Sharing experience of a human rights-based approach, Session 1

Introduction

You are listening to the Human Rights 2020s podcast, brought to you by the Human Rights Consortium Scotland. This episode is a recording of a hybrid meeting held on the 31st of May 2022 titled, Sharing Experience of a Human Rights-based Approach, session one. The recording features keynote speaker Clare MacGillivray, Director of Making Rights Real, as she discusses the key aspects of a human rights-based approach for civil society organisations. She is introduced by Mhairi Snowden, Director of the Human Rights Consortium Scotland.

Mhairi Snowden

Okay, hi, everybody. So, first of all, if I hadn't met you before, I'm Mhairi from the Human Rights Consortium Scotland. I think most faces I recognise, and some of you I’m seeing on the screen rather than actual 3D. And so welcome to this event, which is all about sharing experience of a human rights-based approach. So this is actually the first in our series that we have hoped to have around what it means to have a human rights-based approach. And the reason for that is that we carried out a report about a year ago, which asks lots of organisations about what kind of support, what do they need to embed human rights more, to think about human rights, to understand it, to apply it. And actually one of the things a lot of people said was, we’d just really value some space where we just talk about our experience, what worked, what didn't work, like the good, the bad, and the ugly. And just so that we can learn from each other, so that we're not kind of alone, isolated and thinking about these things. But actually, we really benefit from the breadth of experience and advice that is across the Consortium, because lots of people have done lots of things related to human rights. So it's just a case of building those spaces to share that. So that's why we are really pleased to kick this off today.

So without further ado, we'll get on with it. And so we're really pleased to have Clare MacGillivray, who is like the guru of human rights-based approach. And if I was to think of anyone I would ask questions to, it would be Clare. So that's brilliant to kick off this series with Clare’s insights. So, right, without further ado, here’s Clare.

Clare MacGillivray

Hi, everyone. I'm Clare MacGillivray. And I'm the director of Making Rights Real. What I'm going to be talking about today is about what is a rights-based approach? What does that look like for those of us who are using this approach? And then also what are some of the challenges and why is it important that we're using a rights-based approach in Scotland? We know that there's a human rights truck coming at us really quickly with new legislation. So we kind of need to be prepared in the third sector, particularly around what a rights-based approach is. Okay.

So this is my favourite quote, I think in the world. Eleanor Roosevelt when she was writing or chairing the committee that looked at the Universal Declaration of Human Rights says, “Unless human rights have meaning in people's real lives where they are, then they don't actually haven't meaning anywhere.” And that's really the purpose of Making Rights Real is to support communities which are marginalised to really name and claim those rights. So that's an important quote for me. And what it does for me is it helps me to think around all of these concepts and international laws which surround human rights, and try to demystify them a wee bit for the people who I'm working with, in communities, and you're all working with, and in your lived experience. I could do a whole session on that, but I'm not going to. I’m not going to talk about the treaties today, but a rights-based approach really helps to put those treaties into practice in people's lives.

Okay, so what is a rights-based approach? There's five elements to it. The first one is participation. And what we mean by participation is participation of people who are experiencing a human rights issue, whether it's not being able to access mental health support, not being able to access god housing, not being able to access additional support needs for children in schools. How are those people able to participate in decisions and policies that affect them? The second one is around accountability. And that means that rights holders, you and me and all of us here are all rights holders, are able to hold the people who are accountable for our rights, which are duty bearers, the state, local authorities, NHS and other public authorities to account for those standards which are set in international law. But that sounds quite tricky, but actually it's not.

So how do we hold public authorities to account? That's really important. Non-discrimination in human rights terms means putting the people who are furthest from the table right at the heart of the discussions, because if you start off with the people who already have some privilege, or already have a voice, then you're missing people who don't have a voice, you're missing out the people who are not at the table. So your first question when you're talking about participation should be ‘who’s not round the table and why?’ and ‘what power are we carrying when we come to that table?’ So non-discrimination is putting the rights of the people who are furthest away right at the heart. Empowerment, then, is really around ‘how do people name and claim their rights?’ So if you're facing a human rights issue, how do you know which rights are actually being affected? So it's really around how do you learn about those rights? How do you how do you confidently talk about those rights, and then the law is actually the last aspects of a human rights-based approach, but also the first, because that's what we want to change. We want to change the policies and practices and the laws, that means that we're not able to access our rights in the first place. So that's got to be the ultimate goal is that things change. We don't do this just for the craic, just for the banter, just because we want to get together. We need things to change. And a rights-based approach can be quite radical in making that change.

So why use the rights-based approach? You'll recognise three symbols, which are in relation to participation and accountability. It means it’s people-centred, it means that it's focused on the people who are most impacted. That's the participation part. But it also has really clear standards about what's important and what's not. And it's agreed internationally. So that gives us in Scotland the same rights as someone in India, or someone in Taiwan, or someone in Georgia. What's going on is that we have those systems in place, and we can use them as a tool. And if we're not using them as a tool, maybe we need to think about why are we not using those accountability standards as a tool.

