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Beyond the Visible Wound: A Doctrinal Framework for Psychological Harm in International Human Rights Law

Dr. Yasir Aleem

Associate Professor, College of Law, University of Sargodha

yasir.aleem@uos.edu.pk

Muhammad Zahid Rafique

Assistant Professor, College of Law, University of Sargodha

zahid.rafique@uos.edu.pk

Muhammad Umar

Lecturer, College of Law, University of Sargodha

muhammad.umar@uos.edu.pk

Malaika Shahzadi

LLB Scholar, College of Law, University of Sargodha

malzmalik606@gmail.com

Abstract

International human rights law was conceived to protect not merely the body but the dignity, autonomy, and agency of the person, yet legal doctrine continues to privilege visible injury over invisible harm. Bruises, detention orders, and financial loss are readily proven; fear, humiliation, trauma, and loss of identity are not, and psychological injury is consequently recognized only when it attaches to an already-established violation such as torture, unlawful detention, enforced disappearance, or privacy interference. This doctrinal treatment leaves serious psychological harm perpetually dependent, denying it standing as wrong. This article addresses that gap through a doctrinal and comparative legal methodology, drawing on selected European and Inter-American jurisprudence alongside the Convention against Torture, the ICCPR, the European Convention on Human Rights, the Convention on the Rights of Persons with Disabilities, and the ICESCR. It argues that mental integrity, the protected interest in cognitive autonomy, emotional security, identity, and psychological wholeness against severe coercive interference offers a coherent organizing concept through which psychological harm can be recognized independently, rather than as an incident of another wrong. The article proposes a four-part Mental Integrity Recognition Test, requiring serious psychological interference, attribution to state action or omission, satisfaction of a contextual severity threshold, and a resulting legal consequence in the form of responsibility and remedy. Rather than creating a new treaty right, the test reorganizes fragmented existing principles drawn from torture law, positive-obligation jurisprudence, and reparations doctrine into a structured method of legal recognition. The article concludes that treating serious psychological harm as an independent violation is not an expansion of international human rights law but a doctrinal clarification consistent with law's existing commitment to safeguarding human dignity in both body and mind.

Keywords: international human rights law, mental integrity, state responsibility, evidence, human dignity, United Nations, psychological harm.

1. Introduction

International human rights law lays down obligations which States are bound to respect. By becoming parties to international treaties, States assume obligations and duties under international law to respect, to protect and to fulfil human rights. The obligation to respect means that States must refrain from interfering with or curtailing the enjoyment of human rights. The obligation to protect requires States to protect individuals and groups against human rights abuses. The obligation to fulfil means that States must take positive action to facilitate the enjoyment of basic human rights (Donnelly & Whelan, 2020). Through ratification of international human rights treaties, Governments undertake to put into place domestic measures and legislation compatible with their treaty obligations and duties. The domestic legal system, therefore, provides the principal legal protection of human rights guaranteed under international law. Where domestic legal proceedings fail to address human rights abuses, mechanisms and procedures for individual and group complaints are available at the regional and international levels to help ensure that international human rights standards are indeed respected, implemented, and enforced at the local level (Goodman & Jinks, 2003).

International human rights law was not enacted only to prevent the state from breaking the body but was devised to protect the dignity, autonomy and agency of the person (Weissbrodt & De La Vega, 2007). The language of human dignity, liberty, privacy, equality, security of person and freedom from torture shows that the protected human being is not merely a physical object. The person is also a psychological and moral subject yet legal reasoning often remains more comfortable with visible injury than invisible harm (Shiffrin, 2012). Bruises, detention orders, broken property and financial loss are easier to prove. Fear, humiliation, trauma, coercive uncertainty and loss of identity are harder to see. This difference in visibility affects legal recognition. Psychological harm frequently appears only as an accompanying consequence of another violation. If a person is unlawfully detained, mental suffering may be considered during compensation. If a person is tortured, psychological effects may aggravate the assessment. If a family member disappears, grief and anguish may be addressed under reparations (Weiss, 2019). These approaches are important, but they are incomplete and treat psychological harm as dependent. They do not fully answer whether serious psychological harm can itself be the wrong that international human rights law recognises.

