



# KNOW YOUR HUMAN RIGHTS: ATD Fourth World

23.04.24

Phoebe Craig  
Human Rights Officer



Please complete our pre-workshop survey – QR code or link in chat



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# HOW TODAY WILL WORK



- We are here from 2:00 to 3:30, with a 10-minute break.
- This is an interactive workshop! You can use the chat or raise your hand if you have questions or comments, and we will pause for discussion throughout.
- Please turn your cameras on where possible.
- Please stay on mute if you are not speaking.



# MEET THE TRAINER



**Phoebe Craig**  
**Human Rights Officer**



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# ABOUT BIHR



**Empowering Individuals:** to use human rights to self-advocate in their everyday interactions



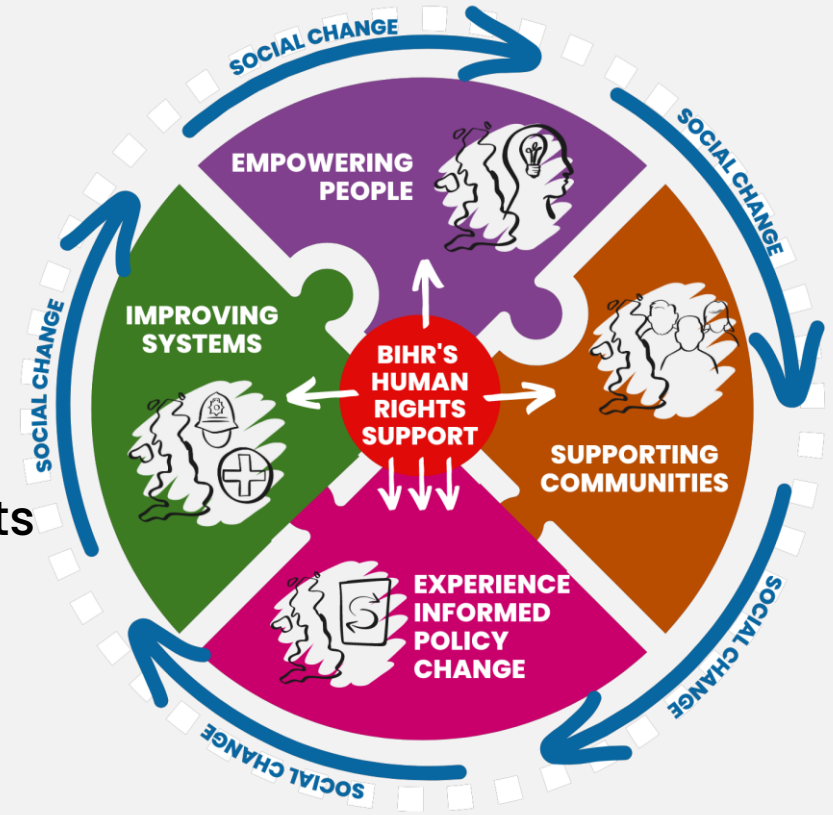
**Supporting Communities:** to use human rights advocacy in their everyday actions.



**Improving Systems:** Increasing accountability of public bodies and services to uphold human rights across all their actions.



**Experience informed policy change:** amplifying the voices of the people we support to influence policy impacting their rights



# ON TODAY'S WORKSHOP



- ✓ How human rights work in the UK
- ✓ How you can use human rights in your life
- ✓ Focus on relevant rights for ATD and how they work every day



# SELF CARE & SAFEGUARDING



We focus on how human rights apply to real life.

This may make some people feel upset or anxious; please take a moment and leave the workshop if you need to.

We do not give legal advice or do casework.

If you or someone you support is at risk of immediate serious harm you should contact the police on 999. For non-emergency situations you can contact them on 101.



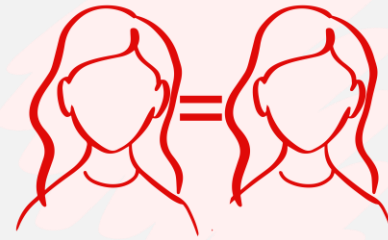
# WHAT ARE HUMAN RIGHTS?



