

Some Useful Sources on Mental Health and Human Rights

Lydia Lewis

Department of Sociology, University of Warwick

E-mail: lydia.lewis@warwick.ac.uk

Contributors to this themed section have referred to a range of sources on mental health and human rights, particularly those offering social policy and sociological perspectives. The sources below offer an elaboration of some key citations and some additional references and web sites on this theme which may be of particular interest to a social policy readership.

Published books, journals, chapters and articles

Campbell, J., Healy, B. and Brophy, L. (2006), 'Mental health policy, law and risk: finding a balance between state paternalism and citizenship rights for people with mental health problems', in L. Sapouna and P. Herrmann (eds.), *Knowledge in Mental Health: Reclaiming the Social*, New York: Nova Science Publishers.

Explores apparently contradictory mental health law and policy imperatives towards the rights of service users, on the one hand, and movement towards more control, on the other, from a UK and then international perspective. Argues for the role of policy makers and professionals in challenging discourses which limit the citizenship rights of mental health service users.

Harvey, C. (ed.) (2005), *Human Rights in the Community: Rights as Agents for Change*, Oxford: Hart Publishing.

A comprehensive and critical review of the general issues involved in creating a culture of respect for human rights and progress towards mainstreaming them, followed by detailed case studies in the a variety of areas, including mental health.

Horton, R. (ed.) (2007), Special issue on mental health, *The Lancet*, 370: 1–12.

Draws attention to human rights concerns in the area of mental health and mental health services from a global perspective; introduces mental health as a campaign focal point for the journal over two years.

Parker, C. (2007), 'Developing mental health policy: a human rights perspective', in M. Knapp, D. McDaid, E. Mossialos and G. Thornicroft (eds.), *Mental Health Policy and Practice across Europe*, Oxford: Oxford University Press.

Provides an overview of the international human rights instruments in the context of mental health and discusses how human rights principles can be drawn upon in mental health policy development and implementation in Europe.

Prior, P. (2007), 'Citizenship and mental health policy in Europe', *Social Work and Society*, 6(1). Available at: <http://www.socwork.net/>

Discusses the curtailment of rights for those assigned a psychiatric diagnosis within the theoretical framework of debates on citizenship and within the European context.

Sayce, L. (1996), *From Psychiatric Patient to Citizen*, Basingstoke: Palgrave.

Offers a comprehensive look at the civil rights and social inclusion agenda in mental health, and grassroots action to tackle this at UK and international levels.

Sources on social perspectives in mental health and human rights

A few key references to reflect a core theme of this collection:

C. Newnes, G. Holmes and C. Dunn (eds.) (1999), *This is Madness: A Critical Look at Psychiatry and the Future of Mental Health Services*, Ross-on-Wye: PCCS Books.

C. Newnes, G. Holmes and C. Dunn (eds.) (2001), *This is Madness Too: Critical Perspectives on Mental Health Services*, Ross-on-Wye: PCCS Books.

These two books address a range of human rights and equalities issues in relation to mental health and mental health services, including gender inequality, racism, consent and coercion within services, the politics of 'social inclusion' and empowering alternatives to traditional service responses.

L. Sapouna and P. Herrmann (eds.) (2006), *Knowledge in Mental Health: Reclaiming the Social*, New York: Nova Science Publishers.

Discusses in European context how social understandings of distress can help move mental health services and policy towards responses which promote inclusion and citizenship.

Tew, J. (ed.) (2005), *Social Perspectives in Mental Health: Developing Social Models to Understand and Work with Mental Distress*, Philadelphia: Jessica Kingsley Publishers.

Explores the impact of social factors such as power, abuse and inequalities on mental health and offers new practice frameworks.

See also the Social Perspectives Network web site and their collection of working papers: www.spn.org.uk

Human rights and mental health legislation

Fennell, P. (2005), 'Convention compliance, public safety, and the social inclusion of mentally disordered people', *Journal of Law and Society*, 32, 1, 90–110.

Part of a special issue evaluating the success of the Human Rights Act; discusses how the Act has been used to justify measures that will extend compulsory powers within mental health services and reduce psychiatric service users' rights.

Sheehan, K. and Molodynski, A. (2007), 'Compulsion and freedom in community mental healthcare', *Psychiatry*, 6, 9, 393–8.

Summarises new mental health legislation in England and Wales and implications for clinical practice; explores why balancing compulsion and freedom is such a contested issue for mental health services.

Szmukler, G. (ed.) (2008), 'Treatment pressures and coercion in mental health care', *Journal of Mental Health*, special issue, 17, 3.

Includes a range of articles including one reviewing the effects of the European Convention on Human Rights on coercion in mental health care; one looking at 'insight' and use of

community treatment orders; and another exploring the likely impact of new mental health legislation on the use of electroconvulsive therapy.

Handbooks and guidance on human rights legislation and enacting human rights-based approaches

Mental Health Act Commission (2007), 'Making it real – a human rights case study'. Available at: www.mhac.org.uk.

Report of a consultation into human rights in mental health care; provides recommendations for how to embed a human rights culture within organisations.

Department of Constitutional Affairs (2006), *Human Rights, Human Lives: A Handbook for Public Authorities*, London: DCA.