The issue matters because psychological harm can disable the enjoyment of rights. Human rights violations may disrupt interpersonal relations, reduce perceived control, damage individual or group identity, and impair psychological functioning (Carriere et al., 2022). A person living under serious fear may not be able to testify freely. A detainee subjected to humiliation may lose agency and self-trust. A family kept in official uncertainty after disappearance may suffer continuing mental anguish. A person subjected to coercive psychiatric detention or degrading administrative treatment may experience injury to autonomy and dignity. These injuries are not merely emotional discomfort. They may affect the conditions that make rights meaningful. International law already contains

fragments of protection. Article 1 of the Convention against Torture defines torture by reference to severe pain or suffering, whether physical or mental, intentionally inflicted for certain purposes by, at the instigation of, or with the consent or acquiescence of a public official (Convention against Torture, 1984, art. 1). Article 7 of the ICCPR prohibits torture and cruel, inhuman or degrading treatment or punishment (International Covenant on Civil and Political Rights, 1966, art. 7). Article 3 of the European Convention prohibits torture and inhuman or degrading treatment, while Article 8 has been interpreted to protect physical and psychological integrity as part of private life (European Convention on Human Rights, 1950, arts. 3, 8; *Pretty v. United Kingdom*, 2002). The Basic Principles on Reparation include physical or mental harm and moral damage among injuries requiring remedy (United Nations General Assembly, 2005, para. 20).

Torture law recognises mental suffering, but it has a high threshold and specific elements. Humanitarian law protects mental health in conflict, but its logic is tied to armed conflict (Bosi, 2025). Reparations law recognises mental harm, but usually after another violation has already been identified. Mental integrity scholarship has recently developed around bodily integrity, neurotechnology, cognitive liberty and mental privacy, but less attention has been paid to ordinary state-related psychological harm such as intimidation, humiliation, coercive detention, degrading treatment, official silence and institutional neglect (Douglas & Forsberg, 2021).

2. Problem Statement

The central concern of this article is simple but doctrinally important: human rights law protects the human person, but the injury to the person is not always physical. A victim may be broken through fear, humiliation, coercive uncertainty, forced isolation, intimidation, discriminatory degradation or official silence. These forms of harm may not leave visible wounds, yet they may seriously damage the conditions through which a person exercises rights. International law already acknowledges this reality in fragments. The Convention against Torture expressly refers to severe mental suffering; the ICCPR prohibits torture and cruel, inhuman or degrading treatment; the European Court of Human Rights has connected private life with physical and psychological integrity; the Inter-American Court has treated suffering and moral damage as relevant to reparations; and the UN Basic Principles on Reparation expressly include mental harm among compensable injuries (Convention against Torture, 1984, art. 1; International Covenant on Civil and Political Rights, 1966, art. 7; *Pretty v. United Kingdom*, 2002; United Nations General Assembly, 2005, annex, paras. 20–23).

The problem is not that mental suffering is wholly absent from law. The problem is that its recognition is unstable and psychological harm is often legally visible only when attached to another recognised violation, such as torture, unlawful detention, enforced disappearance, discrimination or privacy interference (Kelly, 2011). This leaves a doctrinal gap and if psychological harm is serious, state-linked and rights-related, why should it always be forced to appear as a secondary effect of another wrong? This article argues that serious psychological harm should be capable of independent recognition through mental

integrity. The article's contribution is synthetic and doctrinal: it brings together scattered principles and turns them into a structured method of legal recognition.