Treated  
with  
dignity



Treated  
with  
respect



Treated  
fairly



Listened to and  
have a say  
over our lives

**Importantly, human rights are more than values, upholding human rights is the law**



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# HUMAN RIGHTS ARE UNIVERSAL

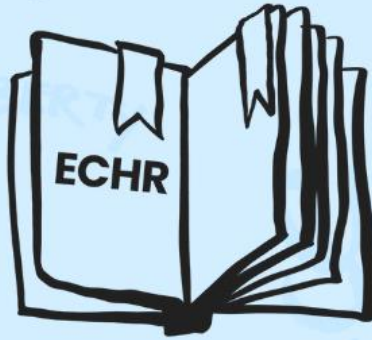
- Human rights belong to **everyone**.
- Not gifts from the government or rewards that you earn.
- **Cannot be taken away** but some can be restricted.
- This doesn't mean everyone has their rights respected all the time, but we know where the line is and ensure **accountability and prevention**.







United Nations  
creates  
UDHR in 1948,  
followed by  
range of  
international  
human rights  
laws



Council of Europe  
creates the ECHR  
and Court, a  
strong regional  
system of human  
rights protection  
**NOT THE EU!**



Our domestic law to "bring  
human rights home" covers  
whole of UK (GB & NI)

Devolution Acts which provide  
additional protections for human  
rights in our systems in Northern  
Ireland, Wales & Scotland



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# INTRODUCTION TO THE HUMAN RIGHTS ACT



# 3 WAYS OUR HUMAN RIGHTS ACT WORKS



1. The Human Rights Act puts a legal duty on **public authorities** to respect, protect and fulfil **people's** human rights across all of their actions, decisions, policies, services, etc.



2. Other **laws and policies** should be applied in a way that respects **people's** human rights, as far as possible



3. If 1 and 2 are not complied with **people** can now bring cases in the UK courts (or **authorities** can ask for a court decision)



# WHO IS A PUBLIC AUTHORITY?

## Core Public Authorities

“public authorities” including courts and tribunals. And ...



## Functional or Hybrid Public Authorities

Private or charitable bodies performing “public functions”  
For example ...

Private Companies

Charities

Not for profits



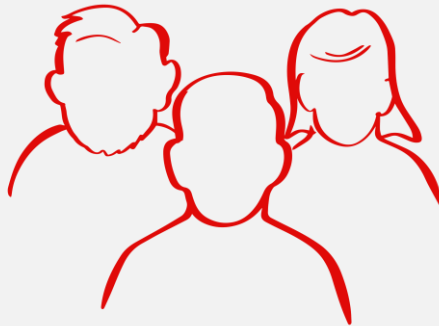
# WHO HAS LEGAL DUTIES TO UPHOLD HUMAN RIGHTS?



Reena, a  
social work  
manager



Sam, a  
police  
officer



Nika, a  
parent



Max, a  
student



Donna and  
Sani,  
housing  
officers



# THE HUMAN RIGHTS ACT LEGAL DUTY ON PUBLIC AUTHORITIES (& their staff)



**RESPECT your human rights.** This means to not breach/violate human rights, and to not restrict rights that are restrict-able, so far as possible.



