

# HUMAN RIGHTS AND SOCIAL CARE PUTTING RIGHTS INTO PRACTICE

Dr. Sam Smith



# UNIVERSAL DECLARATION OF HUMAN RIGHTS

Article I.

All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood.

United Nations General Assembly in Paris on 10  
December 1948



# UDHR

Thirty rights and freedoms which form the basis for all international human rights law.

- **Universal:** they belong to all of us, to everybody in the world
- **Inalienable:** they cannot be taken away from us
- **Indivisible and interdependent:** governments should not be able to pick and choose which are respected



“Where, after all, 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 (s)he lives in; the school or college (s)he attends; the factory, farm, or office where (s)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.”

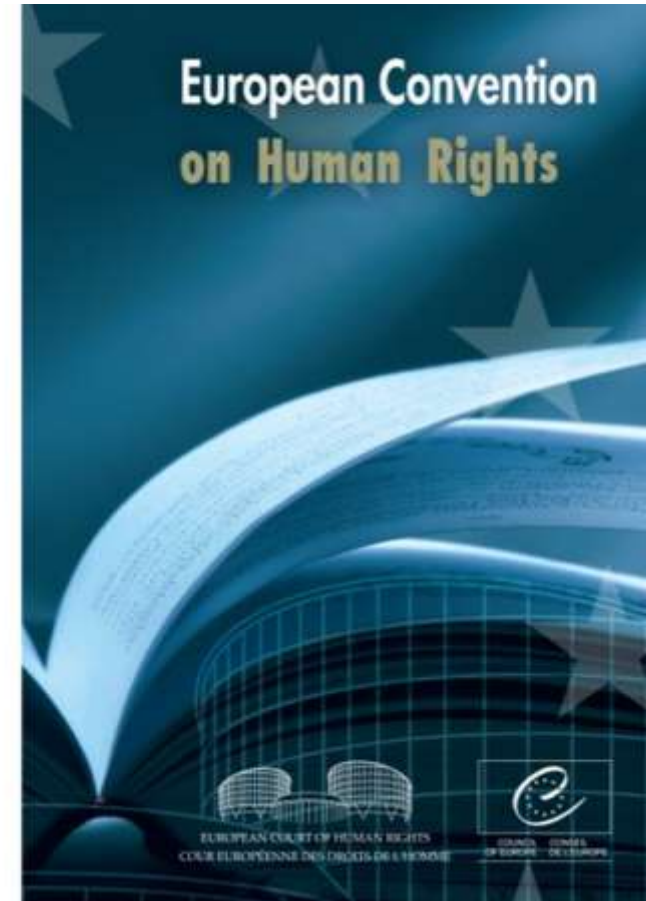
Eleanor Roosevelt

# ECHR

The European Convention on Human Rights is a treaty that was drafted in 1950.

Each of the numbered “articles” protects a basic human right. Taken together, they allow people to lead free and dignified lives.

47 states, including the UK, have signed up. That means that the UK commits to protecting the Convention rights. If a person’s rights are being breached, and they can’t get a remedy in the UK through the Human Rights Act, the Convention lets them take their case to the European Court of Human Rights.



## UNCRC

The United Nations Convention on the Rights of the Child (**UNCRC**) is a legally-binding international agreement setting out the civil, political, economic, social and cultural rights of every child, regardless of their race, religion or abilities.



# UNCRPD

The CRPD is the first comprehensive human rights treaty of the 21st century. The Convention entered into force on 3 May 2008.

It views persons with disabilities as “subjects” with rights, who are capable of claiming those rights and making decisions for their lives based on their free and informed consent as well as being active members of society.



# CONVENTION ON THE ELIMINATION OF DISCRIMINATION AGAINST WOMEN

Adopted in 1979 by the UN General Assembly It is often described as an international bill of rights for women. Consisting of a preamble and 30 articles, it defines what constitutes discrimination against women and sets up an agenda for national action to end such discrimination.





NATIONAL CONTEXT

# HRA 1998

Came into force in 2000. It enables the domestic courts to apply the ECHR, subject to parliamentary sovereignty.

