

Forth Valley Third Sector Conference - Taking a human rights based approach

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SHRC

Scottish
Human Rights
Commission

The Scottish Human Rights Commission



- **Created by Scottish Parliament** to promote and protect all human rights – civil, political, economic, social and cultural
- **Independent** of Government and Parliament
- Influencing law, policy and practice
- Monitoring and reporting to the United Nations
- Conducting research
- Communications and information
- Supporting organisations to implement rights
- Using our legal powers
 - intervention in civil cases
 - inquiry powers
 - enter places of detention

What I will talk about

- What is a human rights based approach?
- Why take a human rights approach – what difference does it make?
- How to take a human rights based approach?

A Human Rights Based Approach

Human Rights

“Empowerment”

Supporting
people to know
and claim their
rights

“Ability”

Supporting
public
authorities and
others to adopt a
human rights
based approach

“Accountability”

Increasing
accountability
for respecting,
protecting and
fulfilling human
rights

PANEL Principles

- **P**articipation
- **A**ccountability
- **N**on-discrimination
- **E**mpowerment
- **L**egality

The Human Rights Framework



International treaties

(including International Covenant on Economic, Social and Cultural Rights & UN Convention on the Rights of Persons with Disabilities)

European Convention on Human Rights

(including right to life, prohibition on inhuman or degrading treatment, right to a private home and family life etc.)

Human Rights Act 1998, Scotland Act 1998

(incorporating ECHR into domestic law, s.6 duty on all those providing public function)

Are rights absolute?

- **Absolute**

- Right to life
- Freedom from inhuman and degrading treatment

- **Limited**

- Liberty

- **Qualified**

“don’t use a sledgehammer to crack a nut”

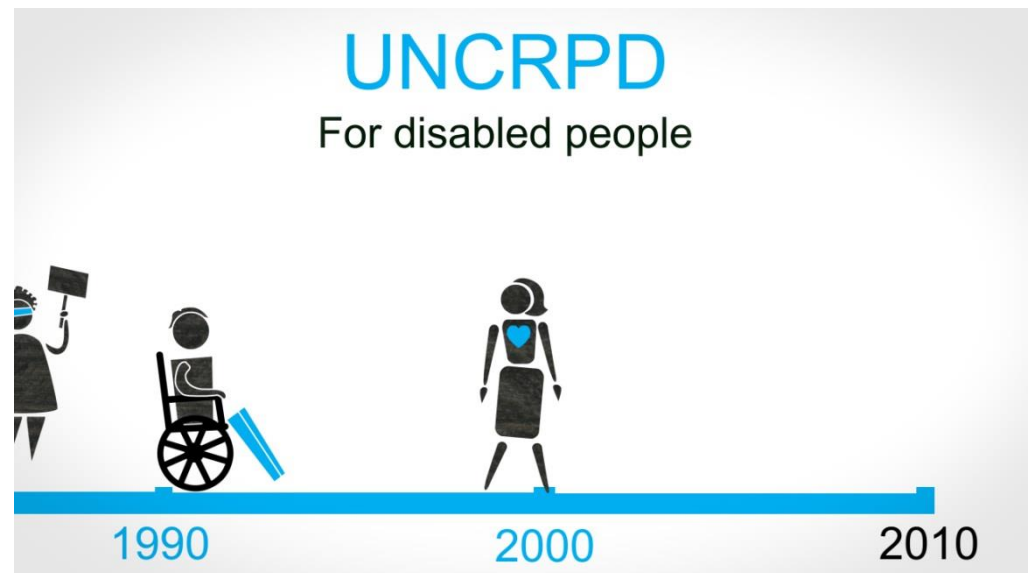
- Private and family life
- Thought, conscience, religion
- Expression
- Property

Key rights explained- Article 14

- ***“Non-discrimination on any ground such as sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status.”***
- Importance of “or other status” - for example socio-economic status, historically sexuality *etc.*



Human Rights in International Treaties



Care about Rights Evaluation



- **90%** agreed or strongly agreed that they could see how human rights could improve the delivery of care.
- **97%** agreed that human rights help ensure more person-centred care.
- **97%** felt that a human rights approach can help providers develop positive relationships with users and their families.



FAIR -rights based decision making

- **Facts:**

What is the experience of the individual? Are they being heard? What are the important facts to understand?

- **Analysis of rights at stake:**

What are the human rights at stake? Can the rights be restricted? What is justification for restricting the right? Is the restriction proportionate?

- **Identify shared responsibilities:**

What changes are necessary? Who has responsibilities for making changes?

- **Review actions:**

Have the actions taken been appropriately recorded and reviewed and has the individual been involved?

Experiences of taking a Human Rights Based Approach



“Using the language of human rights helps people to understand that what we do isn’t because we’re being nice, or giving an added extra, it’s actually our duty to help people have their human rights fulfilled.”

David Harvey and Sam Smith, C-Change

Experiences of taking a Human Rights Based Approach

How to put a human rights based approach into practice

Key findings of Alice Donald paper – organisational element

- Executive leadership
- Systematic participation of people who use services and carers
- Creating ‘champions’
- Changing everyday behaviour/practice
- Human Rights training
- Integrating human rights into existing policies and practices e.g. care planning, equality and diversity
- Informing people about their rights and strengthening advocacy
- Regular reviews of policies and procedures – human rights audit
- Use of external human rights expertise
- Public commitment to human rights – in communications, a charter, code of ethics
- Focusing on the rights of everyone affected – framework for balancing rights