**PROTECT your human rights.** This means to step in and take positive action to safeguard someone's human rights.



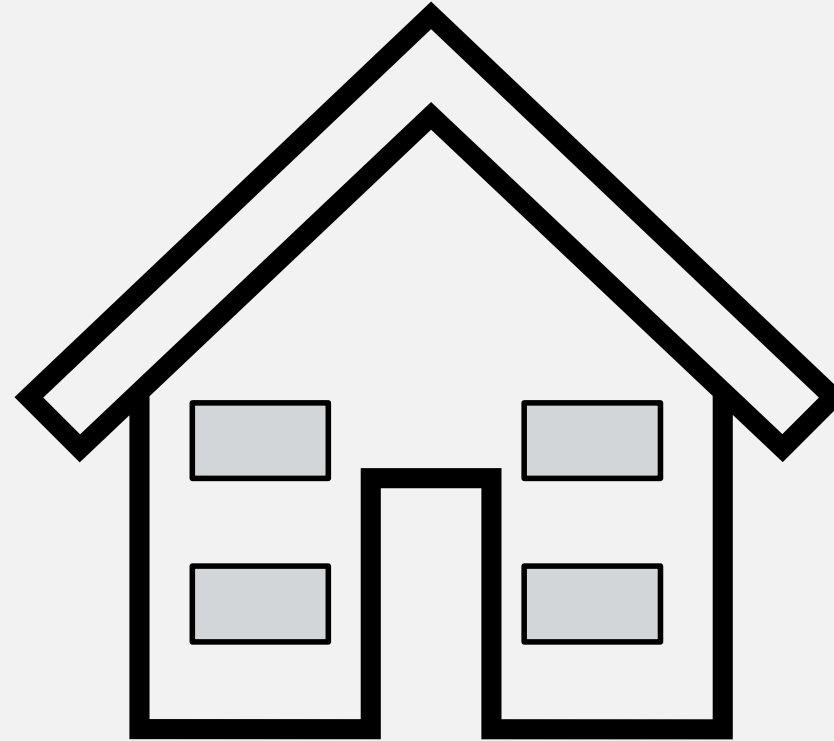
**FULFIL people's human rights.** This means investigating when people's human rights have been breached, and to try and stop it happening again.



# HUMAN RIGHTS ACT: FOUNDATION LAW

The Human Rights Act operates as a foundation law.

All other laws should be compatible with human rights.



**Human Rights Act 1998**

Everyday decision-making

Internal policies of public bodies, e.g. visiting policies.

Regulations and guidance

Other UK laws e.g. The Equality Act, The Childrens Act



# HUMAN RIGHTS ACT: COURT CASES



- Before we had the Human Rights Act in the UK, you had to go to the European Court of Human Rights (in France) to get help.
- This is far away, and it can take years to get your case heard.
- So, the Human Rights Act brought these rights closer to home. This means you can now ask your local court or tribunal to help you with your rights.





# THE LEGAL DUTY MEANS YOU CAN...



- ✓ **Speak up** because the law says you have human rights which should be supported.
- ✓ **Talk to staff** or your services about whether they are meeting their legal duty to support your human rights.
- ✓ **Work with staff and services to find better solutions** because the law says your human rights should be supported. This can help resolve things without having to go to court or use a lawyer.



# THE 16 RIGHTS IN THE HRA



**The right to life**



**The right to be free from inhuman or degrading treatment or torture**



**The right to be free from slavery or forced labour**



**The right to liberty**



**The right to a fair trial**



**The right not to be punished for something that wasn't against the law when you did it**



**The right to respect for private and family life, home and correspondence**



**The right to freedom of thought, conscience and religion**



**The right to freedom of expression**



**The right to freedom of assembly and association**



**The right to marry and found a family**



**The right to be free from discrimination**



**The right to peaceful enjoyment of possessions**



**The right to education**



**The right to free elections**



**Abolition of the death penalty**



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# ABSOLUTE AND NON ABSOLUTE RIGHTS

**Absolute rights: Can never be restricted!**



**Non-absolute rights: 3 stage test**



# Three stage test



1. **Lawful:** There must be a law which allows public officials to take that action.



2. **Legitimate:** There must be a good reason, for example public safety or protecting the rights of other people.



3. **Proportionate:** Public officials must have thought about other things they could do, but there is no other way to protect you or other people.



