



# **Fairness, Justice and Human Rights, Economic, Social and Cultural Rights**

**Realising Human Rights for People with Mental  
Health Conditions: A voluntary Sector Perspective**

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[www.samh.org.uk](http://www.samh.org.uk)

# SAMH: Who Are We?



- Scotland's Leading Mental Health Charity
- 84 Community Based Services
- 5 National Programmes (Anti Stigma; Suicide Prevention; Anti Bullying; Trauma; Sport/Physical Activity)
- Supporting 3,000 People Every Week
- Policy & Campaigns
- £23m Turnover : 700+ Staff
- Significant UK Partnerships

# Respect Protect Fulfil



Respect Protect Fulfil (RPF) is SAMH's campaign to encourage recognition that human rights underpin our society and our lives.

- The campaign seeks to improve recognition of the links between mental health and human rights;
- To identify and publicise the human rights of people with mental health problems;
- And secure human rights protection for individuals and their families.

# Mental Health in Scotland



- Mental health is still largely seen as an issue solely for the NHS.
- Outside the health care context, the stigma and misconceptions associated with mental health problems mean that many people experiencing them are marginalised and ostracised from society.
- They are likely to be excluded from community life and discriminated against in the fields of employment, education and housing.
- As a consequence, many people with mental health problems are living in poverty which in turn affects their ability to gain access to appropriate care, integrate into society and recover.

# Approach: RPF



- SAMH believes that much more remains to be done to ensure that people who experience mental health problems are fully able to access their human rights, including those contained in the CRPD.

This includes:

- ensuring that people with mental problems have equal opportunities to work;
- access safe and effective health services;
- move out of poverty;
- provide their children with the right social and emotional environment to flourish;
- participate productively in community life;
- contribute to the economy.

# Approach: RPF



## In Health Care:

- Mental health services often incorporate the discrimination of wider society and there can be inequalities in access to services.
- People should be able to access quality mental health services when and where they need them – but this doesn't always happen.
- Furthermore, the Mental Health (Care and Treatment) Scotland Act 2003 enables medical professionals to detain and treat people against their will on grounds of mental disorder.

# How we implement RPF?



## Utilising UN reporting processes: International-ICESCR

- SAMH use UN reporting processes to put mental health firmly on the national and international agenda.
- Most notably in relation to the ICESCR - the right to the highest attainable standard of physical and mental health.
- SAMH submitted an NGO report to the UN Committee on Economic, Social and Cultural Rights, in advance of the Hearing in May 2009.
- We also spoke to Committee members over the two day hearing and arranged for additional information to be emailed to them.

# How we Implement RPF?



## Utilising UN Reporting Processes: National

- **Holding Public Bodies and the Scottish Government to Account:**
  - SAMH recently commissioned a report on local authorities' action on human rights. The report, **Delivering Human Rights in Scotland**, found limited understanding of human rights, with ten of the public bodies contacted unable to provide any examples of steps taken to comply with the Human Rights Act.



# How we Implement RPF?



## Utilising UN Reporting Processes: National

- **Influencing Policy and Legislation:**
  - Highlight the human rights implications of policies and practices in our political and campaigning work - for example, in consultation responses and during campaigning ahead of the UK elections.
  - SAMH submitted a response outlining this position to the call for evidence on the Green Paper: 'Rights and Responsibilities: Developing Our Constitutional Framework'.

# How we Implement RPF?



## Utilising UN Reporting Processes: National

- Raising Awareness of Human Rights:
  - The language of human rights can often be inaccessible. People with mental health issues who stand to gain the most from an awareness of their human rights have a poor understanding of them. SAMH wants to use human rights to strengthen the voice of people facing discrimination and empower individuals to advocate for themselves.
  - We have been working to raise awareness of the links between mental health and human rights. For example, human rights issues have been discussed as key topics at a range of SAMH events and we have kept supporters informed about developments. Information about human rights and how they link to mental health is also displayed on our website.

# How we Implement RPF?



## Utilising UN Reporting Processes: National

- Achieving a Human Rights Based Culture and Practice Internally Within SAMH by:
  - Working to achieve a human rights based culture and practice within SAMH.
  - Producing an internal human rights guide for staff and developing equality, diversity and human rights training.
  - Presenting to Trustees on human rights and mental health.

# Challenges



- **Lack of Knowledge and Information:**
  - NGO, lacking in knowledge on how to implement in practice;
  - Human Rights framework complex, language legalistic;
  - Lack of time and resources to build staff capacity;
  - Recognise importance but at the start of the journey;
  - NGO interest needs to be harnessed: NHIR support is crucial.
- **Diverse Interests:**
  - Have tight remits: Human Rights campaigning is fragmented;
  - Some areas have strong voluntary sector lobbying but limited champions for human rights;
  - NHIR focus tends to be on the legal and public sector;
  - Human Rights initiatives focus on care - need to broaden to include ESRC.
- **Funding:**
  - Traditional funders cannot see link between human rights and mental health: limited resources to build NGO capacity.

# Challenges



- **Politics:**
  - Human rights politicised at times, can make political engagement more difficult.
- **Myths and Media:**
  - Misconceptions about human rights make it more difficult to get the general public to back or participate in campaigning;
  - Some NGOs are cautious of using human rights as they are fearful of being associated with negative myths about it.
- **Lack of Ownership, Leadership and Accountability:**
  - Not always on the top of Government agenda;
  - Despite SAMH lobbying, limited interest by UK and Scottish Governments to take lead on the ICESCR Concluding Observations in relations to mental health.
- **Exclusion:**
  - Participation at UN level uneven; Scottish NGO; mixed experiences; not sure if they are allowed to participate;
  - Given little notice of reporting timescales and processes.



**Thank You**

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