



OFFICE OF THE HIGH COMMISSIONER FOR HUMAN RIGHTS (OHCHR)

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Agenda Items:

- 1. Finding solutions to immigration crisis in
USA**
- 2. Detecting and preventing unequal attitude
towards mentally ill people**

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I. Letter from the Secretary-General

Most Esteemed Participants,

It is my honour and pleasure to welcome you on behalf of the Academic and Organisations Teams to the eighth annual session of HASAL Model United Nations Conference. I am İrem Beyza Uralcan, currently a senior at Hüseyin Avni Sözen High School. I have been a member of HASAL International Relations Society for five years now, and this year, I am serving as the Secretary-General of HASALMUN. By opening this document, you have started your preparation process for the Office of the United Nations High Commissioner for Human Rights. We are truly happy you chose to be a part of this experience, and we wish you the best of luck during the conference.

Since the inauguration of Trump in 2016, United States of America has been the subject of many accusations. Recently, it caused international reaction when it was claimed that over one thousand immigrant children were separated from their parents and were living in adverse circumstances. In this year's edition of HASALMUN, delegates of OHCHR will be discussing this serious allegation and the rights of mentally ill people.

I would like to thank the Under-Secretary-General Ms. Köklü and her assistant Ms. Yalçın for their hard work. We expect the delegates to direct the flow of the debate by defending their governments' policy as accurately as possible and bringing authentic ideas to the table. We desire to see an original yet realistic paper at the end of the conference. I recommend all participants to read this guide carefully but also quickly. This guide provides a starting point and a direction. It is very important for the delegates to do their own researches and then to come up with appropriate approaches to the issue. Please do not hesitate to contact me via beyza.uralcan@gmail.com should you have any questions.

Best Regards,

İrem Beyza Uralcan

Secretary-General of HASALMUN 2019

II. Letter from the Under-Secretary-General

Dear Delegates,

It is my pleasure to welcome you to the Office of the High Commissioner for Human Rights Committee (OHCHR) of the 8th session of HASAL Model United Nations Conference. I am Asude Köklü , the Under-Secretary-General responsible for this committee. I am currently studying at HASAL. I have started my MUN journey at 6th grade, participating in JMUNs. Since then I have learned a lot. The idea of taking part in resolving world problems was fascinating to me and that kept me participating in more conferences.

This year the OHCHR Committee will be discussing elaborately about 2 agenda items: " Finding solutions to immigration crisis in USA" and "Detecting and preventing unequal attitude towards mentally ill people". The committee is expected to come up with original solutions to solve these undeniably complicated topics. I hope that these topics can create a fruitful debate that each participant can join and enjoy. This study guide is prepared to give background and general knowledge about our agenda items. Delegates are expected to fulfill their knowledge up on their countries with their further researches. I expect each and every one of you to be well-read , going beyond the background guide, and give your very best at this conference.

This conference is going to be my second HASALMUN conference and I'm very thankful to the Secretary-General, Miss. Uralcan for giving me this opportunity. I am also thankful to the academic assistant of this committee Esma Yalçın for her efforts.

I wish you all a rewarding and enjoyable experience. If you have any questions, please do not hesitate to contact me via asudekoklu8@gmail.com

Sincerely,

Asude Köklü

Under-Secretary-General responsible for
the Office of the High Commissioner for Human Rights

III. Introduction to the Committee

The General Assembly entrusted both the High Commissioner and its Office with a unique mandate to promote and protect all human rights of all people. In addition, all rights are listed in the Charter of the United Nations and in international human rights laws and treaties.¹

OHCHR takes the mandate provided by the General Assembly in resolution 48/141, the Charter of the United Nations, the Universal Declaration of Human Rights and subsequent human rights instruments, the Vienna Declaration and Programme of Action the 1993 World Conference on Human Rights, and the 2005 World Summit Outcome Document as a model in its work². The United Nations Human Rights Programme aims to ensure that the protection and enjoyment of human rights are applicable and reachable for everyone .³

As the principal United Nations office mandated to promote and protect human rights for all, OHCHR plays an important role in global human rights efforts, and speaks out objectively in the face of human rights violations worldwide⁴. The High Commissioner for Human Rights (OHCHR) provides assistance to Governments, such as expertise and technical trainings in the areas of administration of justice, legislative reform, and electoral process; to help

¹ Internationalrelations.org. (2018). UN Office of the High Commissioner for Human Rights. [online] Available at: <http://internationalrelations.org/un-office-of-the-high-commissioner-for-human-rights/> [Accessed 29 Dec. 2018].

² ibid

³ ibid

⁴ Ohchr.org. (2018). OHCHR | What we do. [online] Available at: <https://www.ohchr.org/EN/AboutUs/Pages/WhatWeDo.aspx> [Accessed 29 Dec. 2018].

implement international human rights standards on the ground, inasmuch as, governments have the primary responsibility to protect human rights.⁵

IV. Key Vocabulary

recidivism: The tendency of a convicted criminal to reoffend⁶.

asylum: The protection granted by a state to someone who has left their home country as a political refugee⁷.

layman: A person without professional or specialized knowledge in a particular subject⁸.

negligent: Failing to take proper care over something⁹.

plight: A dangerous, difficult, or otherwise unfortunate situation¹⁰.

compensation: Something, typically money, awarded to someone in recognition of loss, suffering, or injury¹¹.

legislation: A law that has been made and enacted by a parliament.¹²

⁵ *ibid*

⁶ Oxford Dictionaries | English. (2018). recidivism | Definition of recidivism in English by Oxford Dictionaries. [online] Available at: <https://en.oxforddictionaries.com/definition/recidivism> [Accessed 29 Dec. 2018].

⁷ Oxford Dictionaries | English. (2018). asylum | Definition of asylum in English by Oxford Dictionaries. [online] Available at: <https://en.oxforddictionaries.com/definition/asylum> [Accessed 29 Dec. 2018].

⁸ Oxford Dictionaries | English. (2018). layman | Definition of layman in English by Oxford Dictionaries. [online] Available at: <https://en.oxforddictionaries.com/definition/layman> [Accessed 29 Dec. 2018].

⁹ Merriam-webster.com. (2018). Definition of NEGLIGENT. [online] Available at: <https://www.merriam-webster.com/dictionary/negligent> [Accessed 29 Dec. 2018].

¹⁰ Oxford Dictionaries | English. (2018). plight | Definition of plight in English by Oxford Dictionaries. [online] Available at: <https://en.oxforddictionaries.com/definition/plight> [Accessed 29 Dec. 2018].

¹¹ Oxford Dictionaries | English. (2018). compensation | Definition of compensation in English by Oxford Dictionaries. [online] Available at: <https://en.oxforddictionaries.com/definition/compensation> [Accessed 29 Dec. 2018].

deportation: The removal of a person or group of people by legal decree or force which is controlled by powerful authority.¹³

migratory: People that travel from one location to another seeking food, breeding and nesting habitat, or better weather conditions.¹⁴

stigma: A mark of disgrace or reproach and a perceived negative attribute that causes someone to devalue or think less of the whole person.¹⁵

expenditure: The total amount of money that a government or person spends¹⁶

infirmity: A physical, mental, or moral weakness or flaw.¹⁷

suboptimal: Below the highest level or standard, or not done in the best way possible¹⁸

misdemeanor: a criminal offense defined as less serious than a felony and an instance of misbehavior.¹⁹

V. Agenda Item A : Finding Solutions to the Immigration Crisis in USA

A. Introduction

¹² lawgovpol.com. (2018). What is legislation?. [online] Available at: <http://lawgovpol.com/what-is-legislation/> [Accessed 29 Dec. 2018].

¹³ wiseGEEK. (2018). What is Deportation? (with pictures). [online] Available at: <https://www.wisegeek.com/what-is-deportation.htm#didyouknowout> [Accessed 29 Dec. 2018].

¹⁴ Dictionary.university. (2018). Definition & Meaning migratory. [online] Available at: <http://dictionary.university/migratory> [Accessed 29 Dec. 2018].

¹⁵ Healthyplace.com. (2018). What is Stigma? | HealthyPlace. [online] Available at: <https://www.healthyplace.com/stigma/stand-up-for-mental-health/what-is-stigma> [Accessed 29 Dec. 2018].

¹⁶ Dictionary, E. (2018). EXPENDITURE | meaning in the Cambridge English Dictionary. [online] Dictionary.cambridge.org. Available at: <https://dictionary.cambridge.org/dictionary/english/expenditure> [Accessed 29 Dec. 2018].

¹⁷ Dictionary.university. (2018). Definition & Meaning infirmity. [online] Available at: <http://dictionary.university/infirmity> [Accessed 29 Dec. 2018].

¹⁸ Dictionary, S. (2018). SUBOPTIMAL | meaning in the Cambridge English Dictionary. [online] Dictionary.cambridge.org. Available at: <https://dictionary.cambridge.org/dictionary/english/suboptimal> [Accessed 29 Dec. 2018].

