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There is no health without mental health

## Protect the rights of migrants with mental health problems

**Brussels, Wednesday 30 June 2021** - Mental Health Europe endorses the policy recommendations made by the Consortium on Refugees' and Migrants' Mental Health (CoReMH). The Consortium consists of mental health professionals (currently of 21 organisations from 10 countries) working with people on the move across countries that will be impacted the most by the new EU Pact on Migration and Asylum, including EU Member States at the EU external borders as well as the countries bordering them.

A few months ago, the European Commission launched and proposed its long-awaited New Pact on Asylum and Migration. While it leaves some room for member states of mutual solidarity to receive incoming forced migrants in times of crisis, it also risks deepening protracted situations. Unfortunately, the pact seems to confirm that for those hoping to find shelter in Europe, it is unlikely that the climate of the European Union (EU) will become more welcoming anytime soon.

One of the building blocks of the pact is a compulsory screening of new arrivals at the external borders, as well as people apprehended within the EU territory. The proposals aim to swiftly refer arrivals towards the applicable procedure, including identifying persons who are unlikely to receive protection in the EU at the earliest stage possible. For CoReMH, the proposed

screening regulation is a primary point of concern since it contains potential risks for human rights and mental health challenges of migrants.

The screening regulations also foresee a so-called vulnerability assessment. Authorities should pay "particular attention (...) to individuals with vulnerabilities, such as (...) persons with an immediately identifiable physical or mental disability." However, persons with disabilities, including persons with mental health conditions, are diverse. To request authorities to make examinations upon mere observation of "immediately identifiable physical or mental disability" frankly ignores the diversity amongst persons with disabilities and de facto discriminates them. It reintroduces a medical understanding of disability and mental health, which does not comply with the UN Convention on the Rights of Persons with Disabilities (UN CRPD) and international standards. Recently, Mental Health Europe has been equally concerned by the propositions laid out in the screening regulations proposal and submitted feedback to the European Commission.

"The Commission's proposal for screening regulations raises particular concerns for persons with mental health conditions and persons with psychosocial disabilities", says Liuska Sanna, Acting Director of Mental Health Europe. "While its introductory remarks reaffirm the commitment to fully take into account "the rights of the child and the special needs of vulnerable persons", the rollout of the proposal seems to render this obligation unfeasible. Rather than respecting the human right to health, including mental health support, the proposal seems to prioritize management and security concerns over potential vulnerabilities of third-country nationals."

Therefore, Mental Health Europe joins CoReMH in making the following recommendations:

- Expand and strengthen the existing standards for reception conditions and procedural guarantees for vulnerable groups during the screening procedure; mandate and support Member States in their uniform application;
- Mandate the assessment of vulnerabilities in all cases and provide a minimum standard for the procedure; the minimum standard for the assessment procedure should be defined in consultation with experts in relevant fields, such as disability, mental health, and child and adolescent development;

- Mandate a universal standard and support Member States to deploy a sufficient number of adequately trained staff to carry out the vulnerability identification process and ensure the presence of appropriately trained interpreters and cultural mediators during the assessment process;
- Secure a high standard of monitoring and supervision in order to prevent biases and distortions in the screening procedure as well as burn-out of staff;
- Introduce a universal minimum standard of care and support to be provided to third-country nationals pursuant to the identification of vulnerabilities, in view of their physical and mental health;
- Secure independent monitoring and evaluation of the vulnerability screening procedure as well as of the care services provided to persons with recognized vulnerabilities;
- Require member states to include members of civil society who work directly with people on the move, including mental health professionals, in the independent monitoring mechanism and secure access to them, as well as resources;
- Enforce a monitoring mechanism that is genuinely transparent and fully independent from the national authorities in order to contribute to a continuous process of accountability.

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### **About Mental Health Europe**

Mental Health Europe (MHE) is the largest European non-governmental network organisation committed to the promotion of positive mental health and wellbeing. We advocate for the improvement of care, social inclusion and the protection of the rights of (ex)users of mental health services, persons with psychosocial disabilities, their families and carers. We raise awareness to end mental health stigma and discrimination. Learn more about MHE from this

video. Follow Mental Health Europe on social media. We are on Twitter, Facebook, LinkedIn and Instagram.

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