3. Methodology and Scope

This article adopts a doctrinal and comparative legal research methodology. Doctrinal research is used to examine the text, purpose and interpretation of international human rights instruments, including the Convention against Torture, the ICCPR, the European Convention on Human Rights and the American Convention on Human Rights (Egan, 2017). It also considers soft-law and general principles relevant to remedies and responsibility, including the UN Basic Principles and Guidelines on the Right to a Remedy and Reparation and the International Law Commission's Articles on State Responsibility (International Law Commission, 2001; United Nations General Assembly, 2005).

The comparative element is limited and functional and this article does not attempt a full survey of every regional human rights system. Instead, it uses selected European and Inter-American cases because these systems have developed significant reasoning on torture, psychological integrity, enforced disappearance, moral harm and reparations. These cases are not used as identical models for all jurisdictions. They are used to show how psychological harm is already recognised in practice, and why that recognition still needs a clearer doctrinal structure. This exclusion is deliberate rather than incidental. The African Charter on Human and Peoples' Rights, and the jurisprudence of the African Commission and Court on Human and Peoples' Rights on dignity under Article 5 of the Charter, offer a further comparative resource that could extend and test the Mental Integrity Recognition Test proposed here (Umozurike, 2023). That system is left for future comparative work, consistent with the limited and functional comparative method adopted in this article.

The scope of the article is also limited as it focuses on psychological harm under international human rights law. It does not examine domestic tort law in detail, nor does it provide a medical account of mental illness. Psychological research is used only to explain why mental injury can be serious and rights-disabling. The article also does not argue that every distressing state action violates human rights. The proposed test is deliberately narrow and requires seriousness, attribution, contextual severity and legal consequence. Its purpose is to avoid two extremes: ignoring invisible harm on the one hand and expanding human rights law into every emotional discomfort on the other.

4. Conceptual Foundations: Psychological Harm and Mental Integrity

Psychological harm can be referred to as severe mental or emotional harm that is caused by behaviour that assaults inner security, dignity, autonomy, identity, sense of control or capability to engage in social life (Gaylin, 2003). It can be trauma, fear, humiliation, anxiety, depression, unending uncertainty, loss of self-worth or other manifestations of severe mental disturbance. There is no need to turn all claims into psychiatric terms to appreciate harm as required by law. Simultaneously, clinical evidence might be critical where nature, duration or causation of harm is disputed. Human rights law is not able to compensate all disappointments, stress, offences or inconveniences. The statute should not differentiate between normal distress and severe interference with protected interests. The

interests that are relevant are dignity, privacy, liberty, equality, family life, freedom against coercion, freedom against torture and freedom against degrading treatment. Significant psychological damage to these interests is legally material when it impairs them in a deleterious, rights-based manner (Roach, 2019).

The organising concept which makes this distinction possible is mental integrity. It is the secure interest in the preservation of one's cognitive autonomy, emotional safety, identity, agency of thought and psychological integrity against severe non-consensual or coercive interference. The concept is similar to bodily integrity. When law safeguards the individual against serious non-consensual invasion of the body, there are solid grounds to safeguard the individual against serious invasion of the mind (Douglas & Forsberg, 2021). More recent scholarship has also contended that the right to mental integrity must be conceptualised in multidimensional and multilayered terms and not narrowed down to just one technological context (Cassinadri, 2025).

The foundation of mental integrity is dignity. Dignity is not a rhetorical value only as it explains why law considers humiliations, domination, dehumanisation and coercive control as great wrongs even in the absence of physical harm (Riley, 2017). Addis claims that integrity is related to the wholeness of the person, and that dignity is invoked when personhood is at risk in physical, psychological and social aspects (Addis, 2019). This is directly applicable to psychological injury. Fear, humiliation and coercive degradation assault the sense of self and social status of the victim as a rights-bearing individual.