¹⁹ www.dictionary.com. (2018). the definition of misdemeanor. [online] Available at: <https://www.dictionary.com/browse/misdemeanor> [Accessed 29 Dec. 2018]. www.dictionary.com. (2018). the definition of misdemeanor. [online] Available at: <https://www.dictionary.com/browse/misdemeanor> [Accessed 29 Dec. 2018].

The illegal immigrants are the people who enter into another country through borders. Mostly, in the USA, the immigrants insert through western borders as California, Texas.²⁰ Every year, many people try to get into the US through the Caribbean and the Atlantic ocean.²¹ The US spends billions of dollars every year to provide basic services such as education and medical services for these 12 million illegal immigrants. More specifically, the state of Arizona spends one billion dollars per year²² to support illegal immigrants so these inputs concern the US government which are better infrastructure, public facilities, and employment opportunities.²³

For at least 150 years, the United States has got involved with foreign aid by political pressure in order to protect the business sector of these countries which have encountered by impoverishing their citizens.²⁴ Over time, the underfunding of the immigration court system and the immigration judge have increased their activities and training.²⁵ Illegal immigration is still from the backward regions, when the US government began imposing policies on the region that favoured large multinational corporations, undercutting the small farms and businesses that had supported the poor workers.²⁶

²⁰ National Economics Editorial. (2018). Illegal Immigrants Cost Illinois \$3.85 Billion A Year—State On Verge Of Bankruptcy | National Economics Editorial. [online] Available at: <https://nationaleconomiceditorial.com/2017/07/04/illegal-immigration-cost-illinois/> [Accessed 25 Nov. 2018].

²¹ ibid

²² ibid

²³ ibid

²⁴ The Nation. (2018). How US Foreign Policy Helped Create the Immigration Crisis. [online] Available at: <https://www.thenation.com/article/how-us-foreign-policy-helped-create-the-immigration-crisis/> [Accessed 24 Nov. 2018].

²⁵ ibid

²⁶ ibid

According to a 2008 study for the Pew Hispanic Centre, 73 percent of all children of undocumented immigrants, the majority of whom are Hispanic²⁷, were born in the United States and are thus American citizens.²⁸ This causes a contradiction in American immigration principles, as separating family members is against to the stated US immigration goal of family unification.²⁹ Additionally, immigration judges highly believe that everyone should have access to counsel as this would enable them to conduct cases more efficiently in the aim of sending the children to their legal guardians or an essential institution.³⁰ However, the US government announced its plan for unaccompanied children which was returning them to their motherland. Briefly, the White house funded their transportation and main requirements.³¹

Furthermore, most immigrants coming to the US are from Mexico. Mexico has a poor economy and a high population.³² The country still faces problems of drug cartels which kill more than 80,000 people every year.³³ The US has a relatively more powerful economy and a safe environment, which is desirable for Mexican residents.³⁴

B. The Right of Immigration

²⁷ NBC News. (2018). Undocumented and Unaccompanied: Facts, Figures on Children at the Border. [online] Available at: <https://www.google.com.tr/amp/s/www.nbcnews.com/news/amp/ncna152221> [Accessed 25 Nov. 2018].

²⁸ *ibid*

²⁹ *ibid*

³⁰ LLP, M., Levin, K., Little, K., LLC, P., Lawyer, T., Law, E., LLP, B., GmbH, V., Little, K., LLP, B., LLP, B., LLP, M., Levin, K., Little, K., LLC, P., Lawyer, T., Law, E., Chance, C., PR, M., 2, O. and Partners, F. (2018). Current crisis in US illegal immigration. [online] The In-House Lawyer. Available at: <http://www.inhouselawyer.co.uk/legal-briefing/current-crisis-in-us-illegal-immigration/> [Accessed 24 Nov. 2018].

³¹ *ibid*

³² Opinion Front 2017 Reasons for Illegal Immigration Available at: <https://opinionfront.com/reasons-for-illegal-immigration>

³³ *ibid*

³⁴ *ibid*

The immigration law refers to the rules established by the federal government to determine who are allowed to enter the country, and for how long.³⁵ Migration – most of it is not related to refugee status – has been a growing issue of international life for the last 50 years or more.³⁶ Furthermore, it has become popular among immigrants to live, work or retire in another country yet especially in the US.³⁷

To Australia, New Zealand and Canada, the first immigrants came from the United Kingdom and Ireland, later from all corners of Europe and Asia in the 1960s and 1970s.³⁸ A large number of immigrants arrived from Asia (Vietnam, China, the Philippines, Hong Kong, Sri Lanka, and Indonesia) in the late 80s and 90s. (Winkelmann, 1).

For 40 years, the 1920s laws³⁹ largely governed and limited immigration (with certain exceptions for refugees), until new legislation in the mid-1960s unintentionally precipitated the waves of low-skilled immigration. The new law, which the Kennedy administration introduced as a civil rights measure that would abolish the supposedly racist national-origin quotas and give preference of accommodating to immigrants with family members already in the United States, is claimed to make U.S. immigration policy more competent.⁴⁰

The civil rights including the right to peacefully gather, the right of the freedom of expression, the right to be free from discrimination, are protected by the US Bill of Rights and the Civil

³⁵ migrationpolicy.org. (2018). The Top Sending Countries of Immigrants in Australia, Canada, and the United States. [online] Available at: <https://www.migrationpolicy.org/programs/data-hub/top-sending-countries-immigrants-australia-canada-and-united-states> [Accessed 25 Nov. 2018].

³⁶ *ibid*

³⁷ *ibid*

³⁸ *ibid*

³⁹ Anon, (2019). [online] Available at: http://www.answers.com/Q/How_did_new_laws_change_US_immigration_policy_in_the_1920s [Accessed 8 Jan. 2019].

⁴⁰ City Journal. (2019). The Right Immigration Policy. [online] Available at: <https://www.city-journal.org/html/right-immigration-policy-12964.html> [Accessed 8 Jan. 2019].

Rights Act of 1964.⁴¹ However, permanent residents do enjoy many rights that are not available to people with other types of immigrant statuses.⁴²

Deferred Action for Childhood Arrivals (DACA) was created in 2012 by the Obama administration after several failed attempts in Congress to pass a law to protect undocumented immigrants brought to the country as children from deportation.⁴³ While announcing the program during a speech in the Rose Garden, Obama said those victims (undocumented immigrants brought to America as children) did not make the decision to enter the U.S. illegally and should not be punished as a result.⁴⁴

President Donald Trump considers ending a program that allowed young immigrants who came to the United States with their parents illegally to stay in the country under development, relief, and education.⁴⁵ The typical opinion of other countries on the U.S. is that owing to overwhelming opportunities, anybody who comes here has a chance to become successful in business life. The White House has outlined a plan for nearly two million people to become citizens, in exchange for \$25 billion for a Mexico border wall.⁴⁶ US government also warned lawmakers that if they do not legislate a program similar to the one Barack Obama created through executive authority; he will “revisit this issue!” a statement sure to

⁴¹ National Archives. (2019). The Civil Rights Act of 1964 and the Equal Employment Opportunity Commission. [online] Available at: <https://www.archives.gov/education/lessons/civil-rights-act> [Accessed 8 Jan. 2019].

⁴² *ibid*

⁴³ Walters, J. (2019). *What is Daca and who are the Dreamers?*. [online] the Guardian. Available at: <https://www.theguardian.com/us-news/2017/sep/04/donald-trump-what-is-daca-dreamers> [Accessed 8 Jan. 2019].

⁴⁴ *ibid*

⁴⁵ BBC News. (2018). *Trump's immigration plan sparks uproar*. [online] Available at: <https://www.google.com.tr/amp/s/www.bbc.com/news/amp/world-us-canada-42839052> [Accessed 25 Nov. 2018].

⁴⁶ *ibid*

inject more uncertainty into the ultimate fate of the young, undocumented immigrants who have been benefiting from the program since 2012.⁴⁷

C. Zero-Tolerance Immigration Policy

1. Purview of the Policy

On April 6, 2018 Attorney General Jeff Sessions informed all U.S. Attorney's Offices in Southwest Border about a new "zero-tolerance policy", which constrains attempted unauthorized entry into the United States by this word of his⁴⁸:

"The situation at our Southwest Border is unacceptable. Congress has failed to pass effective legislation that serves the national interest—that closes dangerous loopholes and fully funds a wall along our southern border. As a result, a crisis has erupted at our Southwest Border that necessitates an escalated effort to prosecute those who choose to illegally cross our border, to those who wish to challenge the Trump Administration's commitment to public safety, national security, and the rule of law, I warn you: illegally entering this country will not be rewarded, but will instead be met with the full prosecutorial powers of the Department of Justice. To the Department's prosecutors, I urge you: promoting and enforcing the rule of law is vital to protecting a nation, its borders, and its citizens. You play a critical part in fulfilling these goals, and I thank you for your continued efforts in seeing to it that our laws—and as a result, our nation—are respected."⁴⁹

⁴⁷ Siddiqui, S. and Gambino, L. (2018). Trump proposes path to citizenship for 1.8m undocumented youths. [online] the Guardian. Available at: <https://www.theguardian.com/us-news/2018/jan/25/donald-trump-dreamers-undocumented-citizenship> [Accessed 25 Nov. 2018].

