

Developing the over-arching Principles and NCS

What is meant by a 'Human Rights Based Approach'?

A 'Human Rights Based Approach' is about empowering people to know and claim their rights and increasing the ability and accountability of individuals and institutions who are responsible for respecting, protecting and fulfilling rights.

This means giving people greater opportunities to participate in shaping the decisions that impact on their human rights. It also means increasing the ability of those with responsibility for fulfilling rights to recognise and know how to respect those rights, and make sure they can be held to account.

A human rights based approach is about ensuring that both the standards and the principles of human rights are integrated into policymaking as well as the day to day running of organisations.

This approach acknowledges that it is not only people who use services whose rights are to be promoted and upheld, but staff, representatives and communities too.

The PANEL principles There are some underlying principles which are of fundamental importance in applying a human rights based approach in practice.

Participation	Everyone has the right to participate in decisions that affect their human rights
Accountability	Effective monitoring as well as effective remedies for breaches in human rights
Non-discrimination and equality	All forms of discrimination must be prohibited, prevented or eliminated
Empowerment	Individuals and communities should know their rights
Legality	Needs to be recognised that rights are legally enforceable

There are times when people's human rights can be restricted or limited, for reasons such as to protect public safety or health, or to protect the rights of others and this will not be a breach of the law. However, any restrictions or limitations must be the minimum necessary.

The Scottish Human Rights Commission has developed an approach to help people apply a Human Rights Based approach, known as FAIR:

Facts	What is the experience of the individuals involved and what are the important facts to consider?
Analyse rights	What Human Rights are at stake?
Identify responsibilities	Identify what needs to be done and who is responsible for doing it
Review Actions	Make recommendations for actions and later review

The Principles and the National Care Standards will be developed using this approach.

For more information on PANEL and FAIR visit www.scottishhumanrights.com