



Independent living and human rights

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Director

Human rights: inherent dignity

“Human rights are inscribed in the hearts of people, they were there long before lawmakers drafted their first proclamations.”

Mary Robinson

Former UN High Commissioner for Human Rights

BUT more than values ...

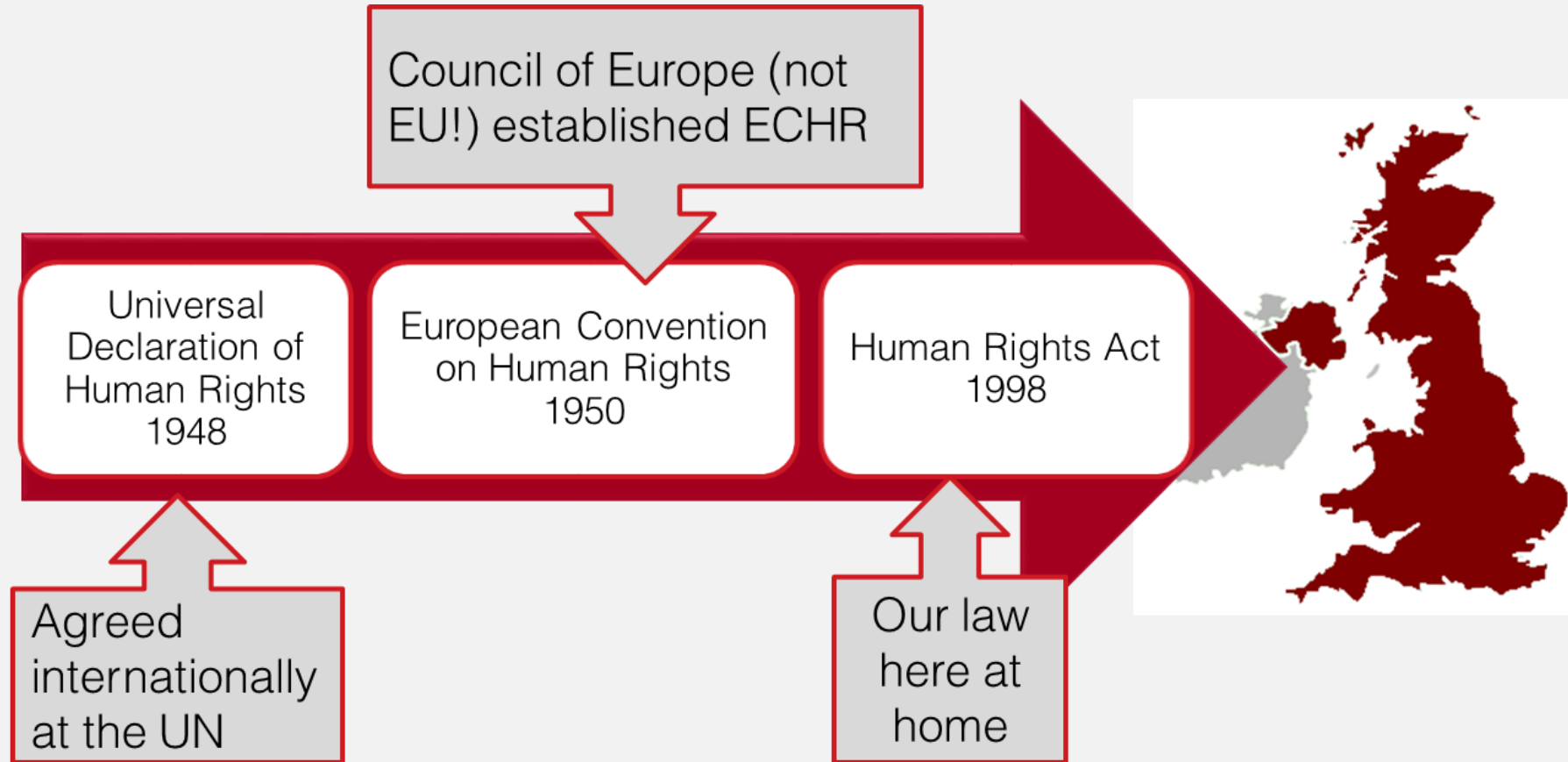
Values are important – dignity, respect, fairness, autonomy, equality, etc. - underpin human rights, but they are the starting point, human rights are more:

“are basic rights to humane **dignified treatment** and things I should have access to **simply because I am a human being**” Cath, Mental health service user

“are a set of **recognisable principles** on which public authorities can base their **everyday work**” Nicki, Local authority manager

“provide a **legal framework for service providers** to abide by and **empower service users** to demand that they are treated with dignity” Parliament Joint Committee on Human Rights

International, European and UK



Why the law matters: a culture of respect for human rights

“...one that fosters basic respect for human rights and creates a climate in which such respect becomes an **integral part of our way of life** and a **reference point for our dealing with public authorities**...in which all our institutional policies and practices are influenced by these ideas...The building of a human rights culture ...[depends] **not just on courts** awarding remedies for violations of individuals' rights, **but on decision-makers in all public services internalising the requirements of human rights law**, integrating those standards into their policy and decision-making processes, and ensuring that the **delivery of public services in all fields is fully informed by human rights considerations.**”

Parliament's Joint Committee of Human Rights

Human Rights Act: domestic law

1. There is a legal duty on all public authorities to respect and protect human rights in the HRA across everything they do
2. Other laws and policies should be interpreted and applied in a rights-respecting manner
3. Legal cases where human rights are at risk can now be brought in the UK (courts and tribunals)

How the legal duty works

The duty on officials has 3 parts:

Respect: not to breach human rights



Take a step back and do not interfere with people's rights

Protect: take action to safeguard people's rights, including when the risk is from a non-official like a family member



Take a step forward and do something – the **positive obligation to protect a person's rights to prevent harm or enable access**

Fulfil: to have the right processes and procedures in place, particularly to investigate when things have gone wrong.