⁴⁸ Justice.gov. (2018). Attorney General Announces Zero-Tolerance Policy for Criminal Illegal Entry. [online] Available at: <https://www.justice.gov/opa/pr/attorney-general-announces-zero-tolerance-policy-criminal-illegal-entry> [Accessed 22 Nov. 2018].

⁴⁹ *ibid*

Tyler Houlton- Department of Homeland Security Press Secretary- pointed out the new figures of the “zero tolerance” policy:

“As we have said before, the journey north is dangerous and puts individuals in the hands of smugglers and traffickers; we continue to call on Congress to address the crisis at the border by closing legal loopholes that drive illegal immigration.”⁵⁰

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On April 11, 2017, Attorney General Jeff Sessions provided details about the reclaimed commitment to vicious immigration legislation. As a part of that announcement, the Attorney General issued a memorandum to all federal prosecutors and directed them to prioritize the prosecution of certain criminal immigration offenses. From that day onward, the number of immigrants that have been gathered by U.S. Customs and Border Protection along the southwest border has shown a significant rise. Among the five juristic lands on the border, in June 2018 there were 20 percent more migration prosecutions than in May 2018, and 74

⁵⁰ Time. (2018). <http://time.com/5331196/border-crossings-dropped-nearly-20-under-trumps-zero-tolerance-policy/> [Accessed 22 Nov. 2018].

⁵¹ Frosch, D. (2018). Trump Border Wall Faces Hurdles in Southwest States. [online] WSJ. Available at: <https://www.wsj.com/articles/trump-border-wall-faces-challenges-in-southwest-states-1487854801> [Accessed 22 Nov. 2018].

percent more prosecutions than in March 2018. There were also 134 percent more CBP (U.S. Customs and Border Protection) referenced prosecutions in June 2018 than in June 2017⁵².

On September 4, 2018 Christian Penichet Paul - policy and advocacy associate at the National Immigration Forum- wrote an article for National Immigration Forum starting with the sentence ‘America’s Southwest border has never been more secure.’⁵³

Today’s zero-tolerance policy further directs each U.S. Attorney’s Office along the Southwest Border to adopt a policy to prosecute all Department of Homeland Security referrals to the extent practicable.⁵⁴

2. Parties Affected by the Policy

Although the current administration in the United States tends to portray the country as a major destination for the refugees and asylum seekers in the world bearing most of the global refugee crisis burden; the United Nations High Commissioner for Refugees (UNHCR) statistics tell a different story and show that out of the 68.5 million displaced people across the world, 85% are hosted by the developing countries; top five being Turkey, Uganda, Pakistan, Lebanon, and Iran.⁵⁵ Nonetheless, the number of people seeking asylum and crossing the Southern border of the USA has been steadily on the rise.⁵⁶ Most people trying to legally or

⁵² Cbp.gov. (2018). [online] Available at: <https://www.cbp.gov/sites/default/files/assets/documents/2017-Dec/BP%20Total%20Monthly%20Apps%20by%20Sector%20and%20Area%2C%20FY2000-FY2017.pdf> [Accessed 22 Nov. 2018].

⁵³ National Immigration Forum. (2018). Border Security Along the Southwest Border: Fact Sheet - National Immigration Forum. [online] Available at: <https://immigrationforum.org/article/border-security-along-the-southwest-border-fact-sheet/> [Accessed 22 Nov. 2018].

⁵⁴ Justice.gov. (2018). Attorney General Announces Zero-Tolerance Policy for Criminal Illegal Entry. [online] Available at: <https://www.justice.gov/opa/pr/attorney-general-announces-zero-tolerance-policy-criminal-illegal-entry> [Accessed 22 Nov. 2018].

⁵⁵ Jie Zong, J. (2019). Refugees and Asylees in the United States. [online] migrationpolicy.org. Available at: <https://www.migrationpolicy.org/article/refugees-and-asylees-united-states> [Accessed 8 Jan. 2019].

⁵⁶ *ibid*

illegally cross the US borders come from a place that is also commonly known as the Northern Triangle of Central America which includes Guatemala, Honduras, and El Salvador. However, this is not a new phenomenon and citizens of these countries have been fleeing political instability, civil wars, gang violence, poverty, and broken economies for over three decades.⁵⁷

3. Family Separation

The Trump administration pointed out many times that there was no “blanket policy” to separate families as a way to restrain other families who try to cross the border illegally, and that the family separation was an unexpected effect of the “zero-tolerance” policy, linked with a federal court action limiting the intern of children, in addition to family detention⁵⁸. The government’s position seemed to be that the prosecuting attorney compelled the parents to go through criminal custody. Considering the rules on holding children in immigration detention, the separations were inevitable.

However, as mentioned , the “zero-tolerance” policy is not actually what leads to prosecutions of all the adults taken under arrest at the border. The government especially chose to arrest parents traveling with children than adults traveling alone⁵⁹. This is the main contradiction of the policy to previous administrations, under which parents traveling with children were hardly ever criminally prosecuted⁶⁰.

⁵⁷ UNHCR Global Trends - Forced displacement in 2016. (2019). UNHCR Global Trends - Forced displacement in 2016. [online] Available at: <https://www.unhcr.org/globaltrends2016/> [Accessed 8 Jan. 2019].

⁵⁸ Ma, A. (2018). A Trump administration 'Myth vs. Fact' sheet on family separation avoids the most important point about the policy. [online] Business Insider. Available at: <https://www.businessinsider.com/dhs-family-separation-fact-check-deliberately-avoids-zero-tolerance-issue-2018-6> [Accessed 22 Nov. 2018].

⁵⁹ Trac.syr.edu. (2018). Stepped Up Illegal-Entry Prosecutions Reduce Those for Other Crimes. [online] Available at: <http://trac.syr.edu/immigration/reports/524/> [Accessed 22 Nov. 2018].

⁶⁰ Law.berkeley.edu. (2018). [online] Available at: https://www.law.berkeley.edu/files/Operation_Streamline_Policy_Brief.pdf [Accessed 22 Nov. 2018].

The Trump administration had made a statement a year earlier that it was considered to separate families to discourage others from entering the US⁶¹. The administration also began to separate families⁶², including families who crossed the border legally, in October 2017, months before the “zero-tolerance” policy was declared in April 2018. Human Rights Watch has contacted with families who crossed the border unconstitutionally during the “zero tolerance” policy and were separated, but not prosecuted. Therefore, many people refused to believe that family separation was just a consequence that had fallen through the cracks of the policy and came to the conclusion that it had given the government a reason to punish families⁶³.

4. Life Standards of Children

For months, members of Congress have been demanding explanation about how many families are being separated at stations along the southwest border⁶⁴. Officials have repeatedly refused to announce how many families have been separated but indicated that the number was rather low.⁶⁵

Also, new data proclaimed by The New York Times shows that more than 700 children have been taken by adults claiming to be the toddlers' parents since October, most of whom are aged between 2-5. The data was put up by the Office of Refugee Resettlement, a department of the Department of Health and Human Services that takes the custody of children who have been removed from their parents. Senior officials at the Department of

⁶¹ U.S. (2018). Exclusive: Trump administration considering separating women,... [online] Available at: <https://www.reuters.com/article/us-usa-immigration-children-idUSKBN16A2ES> [Accessed 22 Nov. 2018].

⁶² Nytimes.com. (2018). Hundreds of Immigrant Children Have Been Taken From Parents at U.S. Border. [online] Available at: <https://www.nytimes.com/2018/04/20/us/immigrant-children-separation-ice.html> [Accessed 22 Nov. 2018].

⁶³ ibid

⁶⁴ American Immigration Council. (2018). A Guide to Children Arriving at the Border: Laws, Policies and Responses. [online] Available at: <https://www.americanimmigrationcouncil.org/research/guide-children-arriving-border-laws-policies-and-responses> [Accessed 25 Nov. 2018].

⁶⁵ ibid

Homeland Security, which deals with migrants at the border, initially denied the numbers.⁶⁶

But after they were confirmed by three federal officials who work closely with these cases, a representative for the health and human services department on Friday confirmed that there were “approximately 700 children⁶⁷.”

Homeland security officials stated the agency does not separate families at the border for dissuasiveness⁶⁸.

