



EDINBURGH TENANTS
FEDERATION

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Edinburgh's Federation of Tenants' and Residents' Associations

Human Rights and the Scottish Parliament

March 2018

This is the response from Edinburgh Tenants Federation to the call for evidence from the Equality and Human Rights Committee about how the Scottish Parliament could embed equality and human rights issues better into the way Parliament works.

Introduction

Edinburgh Tenants Federation (ETF) is the umbrella organisation for tenants' and residents' organisations in Edinburgh. In partnership with the Scottish Human Rights Commission (SHRC) and the Participation of Practice and Rights (PPR) in Belfast and as part of Scotland's National Action Plan for Human Rights (SNAP), we set up the *Housing Rights in Practice* project, using a human rights-based approach to influence housing conditions with a community in Leith.

The project worked with residents of West Cromwell Street, Citadel and Persevere Courts, using the PANEL principles and FAIR process by supporting residents to carry out participatory action research to identify issues they were experiencing and framing these in human rights terms. Residents set benchmarks for improvements and presented their report to Council officers and councillors.

As a result, a major investment programme in housing conditions was announced and residents' representatives have been meeting with City of Edinburgh Council officers to influence decisions in the works taking place. The next stage is about to commence with another survey to measure the impact of the work.

Further to this, ETF is currently in the early stages of using this approach with sheltered housing tenants to make them aware of their rights to bring about positive change to their lives.

We think this example of using a human rights based approach in practice could be developed by the Scottish Parliament in its own processes.

Participation and Engagement

Edinburgh Tenants Federation (ETF) have a number of suggestions the Scottish Parliament could use to embed equality and human rights more in its work.

- Make it easy for people to participate in the way they want to, not in the way you want them to. Meet people where they're at and don't expect them to come to you.

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Be flexible in your participation methods. Be informal if that's how people feel more able to contribute. Celebrate this shift in culture and let everyone know about it.

- Empower people to make them more aware of their rights under domestic and international human rights law.
- Frame the work of the Scottish Parliament in human rights terms.
- Change the language of everything you do to embed human rights terms. If the language of human rights – with the state as duty bearers and citizens as rights holders is embedded from the beginning it can be transformative to shift the message that the Parliament is accountable to the people. If this is clear it will make human rights more accessible for all.
- Educate elected officials, professionals and citizens with human rights knowledge.
- Embed human rights in all the work the Scottish Parliament and Government does.
- Support SNAP and its principles to build alliances between organisations, politicians at all levels and citizens.
- Use the PANEL principles, developed by the Scottish Human Rights Commission (SHRC).

Participation – everyone has the right to participate in decisions and information is in a form and language that can be understood.

Accountability – effective monitoring of human rights standards and remedies for human rights breaches.

Non-discrimination and equality – prohibit, prevent and eliminate all forms of discrimination and prioritise the most vulnerable.

Empowerment of rights holders – individuals and communities should know their rights and be supported to participate in the development of policies and practices which affect their lives.

Legality of rights – rights are legally enforceable and linked to national and international human rights law.

- Awareness raising of human rights to public bodies is also necessary. As ETF has been using a human rights based approach we have realised that public bodies (in this case the local Council) were not aware of their international human rights responsibilities and that they can be held accountable for breaches.
- It would be beneficial to have a learning programme for Scotland including what rights are and how to claim them.
- All of these will help to transform a human rights culture for Scotland.

Parliamentary Procedure and Process

- Use the PANEL approach (as mentioned above in participation and engagement).
- Use the FAIR approach to gather people's perspectives. Don't rely on State statistics for evidence. Be clear what you're measuring and for what purpose. Hear the richness of people's stories.

Facts – what is the experience of individuals involved and the important facts to understand.

Analyse rights – develop and analyse the human rights at stake.

Identify responsibilities – identify what needs to be done and who is responsible for doing it.

Review actions – make recommendations for action and later recall and evaluate what has happened as a result.

- Embed human rights monitoring fully into the National Performance Framework.
- A human rights based approach should be incorporated into the national performance framework process across all fields. For example, the current consultation by the Scottish Housing Regulator does not mention framing housing monitoring in international human rights standards. If the systems do not measure how human rights might work then how can public bodies be held accountable? This makes it all the more difficult for citizens to claim their rights.

Accountability

- Incorporate international human rights direct into Scots law.
- From our experience public bodies do not seem to know about human rights so do not feel the need to be accountable. This has made it difficult for the community we have worked with (the rights holders) to hold the public authority (the duty bearer) to account. In our project, residents faced a denial that poor housing conditions were breaches of human rights.
- Human rights need to be incorporated into policies and procedures to achieve the accountability of public bodies. If this does not take place then how are public bodies to be held to account?
- A human rights based approach should be used by the Scottish Parliament when making budget decisions. Imagine if a rights based approach was taken to the Scottish Budget? Would we still have homelessness? This could be really transformative for Scotland.

Additional comments

Rights impact on each other. Improving one right may have positive impacts on other rights. For example, the project in Leith focussed on housing and the Adequate Standard of Living in particular the habitability aspect of the Right to Adequate Housing. By improving housing conditions we have begun to find a positive impact on people's health. We have seen an improvement in particular in mental health. ETF will shortly be carrying out a monitoring survey with residents to measure this impact in full.

Further information can be found:

Housing Rights in Practice case study

www.scottishhumanrights.com/rights-in-practice/case-studies/

Leith project initial video

<https://www.youtube.com/watch?v=CrSOxT6FUPE>