Human Rights Abuses

Physical protection tactics that prevent harm through physical presence.

Tactics that get critical information into the hands of people who can prevent abuse.

Tactics that anticipate abuse and create obstacles to stop it.



Intervention Tactics

- Resistance** tactics demonstrate opposition to abuse.
- Disruption** tactics use direct action to influence a perpetrator to end the abuse.
- Persuasion** tactics use respected leaders or non confrontational institutional mechanisms to negotiate an end to violations.
- Incentive** tactics provide alternatives to human rights abuse.

Important Issues

Guardianship Abuse

Informed Consent

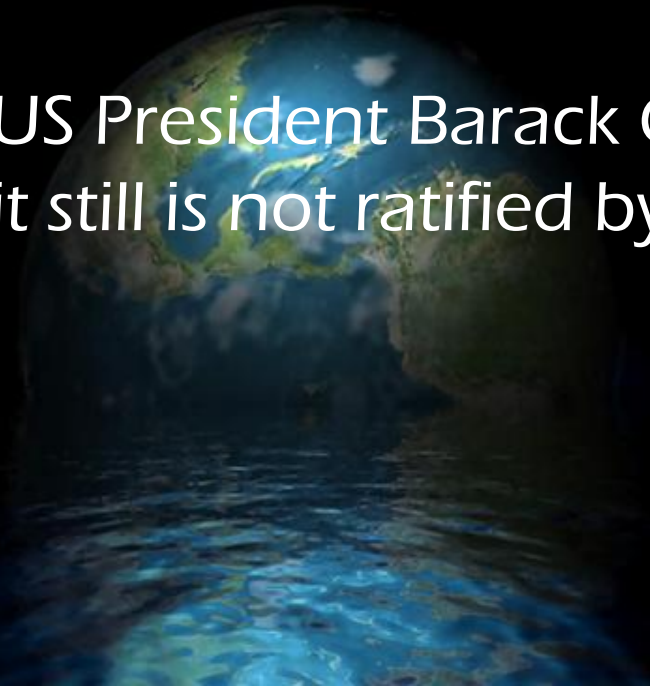
Integration into the Community

Independent Living Principles



UN Convention on the Rights of Persons with Disabilities

- The UN Convention on the Rights of Persons with Disabilities was adopted by the UN General Assembly in 2006
- US President Barack Obama signed the CRPD but it still is not ratified by the US Congress



UN Convention on the Rights of Persons with Disabilities

- UN Convention on the Rights of Persons with Disabilities = CRPD
- CRPD - Article 15, Freedom from torture or cruel, inhuman or degrading treatment or punishment
- CRPD - Article 16, Freedom from exploitation, violence and abuse

Torture, Cruel and Degrading Tx

- Disabled Persons are:
- Particularly at risk for exposure to torture and other forms of cruel, inhuman, or degrading treatment or punishment.
- Vulnerable to exploitation, violence, and abuse.
- Violations go unnoticed given their frequent occurrences in places which are isolated and hidden from public scrutiny

Ethical Medical Standards

- **45 CFR 46 Protection Of Human Subjects** - Code of Federal Regulations Title 45 Volume 46, which are the regulations issued by the United States Department of Health and Human Services governing federally-funded research in the United States.
- **NIH Guidelines for Conduct of Research Involving Human Subjects**
- **The Belmont Report** Ethical Principles and Guidelines for the Protection of Human Subjects of Research
- **Nuremberg Code** Directives for Human Experimentation
- **World Medical Association Declaration Of Helsinki**

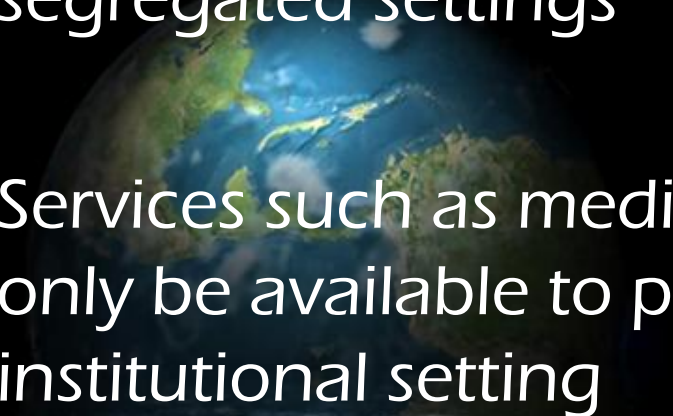
UN Convention on the Rights of Persons with Disabilities

- CRPD - Article 19, Living independently and being included in the community
- CRPD - Article 28, Adequate standard of living and social protection
- CRPD - Article 12, Equal recognition before the law: States Parties reaffirm that persons with disabilities have the right to recognition everywhere as persons before the law.