“As required by law, D.H.S. must protect the best interests of minor children crossing our borders, and occasionally this results in separating children from an adult they are traveling with if we cannot ascertain the parental relationship, or if we think the child is otherwise in danger,” a representative for the office said in a statement.⁶⁹ But Trump administration officials have announced publicly in the past that they were, indeed, considering a deterrence policy such this one.⁷⁰ Last year, John F. Kelly, President Trump’s chief of staff, rumored the idea while he was serving as homeland security secretary.⁷¹

Children removed from their families are taken to shelters coordinated by nongovernmental organizations⁷². There, workers investigate to find a relative or guardian in the United States

⁶⁶ Blitzer, J., Parks, C., Kolhatkar, S., McKibben, B., Carter, M. and Wright, R. (2018). To Free Detained Children, Immigrant Families Are Forced to Risk Everything. [online] The New Yorker. Available at: <https://www.newyorker.com/news/dispatch/to-free-detained-children-immigrant-families-are-forced-to-risk-everything> [Accessed 24 Nov. 2018].

⁶⁷ *ibid*

⁶⁸ Nytimes.com. (2018). Homeland Security’s Computers Couldn’t Track Separated Families, Report Finds. [online] Available at: <https://www.nytimes.com/2018/10/02/us/politics/immigration-family-separation-dhs.html> [Accessed 25 Nov. 2018].

⁶⁹ Nytimes.com. (2019). Hundreds of Immigrant Children Have Been Taken From Parents at U.S. Border. [online] Available at: <https://www.nytimes.com/2018/04/20/us/immigrant-children-separation-ice.html> [Accessed 8 Jan. 2019].

⁷⁰ *ibid*

⁷¹ Daniella Diaz, C. (2018). Kelly: DHS is considering separating undocumented children from their parents at the border. [online] CNN. Available at: <https://edition.cnn.com/2017/03/06/politics/john-kelly-separating-children-from-parents-immigration-border/> [Accessed 22 Nov. 2018].

⁷² The Independent. (2018). Hundreds of children separated from their parents by US border agents, new data reveals. [online] Available at: <https://www.independent.co.uk/news/world/americas/us-border-mexico-agency-texas-wall-trump-ice-migration-america-a8315781.html> [Accessed 22 Nov. 2018].

whom the child can be given to.⁷³ But if there is not an adult available, the children can stay in custody for a long time.⁷⁴ People who operate these facilities say that they are often unable to locate the parents of separated children because of the lack of information caused by the children having arrived without decent records.⁷⁵

“Once a child enters the shelter system, there is no constant process to determine whether they have been separated from someone who was genuinely their parent or for reuniting parents and mistakenly separated children, said a Border Patrol official, who was certainly not allowed to argue the agency’s policies publicly⁷⁶.”

Michelle Brané, director of the Migrant Rights and Justice program at the Women’s Refugee Commission, said “The idea of punishing parents who are trying to save their children’s lives, and punishing children for being brought to safety by their parents by separating them, is fundamentally cruel and un-American”⁷⁷

D. The Significance of the Zero-Tolerance Policy

In 1997 a lawsuit was settled by the Clinton administration , Flores v. Reno, that ratified standards for how immigration authorities should handle children in their custody⁷⁸. The settlement required officials to “place each constrained underage in the least restrictive

⁷³ *ibid*

⁷⁴ *ibid*

⁷⁵ *ibid*

⁷⁶ *ibid*

⁷⁷ UNICEF USA. (2018). Separating Migrant Children From Their Families Is Wrong. [online] Available at: <https://www.unicefusa.org/stories/separating-migrant-children-their-families-wrong/34425> [Accessed 22 Nov. 2018].

⁷⁸ Human Rights First. (2018). The Flores Settlement: A Brief History and Next Steps. [online] Available at: <https://www.humanrightsfirst.org/resource/flores-settlement-brief-history-and-next-steps> [Accessed 14 Dec. 2018].

location appropriate.”⁷⁹ In practice, that has meant that the Office of Refugee Resettlement aspires to reunite children with sponsors within the U.S. ; particularly relatives or close family friends, said Sarah Pierce, a policy analyst with the non-partisan think tank Migration Policy Institute in Washington, D.C.

President G.W. Bush initiated Operation Streamline in December 2005⁸⁰, responding to an increase in illegal foreigner entries from countries other than Mexico in the preceding years⁸¹. Border Patrol uses Streamline to target aliens who illegally enter or re-enter the United States through defined geographic regions, and then refers these aliens to the Department of Justice (DOJ) for criminal prosecution.⁸² The program “eliminate[s] the discretion traditionally reserved by United States Attorney’s officers” and requires them to prosecute the cases.⁸³ The goal of Streamline is to reduce rates of alien illegal reentry recidivism,⁸⁴ which is a severe problem on the border⁸⁵.

Streamline was continued by President Obama, and was in effect when the Office of the Inspector General (OIG) reviewed the program for effectiveness in 2015⁸⁶ Border Patrol compared Streamline recidivism to voluntary return recidivism by tracking the number of times the same alien crossed during a fiscal year. The short-term conclusion was that Streamline was a more effective deterrent to recidivism between the two policies⁸⁷. Costs to

⁷⁹ Humanrightsfirst.org. (2018). [online] Available at: https://www.humanrightsfirst.org/sites/default/files/FLORES_SETTLEMENT_AGREEMENT.pdf [Accessed 14 Dec. 2018].

⁸⁰ TRAC Immigration: Criminal Prosecutions for Illegal Border Crossers Jump Sharply in April, June 4, 2018. Id.

⁸¹ Streamline: Measuring Its Effect on Illegal Border Crossing, Office of the Inspector General, OIG-15-95 (May 15, 2015).

⁸² *ibid*

⁸³ United States Courts. (2018). Judicial Emergencies. [online] Available at: <http://www.uscourts.gov/judges-judgeships/judicial-vacancies/judicial-emergencies> [Accessed 14 Dec. 2018].

⁸⁴ Oig.dhs.gov. (2018). [online] Available at: https://www.oig.dhs.gov/assets/Mgmt/2015/OIG_15-95_May15.pdf [Accessed 14 Dec. 2018].

⁸⁵ Humanrightsfirst.org. (2018). [online] Available at: <https://www.humanrightsfirst.org/sites/default/files/2018-Report-Punishing-Refugees-Migrants.pdf> [Accessed 14 Dec. 2018].

⁸⁶ *ibid*

⁸⁷ *ibid*

Border Patrol are harder to analyze because they are absorbed through other initiatives, and costs incurred by DOJ were beyond the scope of review⁸⁸. However, in Appendix C of the OIG report there were additional comments about Border Patrol, including the following: “While Streamline is effective, it is not the ultimate answer to solving cross-border illegal activity issues, it is also not a zero-tolerance initiative⁸⁹. Streamline, properly framed, is a geographically focused, impact-driven operation used to achieve certain specific operational objectives.⁹⁰”

Nevertheless, on May 7, 2018, Attorney General Sessions made the following pronouncement: “*I have put in place a ‘zero tolerance’ policy for illegal entry on our Southwest border. If you cross this border unlawfully, then we will prosecute you. It’s that simple*⁹¹.” This expansion of Streamline, far beyond original intent, has brought previously identified concerns into sharper focus⁹². The program’s alignment with U.S. treaty obligations, its effectiveness as a deterrent, and its true costs are disputed. In addition, the separation and reunion of families, inherent to the program’s execution, may simply not be within the existing capabilities of the government, as well as receiving extremely poor public reception⁹³.

E. US Government’s Responsibility to Regulate Immigration

⁸⁸ *ibid*

⁸⁹ *ibid*

⁹⁰ *ibid*

⁹¹ Justice.gov. (2018). *Attorney General Sessions Delivers Remarks Discussing the Immigration Enforcement Actions of the Trump Administration*. [online] Available at: <https://www.justice.gov/opa/speech/attorney-general-sessions-delivers-remarks-discussing-immigration-enforcement-actions> [Accessed 14 Dec. 2018].

⁹² *ibid*

⁹³ *ibid*

For 15 years since 2000, 75% of the population growth in the United States was a result of immigration.⁹⁴ Should the current trend continue, a further 100 million people are likely to be added to the United States in this manner within the next 50 years.⁹⁵ Family immigration is unaffected by the government and factors such as trouble in their homeland or economic issues; however, the biggest factor that prevents more immigrants from coming to the United States is the speed of processing such cases by American immigration officers and their policies.⁹⁶

Governor Pete Wilson of California defiantly expressed United States' independence from the government in his January 1995 inaugural address (Tessier, 1995). "*California will not submit its destiny to faceless federal bureaucrats or even congressional barons. The public declares to Washington that California is a proud and sovereign state, not a colony of the federal government*"⁹⁷

In the Immigration Act of 1891, the U.S. Congress assigned responsibility for enforcing immigration policy to the federal government in an effort to increase the effectiveness of immigration law.⁹⁸ In the Immigration Act of 1891, Congress made the secretary of the Treasury responsible for prescribing rules for the inspection of the nation's coastal ports and its borders with Canada and Mexico.⁹⁹

⁹⁴ Us-immigration.com. (2018). Immigration responsible for 75% of population growth | US Immigration News. [online] Available at: <https://www.us-immigration.com/us-immigration-news/us-immigration/immigration-responsible-for-75-of-population-growth/> [Accessed 15 Dec. 2018].

