

UN Mental Health Principles Explained

A simplified guide to the United Nations Principles for the protection of persons with mental illness and the improvement of mental health care

MONIRUL



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Edition: First Edition, 2023

The content in this booklet was generated with the assistance of ChatGPT, a language model created by OpenAI.

Disclaimer:

This booklet is a simplified and user-friendly adaptation of the United Nations Principles for the protection of persons with mental illness and the improvement of mental health care. While every effort has been made to accurately convey the essence of the original principles, this version is intended for general understanding and ease of comprehension. It is not a legal document and should not be considered a substitute for the official UN Principles.

Readers are encouraged to refer to the original UN document for precise and detailed information. The content of this booklet is provided for informational purposes only, and this is not legal advice.

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Please note that laws and regulations may vary by jurisdiction, and readers are advised to consult the relevant authorities for the most up-to-date information.

*Dedicated to the spirit of justice, empathy, and
the protection of human dignity.*

Introduction

Thank you for picking up this booklet! The aim of the booklet is to make the United Nations' **“Principles for the protection of persons with mental illness and the improvement of mental health care”** (called the UN Mental Health Principles in short) easier to understand. I've simplified the language to help you get a quick idea of these important principles.

The UN document is non-binding, but it holds weight as an international human rights standard. Always check your local laws to know your legal rights in practice. Even if your local legislation doesn't cover all the rights mentioned here, you can still refer to these international human rights principles. They serve as a global standard for human rights.

I apologize for any errors in this booklet. While I've made efforts to ensure accuracy, I cannot guarantee it. I disclaim liabilities for any inaccuracies, and users should refer to the original UN document for precise information. If you spot any errors or have any feedback or suggestions please let me know.

Let's explore your rights together!

Application

Equal Treatment: These Principles should be applied to everyone without discrimination. This means that no one should be treated unfairly because of their disability, race, color, sex, language, religion, political beliefs, social status, age, wealth, or where they were born.

Definitions:

Counsel: A "counsel" means a qualified person, often a lawyer, who can help represent your interests and rights.

Independent Authority: An "independent authority" is a competent and unbiased organization or group created by the law.

Mental Health Care: "Mental health care" includes understanding and diagnosing mental conditions, as well as providing treatment, care, and support for mental illnesses or suspected mental illnesses.

Mental Health Facility: A "mental health facility" is a place, like a hospital or clinic, whose main purpose is to offer mental health care.

Mental Health Practitioner: A "mental health practitioner" is a person, such as a doctor, psychologist, nurse, social worker, or someone else with the right training and qualifications, who can provide mental health care.

Patient: A "patient" is someone who is receiving mental health care. This term also includes anyone admitted to a mental health facility.

Personal Representative: A "personal representative" is a person appointed by the law to look out for a patient's interests or to exercise certain rights on behalf of the patient. This can include a parent or legal guardian, particularly for a minor, unless the law says otherwise.

The Review Body: The "review body" refers to the organization set up according to Principle 17 to review the involuntary admission or retention of a patient in a mental health facility.

General Limitation Clause:

Limited Rights: While you have these rights, they may be subject to some restrictions as defined by the law. These limitations should only be applied if they are necessary to protect the health and safety of you or

others or to maintain public safety, order, health, morals, or the rights and freedoms of other people.

Principle 1: *Fundamental freedoms and basic rights*

You Have a Right To...

- 1. The Best Care:** You have a right to the best mental health care available, and it should be a part of the healthcare system.
- 2. Respect and Dignity:** You have a right to be treated with kindness and respect, no matter your mental health condition. Everyone should treat you with dignity and humanity.
- 3. Protection from Harm:** You have a right to be protected from being taken advantage of, harmed, or treated in a degrading or abusive way, whether it's economically, sexually, or physically.
- 4. No Discrimination:** You have a right not to be treated unfairly or differently because of your mental illness. Discrimination is when you're treated in a way that takes away your rights. However, if there are special measures to protect your rights or the rights of others with mental illness, it's not considered discrimination.
- 5. All Your Rights:** You have a right to enjoy all the same rights as everyone else, such as civil, political, economic, social, and cultural rights, as recognized in international documents.
- 6. Fair Legal Decisions:** If someone thinks you can't make legal decisions because of your mental illness and that you need someone to help you, it can only happen after a fair hearing by an independent and impartial court. You can have a lawyer to represent you, even if you can't pay for one. The lawyer should not represent the hospital or your family if there might be a conflict of interest. Any decisions about your legal capacity and the need for a personal representative should be reviewed regularly. You, your personal representative (if you have one), and others interested can appeal these decisions to a higher court.
- 7. Protection of Your Interests:** If a court decides that you can't manage your own affairs because of your mental illness, they will take necessary

and appropriate measures to protect your interests, considering your condition.