Living Independently And With Dignity In The Community

- The opportunity to make one's own decisions and to have those decisions be respected and acted upon.
- National legislation has expressly barred people with disabilities from making their own decisions by depriving them of the legal capacity needed to do so.
- Information and communication barriers

Living Independently And With Dignity In The Community

- The lack of an adequate standard of living
 - Forcing people with disabilities to live in segregated settings
 - Services such as medical care or rehabilitation may only be available to persons with disabilities in an institutional setting
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Protecting the Integrity of Person

- **CRPD - Article 17**
- **Protecting the integrity of the person:**
Every person with disabilities has a right to respect for his or her physical and mental integrity on an equal basis with others.



Respect for Privacy, Home & Family

- **CRPD - Article 22, Respect for privacy:**

No person with disabilities, regardless of place of residence or living arrangements, shall be subjected to arbitrary or unlawful interference with his or her privacy, family, home or correspondence or other types of communication or to unlawful attacks on his or her honour and reputation. Persons with disabilities have the right to the protection of the law against such interference or attacks.

- States Parties shall protect the privacy of personal, health and rehabilitation information of persons with disabilities on an equal basis with others.

- **CRPD - Article 23, Respect for home and the family:**



Freedom & Expression

- CRPD - Article 21, Freedom of expression and opinion and access to information
 - Universal Declaration of Human Rights (UDHR) - Article 19
 - International Covenant on Civil and Political Rights - Article 19
 - International Convention on the Elimination of All Forms of Racial Discrimination - Article 5
 - Convention on the Rights of the Child - Article 13
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Freedom of Opinion

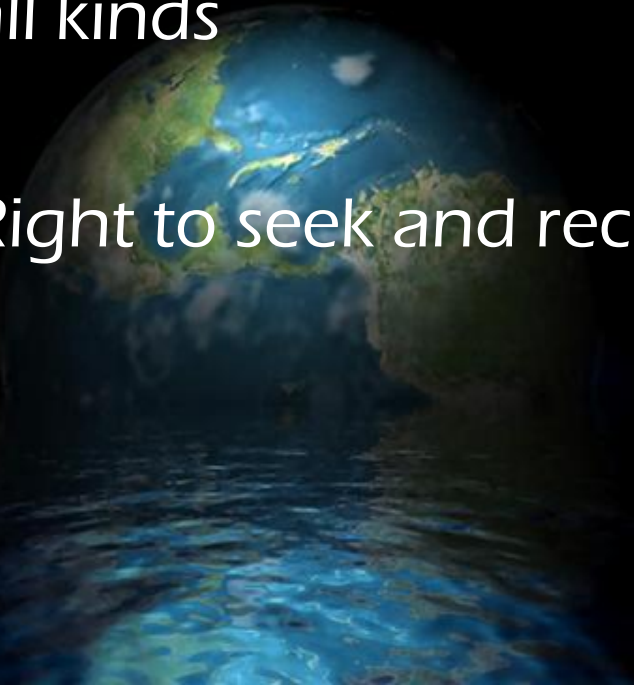
Everyone has the right to hold any opinion or view, regardless of how popular, unpleasant, or controversial others might find that opinion. This is a right that is absolutely protected and cannot be subjected to any form of restriction by States, as to do so would be to permit State interference into people's very minds and thoughts.

Essentially, we all have the right to think as we please and not to be told what or how to think.

Freedom of Expression

The right to freedom of expression has two distinct parts:

- Right to impart or share information and ideas of all kinds
- Right to seek and receive information.



The Right to Vote

CRPD - Article 29 guarantees the right of people with disabilities:

- to vote, on a non-discriminatory basis, in elections
- to access an effective impartial and non-discriminatory procedure for the registration of voters
- to have equal and effective access to voting procedures and facilities in order to exercise their right to vote
- to cast their ballot in secret
- to have assistance in order to exercise their right to vote or to stand for election as a candidate for public office
- to participate in the conduct of public administration, including the administration of political parties and civil society
- to participate in the work of international organizations, including serving as a representative of government in international organizations
- to form and join disabled peoples organizations at all levels.

Barriers to Enjoyment of the Right to Life

- Attitudes that life with a disability is "not worth living"
- Life-threatening conditions in institutions and orphanages and infanticide and neglect of disabled newborns
- Selective abortion based on disability
- Imposition of "do not resuscitate" (DNR) orders
- Withholding of life-sustaining treatment for people with disabilities in hospital settings
- Domestic violence, particularly against women and girls with disabilities
- Failure to be inclusive of people with disabilities in public planning
- Lack of access to adequate food, clean water, shelter and basic survival needs

Medical Whistleblower

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