⁹⁵ ibid

⁹⁶ Cram.com. (2018). The Federal Government 's Responsibility For Immigration | Cram. [online] Available at: <https://www.cram.com/essay/The-Federal-Government-s-Responsibility-For-Immigration/PK92ZJ6XKGZ3W> [Accessed 15 Dec. 2018].

⁹⁷ Cram.com. (2018). The Federal Government 's Responsibility For Immigration | Cram. [online] Available at: <https://www.cram.com/essay/The-Federal-Government-s-Responsibility-For-Immigration/PK92ZJ6XKGZ3W> [Accessed 15 Dec. 2018].

⁹⁸ Immigration to the United States. (2018). Immigration Act of 1891. [online] Available at: <http://immigrationtounitedstates.org/585-immigration-act-of-1891.html> [Accessed 15 Dec. 2018].

⁹⁹ Daniels, Roger. Guarding the Golden Door: American Immigration Policy and Immigrants Since 1882. New York: Hill & Wang, 2004.

By the US government, the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (IIRIRA) created a barrage of new barriers to the asylum.¹⁰⁰ These impediments have blocked many refugees from accessing asylum in the United States and inserted additional layers of technicalities, screening, and processing, undermining the effectiveness of the US asylum system.¹⁰¹

The Immigration and Nationality Act was created in 1952.¹⁰² Before the Immigration and Nationality Act, a variety of statutes governed immigration law but were not organized in one location.¹⁰³ Although it stands alone as a body of law, the Act is also contained in the United States Code (U.S.C.) that is a collection of all the laws of the United States for immigrants.¹⁰⁴

The United States Citizenship and Immigration Services (USCIS), a federal agency responsible for immigrant affairs, changed its mission statement in 2013 as *U.S. Citizenship and Immigration Services administers the nation's lawful immigration system, safeguarding its integrity and promise by efficiently and fairly adjudicating requests for immigration benefits while protecting Americans, securing the homeland, and honoring our values.*¹⁰⁵ Inasmuch as several crucial programs are at risk of being terminated, including programs that allow 50,000 people from countries underrepresented in current immigration streams to come to the US, pathways for those who arrived in the US as children without legal documents to remain in the US to work and attend school, and the family-based system of immigration (a

¹⁰⁰ The Center for Migration Studies of New York (CMS). (2018). How the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 Has Undermined US Refugee Protection Obligations and Wasted Government Resources - The Center for Migration Studies of New York (CMS). [online] Available at: <http://cmsny.org/publications/illegal-immigration-reform-immigrant-responsibility-act-1996-undermined-us-refugee-protection-obligations-wasted-government-resources/> [Accessed 15 Dec. 2018].

¹⁰¹ *ibid*

¹⁰² USCIS. (2018). Immigration and Nationality Act. [online] Available at: <https://www.uscis.gov/laws/immigration-and-nationality-act> [Accessed 15 Dec. 2018].

¹⁰³ *ibid*

¹⁰⁴ Uscis.gov. (2018). IMMIGRATION AND NATIONALITY ACT | USCIS. [online] Available at: <https://www.uscis.gov/ilink/docView/SLB/HTML/SLB/act.html> [Accessed 15 Dec. 2018].

¹⁰⁵ CIS.org. (2018). USCIS Changes Its Mission Statement. [online] Available at: <https://cis.org/Arthur/USCIS-Changes-Its-Mission-Statement> [Accessed 15 Dec. 2018].

cornerstone of US immigration policy) which allows US citizens to reunite with family members by sponsoring their migration to the US.¹⁰⁶

F. Reaction of Bordering Countries

About 75% of undocumented immigrants cross the US southern border through Mexico, and they mostly come from Mexico, El Salvador, Guatemala, Colombia, and other Central and South American countries.¹⁰⁷ A Mexican lawmaker told CNN en Español that millions of undocumented immigrants in the United States, nearly 60% of whom are Mexican -according to government estimates- will be assisted by the plan proposed by U.S. politicians.¹⁰⁸

Foreign Minister José Antonio Meade admits that the plan could be beneficial for the Mexican immigrants in the US, however, the fence extension could also have commercial consequences. *“Walls aren’t the solution to the migratory problem and they aren’t congruent with a modern and secure border,”* Meade says. *“They don’t contribute to the development of the competitive region that both countries want to encourage.”*¹⁰⁹

A federal judge has blocked the Barack Obama government’s plan to prevent 4.7 million undocumented immigrants from deportation in Texas.¹¹⁰ Thereafter, Several Central

¹⁰⁶ Tropp, L. and Okamoto, D. (2018). Why a US government agency deleted the words 'nation of immigrants' | Linda R Tropp and Dina G Okamoto. [online] the Guardian. Available at: <https://www.theguardian.com/commentisfree/2018/mar/02/america-nation-immigrants-uscis-deleted> [Accessed 15 Dec. 2018].

¹⁰⁷ ThoughtCo. (2018). Why Can't the US Government End Illegal Immigration?. [online] Available at: <https://www.thoughtco.com/illegal-immigration-explained-3325416> [Accessed 15 Dec. 2018].

¹⁰⁸ Rey Rodriguez and Catherine E. Shoichet, C. (2018). Mexico 'welcomes' new U.S. immigration reform push - CNN. [online] CNN. Available at: <https://edition.cnn.com/2013/01/29/world/Americas/mexico-immigration-reform-reaction/index.html> [Accessed 15 Dec. 2018].

¹⁰⁹ Us-immigration.com. (2018). Mexico speaks out on immigration bill | US Immigration News. [online] Available at: <https://www.us-immigration.com/us-immigration-news/us-immigration/mexico-speaks-out-on-immigration-bill/> [Accessed 15 Dec. 2018].

¹¹⁰ Newsweek. (2019). Federal Judge Blocks Obama's Immigration Deportation Plan. [online] Available at: <https://www.newsweek.com/federal-judge-blocks-obamas-immigration-deportation-plan-307357> [Accessed 9 Jan. 2019].

American government declared that the previous action was exceptional and non-recurring.

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Last year, lots of child migrants fled some of the poorest and violent countries in the world, such as Honduras, Guatemala, and El Salvador; overwhelming the southern US border and creating a political storm in Washington. By this way, Mexico and the other South American countries needed to take measures in order to extend the rights of regional migrants.¹¹²

After Mexicans and Indians, Chinese immigrants are the third-largest foreign-born group in the United States. Immigration of Chinese to the United States is consisted of two large waves, the first occurred in the mid-1800s and the second from the late 1970s to the present.¹¹³ The Chinese Government's new immigration law, arranged by Chinese Foreign Ministry Affairs, came into force on 1 July 2013.¹¹⁴

On October 11, 2013, in Canada, the Government of Saskatchewan introduced *The Foreign Worker Recruitment and Immigration Services Act* (FWRISA), which prevents immigrants and local workers from being mistreated or abused. Immigrants, employers, recruiters and immigration consultants will benefit from this legislation and the legislation will provide a more transparent and fair business environment.¹¹⁵

¹¹¹ migrationpolicy.org. (2019). Central African Republic. [online] Available at: <https://www.migrationpolicy.org/country-resource/central-african-republic> [Accessed 1 Jan. 2019].

¹¹² the Guardian. (2018). US immigration delay a disappointment to Central American countries. [online] Available at: <https://www.theguardian.com/us-news/2015/feb/17/us-immigration-delay-central-american-countries-disappointed> [Accessed 15 Dec. 2018].

¹¹³ Jie Zong, J. (2018). Chinese Immigrants in the United States. [Online] migrationpolicy.org. Available at: <https://www.migrationpolicy.org/article/chinese-immigrants-united-states> [Accessed 15 Dec. 2018].

¹¹⁴ GOV.UK. (2018). Chinese Government announce new immigration laws. [online] Available at: <https://www.gov.uk/government/news/chinese-government-announce-new-immigration-laws> [Accessed 15 Dec. 2018].

¹¹⁵ Saskatchewan.ca. (2018). *Unsupported Browser / Government of Saskatchewan*. [online] Available at: <http://www.saskatchewan.ca/residents/moving-to-saskatchewan/immigrating-to-saskatchewan/protection-for-immigrants-and-foreign-workers> [Accessed 15 Dec. 2018].