These rights are here to protect you and ensure that you receive the best care and are treated with respect and dignity.

Principle 2: *Protection of minors*

You Have a Right To...

Protection as a Minor: If you're under 18 years old and receiving mental health care, you have a right to special care. This care will make sure your rights are protected. Sometimes, if needed, someone other than a family member might be appointed to help protect your rights.

This means that when you're young and receiving mental health care, extra steps will be taken to make sure you're safe and treated well.

Principle 3: *Life in the community*

You Have a Right To...

Live and Work in the Community: You have a right to live and work in the community, as long as it's possible and appropriate for you. This means you should have the opportunity to be part of your community and live and work there like everyone else.

In simpler terms, you should have the chance to be a part of your local community, just like anyone else.

Principle 4: *Determination of mental illness*

You Have a Right To...

1. Accurate Diagnosis: You have a right to have any determination that you have a mental illness made according to medical standards that are accepted worldwide.

2. Fair Diagnosis: No one should say that you have a mental illness based on things like your political beliefs, how much money you have, your cultural or religious background, or any other reasons that aren't directly about your mental health.

3. No Judgment: A diagnosis of mental illness should never be made just because you have conflicts in your family or work, or because you don't fit in with what most people believe in your community.

4. Past Treatment Doesn't Define You: If you have been treated for mental illness or have been hospitalized in the past this should not be used to determine that you have a mental illness now or that you will have a mental illness in the future.

5. Accurate Classification: Nobody should classify you as a person with mental illness or indicate that you have a mental illness unless it's directly related to your mental health or its consequences.

In simpler terms, you have the right to be diagnosed fairly and accurately, based on medical standards. Your diagnosis should not be influenced by your social status, beliefs, past treatment, or other unrelated factors.

Principle 5: *Medical examination*

You Have a Right To...

Medical Examination Only When Allowed: You have a right not to be forced into a medical examination to check if you have a mental illness unless there is a proper procedure allowed by the laws of your country.

In simpler terms, no one should make you have a medical exam for mental illness without following the rules and laws of your country.

Principle 6: *Confidentiality*

You Have a Right To...

Confidentiality: You have a right to keep your personal information private. This means that information about your mental health and care should be kept confidential and not shared without your permission.

In simpler terms, your mental health information should be kept private, and it shouldn't be shared with others without your consent.

Principle 7: *Role of community and culture*

You Have a Right To...

1. Treatment in Your Community: You have a right to be treated and cared for in your own community, as much as possible.

2. Being Close to Loved Ones: If you need treatment in a mental health facility, you have the right, whenever it's possible, to be treated near your family or friends. You also have the right to go back to your community as soon as it's safe for you.

3. Cultural-Friendly Treatment: You have a right to receive treatment that understands and respects your cultural background.

In simpler terms, you should get care in your community when you can. If you need to be in a mental health facility, you should be near your loved ones, and you should return to your community when it's safe. Your treatment should also take into account and respect your cultural background.

Principle 8: *Standards of care*

You Have a Right To...

1. Appropriate Care: You have a right to receive the health and social care that matches your health needs. You should get care and treatment that follows the same standards as other people who are ill.

2. Protection from Harm: You have a right to be protected from harm. This includes not being given medication without a good reason, and you should be shielded from abuse by other patients, staff, or anyone else. You

should also be safe from anything that causes you mental distress or physical discomfort.

In simpler terms, you should receive care that suits your health needs and is of the same quality as others. You should also be protected from harm, including unnecessary medication, abuse, and things that make you upset or uncomfortable.

Principle 9: *Treatment*

You Have a Right To...

