

# Universal Periodic Review of Australia – Joint NGO Coalition

## Fact Sheet 13

### Mental health care

#### Access to appropriate services

##### Suggested Question

*What steps has Australia taken to ensure that persons with mental illness are able to access appropriate health services?*

##### Background

Mental health services are significantly under-resourced in Australia and there are widespread problems with access to care, quality of care and adequate accommodation for people requiring mental health services.

In 2009, Australia was reviewed for its compliance with *ICESCR*, with the Committee noting its concern with “the insufficient support for persons with mental health problems, as well as the difficult access to mental health services, in particular for Aboriginal and Torres Strait Islander peoples, prisoners and asylum seekers in detention”. In this regard, the Committee recommended that Australia:

- allocate adequate resources for mental health services and other support measures for persons with mental health problems in line with the United Nations Principles for the Protection of Persons with Mental Illness and the Improvement of Mental Health Care;
- implement the recommendations of the Australian Medical Association’s 2008 report on Aboriginal and Torres Strait Islander health;
- reduce the high rate of incarceration of people with mental diseases; and
- ensure that all prisoners receive an adequate and appropriate mental health treatment when needed.

##### Proposed Recommendation

That Australia: (1) allocate adequate resources for mental health services and other support measures for persons with mental illness in line with human rights principles and standards, including developing and setting appropriate benchmarks and indicators; and (2) implement the specific recommendations contained in the

Concluding Observations of CESCR relating to mental health services.

#### Recommendations of the UN Special Rapporteur on the right to health

##### Suggested Question

*What steps has Australia taken to implement the recommendations made by the Special Rapporteur on the right to health following his country visit in 2009?*

##### Background

In 2009, the UN Special Rapporteur on the right to the highest attainable standard of health undertook a Country Visit to Australia. During his visit, the Special Rapporteur focused on the standard of living and quality of health care and health services for Aboriginal and Torres Strait Islanders, the health of people in prison and health of immigration detainees.

In his report released in June 2010, the Special Rapporteur made a number of recommendations, including that Australia:

- develop a national health policy which includes a detailed plan for the full realisation of the right to health;
- increase engagement with community health providers by prisons, which would improve continuity of care and facilitate reintegration into the community;
- increase resource allocation for diagnosis, treatment and prevention of mental illnesses within prisons;
- assess and invest in the primary health care sector throughout the prison system;
- undertake research regarding Aboriginal and Torres Strait Islander incarceration issues as a matter of urgency;
- reconsider the policy of mandatory detention of irregular immigration arrivals;
- place detainees with a history of torture and trauma in community detention; and
- reconsider the appropriateness of detention facilities continuing to operate on Christmas

Island, and assess provision of mental health services to this population as a matter of priority.

### **Proposed Recommendation**

That Australia implement the recommendations of the Special Rapporteur on the right to health.

### **Prisoners' access to appropriate health care**

#### **Suggested Question**

*What steps is Australia currently undertaking to ensure that people in prison are able to access appropriate health services, including particularly mental health services?*

#### **Background**

As identified above, following his visit to Australia in 2009, the UN Special Rapporteur on the right to the highest attainable standard of health made the following specific recommendations relating to health services in prisons:

- increase engagement with community health providers by prisons, which would improve continuity of care and facilitate reintegration into the community;
- increase resource allocation for diagnosis, treatment and prevention of mental illnesses within prisons;
- assess and invest in the primary health care sector throughout the prison system; and
- undertake research regarding Aboriginal and Torres Strait Islander incarceration issues as a matter of urgency.

Similar recommendations were also been made by the Committee on Economic, Social and Cultural Rights in 2009, as well as the Committee against Torture in its 2008 Concluding Observations, regarding the insufficient provision of mental health care in prisons and mentally ill inmates being subjected to extensive use of solitary confinement.

### **Proposed Recommendation**

That Australia take further steps to provide appropriate health care, including particularly mental health care, to people in prison, including by implementing the recommendations of the Special Rapporteur on the right to health, the CESCR and CAT.