5. Fragmented Recognition in International Human Rights Law

The clearest acknowledgment of the agony of the mind is presented in the law of torture and ill-treatment (Cakal, 2026). In the definition of torture in article 1 of the Convention against Torture, severe mental suffering has been included (Convention against Torture, 1984, art. 1). This is significant as it dispels the notion that torture should be physical. Threats, intimidation, sensory manipulation, humiliations, forced uncertainty, coercive isolation are among the psychological methods that can cause suffering as serious as physical pain. The comparative analysis of human rights bodies reveals that mental and psychological torment have been viewed as pertinent by human rights bodies in distinguishing between torture and inhuman or degrading treatment, especially in terms of purpose, nature, intensity and severity (Neziroglu, 2007).

The ruling of the European Court in *Ireland v. United Kingdom* remains a prime illustration of the way mental and sensory methods come into play in Article 3 scrutiny (O'Boyle, 1977). The Court looked at the five methods of interrogation, which included wall-standing, hooding, being subjected to noise, sleep deprivation and deprivation of food and drink, and found that all of them were inhuman and degrading treatment (*Ireland v. United Kingdom*, 1978). It has been criticised on the basis that it did not declare the techniques to be torture, but it is an important decision since it demonstrates that psychological pressure and sensory manipulation can alone trigger the prohibition of ill-treatment.

The severity threshold was subsequently formulated in later cases such as *Selmouni v. France*, wherein the Court pointed out that the Convention is a living instrument and that acts previously considered inhuman or degrading may be re-classified as torture in future, depending on changing standards (Wildhaber et al., 1999). This argument is significant for psychological damage since the juridical definition of severity cannot be kept constant only in relation to a visible wound. The law on human rights should be able to react to emerging knowledge of mental injury.

Psychological integrity is also recognised through a route provided by article 8 of the European Convention on Human Rights. In *Pretty v. United Kingdom*, the Court said that the concept of private life encompassed a wide area, including the physical and psychological integrity of the individual and elements of physical and social identity (*Pretty v. United Kingdom*, 2002). This is not to say that Article 8 safeguards all personal preferences. Psychological integrity is included in the legal concept of personal life, autonomy and personhood. This offers a theoretical foundation for linking mental integrity to the protection of human rights outside torture (Kilkelly, 2003).

The connection between mental health, state control and positive obligations is evident in cases of detention. In *Keenan v. United Kingdom*, the Court found that the treatment of a mentally ill prisoner, involving poor monitoring and segregation, constituted inhuman and degrading treatment (*Keenan v. United Kingdom*, 2001). The case shows that mental frailty alters the legal judgment. In cases where the state has control over an individual and is aware of mental health dangers, failing to safeguard mental integrity might lead to a human rights violation (Foster, 2002).

In *Velásquez Rodríguez v. Honduras* (1988), the Inter-American Court determined that the state had a duty to prevent, investigate and intervene in cases of violation of human rights, and stated that the state may bear an obligation to do so where it tolerated the activities of private actors or groups against the rights of the population (*Velásquez-Rodríguez v. Honduras*, 1988). Psychological harm is important to this principle since mental harm can be caused by the direct action of the state as well as by the state's failure to protect, investigate or remedy. In *Loayza Tamayo v. Peru* (1997), the Court discussed imprisonment, isolation and aggravation of physical, psychological and moral health, extending to remedies including restitution. The Court has recognised continuous suffering of relatives and reparations needed in an enforced disappearance case such as *Goiburú et al. v. Paraguay* (2006).

The UN Human Rights Committee has likewise treated psychological suffering as independently significant under Article 7 of the ICCPR (Heyns et al., 2020). In *Quinteros v. Uruguay* (1983), the Committee held that a mother's own anguish and uncertainty caused by her daughter's enforced disappearance amounted to a violation of Article 7 in the mother's own right, rather than merely as a derivative consequence of her daughter's disappearance. The Committee's General Comment No. 20 on Article 7 confirms that the prohibition extends to acts causing mental suffering, reinforcing that the provision was

never confined to physical mistreatment (Human Rights Committee, 1992; *Quinteros v. Uruguay*, 1983).