But it's also a way to balance rights in decision making. So that one group doesn't have a voice above other groups. But it's a way to take a balanced approach. And what we know is that rights also impact on other rights. So if you have poor housing, it means you're likely to have poor health, and other poor outcomes. If you have good housing, you're more likely to have better health. So the rights actually impact on each other.

But that fourth one at the bottom is really important in terms of people being able to claim their rights. There’s no point in having rights if you're not actually able to name and claim them. All the work that Mhairi did around the All Our Rights in Law project, and the human rights task force that was really important to people. Everyone that we spoke to say we need to be able to claim our rights in an easy way, that's not convoluted, that doesn't mean we have to go through a whole costly legal process. But that actually when they access rights, that they're there immediately, and that they're able to be resolved.

Okay, and the bottom one, the bottom one says it's really about addressing those systemic issues, because we know that laws impact on each other as well. So it's a way to help to take a bit of a holistic view about what needs to change, how, who's responsible for it. Okay.

Why is it challenging? And you'll know that there's a bit knot there, sometimes there are knots in our lives that we can’t actually get to. But it's challenging because it's about shifting power, essentially. And people who have power often don't want to give it up or can't give it up because of the structures that they're bound by. So that can be quite a challenging thing to look at if you're using a rights-based approach. It's also about time though. It's about relationships. It's about building those relationships with people who are furthest from the table. And it's about making sure that your power is acknowledged in those relationships as well.

I often hear people saying the language of rights is confusing. And I totally agree, because I'm not a human rights expert. I'm really not, like honestly, I'm a pure fraud. Because you get to that point where you learn a little bit about human rights, and then there's another mountain to climb. So I think I will always be on that mountain to climb. I don't think I'll ever get to the top of Everest, but some of the words around human rights are quite tricky to get your head around. But a lot of the work that you do in the communities or the workplaces where you are, you'll already be doing some rights-based work and it's about demystifying some of that language. And what's also challenging is getting everyone on board in your organisation. How do you do that, if you think this is a good way to move forward? How do you do that? For example, if you're funded by the state or you're funded by the local authorities, what's your board going to say if you go back and say, we want to use a rights-based approach, and that might be a bit edgy for the work you’re doing. What does that look like for you as an organisation? And being a human rights defender, it's tough. When you're feeling like you're against the state, or because it's difficult to access justice, it's tough. When you're there, you feel like you're the only person that's there. I think what's important about the Consortium, and this brilliant network that we've got, is that we can all be human rights defenders to support each other. And I think that's really important, but it is challenging. I'm not gonna say that rights-based approach is dead easy, and it's like the magic wand for everything. But it can be really useful.

So what does the rights-based organisation look like? It's something that we've been looking at over the last few years, as we get set up as an organisation. Part of it is about the values that you have, as an organisation, what is it that you actually value around dignity and respect, and human rights? And that means how do you interact with staff? How do the board interact with each other? How do you interact and deal with volunteers? How would you deal with complaints? And all of those things are around the culture of the organisation that you're involved in? And it's also about how do you monitor the work that you're doing? So at Making Rights Real, we've got a monitoring framework, which is aligned to the PANEL principles, that’s probably a bit new in Scotland. But how are we going to be accountable to the people that we serve? That’s a question that's kind of always on my mind.

And then it's also like the processes that you have in your organisation. The staff terms and conditions, but it's also about the processes an organisation has. And it’s a journey, it's about making sure to go to that. And if anybody gets it, like, tell me how you get it, right, because it's something I want to learn as well.

Three big things. Mhairi asked me, ‘what are the three big things that you'd actually say around it, if you were thinking about a rights-based approach?’ And the first one, I would say is participation is central. You have to get the people who you’re serving, participating, and they are absolutely central to whatever work you're doing in the rights-based approach, whether you're a funder, whether you work in the NHS, whether you work in a volunteer organisation, participation is first. And the second thing I would say, is think about power. Who's got the power? How do they use it? Do they use it well? When do they not use it well? And how do you use power yourself in the work that you're doing?

And the last thing, I think is about learning about rights. Don't be afraid of the language of rights. You know, don't be afraid of it, go for it. But really feel like you can have the power to shift and change things and keep that belief in your head. And I said I’ve got three, but I lied, I’ve got four. Four is to think about your organisational culture as well. Who do you need to have on this bus with you? You're not alone. You've got a big group of people here, you’ve got a big group of people online. There's a whole movement of people moving towards rights-based approaches in Scotland. So who do you need to have on that bus alongside you? Go and find them, phone them, have a chat, go for a cup of tea. Because you're not alone.

Thanks for being here and thanks for having me.

Outro

Thank you for listening to the Human Rights 2020s podcast. For more information about our work as Scotland’s civil society network for the protection and promotion of human rights, please visit our website at [www.hrcscotland.org](http://www.hrcscotland.org) or follow us on Twitter @HRCScotland. Thank you.