1. Least Restrictive Care: You have a right to receive treatment in the least restrictive way possible, based on your health needs and the need to keep everyone safe.

2. Personalized Treatment: You have a right to treatment that's planned just for you. It should be discussed with you, checked regularly, changed when needed, and given by qualified professionals.

3. Ethical Care: You have a right to mental health care that follows the rules of ethics for mental health professionals, including international standards. Mental health knowledge and skills should never be used in harmful ways.

4. Preservation of Autonomy: Your treatment should focus on keeping and improving your independence and personal freedom.

In simpler terms, your treatment should be the least restrictive and should be made just for you, with regular check-ins and given by skilled professionals. The treatment should be ethical and should protect your personal freedom.

Principle 10: *Medication*

You Have a Right To...

1. Medication for Your Health: You have a right to receive medication that matches your health needs. Medication should only be given to help

with your treatment or diagnosis. It should never be used as a punishment or for the convenience of others. Mental health practitioners should only use medication that is known to work.

2. Prescribed Medication: Medication should only be prescribed by a mental health practitioner who is allowed by the law, and it should be written down in your medical records.

In simpler terms, you should get medication that helps with your health, and it should never be used as a punishment or for other people's convenience. A qualified mental health professional should prescribe and record your medication.

Principle 11: *Consent to treatment*

You Have a Right To...

1. Consent for Your Treatment: You have a right not to receive any treatment unless you give your informed consent. This means you should agree freely, without any threats or unfair offers, after being told everything you need to know in a way you can understand. You should be informed about your diagnosis, the purpose and method of treatment, how long it might take, the expected benefits, other treatment options, possible pain, risks, and side effects.

2. Choose Who's There: You can ask for a person or people of your choice to be with you when you give your consent.

3. Refuse or Stop Treatment: You have the right to say no to treatment or stop it, except in some specific situations (as explained below). If you do refuse, they should explain what might happen because of your decision.

4. No Pressure: No one should force or trick you into giving up your right to informed consent. If you want to give up this right, they should tell you that the treatment can't happen without your informed consent.

5. Exception to Informed Consent: In some cases, treatment can be given without your informed consent if you're held as an involuntary

patient, an independent authority agrees that you can't make the decision at that time, and it's in your best interest.

6. Personal Representative: If you have a personal representative authorized by the law to make treatment decisions for you, they can give consent on your behalf (except in some specific cases).

7. Urgent Treatment: In situations where there's an urgent need to prevent immediate harm to you or others, a qualified mental health practitioner can give treatment without your informed consent, but only for the time needed to prevent harm.

8. Informed Even Without Consent: If treatment is authorized without your informed consent, they should still try to tell you about the treatment, any alternatives, and involve you as much as they can in the treatment plan.

9. Record of Treatment: All treatment should be recorded in your medical records, whether it's voluntary or involuntary.

10. Restraint and Seclusion: Physical restraint or involuntary seclusion should only be used when there's no other way to prevent immediate harm to you or others, and it should not last longer than necessary. The reasons, nature, and extent of these measures should be recorded in your medical record. You should be kept in humane conditions and supervised by qualified staff. Your personal representative should be notified if relevant.

11. No Sterilization: Sterilization should never be done as a treatment for mental illness.

12. Major Medical or Surgical Procedures: These procedures should only be done if they are allowed by the law, in your best health interest, and with your informed consent. If you can't give informed consent, an independent review should authorize the procedure.

13. Psychosurgery and Irreversible Treatments: Psychosurgery and other treatments that can't be undone should never be done on involuntary patients. For other patients, they can only be done with your informed consent, and an independent body should ensure you genuinely agree and it's in your best health interest.

14. Clinical Trials and Experimental Treatment: These should never be done without your informed consent. If you can't give informed consent, a special independent review body must approve your participation.

15. Right to Appeal: If treatment is given in the situations mentioned above, you, your personal representative, or anyone interested has the right to appeal to an independent authority.

In simpler terms, you have the right to agree to your treatment after being fully informed. You can have people you choose with you during this process. You can refuse treatment, except in some specific cases where immediate harm is a concern. Your treatment should be recorded, and you have the right to be protected from forced sterilization, major procedures without consent, irreversible treatments without consent, and participation in clinical trials or experimental treatments without your agreement.

