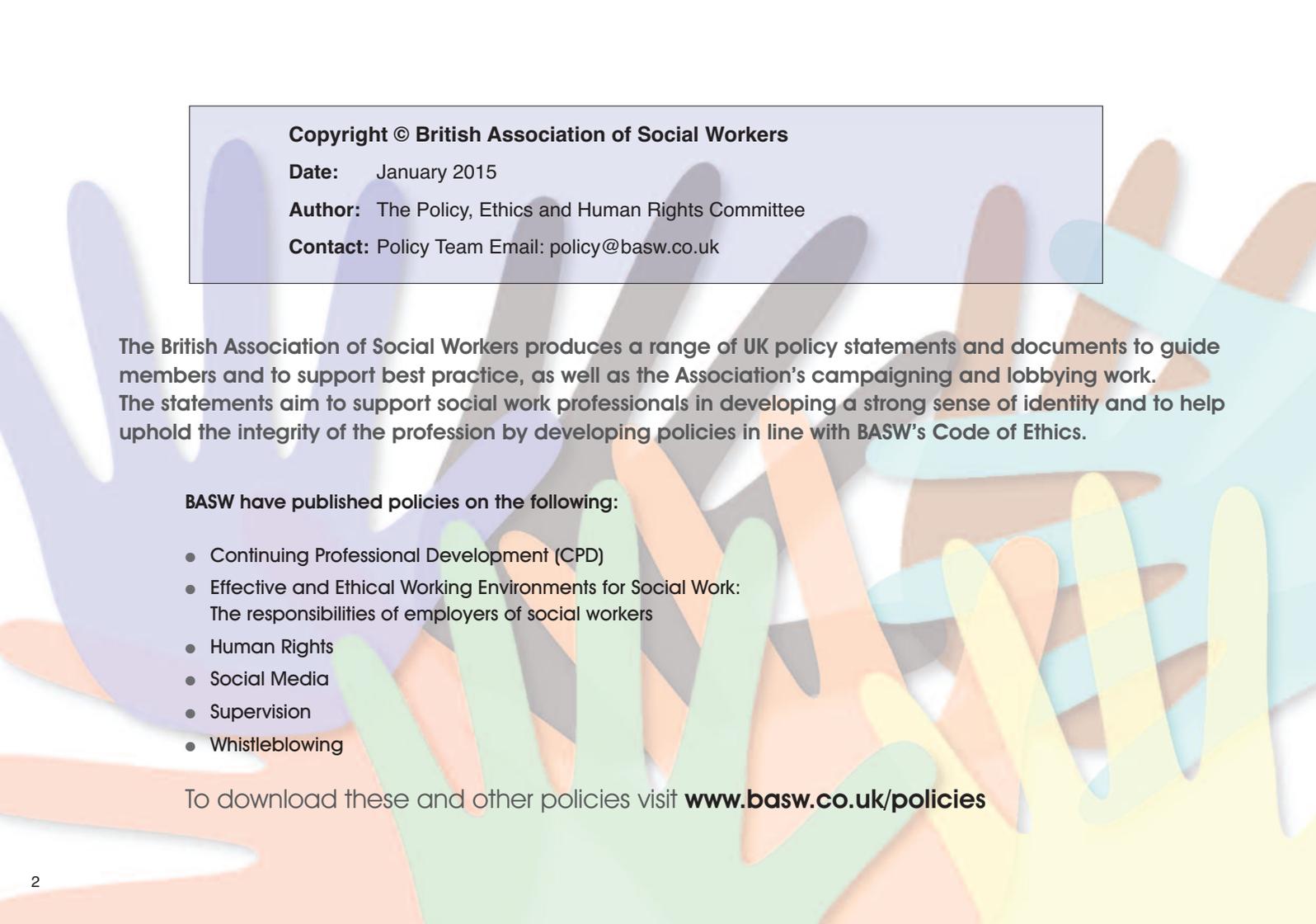




BASW Human Rights Policy





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The British Association of Social Workers produces a range of UK policy statements and documents to guide members and to support best practice, as well as the Association's campaigning and lobbying work. The statements aim to support social work professionals in developing a strong sense of identity and to help uphold the integrity of the profession by developing policies in line with BASW's Code of Ethics.