# Today's Right:



## Article 8

The right to respect for private  
and family life, home and  
correspondence



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# ARTICLE 8

## The right to respect for private and family life, home and correspondence

### Private Life

- wellbeing
- autonomy
- participation in the community
- relationships with others
- confidentiality

### Family Life

- develop ordinary family relations
- ongoing contact if split up

### Home

- not a right to housing
- about enjoyment of current home

### Correspondence

- uncensored communication with others
- letters and modern communications





# The right to respect for private and family life, home and correspondence is **NON-ABSOLUTE**



1. **Lawful:** There must be a law which allows public officials to take that action.



2. **Legitimate:** There must be a good reason, for example public safety or protecting the rights of other people.



3. **Proportionate:** Public officials must have thought about other things they could do, but there is no other way to protect you or other people.



# WHEN COULD THE RIGHT TO RESPECT FOR PRIVATE AND FAMILY LIFE, HOME AND CORRESPONDENCE BE AT RISK?

- If your wellbeing (mental or physical health) is at risk.
- If you are not being involved in decisions over your own body and life, including where you live.
- If your council provided housing is in disrepair and the local authority won't fix it
- If ongoing contact with family members or relationships with others have been stopped or restricted.
- If there is a big intrusion into your private information or data.





# Tanya's Story

Tanya, 28, lives with her partner, Michael, and is six months pregnant. They had a child four years ago, but the baby was removed into a closed adoption before birth, which they contested. The local authority is now assessing Tanya's mental health in a social work investigation about her parenting capacity, but she has a poor relationship with her social worker and feels unfairly judged.

Both Tanya and Michael were raised in care, and Tanya experienced complex childhood trauma. They have unstable housing and currently live in a local authority flat with water damage and mildew, causing Tanya's asthma to flare up and disrupting her sleep. They recently moved in and have no support from neighbours or family, which leaves them feeling isolated. Tanya works as a cashier on a zero-hours contract, while Michael has a physical disability that prevents him from working.

An assessment by a psychologist from four years ago, citing Tanya's emotional and social challenges, is being used in the current investigation, but the recommended therapy and stress management were never provided to her. Tanya is anxious about losing custody of her new baby due to this old assessment and her unstable living conditions.



# What parts of Article 8 are at risk for Tanya?

## AUTONOMY AND FAMILY LIFE

- **Fairness and Respect:** Tanya's perception that she is being "condemned" by social services raises concerns about whether she's being treated fairly and with respect. A poor relationship with social workers can lead to biased or unfair assessments, impacting the family's rights.
- **Transparency and Participation:** Article 8 requires that people be involved in decisions that affect their family life. Tanya's struggle to understand the psychologist's assessment and its use in current proceedings points to a lack of transparency and meaningful participation in the decision-making process.



# What parts of Article 8 are at risk for Tanya?

## FAMILY LIFE

- Forced removal of a child from their parents is one of the most severe interferences with family life. Article 8 requires that any such interference be lawful, legitimate and proportionate. Key considerations include:
  - ✓ Justification for Child Removal: The removal of Tanya and Michael's first child into a closed adoption before birth suggests a significant interference with their right to family life. To justify such a severe action, the local authority must **demonstrate a compelling need**.
  - ✓ Proportionality and Necessity: In assessing Tanya's parenting capacity and the threat of further separation, the local authority must ensure that their actions are proportionate. **Is the intervention the least restrictive means to achieve the desired outcome? Are there alternative support measures that could help maintain the family unit?**



# What parts of Article 8 are at risk for Tanya?

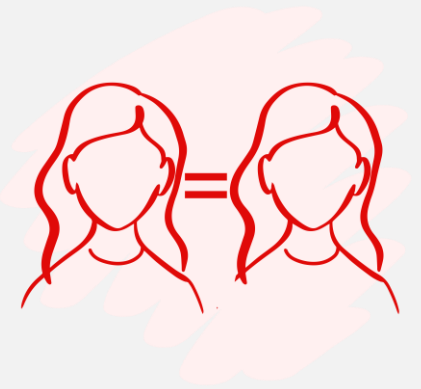
## ENJOYMENT OF CURRENT HOME AND WELLBEING

- **Living Conditions:** The flat with water damage and mildew could impact Tanya's health and well-being, leading to a degrading living environment. This can indirectly affect her ability to maintain a stable family life, as poor health can increase stress and anxiety, further complicating her parenting capacity assessment.
- **Lack of Support and Isolation:** The couple's isolation, with no nearby family support and no established relationships in the new neighborhood, can affect their private life by limiting social connections and support systems. This isolation could exacerbate stress and anxiety, impacting their family life.