Principle 12: *Notice of rights*

You Have a Right To...

1. Know Your Rights: You have the right to be told about all your rights as soon as possible after you enter a mental health facility. They should explain these rights to you in a way you can understand, using a language you are comfortable with.

2. Help When You Can't Understand: If you can't understand your rights, the facility should tell your personal representative, if you have one and if it's appropriate, and someone who can represent your interests and is willing to help you.

3. Nominate Someone to Speak for You: If you're able to, you can choose someone to be told about your rights on your behalf and to represent your interests when dealing with the facility.

In simpler terms, when you go to a mental health facility, they should tell you what your rights are in a way you can understand. If you can't understand, they'll explain your rights to your personal representative and someone who can speak for you. If you can, you can choose someone to learn about your rights and represent you when needed.

Principle 13: *Rights and conditions in mental health facilities*

You Have a Right To...

1. Respect for Your Dignity: You have the right to be treated with full respect, including:

- a. Being recognized as a person under the law everywhere.
- b. Privacy.
- c. Freedom of communication, like talking to others in the facility, sending and receiving private messages, meeting with a counselor or personal representative, and having access to postal and phone services, newspapers, radio, and TV.
- d. Freedom to practice your religion or beliefs.

2. Living Conditions Similar to Normal Life: Your living conditions in the mental health facility should be as close as possible to what's considered normal for people of your age. This includes:

- a. Places for fun and relaxation.
- b. Educational opportunities.
- c. Access to things you need for daily life, enjoyment, and communication.
- d. Opportunities for activities that match your social and cultural background, and vocational rehabilitation to help you return to the community. This can involve guidance, training, and help finding work in the community.

3. No Forced Labor: You can't be made to work against your will. You should be able to choose the type of work you want to do, as long as it fits your needs and the rules of the facility.

4. Fair Treatment for Your Work: Your work in the mental health facility shouldn't be used to exploit you. You should receive the same pay for your work as someone outside the facility would for the same job, or

you should get a fair share of any money the facility earns from your work.

In simpler terms, you have the right to be treated with respect and dignity. You can communicate with others and practice your religion. Your living conditions in the facility should be as close to normal life as possible. You can choose your type of work, and you should be treated fairly for your work.

Principle 14: *Resources for mental health facilities*

You Have a Right To...

1. Equal Resources: A mental health facility should have access to the same level of resources as any other health facility. This means it should have:

- a. Enough qualified medical and professional staff with adequate space to give each patient privacy and the right therapy.
- b. Equipment for diagnosis and treatment.
- c. The right professional care.
- d. Regular and complete treatment, including medication.

2. Regular Inspections: Every mental health facility should be checked regularly by the authorities to make sure it follows these Principles in how it treats and cares for patients.

In simpler terms, a mental health facility should have the same level of resources as any other health facility. This includes having enough staff, the right equipment, and proper care for patients. The facility should also be checked regularly to ensure it follows these rules.

Principle 15: *Admission principles*

You Have a Right To...

1. Avoid Involuntary Admission: Every effort should be made to avoid admitting someone to a mental health facility without their agreement.

2. Equal Access: Access to a mental health facility should be done the same way as access to any other facility for any illness.

3. Freedom to Leave: If you haven't been admitted involuntarily, you have the right to leave the mental health facility at any time, unless the criteria for keeping you there as an involuntary patient (as explained in Principle 16) apply. You should also be told about this right.

In simpler terms, they should try to avoid admitting you without your agreement. Access to the facility should be the same as for any other illness. If you're not there involuntarily, you can leave whenever you want, unless certain criteria apply, and they should tell you about this right.

Principle 16: *Involuntary admission*

You Have a Right To...

1. Involuntary Admission Only When Necessary: You can only be admitted involuntarily to a mental health facility if a mental health practitioner authorized by law determines that you have a mental illness and:

(a) There is a serious risk of immediate harm to you or others because of that mental illness.

(b) If you have a severe mental illness and impaired judgment, not admitting or retaining you could make your condition worse or prevent the right treatment that can only be given in a mental health facility. In this case, another mental health practitioner, independent from the first one, should be consulted if possible. The involuntary admission or retention can only happen if the second practitioner agrees.

