SHRC

Scottish
Human Rights
Commission

Human Rights Based Approach
A Self-Assessment Tool

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Human Rights Based Approach – A Self-Assessment Tool

This tool is based on the PANEL principles (**P**articipation, **A**ccountability, **N**on-discrimination, **E**mpowerment and **L**egality) which form the basis of a human rights based approach. It is intended to help organisations assess their work and identify priorities for improvement towards embedding a human rights based approach.

It is likely that you will find that there are some areas in which your practice is already strong and assessing your organisation against these principles reinforces positive work. Using this tool allows you to identify areas where there may be gaps and to prioritise these for action. It can be used as a reference point, to keep track of how each aspect is improving. A human rights based approach will always be a work in progress and the idea is to progressively work on improvements until you feel comfortable that you are delivering on all elements – but this will take time!

Who

This tool has been designed to be used flexibly. In particular, it can support people in organisations tasked with (or, often, having tasked themselves with) embedding a human rights based approach. It is best done as a cross-organisational exercise as there are likely to be a range of roles in the organisation which relate to these questions. If you can, arranging a workshop with relevant members of staff is a good starting point. Once the initial assessment has been done, someone should be identified to take forward the actions arising and keep it under review.

It could also be used by, for example, an individual developing a policy or a board reviewing the workings of an organisation.

How to do it

Spend time (at least 20-30 minutes) looking at each of the PANEL principles. For each of them, discuss:

▶ What is already done well in this area and what should continue to happen?

▶ Where would you want to get to – i.e. what would good Empowerment look like?

▶ What are the practical things you would put in place to achieve this?

▶ Which of these are priorities?

It is a good idea to record the discussion in order to form the basis of any plans of action.

PRINCIPLE	DESCRIPTION	PROMPT QUESTIONS
Participation	Everyone has the right to participate in decisions which affect them. Participation must be active, free, and meaningful and give attention to issues of accessibility, including access to information in a form and a language which can be understood.	▶ How do you ensure that rights holders (people whose rights are affected) have an influence on and participate in the development of these activities? How do rights holders feel that their opinions are listened to, even if a contrary decision is made? ▶ Is there a policy for participation in these activities? How is that policy employed across all activities? What mechanism do you have for determining how participation will be considered in each piece of work? ▶ Does the policy take into account representation: – Geographically – Across all protected characteristics – From seldom heard groups? ▶ How does the policy seek to overcome barriers to participation for these groups? ▶ How do you ensure information is presented in a format which rights holders are able to understand? For example, Easy Read, Plain English, BSL or other formats may be required. ▶ How do you involve the relevant duty bearers (people and organisations with human rights obligations) in each activity?

PRINCIPLE	DESCRIPTION	PROMPT QUESTIONS
Accountability	Accountability requires effective monitoring of human rights standards. For accountability to be effective there must be appropriate laws, policies, administrative procedures and mechanisms of redress in order to secure human rights.	▶ Can you identify duty bearers (people and organisations with human rights obligations) in each activity? ▶ How do you use/create mechanisms to hold those duty bearers to account? ▶ How do you identify the most important capacity gaps in duty bearers to meet their obligations? ▶ How do you monitor and evaluate the impact on human rights outcomes over time?

PRINCIPLE	DESCRIPTION	PROMPT QUESTIONS
Non-discrimination and equality	A human rights based approach means that all forms of discrimination must be prohibited, prevented and eliminated. It also requires the prioritisation of those in the most vulnerable situations who face the biggest barriers to realising their rights.	▶ How do you identify the impact of activities on protected characteristics (age, disability, gender reassignment, race, religion or belief, sex, sexual orientation, marriage and civil partnership, and pregnancy and maternity)? ▶ And other marginalized groups? ▶ How are their needs taken into account, both in participation (see above) and in ensuring their issues are reflected throughout the work? ▶ How do you address issues of universal accessibility (making things accessible for all groups of people) and reasonable accommodation (making adjustments so that things are accessible to a particular individual)? ▶ How do you check and ensure the accessibility of your own materials for groups with particular needs?

PRINCIPLE	DESCRIPTION	PROMPT QUESTIONS
Empowerment	People should understand their rights, and be fully supported to participate in the development of policy and practices which affect their lives. People should be able to claim their rights where necessary.	▶ How does implementation of activities contribute towards building the capacity of rights holders (people whose rights are affected) to claim their rights (e.g. ability to access information, organise, advocate policy change and get access to justice etc?) ▶ How do people know about how they can participate in your work? How available is this information? ▶ How do you empower people to know and claim their rights? What information would be provided to rights holders about their human rights? ▶ How do you identify the most important capacity gaps in each activity that constrain rights holders from claiming their rights?

PRINCIPLE	DESCRIPTION	PROMPT QUESTIONS
Legality	The full range of legally protected human rights must be respected, protected and fulfilled. A human rights based approach requires the recognition of rights as legally enforceable entitlements, and is linked in to national and international human rights law. See **www.scottishhumanrights. com/rights-in-practice/ human-rights-laws/** for more information.	▶ What human rights are affected by this activity? ▶ How do you ensure that furthering these rights is the aim of the activity? ▶ How do you use relevant human rights standards and recommendations of regional and international human rights mechanisms to inform each activity? ▶ How is implementation tied to those priorities? ▶ How does your work address the full range of civil, political, economic, social, and cultural rights?