

# SHRC

Scottish  
Human Rights  
Commission

## Help with Human Rights



November 2014

# Who are we?

**The Scottish Human Rights Commission is an independent public body that promotes and protects human rights for everyone in Scotland.**

Our duties, powers and functions are set out in the Scottish Commission for Human Rights Act 2006.

The Commission has a general duty to promote awareness, understanding and respect for all human rights to everyone, everywhere in Scotland, and to encourage best practice in relation to human rights.

# What are human rights?

**Human rights are the basic rights and freedoms that we are all entitled to, in order to live with dignity.**

**Human rights include “civil and political” rights, such as:**

- + The right to freedom of expression
- + The right to freedom of religion or conscience
- + The right to property
- + The right to freedom of assembly
- + The right to respect for private and family life
- + The right to vote.

**Human rights also include “economic and social” rights, such as:**

- + The right to an adequate standard of living
- + The right to adequate food, housing, water and sanitation
- + The rights you have at work
- + The right to education.

The foundation of human rights is the Universal Declaration of Human Rights (UDHR). The 30 articles of the Declaration were adopted in 1948 by the United Nations General Assembly after the atrocities of World War Two. Over time, these have been integrated into national laws and international treaties.

The European Convention on Human Rights was ratified by the United Kingdom in 1951. It is now part of the domestic law in Scotland, thanks to the Human Rights Act 1998 and the Scotland Act 1998.

# How are human rights protected?

**Some human rights are protected in Scottish law. Others are set out in international agreements that the UK has signed up to. Human rights can also be protected by organisations taking a “human rights based approach” to providing services for people.**

## The law

In Scotland human rights are protected in a number of different ways. Some human rights are guaranteed by the Human Rights Act 1998. This guarantees many of the rights in the European Convention of Human Rights in our legal system. The Human Rights Act means that you can defend your rights in the Scottish and UK courts and that public organisations (including the Government, the Police and local councils) have a duty to act in a way that is compatible with your rights.

People in Scotland are also entitled to other human rights because the United Kingdom has signed up to international agreements. Examples of these include United Nations conventions such as the UN Disability Convention and the International Covenant for Economic, Social and Cultural Rights

Taking a human rights case to court can often be costly, time consuming and stressful. You should ask a lawyer for advice at an early stage. The Law Society of Scotland should be able to give you details of lawyers.

Many human rights issues can be resolved by talking to those involved, getting help from advocacy services and by using complaints processes, instead of going to court.

## Human rights based approach

Many organisations and services also take a broader “human rights based approach” to their work.

This means going beyond the minimum legal requirements. It means putting the values and principles of human rights into practice throughout the service or the organisation’s approach.

*More information about taking a human rights based approach is available on the Commission’s website.*

# Help with human rights problems

**Many people experience problems when it comes to their own human rights. This leaflet gives details of organisations and services that may be able to help you, if you have a human rights problem.**

**PLEASE NOTE THAT THE SCOTTISH HUMAN RIGHTS COMMISSION IS NOT A COMPLAINTS HANDLING BODY AND DOES NOT PROVIDE AN ADVICE OR HELP SERVICE TO INDIVIDUALS.**

This is because the law that governs the Commission's work prohibits us from giving advice or assistance on individual legal claims or potential legal proceedings (Section 6(1) of the Scottish Commission for Human Rights Act 2006).

When the Scottish Parliament set the Commission up, it decided that it would be better for our limited resources to be used for strategic legal and policy work, instead of providing an advice service. This means that we work on human rights issues that affect lots of people, rather than providing advice to a smaller number of individuals.

We work closely with other organisations and services that do provide advice on human rights issues, so that we can signpost people to them.



# Advice and help services

## General Advice

The **Equality Advisory Support Service (EASS)** advises and helps people on issues relating to **equality and human rights**. This service includes a helpline and online advice and resources.

Website: [www.equalityadvisoryservice.com](http://www.equalityadvisoryservice.com)

Helpline: 0808 800 0082

Textphone: 0808 800 0084

Opening hours: Monday – Friday: 9am – 8pm, Saturday: 10am – 2pm

The **Citizens Advice Bureau** can give free impartial advice on a wide range of issues. You can call their national helpline Citizens Advice Direct on 0808 800 9060 or visit: [www.cas.org.uk](http://www.cas.org.uk)

## Legal Advice

The **Law Society for Scotland** can help you find a **human rights lawyer**.