BASW have published policies on the following:

- Continuing Professional Development (CPD)
- Effective and Ethical Working Environments for Social Work:
The responsibilities of employers of social workers
- Human Rights
- Social Media
- Supervision
- Whistleblowing

To download these and other policies visit www.basw.co.uk/policies

BASW Human Rights Policy

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1. Purpose

BASW, as a professional body, wishes to support members to ensure practice is based on the BASW Code of Ethics¹ and is underpinned by a human rights based approach to social work, as defined in the international definition of social work,

“Principles of social justice, human rights, collective responsibility and respect for diversities are central to social work (2014)”²

The policy is for social workers in the United Kingdom (UK) but it is also important for employers as well as education and training providers. This document has three further sections: a definition of a rights based approach, the context informing the policy, and the BASW policy statement on a human rights based approach to social work.

Social work since its early origins has been concerned with addressing life challenges, enhancing wellbeing, and recognising people’s inherent dignity and worth. The social work profession internationally understands human rights to mean those rights set out in or derived from the Universal Declaration of Human Rights (1948). In the UK, the BASW Code of Ethics states that:

“Social work is based on respect for the inherent worth and dignity of all people as expressed in the United Nations Universal

Declaration of Human Rights (1948) and other related UN declarations on rights and the conventions derived from those declarations.”³

This policy is written to help social workers, and in particular BASW members, to find ways of practising that are consistent with a common commitment to be part of an international human rights profession. Social workers accept an obligation individually and collectively to strive towards the universal and effective recognition and observance of rights.⁴ Sometimes that includes a legal role in giving effect to the State’s obligations.

This policy seeks to recognise and address that “human rights” as they have been passed into legislation in the UK have often been given a narrower meaning than the understanding social workers have as a profession. It clearly distinguishes between

carrying out duties as agents of the state and the need to do so compatibly with legal human rights obligations, from professional obligations, to work towards the achievement of universal human rights at all times and in all areas of practice.

This policy has been produced at a time when human rights have been made the subject of particularly critical public and political scrutiny. It may be an uncomfortable time for social work to remind others that it is a human rights profession. It is challenging for social workers to maintain a focus on human rights in the context of wider social, demographic and economic change.

Social work values are often more threatened in times of economic recession and social work itself faces being increasingly marginalised and bureaucratised as public services are changed and cut. Social work values can be more undermined when there is

a widespread lack of awareness and understanding of human rights and their links to inequality and poverty among both communities affected by poverty and the general public.⁵

However, social workers are working on a day to day basis with children and young people, families, adults, older people, marginalised groups and communities whose human rights are affected by inequality, poverty and discrimination. Social workers have a unique role in helping to protect and stand up for some of the most vulnerable and sometimes ‘invisible’ groups in our society and can bring their expertise and knowledge to working together with communities, service users and other agencies, at all levels, for social justice.

This requires more than a needs led and individualistic approach to social work. It requires an acknowledgement of the complexity of



poverty and discrimination including the impact of social and economic policies. It requires an understanding that poverty is multidimensional, encompassing not only a low income but also other forms of deprivation and a loss of dignity and respect.⁶ Poverty is not just about individual circumstances or capacities. It is now well documented that there is a high correlation of poverty and inequality with discrimination, social exclusion, exploitation and abuse.⁷ Structural disadvantage over the past thirty years has become more embedded in the local, the national and the global context.”⁸

“The relationships between inequality and poor health and social problems are too strong to be attributable to chance”.⁹

The benefits of preventative work and community social work to promote people’s wellbeing are becoming increasingly well evidenced.¹⁰ Whereas there is a growing realisation of the constraints of recent social work practice based on the care management model.¹¹ A human rights based approach should assist social workers to work with service users, stakeholders and communities to find different solutions for the problems people are facing.

This policy is described as “a human rights based approach” and in doing so recognises that not all rights are human rights. Within

the UK, there are rights that are given to us by legislation or, for example by contract that are not universal in nature. Social workers commit to give effect to rights generally, and this policy may help them to do so. The focus of this policy, is upon our universal rights commitments.

BASW hopes this policy will be of enduring relevance, whatever the future of legally enforceable human rights in the UK, by being framed within a wider international and professional understanding of human rights.

2. Definition of a human rights based approach

A human rights based approach is about empowering people to know and claim their rights and increasing the ability and accountability of individuals and institutions who are responsible for respecting, protecting and fulfilling rights. This means giving people greater opportunities to participate in shaping the decisions that impact on their human rights. It also means increasing the ability of those with responsibility for fulfilling rights to recognise and know how to respect those rights, and make sure they can be held to account.¹²

A human rights based approach is about ensuring that both the standards and the principles of human rights are integrated into policy making as well as the day-to-day running of organisations and social work practice.

It shifts the focus of development from servicing needs to empowering and building the capacity of individuals and communities. It also means increasing the ability of those with responsibility for fulfilling rights to recognise and respect human

rights (for example in the NHS, local authorities, or care providers).