Outlines the provisions of the European Convention on Human Rights and considers these in the context of public services. Provides case studies and best practice examples, along with relevant web sites and contacts.

Department of Health [DoH] (2007), *Human Rights in Healthcare: A Framework for Local Action*, London: DoH.

Sets out guidance to NHS Trusts in England and Wales on applying a human rights based approach to service provision.

Joint Committee on Human Rights (2007), *The Human Rights of Older People in Healthcare*, London: The Stationery Office.

Report of an inquiry; makes recommendations for how to achieve application of human rights principles for older people in hospitals and care homes.

Available at: <http://www.publications.parliament.uk/pa/jt200607/jtselect/jtrights/156/15602.htm>

National Council for Voluntary Organisations, *Third Sector Foresight*. Available at: www.3s4.org.uk/drivers/human-rights-agenda

Provides guidance on human rights based approaches for third sector organisations.

WHO (2005) *Resource Book on Mental Health, Human Rights and Legislation*, Geneva: WHO.

Summarises mental health legislation and service users' rights in international context; provides case examples. Available at: www.who.int/mental_health/policy/resource_book_MHLeg.pdf

Further sources on the implementation of human rights legislation and on using a human rights based approach to improve public services are provided in the DoH policy document above (pp. 74–5).

Reports and strategy documents

Disability Rights Commission [DRC] (2007), *Coming Together: Mental Health, Equality and Human Rights*.

DRC (2007), *Creating an Alternative Future*.

Out-going reports of the DRC argue for more attention to mental health within the future disability rights agenda. Available at: www.cehr.org.uk.

Mental Health Europe (2008), *From Exclusion to Inclusion – The Way Forward for Promoting Social Inclusion of People with Mental Health Problems*, Brussels: MHE.

Addresses mechanisms hindering access to citizenship and human rights for people experiencing distress; outlines suggestions for policy development strategies within and across EU member states.

WHO (2005), *Mental Health Declaration for Europe*, Copenhagen: WHO.

WHO (2005), *Mental Health Action Plan for Europe*, Copenhagen: WHO.

Reports based on consultations with service user and non-governmental organisations and professionals; set a policy direction for the development of mental health services in expanded Europe.

UK Government and Commissions – web sites

Department of Health Human Rights and Equalities pages

<http://www.dh.gov.uk/en/Managingyourorganisation/Equalityandhumanrights/>

Provide a range of resources and up-dates on policy developments.

Care Services Improvement Partnership

<http://www.csip.org.uk/about-csip.html>

Information on national programmes responsible for supporting policy development and implementation, including in mental health.

Care Quality Commission

<http://www.cqc.org.uk>

Regulator for health and adult social care services; safeguards the interests of people detained under the Mental Health Act, Replaces the previous Mental Health Act Commission.

Directgov

<http://www.direct.gov.uk/en/Governmentcitizensandrights/>

Government public service web site, contains information about rights in this context.

Equality and Human Rights Commission

www.cehr.org.uk

Offers a range of information about equalities and human rights in UK context, including in relation to mental health; provides guidance to public sector organisations on the implementation of a human rights based approach.

Government Equalities Office

<http://www.equalities.gov.uk/>

Gives information on the Government's equality strategy, including the new Equality Bill.

Scottish Government – Mental Health Pages

<http://www.scotland.gov.uk/Topics/Health/health/mental-health>

Details Scottish mental health policy and the Mental Health (Care and Treatment) (Scotland) Act 2003.

European Government and International Governance Organisations

Council of Europe

<http://www.coe.int/>

Details work of the Council to enshrine the provisions of the European Convention on Human Rights throughout Europe.

European Union – pages on human rights

<http://europa.eu/pol/rights/>

Provide information about EU activities and legislation on human rights.

Office of the United Nations (UN) High Commissioner for Human Rights

www.ohchr.org

Provides links to international human rights instruments and information on UN action on human rights.

World Health Organisation – Health and Human Rights pages

<http://www.who.int/hhr/en/>

Provide information on the work of the WHO, the directing and co-ordinating authority for health within the UN, on human rights.

Independent Human Rights and Equalities Organisations

UK

British Institute of Human Rights

www.bihr.org.uk

Provides a variety of useful references and sources, including, *Your Human Rights – A Guide for People Living with Mental Health Problems*.

Equality and Diversity Forum

www.edf.org.uk

Network of voluntary, public and private sector organisations working on all aspects of equality, diversity and human rights.

Liberty

www.liberty-human-rights.org.uk

Promotes human rights across a range of areas including mental health services.

Justice

www.justice.org.uk

Lobbies for and promotes legal reform on human rights.

International

Human Rights Watch

www.hrw.org

The international human rights monitoring and advocacy organization.

IFHHRO: International Federation of Health and Human Rights Organisations.

www.ifhhro.org

Promotes international co-operation for assuring health-related human rights, focusing on the role of health professionals. Provides many useful references and resources.

Mental health charities and campaigning groups

A range of these deal with human rights issues in mental health. See, for example, Mind (www.mind.org.uk/); Rethink (www.rethink.org/); Shaping Our Lives (www.shapingourlives.org.uk/); Mental Health Europe (www.mhe-sme.org/); MindFreedom international (www.MindFreedom.org/).