JOINT STATEMENT

New National Human Rights Report Finds Widespread Rights Breaches — Mental Health Consumer Peaks Call for a National Human Rights Act

The National Mental Health Consumer Alliance, together with State and Territory mental health consumer peak bodies, today released Australia's first mental health consumer-led Human Rights Report — revealing systemic, widespread breaches of human rights for people living with mental health challenges and psychosocial disability across the country.

The 2024 Human Rights Survey is one of the largest national studies conducted by and for people with lived experience of mental health challenges.

The results expose pervasive discrimination, routine coercion in mental health settings, and severe economic insecurity — prompting an urgent call for a Commonwealth Human Rights Act with enforceable protections.

Key Findings:

Discrimination is almost universal

- 9 in 10 heard discriminatory comments about mental health in 2024.
- 1 in 2 were treated differently by health professionals.
- Nearly 9 in 10 said media portrayals were unfair or negative.

Fear and coercion shape people's choices

- 1 in 2 avoided seeking mental health care due to fear of coercion.
- More than 1 in 4 agreed to treatment to avoid being forced.
- 1 in 2 people in inpatient units were not informed of their rights.
- 2 in 3 were denied access to an Official Visitor or advocate.

Economic insecurity is trapping people in crisis

- Only 1 in 10 could access a bulk-billed psychiatrist.
- Less than 1 in 5 could see a bulk-billed psychologist.
- 1 in 13 experienced unstable housing or homelessness in 2024.

- 2 in 5 couldn't find work due to mental health discrimination.

Alliance CEO Priscilla Brice said the findings show that Australia is failing to uphold even the most basic human rights for people with mental health challenges.

> "Human rights in Australia exist in principle — but they are not being upheld in the areas where people need them most. Our report shows that people are avoiding mental healthcare because they fear coercion, being dismissed in emergency departments, priced out of support, and pushed into poverty and homelessness. These are human rights violations. A Human Rights Act is how we move from piecemeal fixes to enforceable protections."

The Alliance is calling for a Commonwealth Human Rights Act with specific protections for people with psychosocial disability, aligned with Australia's obligations under the UN Convention on the Rights of Persons with Disabilities (CRPD).

> "For decades, governments have accepted reports documenting the same patterns of discrimination, vilification, bigotry, stigma, coercion, and neglect. What they have not done is create a national legal framework to stop these harms from happening. A Commonwealth Human Rights Act would finally make our rights enforceable, not optional. Without it, people with psychosocial disability will continue to fall through the cracks of every system."
> — *Priscilla Brice*

The report also highlights that two in three hospitalised consumers were unable to access an advocate, and more than half were never given a statement of their rights — findings that raise serious concerns under the Optional Protocol to the Convention Against Torture (OPCAT), which Australia ratified in 2017.

Alliance Chair Mathew Fagan said the report strengthens the case for lived experience leadership in national reform.

> "Mental health consumers have been telling the same truth for decades: discrimination and coercion are not rare exceptions — they are structural features of the system. This report provides the evidence governments can no longer ignore. A Human Rights Act would embed lived expertise in decision-making and ensure our rights are upheld in law, not left to chance."

> "Every day, the human rights that Australia has committed to protect under the CRPD and OPCAT are being breached, and this report exposes the depth and breadth of these breaches. A national Human Rights Act is not radical — it is the logical next step for a country that wants to uphold equality, dignity and justice. It would finally create the accountability we have been missing."
> — *Mathew Fagan*

The Alliance will publish an annual Human Rights Report to track progress and hold governments accountable.

Quotes from State and Territory Consumer Peaks:

“Most people assume Australia has human rights protections. The truth is we don’t. A patchwork of anti-discrimination laws is no substitute for a national Human Rights Act that actually protects all Australians.”

Darren Munday, Chief Executive Office, Consumers of Mental Health WA

“When human rights are not met, mental health challenges often arise. We need stronger legal protections, particularly through a national Human Rights Act, so we can shift the dial towards an ecosystem of supports that centre consumer autonomy, consumer choice and connection to community".

Giancarlo de Vera, Chief Executive Officer, BEING - Mental Health Consumers

“Australia has some of the highest rates of coercion and compulsion in mental health services worldwide, and the experiences of discrimination highlighted in this report underline the impact of this. Without a national Human Rights Act, we cannot begin to meaningfully address this unacceptable state of affairs.”

Vrinda Edan, Chief Executive Officer, VMIAC

National Mental Health Consumer Alliance
Rachel McFadden
Email: comms@nmhca.org.au
Phone: 0416 692 888