Investigate failings and prevent future breaches to rights – at the heart of mass failures of care and treatment





Independent living: The right to respect for private & family life, home & correspondence (Article 8)

Private life

- **well-being**
- **autonomy**
- **participation in the community**
- **relationships with others**
- confidentiality

Family life

- **develop and keep family relations**
- **ongoing contact if split up**

Home

- not a right to housing
- **enjoyment of current home – includes a care home, residential unit, etc.**

Correspondence

- uncensored communication with others
- letters and **modern communications**

Independent living: other domestic human rights



Right not to be tortured or treated in an inhuman or degrading way

(Article 3)



Right to liberty

(Article 5)



Right to life

(Article 2)



Right to peaceful enjoyment of possessions

(Article 1, Protocol 1)



Right not be discriminated against in relation to any of the human rights listed here

(Article 14)

Changing people's lives

Gemma

In her 40s, when mother died she was placed in an older people's care home. Investigated by a local monitoring service, who used human rights to identify the inappropriateness of this provision. Gemma is now supported to live independently.

Nina

When she turned 18 she was moved 200 miles from her family. Led to significant increase in mental health issues. Advocate raised this as a human rights issue, worked with social worker to challenge Commissioners. Nina moved to within 40 miles of home.

Independent living: domestic & international

- **Article 19 UNCRDP Living independently and being included in the community: States recognise the equal right of all persons with disabilities to live in the community, with choices equal to others, and shall take effective and appropriate measures to facilitate full enjoyment by persons with disabilities of this right and their full inclusion and participation in the community**
- The Human Rights Act can anchor this, via the right to respect for private and family life and non-discrimination in UK law.

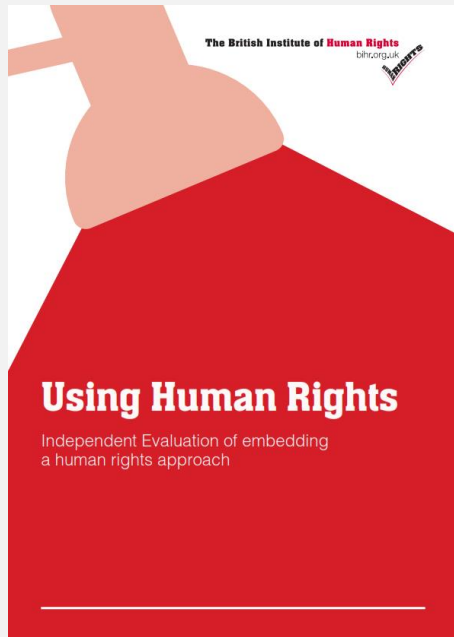
A human rights approach

A human rights approach is about empowering people to know and use their rights AND increasing the ability and accountability of those who are responsible for respecting and protecting human rights

- P** enabling meaningful participation of all key people and stakeholders
- A** ensuring clear accountability, identifying who has legal duties and practical responsibility for a human rights approach
- N** non-discrimination: discrimination avoided, attention paid to groups made vulnerable
- E** empowerment of staff and service users with knowledge, skills and commitment to realising human rights
- L** expressly apply human rights laws, particularly the Human Rights Act



Why human rights (the law and ...)



- People using services feel more empowered and able to change their lives
- Staff reinvigorated and connected to values
- Better relationships between staff and service users
- More productive relationships between public services and local community groups to secure change
- Changes to organisational culture, supporting staff, service users and the wider community

(www.bihr.org.uk/news/bihr-learning-from-recent-evaluation-findings)

A human rights approach: your values

“Using a human rights approach has revolutionised decision-making. Staff are thinking differently and making decisions differently. It needs to be rights based, not just risk based.”

“Using human rights has helped, in difficult times, to give us back our social work values in a meaningful way.”

“Using human rights has improved the culture of our organisation. I started off sceptical about what difference it would make, but there has been a big turn around and the service is better as a result.”

...to incorporate human rights into our practice. It has given the whole staff team a boost to be involved in something so innovative and has given us a new perspective. It has started an evolutionary process for us and our service users are telling us they feel the benefit.”

A FINAL THOUGHT:

Where do universal human rights begin? **In small places, close to home - so close and so small that they cannot be seen on any maps of the world.** Yet they are the world of the individual person; the neighbourhood he lives in; the school or college he attends; the factory, farm, or office where he works. Such are the places where every man, woman, and child seeks equal justice, equal opportunity, equal dignity without discrimination. Unless these rights have meaning there, they have little meaning anywhere. **Without concerted citizen action to uphold them close to home, we shall look in vain for progress in the larger world”**

