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# Mental health and well-being of children and young adults

**Reply to Recommendation**[1]: Recommendation 2263 (2023)
Committee of Ministers

1. The Committee of Ministers has carefully examined Parliamentary Assembly Recommendation 2263 (2023) "Mental health and well-being of children and young adults". It has forwarded it to relevant bodies for information and possible comments.[2] The Committee of Ministers welcomes the attention given by the Assembly to the topic of mental health and well-being of children and young adults and agrees on its importance and relevance in all member States. This is all the more important given the fact that children and young adults that seek access to mental healthcare are still often stigmatised by their family, schools and social environment, as mental health issues are still not addressed openly and are overlooked despite their high impact on children's positive development, well-being and future development.

2. In the recommendation, the Assembly rightly refers to the work of the Steering Committee for Human Rights in the fields of Biomedicine and Health (CDBIO) in this important field. The Committee of Ministers underlines that, under the Strategic Objective "Safeguarding the rights of persons with mental health difficulties" of its Strategic Action Plan on human rights and technologies in biomedicine (2020-2025), the CDBIO acknowledges that "The issue of mental health is expected to be one of the biggest challenges facing healthcare systems in the future". The CDBIO's Strategic Plan emphasises that "Mental healthcare should be treated no differently to physical healthcare in that a human rights-based approach should be adopted in both. It is vital that the rights and self-determination of all patients, including persons with mental health difficulties, be promoted and that they may actively participate to the greatest possible extent in all decisions regarding their treatment and care. In this context, the development and use of voluntary measures and practices in mental healthcare should be promoted."

3. In paragraph 2 of the recommendation, the Assembly makes specific reference to the Guide to children's participation in decision about their health. This was adopted by the relevant committees in November 2023. As advocated by the Assembly, this guide follows a rights-based approach and duly takes into account relevant international standards, notably relevant guidance issued by the World Health Organization (WHO). The Committee of Ministers invites the Assembly to assist in a wide distribution of this guide.

4. When it comes to the more general protection of human rights in mental healthcare, in 2020 the CDBIO developed a Compendium of good practices to promote voluntary measures in the field of mental healthcare, and in November 2023, it organised a conference to showcase such practices and with a view to demonstrating that a right-based approach, including alternatives to coercion, are possible. On that occasion, the needs for training and awareness-raising, including with respect to mental health issues regarding children and adolescents, were highlighted.

1. Adopted at the 1510th meeting of the Ministers' Deputies (23 October 2024).
2. The European Committee of Social Rights (ECSR), the Governmental Committee of the European Social Charter and the European Code of Social Security (GC), the Steering Committee for Human Rights in the fields of Biomedicine and Health (CDBIO), the Steering Committee for the Rights of the Child (CDENF).

5. With specific regard to paragraph 3, the CDBIO, in line with its mandate given by the Committee of Ministers, has developed a draft Additional Protocol to the Oviedo Convention focusing on the protection of persons with regard to involuntary placement and involuntary treatment in mental health care services and has also published a report on the relevant case law of the European Court of Human Rights.

6. The work of the CDBIO also continues with regard to the preparation of a draft recommendation which aims to ensure respect for autonomy in the provision of mental healthcare and to prevent the use of coercion. Following its 4th meeting in November 2023, the CDBIO submitted a draft recommendation on respect for autonomy in mental healthcare, as a working document, for targeted consultation, with a view to finalising and approving the draft recommendation by the end of 2024. The provisions of the draft recommendation apply to children (whereas those of the draft Additional Protocol do not). As emphasised in the Guide to children's participation in decisions about their health (whether physical health or mental health), when children do not have the legal capacity to consent, their views must nonetheless always be sought, properly considered and given due weight, according to their evolving abilities. The Assembly is informed that representative organisations of persons with lived experience continue to be associated to the work of the CDBIO in the field of mental healthcare.

7. In addition to the work of the CDBIO, the Committee of Ministers would also recall the other relevant work being carried out in the field of the rights of the child and in particular by the Steering Committee for the Rights of the Child (CDENF). In this respect, it underlines that the Council of Europe Strategy for the Rights of the Child (2022-2027) refers to the increasing concern, including among children themselves, regarding their access to mental health services. As regards the way mental health care is administered, and in line with a strategic objective that lies at the core of the Strategy for the Rights of the Child, due consideration must be given to the importance of empowering children and young adults in decision-making processes that affect them, in particular their health and well-being.

8. The implementation of the Strategy for the Rights of the Child is well underway, with the CDENF assessing the accessibility of children to quality mental healthcare in member States, identifying risks and barriers as well as promising practices. The mapping study, which was undertaken with a view to formulating recommendations on how member States may address challenges encountered in this context, was approved by the CDENF in May 2024 and will be published in the autumn.

9. The Committee of Ministers would also draw attention to the current situation, in which children in Europe are directly or indirectly exposed to armed conflicts. It calls upon member States to ensure, as a matter of urgency, that all children living in Europe have prompt access to appropriate preventive, general and specific mental healthcare services, including through the provision of trauma-informed therapy and treatment, where needed, as children in this particular category are at an increased risk of becoming exposed to addictive behaviours. In this respect, the Committee of Ministers encourages member States to make best use of the several co-operation projects managed by the Children's Rights Division aiming to develop training materials for professionals on providing mental health or psychological support to children affected by trauma.