

Submission on Aotearoa New Zealand's 4th Universal Periodic Review

**By the Mental Health Foundation of
New Zealand**



31 May 2024

Ministry of Justice

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Thank you for the opportunity to comment on the recommendations from Aotearoa New Zealand's fourth Universal Periodic Review (UPR) at the United Nations Human Rights Council in Geneva.

The Mental Health Foundation of New Zealand (MHF) is a charity (or civil society organisation) working towards creating a society free from discrimination, where all people enjoy positive mental health and wellbeing.

In our submission of October 2023 to the Human Rights Council regarding progress made on mental health and wellbeing-related human rights issues, the MHF focussed on themes relating to conditions of detention, administration of justice and fair trial, general right to health, and persons with disabilities. The MHF took the opportunity to describe ongoing issues of concern in these areas and provide recommendations for what the New Zealand government can do to improve the situation.

Our current submission focusses on the recommendations made by the 88 member states that relate directly to mental health, but also notes support for recommendations that relate to the wider social determinants of mental health and wellbeing and tie into the themes previously submitted on.

Key recommendations the MHF supports accepting

- 6.132** Ensure equitable access to healthcare including mental health, for Māori and Pasifika communities (Samoa);
 - 6.134** Take urgent measures to reduce rates of infant mortality and youth suicide, particularly among indigenous and minority populations (Togo);
 - 6.199** Review and enhance the Child and Youth Well-being Strategy to ensure it effectively addresses the diverse needs of young New Zealanders, particularly in mental health, education and protection from abuse and neglect (Bahamas);
 - 6.219** Guarantee a human rights-based approach in the new legislation on mental health along the lines with the Convention on the Rights of Persons with Disabilities (Mexico);
 - 6.246** Provide equal access for Māori, Pasifika and young people to mental health and wellbeing services (Venezuela (Bolivarian Republic of)).
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We note that the above five recommendations listed in the *Report of the Working Group on the Universal Periodic Review* are the only ones out of 259 with explicit mentions of mental health.

Consistent with our prior submission, the MHF fully supports actively working toward achieving equitable access to mental health care, especially for Māori and Pasifika communities, who continue to experience disproportionately poorer mental health wellbeing outcomes compared to other ethnicity groups in Aotearoa New Zealand.¹

We also support addressing the diverse and increasing mental health needs of young people in Aotearoa New Zealand, and recommend urgently addressing the issue of youth suicide, particularly among indigenous and minority populations. We note recommendations to government have been made this year by [the Office of the Auditor-General](#) to address unmet need and lack of sufficient action in these areas.

We strongly support the call for a human-rights based approach in the repeal and replacement of the current Mental Health (Compulsory Assessment and Treatment)

¹ Government Inquiry into Mental Health and Addiction. (2018). *He Ara Oranga Report of the Government Inquiry into Mental Health and Addiction*.
<https://mentalhealth.inquiry.govt.nz/assets/Summary-reports/He-Ara-Oranga.pdf>

Act 1992, and we understand [work has been underway since 2019](#) as a result of a recommendation to repeal and replace the Act in *He Ara Oranga*, the Report of the Independent Inquiry into Mental Health and Addiction. The aim is to create new legislation that protects and respects human rights, better reflects Te Tiriti o Waitangi and improves equity. However, we are yet to receive a commitment from the current Government about if, and when, a Bill will be introduced to Parliament.

The MHF also supports accepting recommendations related to themes such as the criminal justice system and access to justice, persons with disabilities, indigenous rights and ethnic minorities, and the right to health that all contribute to the broader social determinants of mental health and wellbeing for all in Aotearoa New Zealand.

Thank you for the opportunity to comment.

Mauri tū, mauri ora,



Shaun Robinson

Chief Executive

About the Mental Health Foundation

The MHF's vision is for a society where all people flourish. We take a holistic approach to mental health and wellbeing, promoting what we know makes and keeps people mentally well and flourishing, including the reduction of stigma and discrimination (particularly on the basis of mental-health status).

The MHF is committed to ensuring that Te Tiriti o Waitangi and its Articles are honoured, enacted, upheld and incorporated into our work, including through our Māori Development Strategy. We are proud that Sir Mason Durie is a Foundation patron.

The MHF takes a public health approach to our work, which includes working with communities and professionals to support safe and effective suicide prevention activities, create support and social inclusion for people experiencing distress, and develop positive mental health and wellbeing. Our positive mental health programmes include *Farmstrong* (for farmers and growers), *Getting Through Together* (the national wellbeing promotion programme in response to COVID-19, in partnership with Canterbury DHB Public Health Unit) *All Right?* (supporting psychosocial recovery in Canterbury, Kaikōura and Hurunui), *Pink Shirt Day* (challenging bullying by developing positive school, workplace and community environments) and *Open Minds* (encouraging workplaces to start conversations about mental health). Our campaigns reach tens of thousands of New Zealanders each week with information to support their wellbeing and help guide them through distress and recovery.

We value the expertise of tāngata whaiora/people with lived experience of mental distress and incorporate these perspectives into all the work we do.

Established in 1977, the MHF is a charitable trust, and our work is funded through donations, grants and contract income, including from government.