# What should happen next?

1. **Provide Support Services:** Before considering severe measures like child removal, authorities should offer appropriate support services to help families overcome challenges.
2. **Ensure Fair Procedures:** The process for assessing parenting capacity must be fair, transparent, and involve the parents. This includes explaining evidence and recommendations in a way that Tanya can understand.
3. **Prioritise Family Preservation:** Interventions should aim to maintain and support family unity whenever possible, consistent with the child's best interests.





# THINGS TO REMEMBER

- **The right to respect for private and family life, home and correspondence is non-absolute.**
- **There are certain circumstances where this right might be restricted, but always ask whether it is “Lawful? Legitimate? Proportionate?”**
- **This right supports us to live our lives in the way we want to. It includes making choices, having relationships, being part of a community, keeping our lives private, enjoying our home – it comes up a lot!**



# Any questions?



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# Human rights for community advocacy



- When decisions are made by officials about a person's life, officials must consider the person's human rights.
- Officials include central government and local government such as adult and children's social services, the police, teachers, and healthcare staff.
- Based on agreed legal definitions not a battle of moral compasses.
- Provides community advocates with a way to challenge poor decisions that impact the person, adding legal strength to advocacy.





# RAISING A HUMAN RIGHTS ISSUE



1. Use your human rights knowledge to decide which rights are involved. Are they absolute or non-absolute?

2. If they are absolute rights, raise this immediately with the public service using human rights language.

3. If they are non-absolute, is the restriction **lawful, legitimate and proportionate?**



4. You could raise the issue formally: write a letter. Explain that you know there is a legal duty which is not being met.

5. Step up the intervention (e.g. make a complaint, contact a regulator, contact a lawyer).



# Any questions?

- F** **Facts**- Establish the facts, what is the situation? How long has it been going on for? What is the impact on you or the person you are supporting?
- A** **Analysis** of the rights at stake- Once you have the main facts, identify what rights are potentially at stake, are these absolute or non-absolute? If absolute, move to "I". If non-absolute, work through Lawful? Legitimate? Proportionate?
- I** **Identify changes** necessary and who is responsible for making these. Remember there may be a number of different public officials involved.
- R** **Record** and review. Make sure you keep notes of what you have asked for and continue to monitor the situation. Are the public bodies involved also reviewing the impact of any changes they have made in response to your concerns?



# Any questions?



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# MORE FROM BIHR

- ✓ For additional training support for your community group, BIHR offers workshops for as little as £455. [Visit our website to review our training offers.](#)
- ✓ Plain language and Easy Read resources on the Human Rights Act and how to use it in everyday life in the [Get Informed section of our website.](#)
- ✓ Join our [Communities email group](#) and [monthly newsletter](#).

And follow  
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media!



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# Social media pack



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**Talking about  
human rights online:**

**A support guide**

*by members of the BIHR RITES Committee*

Our RITES Committee have made a brilliant guide to talking about human rights online: [www.bihr.org.uk/get-involved/social-media-pack](http://www.bihr.org.uk/get-involved/social-media-pack)

It is packed with ideas, examples and inspiration to help you start human rights conversations. Inside, you'll find:

- Time line of key events
- Universality
- Key messages to consider
- Questions for discussion and reflection
- Example content
- Recommended reading
- Making accessible content
- Content calendar
- Glossary



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# THANK YOU!



“ 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 map of the world. Yet they are the world of the individual person: the neighborhood he lives in; the school or college he attends; the factory, farm or office where 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, holding the Universal Declaration of Human Rights