2. Short Initial Involuntary Stay: If you're admitted involuntarily, it's typically for a short period, as determined by the law. This is for observation and preliminary treatment. The reasons for your admission should be explained to you right away. The fact of your admission and the

reasons for it should also be communicated quickly and in detail to a review body, your personal representative (if you have one), and, unless you object, to your family.

3. Designated Facilities: A mental health facility can only take involuntarily admitted patients if it's been officially approved to do so by a competent authority, as required by the law.

In simpler terms, you can only be admitted to a mental health facility against your will if it's absolutely necessary for your safety or well-being, and this decision is made by authorized professionals. The initial stay will be brief for observation and treatment, and the reasons for your admission will be explained to you and others involved. The facility must be officially approved for involuntary admissions.

Principle 17: *Review body*

You Have a Right To...

1. An Independent Review Body: There should be an independent and impartial review body established by the law to make decisions about your situation. This body can have the help of qualified and independent mental health practitioners and consider their advice.

2. Quick Reviews: If you've been admitted involuntarily, your case should be reviewed as soon as possible after that decision. The review should be done using simple and fast procedures as stated by the law.

3. Regular Reviews: Your case should be reviewed periodically, as required by the law, to make sure you're being treated fairly.

4. Request Release: If you're an involuntary patient, you can ask the review body to consider releasing you or changing your status at set intervals, according to the law.

5. Continued Need: At each review, the body should check if the reasons for keeping you as an involuntary patient, as explained in Principle 16, still apply. If not, you should be released.

6. Immediate Release: If the mental health practitioner responsible for your case believes that you no longer need to be kept as an involuntary patient, they should order your immediate release.

7. Right to Appeal: You, your personal representative, or anyone interested should have the right to appeal to a higher court if a decision is made to admit you or keep you in a mental health facility.

In simpler terms, there should be a fair and independent review body that regularly checks your situation and can release you if it's no longer necessary for you to stay involuntarily. You or your representative can also appeal decisions to a higher court if needed.

Principle 18: *Procedural safeguards*

You Have a Right To...

1. Choose Your Counsel: You can choose and appoint a counsel (legal representative) to represent you, even in complaint procedures or appeals. If you can't afford one, a counsel should be provided for you at no cost.

2. Interpretation Services: If you need an interpreter, you have the right to get one. If you can't arrange for an interpreter, one should be provided for you at no cost.

3. Present Evidence: You and your counsel can request and present an independent mental health report and other relevant evidence during any hearing.

4. Access to Records: You and your counsel should receive copies of your records, reports, and documents unless there are specific reasons, as provided by domestic law, to withhold them. If any part of a document is withheld from you, you and your counsel should be notified and given the reasons. You can ask for a judicial review in such cases.

5. Participation in Hearings: You, your personal representative, and your counsel have the right to attend, participate, and personally speak during any hearing.

6. Request Attendees: If you want a specific person to be present at a hearing, they should be allowed unless their presence could seriously harm your health or risk the safety of others.

7. Public or Private Hearings: Decisions about whether the hearing should be public or private, and whether it can be publicly reported, should consider your wishes, the need to protect your privacy, and the need to prevent harm to your health or the safety of others.

8. Written Decisions: The decision made during the hearing and the reasons for it should be given to you, your personal representative, and your counsel in writing. When deciding whether the decision should be made public, it should consider your wishes, privacy, the public interest, and the need to prevent harm to your health or the safety of others.

In simpler terms, you have the right to choose a legal representative, request an interpreter, and present evidence during hearings. You should receive your records and documents, have a say in who attends hearings, and decide if the hearing should be public or private. All decisions should be provided in writing, and you have a say in whether the decision can be made public.

Principle 19: *Access to information*

You Have a Right To...

1. Access Your Records: You have the right to access information about yourself in your health and personal records kept by the mental health facility, even if you're no longer a patient. However, this right might have some restrictions to prevent serious harm to your health or risk to others' safety. If some information isn't given to you, it should be given to your personal representative and counsel, if you have one, when it can be done privately. If any information is withheld from you, you or your counsel should be notified, and this can be reviewed by a court.

2. Add Your Comments: You or your personal representative or counsel can request that your written comments be included in your file.