A rights-based approach involves identifying the power relations between different groups in decision-making and in accessing resources, and understanding the specific cultural contexts in which discrimination occurs. This requires analysis of the structural causes of discrimination and poverty, rather than only its symptoms, and of the impact of governmental action or inaction on communities experiencing poverty.¹³

There are some underlying principles which are of fundamental importance in applying a human rights based approach in practice.

These are known as the PANEL¹⁴ principles:

- P**articipation in decisions which affect their human rights
- A**ccountability of those responsible for the respect, protection and fulfilment of human rights
- N**on-discrimination and equality
- E**mpowerment to know their rights and how to claim them
- L**egality in all decisions through an explicit link with human rights legal standards in all processes and outcome measurements.

The Scottish Human Rights Commission has developed a 'FAIR' approach¹⁵ to help workers and organisations put a human rights based approach into practice. The basic steps of the FAIR approach are:

- F**acts: What is the experience of the individuals involved and what are the important facts to understand?
- A**nalyse rights: Develop an analysis of the human rights at stake
- I**dentify responsibilities: Identify what needs to be done and who is responsible for doing it
- R**eview actions: Make recommendations for action and later recall and evaluate what has happened as a result.

Since 1948, the provisions of the Universal Declaration of Human Rights adopted by the UN have defined the field of human rights. There are nine core international human rights treaties. The nine treaties address economic, social and cultural rights, civil and political rights, the elimination of racial and gender discrimination, protection against torture and forced disappearance and the rights of women, children, migrants, persons with disabilities.

These rights have been elaborated in subsequent covenants detailing the first and second-generation rights and in conventions addressing the special human rights claims of particularly oppressed groups.

- The International Covenant on Civil and Political Rights (ICCPR) (1966)
- The International Covenant on Economic, Social and Cultural Rights (ICESCR) (1966)
- The International Convention on the Elimination of All Forms of Racial Discrimination (1969)
- The Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) (1979)
- The Convention on the Rights of the Child (CRC) (1989)

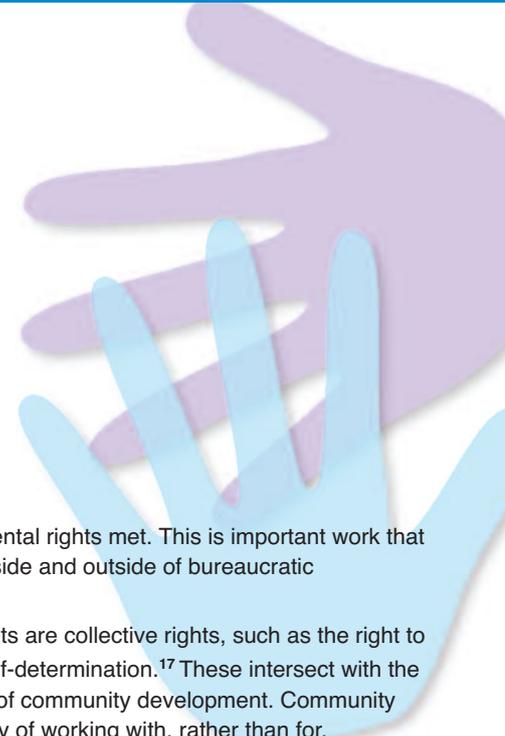
- Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (1984)
- International Convention for the Protection of All Persons from Enforced Disappearance (1990)
- International Convention for the Protection of All Persons from Enforced Disappearance (2006)
- The Convention on the Rights of Persons with Disabilities (2006)

There is now a commonly held notion of three generations of human rights¹⁶ and how these can be applied to a human rights based approach to social work:

- 1** First generation rights are civil and political rights such as freedom of speech and freedom from discrimination. Social workers working in advocacy might be involved in the protection of civil and political rights through for example advocacy groups, refugee action groups or prisoner reform.
- 2** Second generation rights are economic, social and cultural rights, like the right to health, housing, social security and education. These rights are at the heart of what many social workers do to provide the physical, social or emotional support that people need. Social workers have a vital role in exposing service gaps to show how many people are missing out on

having their fundamental rights met. This is important work that can be done both inside and outside of bureaucratic processes.

- 3** Third generation rights are collective rights, such as the right to development and self-determination.¹⁷ These intersect with the social work practice of community development. Community development is a way of working with, rather than for, communities to increase their capacity and ability to find their own solutions to problems. Social workers should be facilitators for this process of change that occurs from the grass roots in a bottom-up way and to link these to influence central policy.