A further, and largely unexplored, instrument is the Convention on the Rights of Persons with Disabilities, whose Article 17 expressly guarantees that every person with disabilities has a right to respect his or her physical and mental integrity on an equal basis with others (Szmukler et al., 2014). This is one of the few treaty provisions to name mental integrity directly, rather than treating it as an implicit component of privacy or dignity, and it speaks directly to the coercive psychiatric detention and institutional neglect scenarios this article identifies as paradigm cases for the proposed test (Convention on the Rights of Persons with Disabilities, 2006, art. 17).

6. The Problem of Treating Psychological Harm as Secondary Harm

Psychological harm is often treated as secondary because law prefers visible proof and familiar categories. Physical injury can be photographed. Detention can be counted in days. Property loss can be measured. Mental injury may be delayed, hidden, culturally silenced, or difficult to narrate. The result is that legal analysis may recognise the underlying act while treating psychological harm only as a factor in damages. This secondary treatment creates four problems. To start with, it reduces recognition. Physically uninjured victims might have a hard time demonstrating that a legal wrong has occurred. Secondly, it distorts the evidence. States of humiliation, fear or loss of agency may pressure victims to translate these experiences into a medical diagnosis, even in cases where state conduct is degrading and the law is violated. Thirdly, it dilutes remedies. When psychological harm is perceived as merely a by-product, solutions might be sought through monetary compensation, instead of rehabilitative measures such as recognition, apology, investigation and assurances of non-recurrence (Davis, 2024). Fourthly, it recreates invisibility. The law refers to the obvious violation but does not name the injury that is the most profound.

International criminal courts and tribunals have not evaluated the psychological effects of warfare on civilians in a scientific manner, either relying on mental-health evidence or neglecting it altogether. Under international humanitarian law mental health is guaranteed in a number of legal avenues but remains diffused across various rules rather than governed by one general framework (Bosi, 2025). Understanding psychological damage alone does not imply that violations which have already occurred should be forgotten. Torture, unlawful detention, discrimination or interference with privacy may still constitute a single case. The point is that grave mental harm should not be subsumed under those labels. Human rights law ought to be able to indicate clearly that the mental integrity of the person was infringed (Cassinadri, 2025).

7. The Mental Integrity Recognition Test

This article proposes a four-part Mental Integrity Recognition Test. The test is not a new treaty provision and does not claim to replace existing doctrines. It is a doctrinal framework that brings together existing principles of mental suffering, dignity, psychological integrity, state responsibility and reparation (Coyne & Bartram, 2002). Its

purpose is to help courts, human rights bodies and researchers decide when psychological harm should be recognised as an independent human rights violation.

Table 1

Summary of the Mental Integrity Recognition Test

Element	Core Question	Key Doctrinal Source(s)
1. Serious Psychological Interference	Was there a severe, non-trivial interference with a protected mental interest (dignity, autonomy, identity, emotional security)?	CAT, art. 1 (1984); Douglas & Forsberg (2021); Cassinadri (2025)
2. State Action, Omission or Attribution	Can the interference be attributed to the state, whether through direct conduct or a failure to prevent, investigate or remedy?	ILC Articles, arts. 2, 4 (2001); Velásquez Rodríguez v. Honduras (1988); Osman v. United Kingdom (1998)
3. Contextual Severity Threshold	Considering detention, vulnerability, duration, power imbalance and related factors, did the interference cross a severity threshold?	Ireland v. United Kingdom (1978); Selmouni v. France (1999); Committee against Torture, General Comment No. 4 (2017)
4. Legal Implication	Does recognition require a legal response through responsibility and remedies (compensation, rehabilitation, satisfaction, guarantees of non-repetition)?	UNGA Res. 60/147 (2005), paras. 18–23; ILC Articles, art. 37 (2001)

