

SHRC

Scottish
Human Rights
Commission

A human rights based approach: an introduction

Participation

Accountability

Non-discrimination

Empowerment

Legality

A human rights based approach: PANEL principles

Taking a human rights based approach is about using international human rights standards to ensure that people's human rights are put at the very centre of policies and practice.

A human rights based approach empowers people to know and claim their rights. It increases the ability of organisations, public bodies and businesses to fulfil their human rights obligations. It also creates solid accountability so people can seek remedies when their rights are violated.

The **PANEL** principles are one way of breaking down what a human rights based approach means in practice.

PANEL stands for **P**articipation, **A**ccountability, **N**on-Discrimination and Equality, **E**mpowerment and **L**egality.

Participation

People should be involved in decisions that affect their rights.

Accountability

There should be monitoring of how people's rights are being affected, as well as remedies when things go wrong.

Non-Discrimination and Equality

All forms of discrimination must be prohibited, prevented and eliminated. People who face the biggest barriers to realising their rights should be prioritised.

Empowerment

Everyone should understand their rights, and be fully supported to take part in developing policy and practices which affect their lives.

Legality

Approaches should be grounded in the legal rights that are set out in domestic and international laws.

A human rights based approach: in practice

Human Rights in a Healthcare Setting

The Scottish Human Rights Commission carried out an evaluation of a Special NHS Board that wanted to adopt a human rights culture. Practical changes were encouraged, such as reducing the use of “blanket” policies that don’t take account of individual circumstances. There were tangible benefits for patients, their families and staff.

Care about Rights

This training package explains the benefits of applying human rights principles to everyday situations in the care sector. The training is designed to increase awareness and knowledge of human rights issues. It gives practical advice in the delivery of care using human rights.

The Dementia Charter

The PANEL principles were adopted in Scotland’s National Dementia Strategy. The Dementia Charter was developed originally by the Cross-Party Group on Alzheimer’s at the Scottish Parliament.

Historic Child Abuse

In February 2010 the Scottish Human Rights Commission published a human rights based approach to the design and implementation of a Framework for survivors of historic child abuse in Scotland. The framework outlines a comprehensive approach to ensuring effective access to justice and remedies.

Using a human rights based approach

The FAIR flowchart

The Commission has developed a flow chart to guide you through a human rights based approach.

Facts

What is the experience of the individual? Is the individual being heard and if not, do they require support to do so?

What are the important facts to understand?

Analysis of right(s) at stake

What are the human rights or issues at stake?

Is the right to life or the right not to be subjected to inhuman or degrading treatment at stake? If so, these rights are absolute and cannot be restricted.

Can the right be restricted? What is the justification for restricting the right?

Is the restriction on the right 'proportionate'? i.e. is it the minimum necessary restriction to meet the aim or is a "sledgehammer being used to crack a nut"?

Identification of shared responsibilities

What changes are necessary?

Who has responsibilities for helping to make the necessary changes?

Review actions

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