Moreover; a department of the Canadian government, Immigration, Refugees and Citizenship Canada (IRCC), strengthens Canada's economic, social and cultural prosperity by facilitating the arrival of immigrants, providing protection to refugees, and offers programming to assist newcomers to settle in Canada: it also grants citizenship and issues travel documents.¹¹⁶

In December 2017, Chilean President Michelle Bachelet announced that updating the immigration law of the country was one of her priorities and highlighted that Chile is "an open and welcoming country and will keep being one."¹¹⁷ Between 2010 and 2015 (the most recent data at hand) Chile had the highest rate of immigration growth in all of Latin America.¹¹⁸ Thus, the Chilean government lay a burden on US immigration with small steps.¹¹⁹

VI. Agenda Item B: Detecting and Preventing Inequalities Mentally Ill Individuals Face

A. Introduction

The World Health Organization (WHO) defines health as "a state of complete physical, mental and social well-being and not merely the absence of disease or infirmity" Therefore, so as to attain health, improvement of the mental state of people is crucial.¹²⁰ Due to this growing liability of mental disorders, it is essential that effective preventive and promotional

¹¹⁶ Immigration, R. (2018). Acts and Regulations — Immigration, Refugees and Citizenship Canada - Canada.ca. [online] Canada.ca. Available at: <https://www.canada.ca/en/immigration-refugees-citizenship/corporate/mandate/acts-regulations.html> [Accessed 15 Dec. 2018].

¹¹⁷ Borderline Confusion Across South America. [online] Available at: <http://www.icsoc.cl/columnas/borderline-confusion-across-south-america/> [Accessed 8 Dec. 2018].

¹¹⁸ *ibid*

¹¹⁹ *ibid*

¹²⁰ Who.int. (2018). Page:4 [online] Available at: https://www.who.int/mental_health/media/en/545.pdf [Accessed 12 Dec. 2018].

measures are taken on the issue of mental health to reduce the impact of mental disorders on the individuals and society.¹²¹

A rights-based approach to mental incapacity has to be taken into consideration by a transparent analysis of the multiple levels of inequality and discrimination related to the people with mental disabilities.¹²²

In 2001, WHO estimated that mental health problems cost developed nations between %3-4 of their GNP (gross national product). When mental illness expenditures and loss of productivity are both taken into account, the WHO estimated that mental disorders cost national economies several billion dollars annually.¹²³

Social inequalities are established features of the distribution of physical disease in the UK and many other developed countries.¹²⁴ The opportunities of people with mental illness are greatly limited by the stigma of these conditions often leading others to avoid living, socializing or employing people with mental disorders¹²⁵

Mental disorder, any illness with significant psychological or behavioral manifestations which is related to either a painful or distressing symptom or an impairment in one or more important areas of functioning. Mental disorders have an effect on the functioning of the individual, leading not only enormous emotional suffering and a diminished quality of life,

¹²¹ Baronet, A-M. (1999). Factors associated with caregiver burden in mental illness: a critical review of the research literature. *Clinical Psychology Review*, 19(7): 819-841.

¹²² Hhrjournal.org. (2018). Mental health and inequity: A human rights approach to inequality, discrimination, and mental disability – Health and Human Rights Journal. [online] Available at: <https://www.hhrjournal.org/2013/08/mental-health-and-inequity-a-human-rights-approach-to-inequality-discrimination-and-mental-disability/> [Accessed 12 Dec. 2018].

¹²³ Uniteforsight.org. (2018). Introduction to Global Mental Health: Effects of Mental Health on Individuals and Populations. [online] Available at: <http://www.uniteforsight.org/mental-health/module1>

¹²⁴ Rakuten Kobo. (2018). Social Inequalities and the Distribution of the Common Mental Disorders ebook by - Rakuten Kobo. [online] Available at: <https://www.kobo.com/tr/tr/ebook/social-inequalities-and-the-distribution-of-the-common-mental-disorders-1> [Accessed 12 Dec. 2018].

¹²⁵ Hinshaw SP1, Cicchetti D (2000) Stigma and mental disorder: conceptions of illness, public attitudes, personal disclosure, and social policy, Gostin LO1, Gable L (2004) The human rights of persons with mental disabilities: a global perspective on the application of human rights principles to mental health.

but also alienation, stigma and discrimination.¹²⁶ These burdens extend further into the community and society as a whole, having extensive economic and social consequences. Mental disorders are often associated with extended treatment periods, absence due to sickness, unemployment (for long or short periods), increased labor turnover, and loss of productivity leading to overall increased costs. In addition, because mental disorders are disabling and last for many years, they can take a tremendous toll on the emotional and socioeconomic well being of family members caring for the people suffering from mental disorders.¹²⁷

Mental disability and mental health care are neglected in the discourse around health, human rights, and equality. This is perplexing as mental disabilities are pervasive, they affect approximately 8% of the world's population.¹²⁸ Furthermore, the experience of persons with mental disability is one characterized by multiple interlinked levels of inequality and discrimination within society.

Attitude towards those who are mentally ill is a part of the context that influences the standard of life of those already sick; people with mental problems in the general population that are portraying help-seeking behavior, yet not enrolled in treatment, and the willingness to use resources on psychiatric services. Historically, the interest in and measurement of the attitude towards the mentally ill was linked to the rise of social psychiatry as a frame of reference.¹²⁹

¹²⁶ Encyclopedia Britannica. (2018). mental disorder | Definition, Types, Treatment, & Facts. [online] Available at: <https://www.britannica.com/science/mental-disorder> [Accessed 13 Dec. 2018].

¹²⁷ Greenberg, G.A., Rosenheck, R.A. (2008). Jail incarceration, homelessness, and mental health: a national study. *Psychiatric Services*, 59(2): 150-153

¹²⁸ Hhrjournal.org. (2018). Mental health and inequity: A human rights approach to inequality, discrimination, and mental disability – Health and Human Rights Journal. [online] Available at: <https://www.hhrjournal.org/2013/08/mental-health-and-inequity-a-human-rights-approach-to-inequality-discrimination-and-mental-disability/> [Accessed 13 Dec. 2018].

¹²⁹ J. Rabkin, "Public attitudes toward mental illness: a review of the literature," *Schizophrenia Bulletin*, no. 10, pp. 9–33, 1974.

B. Mental Health Declaration of Human Rights

A. The right to full informed consent, including:

- 1. The scientific/medical test confirming any alleged diagnoses of psychiatric disorder and the right to refute any psychiatric diagnoses of mental “illness” that cannot be medically confirmed.**
- 2. Full disclosure of all documented risks of any proposed drug or “treatment.”**
- 3. The right to be informed of all available medical treatments which do not include the administration of a psychiatric drug or treatment.**
- 4. The right to refuse any treatment the patient considers harmful.**

B. No person shall be given psychiatric or psychological treatment against his or her will.

C. No person, man, woman or child, may be denied his or her personal liberty by reason of mental illness, so-called, without a fair jury trial by laymen and with proper legal representation.

D. No person shall be admitted to or held in a psychiatric institution, hospital or facility because of their political, religious or cultural beliefs and practices.

E. Any patient has:

- 1. The right to be treated with dignity as a human being.**
- 2. The right to hospital amenities without distinction as to race, color, sex, language, religion, political opinion, social origin or status by right of birth or property.**

- 4.** The right to fully equipped medical facilities and appropriately trained medical staff in hospitals, so that competent physical, clinical examinations can be performed.
- 5.** The right to choose the kind or type of therapy to be employed, and the right to discuss this with a general practitioner, healer or minister of one's choice.
- 6.** The right to have all the side effects of any offered treatment made clear and understandable to the patient, in written form and in the patient's native language.
- 7.** The right to accept or refuse treatment but in particular, the right to refuse sterilization, electroshock treatment, insulin shock, lobotomy (or any other psychosurgical brain operation), aversion therapy, narcotherapy, deep sleep therapy and any drugs producing unwanted side effects.
- 8.** The right to make official complaints, without reprisal, to an independent board which is composed of non psychiatric personnel, lawyers and lay people. Complaints may encompass any torturous, cruel, inhuman or degrading treatment or punishment received while under psychiatric care.
- 9.** The right to have private counsel with a legal advisor and to take legal action.
- 10.** The right to discharge oneself at any time and to be discharged without restriction, having committed no offense.
- 11.** The right to manage one's own property and affairs with a legal advisor, if necessary, or if deemed incompetent by a court of law, to have a State appointed executor to manage such until one is adjudicated competent. Such executor is accountable to the patient's next of kin, or legal advisor or guardian.

12. The right to see and possess one's hospital records and to take legal action with regard to any false information contained therein which may be damaging to one's reputation.

13. The right to take criminal action, with the full assistance of law enforcement agents, against any psychiatrist, psychologist or hospital staff for any abuse, false imprisonment, assault from treatment, sexual abuse or rape, or any violation of mental health or other law. And the right to a mental health law that does not indemnify or modify the penalties for criminal, abusive or negligent treatment of patients committed by any psychiatrist, psychologist or hospital staff.

14. The right to sue psychiatrists, their associations and colleges, the institution, or staff for unlawful detention, false reports or damaging treatment.

15. The right to work or to refuse to work, and the right to receive just compensation on a pay scale comparable to union or state/national wages for similar work, for any work performed while hospitalized.

16. The right to education or training so as to enable one to earn a living when discharged, and the right of choice over what kind of education or training is received.

