**Safeguarding Adults**

**7 Minute Briefing– Human Rights**

**02 Why** **are Human Rights Important?**

Human rights reflect the minimum standards necessary for people to live with dignity. Human rights give people the freedom to choose how they live and how they express themselves among many other things. Human rights protect people against abuse by those who are more powerful. Public authorities, like a local authority or the NHS, must follow the Act. If a public authority has breached your human rights, you may be able to take action under the Act.

**01 What are Human Rights?**

Human rights are standards that allow all people to live with dignity, freedom, equality, justice, and peace. They are guaranteed to everyone without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth, or other status. Human rights are essential to the full development of individuals and communities. Human rights are also part of international law, in the UK human rights are protected by the **Human Rights Act 1998**

**03 International Bill of Human Rights**

The International Bill of Human Rights contain a comprehensive list of human rights that governments must respect, protect, and fulfil, including:

•the right to life

•the right to respect for private and family life

•the right to freedom of religion and belief.

•Your right to personal liberty

•Your right not to be tortured or treated in an inhuman way

**What rights can never be restricted?**

Some rights can never be restricted. These rights are absolute. Absolute rights include:

•your right not to be tortured or treated in an inhuman or degrading way

•your right to hold religious and non-religious beliefs.

**07 What to do**

If you are concerned about an adult at risk of harm then please discuss the concerns with Adult Social Care within your Borough and the Named Lead for Adult Safeguarding within your service (see below).

In the event of an emergency contact the Police on 101 or 999

A public authority can never justify breaching an absolute right.

**06 Identifying a human rights issue**

If you’ve been treated badly or unfairly, you'll need to identify what human right or rights have been breached. For example, if you’ve been refused life-saving treatment this could be a breach of your right to life under article 2. Or if your family are not allowed to visit you in hospital this could be a breach of your right to respect for your private and family life under article 8.

Equality Advisory Support Service (EASS). The EASS helpline can provide advice and information on human rights and discrimination issues. Tel: 0808 800 0082

Equality and Human Rights Commission (EHRC). You can find useful information about human rights and discrimination at <https://www.equalityhumanrights.com/en>

Also:

[The Advocates for Human Rights](https://www.theadvocatesforhumanrights.org/)

[Citizens Advice](https://www.citizensadvice.org.uk/law-and-courts/civil-rights/human-rights/)

**05 When can a public authority interfere with your human rights?**

There are some situations where the Human Rights Act says it’s lawful for a public authority to interfere with your rights.

Human rights belong to everyone. This means sometimes your rights may conflict with someone else’s rights or with the interest of the wider community.

A public authority can only interfere with a qualified right if it’s allowed under the law. It must also show that it has a specific reason set out in the Human Rights Act for interfering with your rights. The Act calls these reasons a legitimate aim.

Examples of legitimate aims include:

•the protection of other people’s rights

•national security

•public safety

•the prevention of crime

•the protection of health.

**04** **Who is Responsible for Upholding Human Rights?**

The UDHR states: *“Every individual and every organ of society …”*. That not only the government, but also businesses, civil society, and individuals are responsible for promoting and respecting human rights.

Only public authorities must follow the Human Rights Act. This means you can take action under the Human Rights Act if a public authority has breached your human rights. The Human Rights Act says a public authority is an organisation which provides public functions.

Here are examples of public authorities:

•government departments • courts and tribunals • local authorities • police, prison and immigration officers •schools • NHS trusts and hospitals • other organisations which have been set up by the law • Private organisations or charities are also public authorities if they carry out public functions.

Safeguarding lead in your service. Tel:........................................................ Email:……………………………………………

Halton Safeguarding Adults Unit: 0151 907 8306

**7 Minute Briefing action plan – Human Rights**

**Organisation ……………………………………… Service……………………………………………………………………….**

**Lead………………………………………………. Contact details ……………………………………………………………..**

**What learning or recommendations are relevant to your team, please give details:**

**1 …………………………………………………………………………………………………………………………………………………………**

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**2 ………………………………………………………………………………………………………………………………………………………….**

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**3 ………………………………………………………………………………………………………………………………………………………….**

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**Use this discussion to help plan development/service improvement**

**Action Plan: What actions have been agreed following group discussion?**

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| --- | --- | --- | --- | --- |
| **What need to happen?** | **Who will do it?** | **By when?** | **How will you know when this has been done?** | **How will you know if it has worked?** |
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**Please ensure you keep a copy of this discussion and plan for your records**