

EQUALITIES AND HUMAN RIGHTS COMMITTEE Human Rights and the Scottish Parliament - Call for Evidence



About Us

NHS Health Scotland is a national Health Board working with public, private and third sectors to reduce health inequalities and improve health.

Our corporate strategy, [A Fairer Healthier Scotland](#), sets out our vision of a Scotland in which all of our people and communities have a fairer share of the opportunities, resources and confidence to live longer, healthier lives.

Our mission is to reduce health inequalities and improve health. To do this we influence policy and practice, informed by evidence, and promote action across public services to deliver greater equality and improved health for all in Scotland.

Contact Details

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We are content for our response to be made available to the public and to be contacted in the future.

Key Messages:

- Adopting a Human Rights Based Approach to Scottish Parliament procedure would help ensure an empowering process that makes people more aware of their rights under domestic and international human rights law and supports them to participate in the work of the Parliament.
- Ensuring the PANEL principles (**P**articipation, **A**ccountability, **N**on-discrimination and equality, **E**mpowerment and **L**egality) underpin the work of the Parliament would help embed a human rights based approach.
- Health Inequalities are a potential proxy measure of overall inequality. Health Inequalities Impact Assessments could form a useful part of any new process or procedure. They would help ensure the principle of non-discrimination was adhered to in Parliamentary procedure.
- Specific risks attached to the triggering of leaving the European Union may provide a useful focus for new approaches to testing accountability.

RESPONSE FROM NHS HEALTH SCOTLAND

1. Adopting a human rights based approach¹ is a practical way of making sure that the rights of people who participate in any engagement with the Scottish Parliament are not only aware and informed, but can influence process and outcome. The PANEL principles in particular (**P**articipation, **A**ccountability, **N**on-

¹ <http://www.scottishhumanrights.com/rights-in-practice/human-rights-based-approach/>

discrimination and equality, **E**mpowerment and **L**egality) provide the basis of a human rights based approach. This will also go some way towards meeting the ambition of culture change desired.

2. NHS Health Scotland² has recently tested Improvement approaches to embedding human rights in our work. We would be happy to share our learning from this with the Committee in due course.
3. NHS Health Scotland produced a range of resources setting out how the Right to Health and a rights based approach can strengthen work to reducing health inequalities. These may be a useful resource to support the Committee to understand how such an approach could add strength in other areas.
4. A Health Inequalities Impact Assessment (HIIA)³ is a tool we promote for use during any planning to assess the potential of any policy, plan, proposal or decision to reduce or increase health inequalities. Doing an HIIA meets a range of legislative requirements, including the requirement to conduct an Equality Impact Assessment (EqIA) but also including both health impact and human rights impact measurement.
5. The SNAP Health and Social Care Action Group⁴ website hosts a number of resources and useful case studies which the Scottish Parliament may find helpful in designing or co-producing their own engagement processes.
6. In making itself accountable to both the participants of any parliamentary processes, but also to external review or scrutiny, the Parliament may wish to consider using the human rights framework known as the FAIR approach⁵. The basic steps of the FAIR approach are: **Facts**: What is the experience of the individuals involved and what are the important facts to understand? This also supports the 'P' and 'E' of the human rights principles. **Analyse rights**: Develop an analysis of the human rights at stake or which are being engaged. This helps operationalise the 'L' and 'N' of the principles of human rights. **Identify responsibilities**: Identify what needs to be done to ensure the upholding of rights and who is responsible for doing it. This supports the 'A' of the principles. **Review actions**: Make recommendations for action and later recall and evaluate what has happened as a result. This further supports the 'A' of a PANEL approach.
7. Universal Human Rights⁶ remain paramount but, as the Committee has suggested, a number of risks to access to rights will be triggered by the impact of leaving the European Union. The Health and Social Care Alliance Scotland have helpfully summarised a number of particular areas of focus. in these proposed changes⁷, including impacts on inequality and public health.

² <http://www.healthscotland.scot/health-inequalities/the-right-to-health>

³ <http://www.healthscotland.scot/tools-and-resources/health-inequalities-impact-assessment/the-hiia-process>

⁴ <http://www.healthandsocialcare-snap.com/resources>

⁵ <http://careaboutrights.scottishhumanrights.com/section1-page03.html>

⁶ <http://www.un.org/en/universal-declaration-human-rights/>

⁷ <https://www.alliance-scotland.org.uk/wp-content/uploads/2018/01/2018ResponseOnImpactOfBrexit.pdf>