Website: [Lawscot.org.uk](http://Lawscot.org.uk)

Phone: 0131 226 7411

Email: [lawscot@lawscot.org.uk](mailto:lawscot@lawscot.org.uk)

**Community Law Centres** across Scotland provide **legal advice** to individuals. They are usually charities that specialise in welfare, housing and discrimination issues. A list of community law centres can be found on our website or you can contact your local Citizens Advice Bureau for more information.

The **Scottish Child Law Centre** provides free **legal advice** for, and about, children.

Website: [www.scllc.org.uk](http://www.scllc.org.uk)

Advice line: 0131 667 6333

Email: [enquiries@scllc.org.uk](mailto:enquiries@scllc.org.uk)

The **Ethnic Minority Law Centre** provides free legal advice and representation on human rights issues in relation to **immigration and asylum** matters.

Website: [www.emlc.org.uk](http://www.emlc.org.uk)  
Telephone: 0141 204 2888 or 0131 229 2038  
Email: [admin@emlc.org.uk](mailto:admin@emlc.org.uk) or [edinburgh@emlc.org.uk](mailto:edinburgh@emlc.org.uk)

The **Scottish Legal Aid Board** can give you information on **legal aid**.

Website: [www.slab.org.uk](http://www.slab.org.uk)  
Phone: 0131 226 7061  
Email: [general@slab.org.uk](mailto:general@slab.org.uk)

## Making a Complaint Against a Professional or a Public Body

All public services will have an internal complaints procedure which should be followed before taking the matter further. You can usually find the complaints procedure on the website of the service in question.

If you have exhausted the complaints procedure of the service and your complaint has not been resolved, you can then contact the body responsible for regulating that service.

The **Scottish Public Services Ombudsman** is the final stage for handling complaints about public bodies in Scotland. You must have completed the complaints procedure with the public body in question before contacting SPSO.

Website: [www.spsso.org.uk](http://www.spsso.org.uk)  
Phone: 0800 377 7330

The **Scottish Information Commissioner** can help with freedom of information requests to Scottish Public Authorities.

Website: [www.itspublicknowledge.info](http://www.itspublicknowledge.info)

The **Police Investigations and Review Commissioner for Scotland** considers and reviews the way police authorities, police forces and policing agencies handle complaints from the public.

Website: [www.pirc.scotland.gov.uk](http://www.pirc.scotland.gov.uk)  
Phone: 0808 178 5577

## Children's Rights

**Scotland's Commissioner for Children and Young People (SCCYP)** promotes and safeguards the rights of children and young people in Scotland.

Website: [www.sccyp.org.uk](http://www.sccyp.org.uk)

Phone: 0800 019 1179

**Contact a Family** has information, support and advice for the families of disabled children.

Website: [www.cafamily.org.uk](http://www.cafamily.org.uk)

Phone: 0131 659 2930

See also **Child Law Centre** above.

## Health, Mental Health and Care

The **Patient Advice and Support Service (PASS)** at Citizens Advice Bureau is an independent service which provides information, advice and support to **patients and their carers**.

Website: [www.patientadviceScotland.org.uk](http://www.patientadviceScotland.org.uk)

The **Mental Welfare Commission** and the **Scottish Association for Mental Health** offer advice on **mental health** issues.

Website: [www.mwcscot.org.uk](http://www.mwcscot.org.uk)

Email: [enquiries@mwscot.org.uk](mailto:enquiries@mwscot.org.uk)

Phone: 0131 313 8777

Website: [www.samh.org.uk](http://www.samh.org.uk)

Phone: 0141 530 1000

The **Care Information Scotland** is a telephone and website service providing information about **care services for older people** living in Scotland.

Website: [www.careinfoscotland.co.uk](http://www.careinfoscotland.co.uk)

Phone: 08456 001 001

The **Care Inspectorate** is the independent scrutiny and improvement body for care services in Scotland. It is responsible for inspecting, regulating and supporting improvement of **social care and social work** services across Scotland.

Website: [www.careinspectorate.com](http://www.careinspectorate.com)

Phone: 0345 600 9527

**Scottish Social Services Council** is responsible for raising standards in the Scottish **Social Services** workforce.

Website: [www.sssc.uk.com](http://www.sssc.uk.com)

Email: [enquiries@sssc.uk.com](mailto:enquiries@sssc.uk.com)

Phone: 0345 60 30 891

## Historic Abuse

**SurvivorScotland** oversees the National Strategy for survivors of **Childhood abuse**.

Anyone who is or has been affected by historic abuse in care can access support, counselling and advocacy for survivors and their families by telephoning the In-care Survivors free helpline on 0800 121 6027

Website: [www.survivorscotland.org.uk](http://www.survivorscotland.org.uk)

Email: [survivorscotlandfeedback@scotland.gsi.gov.uk](mailto:survivorscotlandfeedback@scotland.gsi.gov.uk)

## Housing

**Shelter Scotland** works to alleviate the distress caused by homelessness and bad housing. Shelter Scotland can give confidential advice to people with all kinds of housing problems including homelessness, renting rights, eviction, repairs and bad conditions, neighbourhood issues, complaints and court action and disability rights.

