The concept of a human rights-based approach to clinical practice is relatively new. The Department of Health has enunciated that: ‘a human rights based approach (HRBA) is one where the realisation of human rights principles is a central aim in policy and planning, where staff and patients are empowered and involved in achieving these, where accountability is clear and the most vulnerable groups are prioritised.’

There are five core values that underpin the approach:

- **Fairness**
- **Respect**
- **Equality**
- **Dignity**
- **Autonomy**

This module focused on these core values, illustrating their diverse use in the clinical setting.

**A human rights-based approach**

The HRBA to health care is based on the premise that ignoring or violating a person’s human rights has a detrimental effect on their health and, conversely, using an HRBA can improve health outcomes and deliver better quality ‘person-centred’ healthcare. It is a way of ensuring that human rights principles, values and standards are made real in practice. A HRBA avoids the need to have technical knowledge of the Human Rights Act (HRA) 1998 and associated case law.

The FREDA principles roughly equate to various Articles of the HRA (these relationships though are not exclusive).

<table>
<thead>
<tr>
<th>Core Value</th>
<th>Article</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Fairness</td>
<td>↔ Article 6</td>
<td>= right to a fair trial</td>
</tr>
<tr>
<td>Respect</td>
<td>↔ Article 8</td>
<td>= right to private and family life</td>
</tr>
<tr>
<td>Equality</td>
<td>↔ Article 14</td>
<td>= prohibition of discrimination</td>
</tr>
<tr>
<td>Dignity</td>
<td>↔ Article 3</td>
<td>= freedom from torture, inhuman and degrading treatment</td>
</tr>
<tr>
<td>Autonomy</td>
<td>↔ Article 8</td>
<td></td>
</tr>
</tbody>
</table>

**Fairness and respect**

- Fairness demands that due consideration is afforded to the person’s opinion, with the person being given the opportunity to have that point of view expressed, listened to and weighed alongside other factors relevant to the decision to be taken. The process should also be free of arbitrary considerations, thereby imparting a degree of certainty to the process and allowing others to determine how they might be treated in similar circumstances.

- Respect is the objective, unbiased consideration and regard for the rights, values, beliefs and property of other people. Respect applies to the person as well as their value systems and implies that these are fully considered before decisions which may overrule them are taken. Organisational bureaucracy and administrative burdens can act as powerful obstacles to achieving this.
Equality and dignity

- Equality has many facets to its expression including non-discrimination, demonstrating the overlap with respect. Discrimination occurs when someone is treated in a different way to someone else in a similar situation, or where people in very different situations are treated the same.

- People with a mental disorder who are remanded in custody or serving terms of imprisonment are recognised as being at a higher risk of receiving a lower standard of mental healthcare than their counterparts in the community.

- Dignity has been defined as a state, quality or manner worthy of esteem or respect; and (by extension) self-respect. Adherence to the core value of dignity requires that each person is treated as a human being, with due consideration given to their prevailing circumstances.

- In clinical settings, dignity issues can be subdivided into those concerning primarily the person (such as referring to the person only by their diagnosis or adopting an overly paternalistic or ‘infantilising’ approach to adults because of actual or assumed incapacity) and matters relevant to the environment the person is in (such as a lack of privacy in mixed sex wards to having to live in impoverished, unclean or even dangerous environments).

Autonomy

The principle of self-determination states that:

- a person is allowed to make free choices about what happens to them, i.e. they have freedom to act and to decide

- their decisions should be based on clear, sufficient and relevant information

- there should always be opportunities to participate in decision-making.

Further reading

A publication from the Equality and Human Rights Commission entitled ‘Human Rights Inquiry’ was published in June 2009. This report provides an in-depth view of what human rights mean in Britain today and how embedded they are in our culture. [PDF]

The Department of Health (2008b) publication entitled ‘Human Rights in Healthcare: A framework for local action’ provides a review of the use of a human rights based approach in healthcare and how it relates to the Human Rights Act. This publication is available from the Department of Health website. [website]


Mental Health Law: Tribunal Rules