Serious Psychological Interference

This element requires serious psychological interference. The injury should not be limited to ordinary suffering. It should have an impact on mental stability, dignity, autonomy, identity, family life, emotional security, social participation or the ability to exercise rights. Severity can be demonstrated by expert testimony, victim testimony, duration, intensity, behavioural change, trauma symptoms, humiliation, fear, vulnerability or the nature of the state's conduct. The seriousness requirement must not be reduced to medical diagnosis. Formal psychiatric diagnosis can be a helpful tool, but not the only path towards legal acknowledgment. Certain state actions can inherently result in severe psychological damage: plausible threats of death, protracted solitary confinement, forced observation of abuse, involuntary disappearance, coercive interrogation, humiliating searches, unlawful

psychiatric detention or state denial of serious abuse. Where there is evidence of serious mental suffering, law can deduce it based on the nature and circumstances of the treatment with expert evidence where it is needed (Cassinadri 2025).

State Action, Omission or Attribution

The second component needs to relate to the state. International human rights law is mostly concerned with the obligations of the state. Human rights law should recognise psychological harm as a human rights violation whenever it is caused by state officials, public institutions, security forces, prison authorities, immigration officers, public hospitals, courts or administrative agencies, or by private actions that the state has failed to prevent, investigate or remedy despite a legal obligation to do so. Article 2 of the ILC Articles states that there is an internationally wrongful act when the act of a state can be attributed to the state and constitutes a violation of an international obligation of that state (International Law Commission, 2001, arts. 2, 4). Positive obligations are also identified in human rights law. In some cases, states are required to adopt reasonable actions to avert severe injuries, particularly when people are in state custody or the authorities are aware of a threat or should have been aware of a threat (Velásquez Rodríguez v. Honduras, 1988; Keenan v. United Kingdom, 2001).

Omission of states is especially critical with respect to psychological harm. A victim can experience severe psychological harm due to the authorities being unable to prevent threats, disregarding complaints, denying families access to information, failing to focus on the mental-health needs of detainees, or allowing institutionalised humiliation to occur. In such cases, the injury does not necessarily arise from a single physical action. It can be created through the state's failure to perform its duty of providing protection where necessary. The positive-obligation dimension of this element is most precisely captured by the 'real and immediate risk' test developed by the European Court of Human Rights in *Osman v. United Kingdom* (1998). Under that test, a state's failure to take reasonably available preventive measures breaches the Convention where the authorities knew, or ought to have known, of a real and immediate risk to an individual and failed to act within the scope of their powers. Although *Osman* concerned the right to life, the same reasoning has been extended by analogy to ill-treatment claims, and it offers a workable evidentiary threshold for the omission-based branch of this element: a state need not have caused psychological harm directly to bear responsibility for it, provided the risk of serious psychological injury was foreseeable and avertible (*Osman v. United Kingdom*, 1998).

Contextual Severity Threshold

The third element requires assessment of contextual severity. Psychological damage cannot be evaluated in the abstract, outside its situational context. Relevant factors include detention, age, disability, gender, dependency, discrimination, power imbalance, duration, repetition, isolation, conflict conditions, family separation, uncertainty, and lack of safeguards. This aspect is critical since the same act can have different impacts on various individuals in different circumstances. A threat made by a stranger is not equivalent to a threat made by a police officer while detaining a person. Administrative

delay does not imply the silence of the authorities following enforced disappearance. A humiliating act directed at a free adult may carry a different meaning when directed at a detainee, a child, a person with a disability, or someone under institutional control. The severity threshold should therefore be a contextual, as opposed to a mechanical, one.

The contextual approach is in line with human rights reasoning. Duration, physical and mental impact, vulnerability, age, health and circumstances are usually taken into account in Article 3 cases. A further approach, adopted by the Committee against Torture, evaluates suffering by reference to its adverse physical or mental consequences for the individual in the particular situation (Committee against Torture, 2017, para. 17). The same disciplined approach to contextualism should be embraced in a mental-integrity structure.