In simpler terms, you have the right to access your health and personal records, but there might be some restrictions for safety reasons. Any

withheld information should be shared with your representative and counsel if you have one, and you can add your comments to your file.

Principle 20: *Criminal offenders*

You Have a Right To...

1. Scope of This Principle: These rules apply to people who are in prison for committing crimes, or those who are detained during criminal proceedings or investigations and are found to have a mental illness or are suspected to have one.

2. Receive the Best Mental Health Care: All these individuals should get the best available mental health care, as explained in Principle 1. These rules should apply to them as much as possible, with only a few changes and exceptions that are necessary for the situation. These changes and exceptions should not harm the rights of these individuals under the laws mentioned in Principle 1.

3. Legal Authority for Admission: According to the law, a court or another authority with the right expertise can order these individuals to be admitted to a mental health facility.

4. Treatment in Line with Principle 11: The treatment for individuals with a mental illness should always follow the guidelines in Principle 11.

In simpler terms, if you're in prison or detained during legal proceedings and have a mental illness, you have the right to receive proper mental health care. The rules should apply to you as much as possible, with some necessary changes. If needed, a court or an expert authority can order your admission to a mental health facility. Your treatment should always follow the guidelines in Principle 11.

Principle 21: *Complaints*

You Have a Right To...

Make a Complaint: If you're a patient or a former patient, you have the right to file a complaint using the procedures established by the laws of your country.

In simpler terms, if you're a patient or were a patient in the past, you have the right to file a complaint using the procedures set out in your country's laws.

Principle 22: *Monitoring and remedies*

You Have a Right To...

Protection and Oversight: States must make sure there are systems in place to make sure these Principles are followed. This includes inspecting mental health facilities, handling complaints, and taking action when professionals behave improperly or violate the rights of a patient.

In simpler terms, the government has to put systems in place to make sure that mental health facilities follow these rules. They also need to handle complaints and take action if healthcare professionals do something wrong or don't respect your rights as a patient.

Principle 23: *Implementation*

You Have a Right To...

1. Proper Implementation: States must put these Principles into action by using suitable laws, courts, administrative processes, education, and other methods. They should also regularly check and update these measures.

2. Awareness: States should ensure that these Principles are well-known among people. They need to actively share this information through various means.

In simpler terms, governments should make sure these rules are put into practice using laws, courts, education, and other methods. They should also regularly check if these measures are working. The government

should make sure that people are aware of these rules through active communication.

Principle 24: *Scope of principles relating to mental health facilities*

You Have a Right To...

Equal Application: These Principles apply to everyone who is admitted to a mental health facility.

In simpler terms, these rules are meant to protect the rights of everyone who is in a mental health facility, no matter who they are. If you are in a mental health facility, these rules apply to you.

Principle 25: *Saving of existing rights*

You Have a Right To...

Preservation of Existing Rights: Your existing rights, including those recognized by international or domestic laws, will not be limited or reduced just because these Principles don't explicitly mention them or because they appear to provide fewer rights.

In simpler terms, your rights under existing laws are still in place, and these Principles don't take them away or make them less important. Your rights are still protected.

About this Booklet

This booklet is for everyone who wants to know about mental health rights, whether you're in a mental health facility or just curious. It talks about important rights from the United Nations that help protect people who have a mental health condition.

This booklet is easy to read and aims to help you understand these rights better. It's not a replacement for professional advice, but it can empower you to talk about mental health rights. I sincerely hope that it sparks conversations and actions to make sure that mental health rights are respected in your country and community.

About the Author:

Monirul

Monirul is a human rights defender based in Bangladesh. He has a strong interest in the field of mental health rights. Monirul brings a unique perspective to the field, rooted in a commitment to raising awareness, eliminating stigma, reducing social prejudices and addressing human rights violations. He founded and operates the website Mindful Rights, a platform dedicated to promoting human rights including mental health rights in Bangladesh. Monirul has a Bachelors in Economics, an MBA and when he is not working, he is writing in his spare time.

This booklet has been published for the MindfulRights website. MindfulRights is a platform dedicated to the improvement of human rights in Bangladesh with a focus on mental health rights among others. To learn more, visit: www.mindfulrights.rf.gd