The aim was to provide domestic remedy removing the need for application to the Strasbourg institutions.

1. Ministers need to ensure legislation complies with the ECHR.
2. Courts are obliged to interpret all legislation so that it is compatible with the Convention.
3. Where it is not compatible, courts may issue a certificate of incompatibility.



NATIONAL  
HEALTH AND  
SOCIAL CARE  
STANDARDS



## HUMAN RIGHTS BASED APPROACH

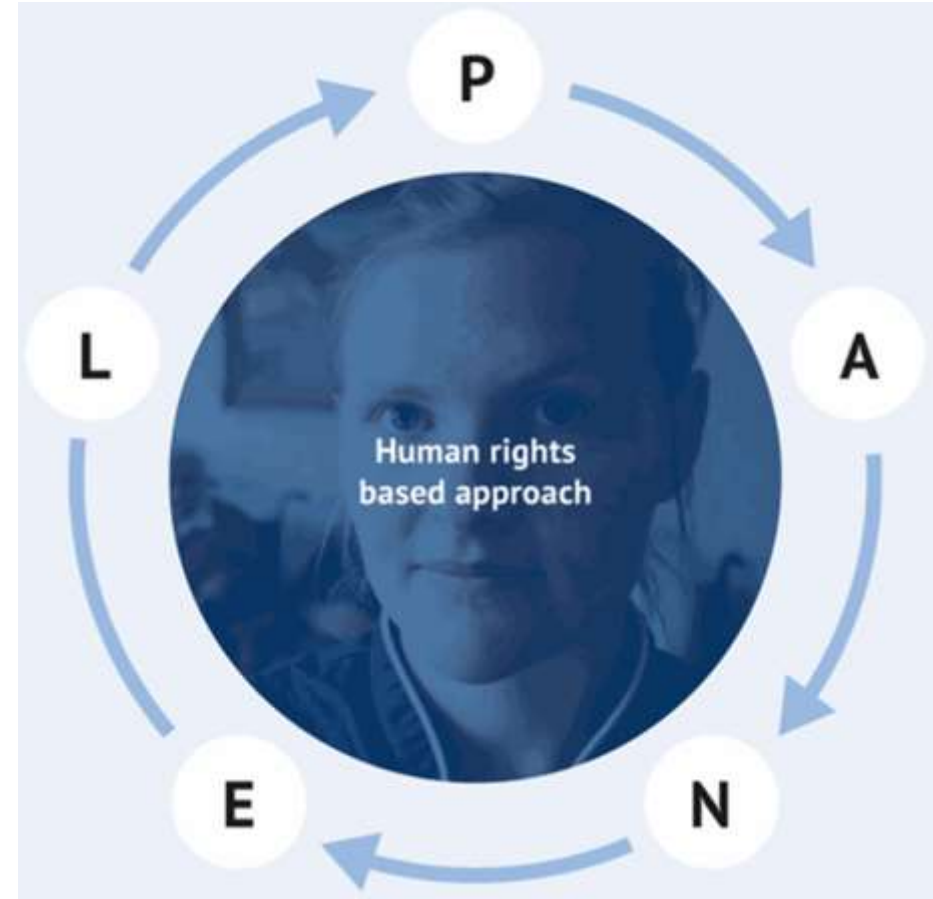
**Participation.** Everyone has the right to participate in decisions which affect their human rights. ...

**Accountability.** ...

**Non-discrimination and equality.** ...

**Empowerment** of rights holders. ...

**Legality** of rights.



CH  
V.  
A METROPOLITAN  
COUNCIL



MCDONALD  
V.  
THE UNITED  
KINGDOM



IN THE SMALL PLACES  
CLOSE TO HOME

**Paul's Story**

# SCENARIO





**THE PURPOSE OF ANY  
HUMAN RIGHTS  
PROTECTION IS TO  
PROTECT THE RIGHTS  
OF THOSE WHOM THE  
MAJORITY ARE  
UNWILLING TO PROTECT:  
DEMOCRACY VALUES  
EVERYONE EQUALLY  
EVEN IF THE MAJORITY  
DO NOT**

- Brenda Hale



THANKS YOU FOR  
LISTENING

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