Legal Implication: Recognition, Responsibility and Remedies

The fourth element requires a legal consequence. Acknowledgement should result in accountability and redress. Where psychological harm is established, the legal system should identify the protected interest that has been harmed, assign responsibility where necessary, and provide an effective remedy. These remedies may include compensation, rehabilitation, satisfaction, apology, disclosure of the truth, investigation, reform of the law and non-repetition guarantees. This aspect does not allow the test to be seen as being purely symbolic. Recognition of human rights is important as it identifies the wrong. The issue of responsibility is important as it links the wrong to the law. Remedies are important since mental injuries frequently call for responses other than monetary compensation. It might involve rehabilitation, recognition, institutional transformation and the restoration of agency. Restitution, compensation, rehabilitation, satisfaction and guarantees of non-repetition are clearly defined in the UN Basic Principles on Reparation (United Nations General Assembly, 2005, paras. 18–23).

The test can thus be summed up as follows: serious psychological harm must be considered a separate human rights violation whereby state-related action has a significant interference with mental integrity, has met a severity threshold that is contextual and must be addressed legally through recognition, responsibility and remedies (Bublitz & Merkel, 2014).

8.State Responsibility and Positive Obligations

The concept of mental integrity has to be based on the responsibility of the state. Not all personal distresses ought to be regarded by law as international claims. Whether the damage can be linked to a violation of a state obligation is the central question. The foundational elements under the ILC Articles are attribution and breach (International Law Commission, 2001, art. 2). This structure is reinforced in human rights law by the requirements to respect, protect and fulfil rights.

Direct responsibility occurs when state agents inflict psychological injuries by means of threats, humiliation, coercive interrogation, abusive detention, discriminatory treatment, illegal psychiatric treatment or deprivation of protection. There is a possibility of indirect responsibility where the state fails to exercise due diligence to prevent, investigate, punish

or remedy abuse committed by private actors. The argument used by the Inter-American Court in *Velásquez Rodríguez v. Honduras* (1988) is of particular significance since it establishes that a state need not only act directly but also tolerate impunity or fail to act with due diligence.

The positive obligations are especially applicable within the context of custody and institutions. When the state assumes control over an individual, it also assumes responsibility for that person's physical and mental well-being in custody. As *Keenan v. United Kingdom* (2001) illustrates, Article 3 can be invoked when a vulnerable prisoner is not provided with sufficient psychiatric input and/or is segregated. The same reasoning applies in other contexts where the state is aware of mental vulnerability or has created coercive circumstances.

The state also bears a responsibility to investigate. Official denial or silence may add to the psychological damage. In cases where the authorities do not take the initiative to investigate the threat, disappearance, custodial abuse or degrading treatment, the victim may continue to suffer. Investigation is not merely a procedural responsibility; it is also a component of recognition. It conveys the message that the victim's suffering has not gone unacknowledged.

9.Evidentiary Problems in Showing Psychological Damage

The best case against independent recognition is the evidence. Psychological damage can be elusive, latent or disputed. Access to assessment may be unavailable to victims. Disclosure may not be made due to cultural stigma. Symptoms may vary. Other victims might show composure even when they have been greatly traumatised, whereas others might find it hard to recount the events in a coherent manner. These challenges are real, yet they do not justify denying legal recognition. Evidence can be in the form of witness testimony, medical reports, psychological reports, expert opinions, statements of witnesses, arrest records, communication records, official documents, patterns of behaviour and contextual facts (Milne & Shaw, 1999). Expert evidence is valuable, but it should not be a mandatory requirement. In other instances, even the treatment itself may be used to make a case of mental suffering. Human rights organisations already issue contextual judgments in cases of torture, arrest and discrimination. The same approach should be applied to psychological harm.