24. The right to a proper diet and nutrition and to three meals a day.

25. The right to hygienic conditions and non overcrowded facilities, and to sufficient, undisturbed leisure and rest.

C. Detecting Abuse

The strong stigma attached to mental illness is a particularly irritating aspect which provokes prejudicial and immoral attitude towards mentally ill individuals. Despite a small number of people who show not only tolerance but treat the mentally ill in a humanly manner, the majority find it difficult to compromise. A family member who is mentally ill will face harsh behaviour by the siblings. The treatment is usually either delayed or not initiated due to the fear of stigma. An ill woman may lose the prospects of getting married and the family may get labelled which appears to be a great societal atrocity to some. The needs and emotions are generally ignored, affection and appreciation is often missing. School environment also becomes threatening as the individual is humiliated and at times singled out.

It has become so usual for us to come across horrendous stories about the way mentally ill people are treated in the community and various psychiatric institutions. Treatment of these people has become a global phenomenon. Foremost, the denial of treatment that has been observed is directly a human right violation. Some scientists studied mental health treatment data on 84,850 adults in 17 developed and currently developing countries taken from the World Health Organization's mental health surveys¹³⁰. They found that the lack of mental health treatment was most severe in currently developing countries. Whereas, in developed nations, nearly half of those with severe disorders receive no treatment at all. An organization in United Kingdom called "Mind" announced disturbingly high levels of bullying, ill-treatment and exploitation experienced by people with mental health problems while living in the community¹³¹. Surveys for Health Education Authority (HEA) show that many mentally ill patients have suffered discrimination, two thirds because of their progeny and a third

¹³⁰ Mental Illness Worldwide. "Mentally ill getting little or no treatment worldwide" available at www.dancewithshadows.com/business/pharma/mental-illness.asp date accessed: 14 Dec. 2018

¹³¹ MIND. "Mind's campaign for equal access to justice for people with mental health problems" available at www.mind.org.uk/anotherassault/ date accessed: 14 Dec. 2018

because of their medical history¹³². A report from Turkey's psychiatric hospitals mentions the dreadful abuses which patients were subjected to raw electroshock as a form of punishment. Electroconvulsive therapy (ECT) is given without any form of anaesthesia to treat adults and children in these centers¹³³. The Daily Mail of United Kingdom mentions the case in shared, mix wards where patients were more vulnerable to abuse¹³⁴. The investigators report that defenseless patients are seized; including women and young people who are at risk of rape, sexual harassment and intimidation. A report from Australia states that native patients were chained, abused and left naked and hungry for days¹³⁵. Mental Disability Rights International, a US based human rights organization, said that 17,000 patients in Serbia were tied to their beds for 'lifetime' to keep them from harming themselves. They were ignored and left to suffer.¹³⁶ It is also mentioned that at times, caretakers abuse patients and usually get away with it¹³⁷. Research reveals that patients treated for mental illness are more likely to fall victim to violent crimes than to perform it themselves¹³⁸. In addition to that, such individuals are more likely to be murdered than those outside¹³⁹.

D. Raising Awareness

¹³² BBC. "Mentally ill subjected to abuse" available at <http://news.bbc.co.uk/1/hi/health/185372.stm> date accessed: 14 Dec. 2018

¹³³ "Abuse of mentally ill is reported in Turkey" available at www.iht.com/articles/2005/09/27/mews/turkey.php Herald Tribune 2005 September 28, date accessed: 14 Dec. 2018

¹³⁴ "Mentally ill patients at a risk of sexual abuse in mixed sex wards" available at www.dailymail.co.uk/pages/live/articles/news/news.html Daily Mail 2008 January 30, date accessed: 14 Dec. 2018

¹³⁵ "Indigenous patients treated like animals" available at www.news.com.au/story News 2008 March 12, date accessed: 14 Dec. 2018

¹³⁶ "Serbia's systematic abuse of the mentally ill" available at www.telegraph.co.uk/news/main.jhtml Daily Telegraph 2007 November 16, date accessed: 14 Dec. 2018

¹³⁷ "Caregivers abuse patients, and usually get away with it" available at www.newsobserver.com/2789/story/975411.html News & Observer 2008 March 1, date accessed: 14 Dec. 2018

¹³⁸ Anxiety, Addiction and Depression Treatments. "Mentally ill patients more likely to suffer violent crime than to commit it" available at <http://treatmentonline.com/treatments.php> date accessed: 14 Dec. 2018

¹³⁹ Choe JY, Tephin LA, Abram K. Perpetration of violence, violent victimization and severe mental illness: balancing public health concerns; *Psychiatric Services*; 2008; 59: 153-64

According to the Mental Health Foundation, about 450 million people suffer from mental illnesses, framing mental disorders as one of the leading causes of disability around the world. Approximately, two-thirds of people with mental illnesses never get help from a health professional.¹⁴⁰

The National Alliance of Mental Illness (NAMI) is a famous organization for raising awareness about mental illness.¹⁴¹ NAMI stands for delivering educational programs to families which are to be promoted as a routine, an integrating part of mental health treatment.¹⁴² Though Council declared the first full week in October 2017 as Mental Illness Awareness Week as in 1990, mental health is becoming more popular, being talked about in the media.¹⁴³ A huge purpose of these types of days or weeks is to bring awareness to these causes of mental illness and getting rid of the stigma that is attached to having one.¹⁴⁴

Evidence-Based Practice (EBP) is a model that integrates expert opinions, observable scientific argument, and client experience to determine if programmes are helpful. EBP was designated by SAMHSA in 2013.¹⁴⁵ A supervision group study led by the Maryland U Dr. Lisa Dixon and Dr. Alicia Luckstedt found that family members who completed the program exhibited developments in coping skills, problem-solving skills, and feelings of empowerment.¹⁴⁶

¹⁴⁰ *ibid*

¹⁴¹ Nami.org. (2018). Family Education and Support | NAMI: National Alliance on Mental Illness. [online] Available at: [https://www.nami.org/Learn-More/Public-Policy/Family-Education-and-Support-\(1\)](https://www.nami.org/Learn-More/Public-Policy/Family-Education-and-Support-(1)) [Accessed 6 Dec. 2018].

¹⁴² *ibid*

¹⁴³ Medium. (2018). Mental Health and Mental Illness Awareness – The Groundhog – Medium. [online] Available at: <https://medium.com/thegroundhog/mental-health-and-mental-illness-awareness-72a8d0f66939> [Accessed 6 Dec. 2018].

¹⁴⁴ *ibid*

¹⁴⁵ Nami.org. (2018). Learn more about mental health | NAMI: National Alliance on Mental Illness. [online] Available at: <https://www.nami.org/Learn-More/Research/Research-on-NAMI-Programs> [Accessed 6 Dec. 2018].

¹⁴⁶ *ibid*

In addition, Datuk Seri Liow Tiong Lai, Malaysia Health Minister mentioned that mental health issues are detected critically by The Health Ministry especially the rising trend among children aged 15 and below by appealing to statistics of mental health problems including the group rose to 13% in 1996, 19.4% in 2006 and 20% in 2011.¹⁴⁷

E. Prevention of Inequalities

Certain population subgroups are at higher risk of mental health problems because of greater exposure and vulnerability to unfavorable social, economic, and environmental circumstances.¹⁴⁸ Furthermore, WHO (2010) declared that health inequalities can be defined as differences in health status or in the distribution of health determinants between different population groups.¹⁴⁹ Behaviors and lifestyle factors increasing the risk of physical illness (such as suboptimal eating habits, reduced adherence to medication regimens, increased smoking, and risky sexual behavior) are highly prevalent among people with mental illness.¹⁵⁰ Additionally, psychiatric services all over the world are often under-resourced, making it difficult and impractical for future responsibilities to be piled upon the existing staff.¹⁵¹

A growing body of evidence has demonstrated that systemic barriers are also effective including the frequent absence of coordination between mental and physical health service settings, poor continuity of care, and uncertainty among clinicians about who is responsible

¹⁴⁷ Mental health problems afflicting teens increasing. (2012, October 8). The Star Online. Retrieved from <http://www.thestar.com.my/News/Nation/2012/10/08/Mentalhealth-problems-afflicting-teens-increasing-says-Liow.aspx>.

¹⁴⁸ Mental Health Foundation. (2018). Challenging mental health inequalities. [online] Available at: <https://www.mentalhealth.org.uk/our-work/challenging-mental-health-inequalities> [Accessed 14 Dec. 2018].

¹⁴⁹ Ukessays.com. (2018). Health Inequalities In Mental Illness Health And Social Care Essay. [online] Available at: <https://www.ukessays.com/essays/health-and-social-care/health-inequalities-in-mental-illness-health-and-social-care-essay.php> [Accessed 14 Dec. 2018].

¹⁵⁰ Cohen S, Rodriquez MS. Pathways linking affective disturbances and physical disorders. *Health Psychol.* 1995;14(5):374-380.

