

# Mental health as a fundamental right

The right to mental health is recognised both at international and EU levels:

- Article 25 of the Universal Declaration of Human Rights states that everyone has the right to a standard of living adequate for health and well-being.
- In the EU, Article 35 of the Charter of Fundamental Rights guarantees access to preventive healthcare and medical treatment.
- This applies to all people within the EU, regardless of legal status.

# EU Legal frameworks that protect mental health rights

The European Union has introduced a number of directives that protect migrants' rights to healthcare.

- Directive 2013/33/EU – the Reception Conditions Directive – states that asylum seekers have the right to necessary medical or other assistance, including mental health care.
- Directive 2011/24/EU supports cross-border access to healthcare.
- These laws ensure that even people without permanent residence can receive essential care.

# Who is entitled to access mental health services?

Access to mental health care applies to a wide range of people:

- EU citizens
- Asylum seekers
- Refugees under the Geneva Convention
- Third-Country Nationals (with or without documents)
- Victims of trafficking
- Unaccompanied minors

Even undocumented migrants are entitled to urgent and essential healthcare in many EU countries.

# Common Barriers to Access

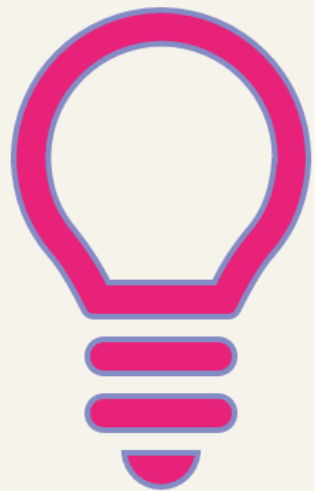
Despite these legal protections, many migrants struggle to access care.

## Barriers include:

- Language differences
- Fear of authorities
- Lack of awareness about rights
- Cultural stigma surrounding mental health.

*These challenges are often made worse by trauma or lack of trust in the system.*

# Case Scenario I



Adnan is a 30-year-old asylum seeker living in Italy. He has nightmares and panic attacks linked to trauma experienced during his journey. He avoids seeking help because he fears it might affect his asylum application.

Under EU law, Adnan is entitled to psychological support through the national health system.

Peer support workers can play a key role in reassuring individuals like Adnan of their rights.

# The role of language and informed consent

Access is not just about services being available – it is about being understandable and culturally appropriate.

Under EU law, people must be given information about their care in a language they understand.

This is so important for ensuring informed consent – which means agreeing to treatment based on clear, voluntary understanding of what is involved.

# Confidentiality and trust

*A key principle in healthcare is confidentiality.*

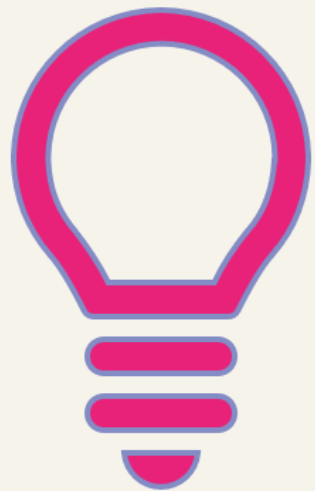
*For migrants, this is particularly important.*

Information shared with mental health professionals should not be passed on to immigration authorities.

This protection is enshrined in EU data protection law, including the General Data Protection Regulation (GDPR).

Being clear about this builds trust.

# Case Scenario 2



Leyla, a migrant woman living in Spain, has been feeling extremely low. She wants help but worries her information might be shared with immigration officials.

In fact, Spanish healthcare providers – like others across the EU – are bound by law to keep health information private.

Referring Leyla to a community-based support worker or culturally competent clinic can help reduce her fears.

# Understanding national and regional differences

While EU directives offer minimum standards, **the way mental health care is provided can vary between countries.**

It is important to understand local procedures and access points.

As a lay advisor, being familiar with local clinics, crisis services and support organisations can make all the difference!



*Photo by Christian Lue on Unsplash*

# The role of the Lay Advisor

## As a lay advisor:

- You are not expected to give medical advice, but you are a trusted source of information.
- You can help others to understand their rights, access interpreting services and reduce fear and confusion.

Peer advisors can be very effective in acting as cultural mediators and supporters on the first steps towards care.



# Summary of key points

- Everyone in the EU – regardless of status – has some level of access to healthcare, including mental health care.
- EU directives and human rights treaties provide strong legal backing.
- Understanding language rights, confidentiality and informed consent is essential.
- Lay advisors can play an important role in bridging the gap between rights and access.

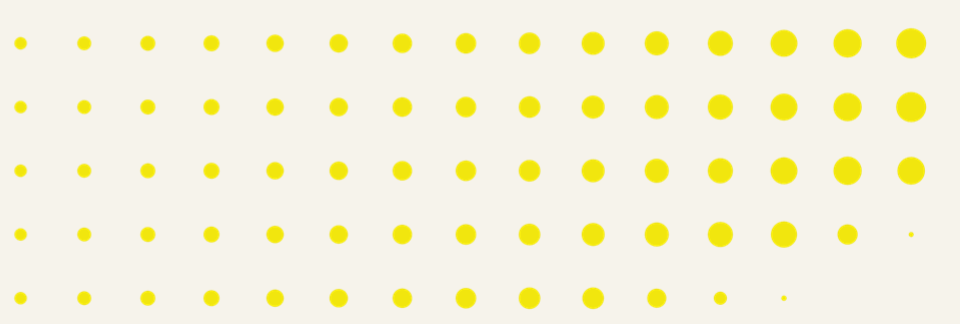
# Quick reflection...

Before moving on to Unit 2, take a moment to reflect on what you have just covered in Unit 1.

Start by thinking about the community you work with or live in:

- What common misunderstandings do people have about their right to seek mental health support?
- How could you help clarify or reassure them in culturally appropriate ways?





# PHAROS- Mental Health Support for Migrants and Refugees

Training Course for Migrant Learners to support them in their  
role as Lay Mental Health Advisors

## Module 4

### Unit 2: Ethical considerations in mental health support