The Istanbul Protocol the UN Manual on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment provides the most developed international standard for documenting psychological evidence of this kind (Furtmayr & Frewer, 2010). It sets out methods for eliciting and assessing psychological evidence of torture and ill-treatment, including structured clinical interviewing and assessment of consistency between reported treatment and observed psychological symptoms, and it confirms that the absence of a formal psychiatric diagnosis does not preclude a finding of serious harm. Its methodology offers a ready-made evidentiary template for the seriousness element of the test proposed in this article, and its wide acceptance among international bodies and domestic asylum and torture-

documentation practice suggests that adopting a comparable evidentiary approach would not require courts and human rights bodies to develop assessment standards from first principles (Office of the United Nations High Commissioner for Human Rights, 2004). The evidentiary inquiry should not be pulled towards either extreme. Excessive scepticism denies mental harm simply because it is not visible. Excessive subjectivity, conversely, treats any distress as sufficient. The contextual severity threshold avoids both. It poses the question as to whether the intervention, in context, was significant enough to impact safeguarded human interests. This approach can be supported by psychological scholarship. Nickerson and colleagues identify the ways in which human rights violations can result in psychosocial injury, such as interference with interpersonal processes, a sense of loss of control and injury to identity (Nickerson et al., 2014).

10. Remedies and Reparations

When psychological damage is recognised in its own right, remedies must correspond to the type of harm involved. Compensation is important, but on its own it is insufficient. Rehabilitation, recognition and prevention are often necessary to deal with psychological damage. According to the UN Basic Principles, restitution, compensation, rehabilitation, satisfaction and guarantees of non-repetition are recognised as the principal forms of reparation (United Nations General Assembly, 2005, paras. 18–23). Physical or mental injury, moral damage, and the cost of psychological services are also recognised as compensable losses (United Nations General Assembly, 2005, para. 20).

Rehabilitation must be at the heart of the matter. It can involve psychological treatment, medical care, family and social support, community reintegration, and support to resume education or employment. Rehabilitation recognises that psychological harm affects a person's future capacity to function, not merely their past comfort. Satisfaction is also a crucial remedy. Official silence, minimisation or denial tends to exacerbate psychological harm. Satisfaction may take the form of a formal apology, public recognition, truth-telling, investigation, correction of the official record, and memorialisation. The ILC Articles recognise satisfaction, which includes admitting the violation, showing remorse and offering apology, as a method of reparation (International Law Commission, 2001, art. 37). In institutional settings where psychological harm arises, guarantees of non-repetition must be provided. When the damage is caused by detention procedures, interrogation techniques, discriminatory processes or coercive medical processes, official silence, a failure to inquire, or compensation given to the individual alone will not resolve the issue. It might be necessary to implement institutional changes, education, supervision, and complaint and monitoring systems (Payne-James et al., 2017).

11. Conclusion

Psychological harm has long occupied a place within international human rights law, but only an indirect and fragmented one visible across the jurisprudence of torture and ill-treatment, humanitarian protection, privacy, dignity, and reparations, yet never consolidated into a coherent doctrinal category. This article has argued that the concept of mental integrity supplies the missing organizing principle. The proposed Mental

Integrity Recognition Test furnishes a disciplined four-part structure: serious psychological interference, attribution to state action or omission, a contextually assessed severity threshold, and a legal consequence expressed through recognition, responsibility, and remedy. Together, these elements guard against two opposite doctrinal failures the continued invisibility of grave but unseen harm, and an unbounded expansion of human rights law into ordinary emotional discomfort.

The article's central claim is modest in form but significant in consequence: the human mind, as a site of dignity, autonomy, and personhood, warrants protection under international human rights law in the same manner as the body. Where state conduct inflicts serious harm upon that protected interest, the wrong should not remain concealed behind the label of another violation. Recognition matters because it names the injury; responsibility matters because it anchors that injury in legal accountability; and remedies matter because psychological harm unlike many forms of physical injury often requires rehabilitation, acknowledgment, and institutional reform rather than compensation alone. Framing psychological harm as an independent violation is therefore not an artificial extension of international human rights law, but a necessary clarification of a legal order already committed, in principle, to the protection of human dignity in both body and mind.

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