Advice line: 0808 800 4444

Website: <http://scotland.shelter.org.uk/>

## Immigration and Asylum

The **Scottish Refugee Council** is an independent charity dedicated to providing advice, information and assistance to asylum seekers and refugees living in Scotland.

Website: [www.scottishrefugeecouncil.org.uk](http://www.scottishrefugeecouncil.org.uk)

Phone: 0141 248 9799

## Older People's Rights

There is a **Scottish Helpline for Older People**.

Website: [www.ageuk.org.uk/scotland](http://www.ageuk.org.uk/scotland)

Phone: 0800 4 70 80 90

## Women's Rights

**Scottish Women's Aid** is the lead organisation in Scotland working towards the prevention of domestic abuse. It is an umbrella organisation for local Women's Aid groups which provide specialist services to women, children and young people, including safe refuge accommodation, information and support. To find the contact details of your local Women's Aid, please visit [www.scottishwomensaid.org.uk/advice-information](http://www.scottishwomensaid.org.uk/advice-information).

There is also a **National 24 Hour Domestic Abuse Helpline** which can be reached 0808 2000 247.

## Help to Access Advice Services

The **Scottish Independent Advocacy Alliance** promotes, supports and defends the principles and practice of independent advocacy across Scotland.

Independent advocacy safeguards people who are vulnerable and discriminated against, empowering people who need a stronger voice by enabling them to express their own needs and make their own decisions.

Website: [www.siaa.org.uk](http://www.siaa.org.uk)

Phone: 0131 524 1975

# Frequently asked questions

## Can you help with my human rights problem?

The Scottish Human Rights Commission does not operate an advice service and cannot represent individuals or take on their cases. This is because the law that governs the Commission's role prohibits us from giving legal advice or assistance in relation to potential claims or legal proceedings (Section 6(1) of the Scottish Commission for Human Rights Act 2006). We can signpost you to organisations who may be able to help you. This information leaflet gives those details.

## So what does the Commission do?

The Commission works on human rights issues that affect lots of people, rather than providing an advice service to individuals. This means that we work on human rights issues that affect lots of people, rather than providing advice to a smaller number of individuals.

We do this by:

- + responding to Scottish Government and Parliament consultations on issues that affect human rights;
- + monitoring and reporting on implementation of international human rights in Scotland;
- + developing and coordinating Scotland's National Action Plan for Human Rights (SNAP);
- + raising awareness of human rights.

More information on our work can be found on our website. You can also download the latest copy of our annual report there.

## I'm looking for a human rights lawyer, can you recommend one?

The Scottish Human Rights Commission does not keep a database of lawyers and we cannot make recommendations. However, the **Law Society of Scotland** can help you find a lawyer. We cannot advise you whether there are human rights arguments relevant to your individual case – this should be done by your legal representative.



## **I've tried everywhere you've suggested and no-one can help. What do I do now?**

Sometimes people have tried all the possible avenues open to them and have not had a satisfactory outcome. We understand that this is extremely upsetting and can sometimes seem as if no one is willing to help.

There are a number of independent advocacy services across Scotland that are set up to give a stronger voice to vulnerable people. The Scottish Independent Advocacy Alliance ([www.siaa.org.uk](http://www.siaa.org.uk) or 0131 556 6443) can help you find a local advocacy organisation who may be able to help you.

The Commission also recognises that the laws and policies that are in place to protect people's rights do not always filter down to people's experiences in everyday life. That is why we are working to deliver Scotland's National Action Plan for Human Rights – a road map which aims to address the gaps where human rights have not yet been fully realised. More information about this can be found on our website.

## **How do I take a case to the European Court of Human Rights?**

If you have taken a case through the domestic courts and still believe your human rights have not been upheld, then you can consider exercising your right to apply to the European Court of Human Rights in Strasbourg to hear your case. The Commission has produced a guide for applicants taking their case to the European Court of Human Rights, which can be accessed on the Commission's website. Your lawyer should also be able to give you advice on this.

**Contact the Scottish Human Rights Commission**

**[www.scottishhumanrights.com](http://www.scottishhumanrights.com)**

**[hello@scottishhumanrights.com](mailto:hello@scottishhumanrights.com)**

**0131 244 3550**