¹⁵¹ Scott D, Happell B. The high prevalence of poor physical health and unhealthy lifestyle behaviours in individuals with severe mental illness. *Issues Mental Health Nurs.* 2011;32(9):589-597

for the physical health of patients treated for mental illness.¹⁵² In order to summarize recent advances, identify high priority areas, and present updated recommendations regarding physical health inequalities in patients with mental illness, an official Lancet Commission titled 'Improving Physical Health Outcomes in People with Mental Illness' will be launched at the 19th WPA World Congress of Psychiatry to be held in Lisbon, Portugal, in August 2019.¹⁵³

In 2012, countries with the smallest income compensation between households at the 90th and 10th percentiles had significantly fewer infant deaths than other nations because of not being capable of preventing mental illness properly.¹⁵⁴

The WHO Quality Rights tool kit provides countries with practical information and tools for assessing and improving quality and human rights standards in mental health and social care facilities.¹⁵⁵ The WHO Quality Rights toolkit is an essential resource, not only for putting an end to past neglect and abuses but also for ensuring high-quality services in the future.¹⁵⁶

The Toolkit is based on the United Nations Convention on the Rights of Persons with Disabilities.¹⁵⁷ It can be used by many different stakeholders, including dedicated assessment committees, non-governmental organizations, national human rights institutions, national health or mental health commissions, health service accreditation bodies and national mechanisms established under international treaties to monitor implementation of human

¹⁵² Lawrence D, Kisely S. Inequalities in healthcare provision for people with severe mental illness. *J Psychopharmacol.* 2010;24(4_supplement):61-68

¹⁵³ Cindy Lampner, M. (2018). Lancet Commission to Tackle Health Inequalities in Mental Illness. [online] Psychiatry Advisor. Available at: <https://www.psychiatryadvisor.com/schizophrenia-advisor/lancet-commission-to-tackle-health-inequalities-in-mental-illness/article/804474/> [Accessed 14 Dec. 2018].

¹⁵⁴ Inequality.org. (2018). Inequality and Health - Inequality.org. [online] Available at: <https://inequality.org/facts/inequality-and-health/> [Accessed 14 Dec. 2018].

¹⁵⁵ Un.org. (2018). Mental Health and Development | United Nations Enable. [online] Available at: <https://www.un.org/development/desa/disabilities/issues/mental-health-and-development.html> [Accessed 14 Dec. 2018].

¹⁵⁶ *ibid*

¹⁵⁷ Mental Health America. (2018). Self-Help Tools. [online] Available at: <http://www.mentalhealthamerica.net/self-help-tools> [Accessed 14 Dec. 2018].

rights standards and others with an interest in promoting the rights of people with disabilities.¹⁵⁸

F. Improving Welfare

Individuals who have psychological disorders are at greater risk owing to lowlife, certain difficulties in education, decreased productivity, vulnerability to abuse, and further health problems.¹⁵⁹ While it is often neglected as a public health issue due to a historical focus on contagious and more immediately life-threatening diseases (such as HIV/AIDS and malaria), mental health has extreme effects on an individual's quality of life, physical and social well-being, and economic productivity.¹⁶⁰

A 2001 study found that up to six million U.S. workers aged 16 to 54 years “lose, fail to seek, or cannot find employment” due to mental illness. It was estimated that mental illnesses reduce the suffering individuals annual income by \$3,500 to \$6,000.¹⁶¹In 1997, a Harvard Medical School study predicted that the United States lost more than 4 million workdays and experienced 20 million “work cutback days” which means days of debilitated workplace performance, due to mental illness.¹⁶²

Although the majority of mentally ill individuals do not exhibit dangerous behaviors, violence and imprisonment among mentally ill individuals can cause financial and social calamity on

¹⁵⁸ *ibid*

¹⁵⁹ Uniteforsight.org. (2018). *Introduction to Global Mental Health: Effects of Mental Health on Individuals and Populations*. [online] Available at: <http://www.uniteforsight.org/mental-health/module1> [Accessed 20 Dec. 2018].

¹⁶⁰ World Health Organization. 2003. “Investing in Mental Health”. Retrieved 26 June 2012. [Accessed 20 Dec. 2018].

¹⁶¹ Marcotte, D.E., Wilcox-Gok, V. (2001). Estimating the employment and earnings costs of mental illness: Recent developments in the United States. *Social Science & Medicine*, 53 (1): 21-27.

¹⁶² Kessler, R.C., Frank, R.G. (1997). The impact of psychiatric disorders on work loss days. *Psychological Medicine*, 27(4): 861–873.

communities and nations. Worldwide, approximately 10 million people are detained, and the WHO (World Health Organization) reports that the pervasiveness of mental health problems is “very high”, especially among female patients.¹⁶³ In the U.S. in the late 2000s, nearly one million adults with psychological disorders were locked up every year.¹⁶⁴ A study in the Pinellas County, Florida jail found that not having outpatient mental health treatment was significantly associated with increased risk of transgression arrests and days locked up, having a substance abuse disorder meant more days to be passed in jail, which is rational with national confinement statistics.¹⁶⁵

Especially in outbacks lacking community resources for the mentally ill, the degree of satisfaction with family functioning and the size of a caregiver’s support network has a significant effect on the individuals actions, with increased support improving patient outcomes even in cases with high reported family burden.¹⁶⁶ It is a fact that even after the Affordable Care Act that was meant to cover any and all citizens with behavioral and mental health care, was put in action the overall cost of treating these diseases is still quite expensive and limits most people’s access to these mental health services.¹⁶⁷

Canada is currently facing insufficiency of capable and qualified health professionals for the patients with mental health issues.¹⁶⁸ The overall shortage can also be as a result of many

¹⁶³ van den Bergh, B.J., Gatherer, A., Fraser, A., Moller, L. (2011). Imprisonment and women’s health: concerns about gender sensitivity, human rights, and public health. *Bull World Health Organ*, 89: 689-694.

¹⁶⁴ *ibid*

¹⁶⁵ Constantine, R., Andel, R., Petrila, J., Becker, M., Robst, J., Teague, G., Boaz, T., Howe, A. (2010). Characteristics and experiences of adults with a serious mental illness who were involved in the criminal justice system. *Psychiatric Services*, 61(5): 451-458.

¹⁶⁶ Kohn-Wood, L.P., Wilson, M.N. (2005). The context of caretaking in rural areas: family factors influencing the level of functioning of seriously mentally ill patients living at home. *American Journal of Community Psychology*, 36(1-2): 1-13.

¹⁶⁷ *Futuredocsblog.com*. (2018). 5 Complicated Issues Our Society Face with Mental Health – Future Docs. [online] Available at: <https://futuredocsblog.com/2018/04/24/5-complicated-issues-our-society-face-with-mental-health/> [Accessed 20 Dec. 2018].

¹⁶⁸ *ibid*

other different factors like the rural areas in the country have even less mental health professionals who can provide services for the patients.¹⁶⁹

National data from the 2002 Survey of Inmates in Local Jails showed that homelessness was more widespread among the inmate population as compared to the general north american adult population, and inmates who had been homeless were significantly more likely to have mental health and substance abuse problems.¹⁷⁰

Multiple studies have also found that a lot of stigma surrounds mental illness issues in South Asian countries, preventing many of the mental health victims from visiting the health institutions to get treatment.¹⁷¹

VII. Questions to Consider

A. Agenda A

How to regulate the civil rights of immigrants in the US ?

How can US prevent possible illegal immigration acts?

Should global and governed immigration law be rearranged , If so how ?

What should the government of US do up on the crisis ?

What will be done with the families that have lost their children ?

B. Agenda B

¹⁶⁹ *ibid*

¹⁷⁰ Greenberg, G.A., Rosenheck, R.A. (2008). Jail incarceration, homelessness, and mental health: a national study. *Psychiatric Services*, 59(2): 170-177.

¹⁷¹ *ibid*

Are there laws about preserving the rights of the mentally ill in every countries' constitution ?

How can the abuse in mental health institution be detected ?

What are some of the reasons of social inequalities? How do we prevent them?

Is it possible to change the way society sees mentally ill individuals, If so how ?

How can we be sure that mentally ill individuals are receiving treatment with their consent ?

Is the Mental Health Declaration of Human Rights enough to secure the rights of mentally ill individuals ? If not, where does it lack ?

VIII. Further Readings

A detailed look at immigration legislation from the Colonial Period to the present:

<https://www.infoplease.com/us/immigration-legislation>

'Zero Tolerance Policy':

<https://www.businessinsider.com/dhs-family-separation-fact-check-deliberately-avoids-zero-tolerance-issue-2018-6>

Information up on the southwest border:

<https://www.wsj.com/articles/trump-border-wall-faces-challenges-in-southwest-states-1487854801>

<http://time.com/5331196/border-crossings-dropped-nearly-20-under-trumps-zero-tolerance-policy/>

<https://www.theatlantic.com/technology/archive/2018/06/the-making-of-a-moral-problem/563114/>

Information up on the Life Standards of Children:

<https://www.unicefusa.org/stories/separating-migrant-children-their-families-wrong/34425>

Hear more from a mentally ill journalist:

<https://truthout.org/articles/beyond-awareness-mental-illness-and-the-ableism-of-capitalism/>