3. Context

International

Social work is based on respect for the inherent worth and dignity of all people as expressed in the United Nations Universal Declaration of Human Rights (1948) and other related UN declarations on rights and the conventions derived from those declarations as listed above.¹⁸

The revised BASW Code of Ethics 2012¹⁹ uses the IFSW Definition of Social Work and the IFSW International principles on human rights and social justice. The interpretation of human rights is not straightforward or static and varies over time in different cultures and political contexts.²⁰ However globally there is an increasing emphasis on rights based approach to social development and the provision of services.

The Social Protection Floor²¹ is aimed at preventing or alleviating poverty, vulnerability and social exclusion, in particular with regard to access to essential health care and basic income security.

The UN Millennium Development Goals (MDGs) sets targets for alleviating poverty and inequalities by 2015. The MDGs are making a real difference in people's lives, and this progress can be

expanded after 2015, The UN is working with governments, civil society and other partners to build on the momentum generated by the MDGs and carry on with an ambitious post-2015 sustainable development agenda that is expected to be adopted by UN Member States at a Summit in September 2015.²²

Internationally, there is growing understanding of the dangers of increasing social and economic inequalities and the implications for society.²³ On almost every index of quality of life, or wellness, or deprivation, there is a gradient showing a strong correlation between a country's level of economic inequality and its social outcomes. Almost always, Japan and the Scandinavian countries have the lowest inequality and the best social outcomes and the UK, the US and Portugal are at the other end of the spectrum with high levels of inequality and poor social outcomes.²⁴

It is argued that consumerism, isolation, alienation, social estrangement and anxiety all follow from inequality and so cannot rightly be made a matter of individual management. There is a growing inventory of serious, compellingly argued research detailing the social destruction wrought by inequality.²⁵

The United Nations *Common Understanding of a Human Rights*

*Based Approach to Development Cooperation*²⁶ sets out necessary elements of policy development and service delivery under a human rights based approach which includes:

- Recognising people are key actors in their own development, rather than passive recipients of commodities and services.
- Participation as both a means and a goal.
- Strategies that are empowering, not disempowering.
- Both outcomes and processes being monitored and evaluated.
- Analysis includes all stakeholders.
- The development process is locally owned.
- Both top-down and bottom-up approaches are used in synergy.
- Strategic partnerships are developed and sustained.

BASW supports and promotes The International Federation of Social Workers (IFSW) and the International Association of Schools of Social Work (IASSW) Global Agenda for Social Work and Social Development Commitments (March 2012).²⁷ This strategy promotes the role that social work and social development plays in change for social justice, health equalities and implementation of human rights

in international, European, national and local policy development.

This action has been met with enthusiasm from the United Nations, European Union and other international policy bodies who are increasingly recognising that social workers have expert insights in the daily realities of where policy and people interact. Evidence about social work solutions to the Global Agenda will be collated through the Global Observatory.²⁸

Europe

Social workers in Europe also work within the context of:

- The European Convention on Human Rights (ECHR) (1953)
- The Charter of Fundamental Rights of the European Union (2009)

However across Europe, austerity measures in response to the EU debt crisis have resulted in more unemployment particularly for young people,²⁹ a widening poverty gap, social exclusion and greater inequality.³⁰ The report, *Taking Stock of the Europe 2020 Strategy for Smart, Sustainable and Inclusive Growth* (March

2014), shows the number of people living in poverty in the EU has risen dramatically over the last five years by 10 million to 124 million.

The report also highlights widening inequality, with the top 20% on average earning more than five times more than the bottom 20%, the dismantling of the welfare state throughout Europe; the breach in the European compact; the isolation of the poor and lack of measures in place to tackle poverty and unemployment; the crisis in health and care services and the opening up of health and welfare to multi-national corporations.

The EU Social Platform, which is a campaigning organisation based on promoting human rights, and other European organisations and charities argue that there are other options to these measures. For example The Platform's Recommendations for Care (September 2012)³¹ say that care services, are not a cost, as they are generally perceived, but they are a social investment for the sustainability of European societies and an under exploited source of employment.

It makes recommendations for care that respects the rights of individuals, including all care givers, guarantees access to services and promotes social inclusion. The rights of all care givers should also be respected and an adequate balance between care, work

and private life promoted.

The Fundamental Rights Agency is a data collection and research agency which aims to promote respect for human rights.³² The agency has produced reports on areas of particular concern within Europe such as violence towards women³³ and people with disabilities; discrimination towards marginalised groups such as the Roma, asylum seekers and victims of trafficking as well as highlighting hate crime.

The EU has developed specific strategies to combat discrimination such as the Framework for National Roma Integration Strategies to 2020,³⁴ as a result of research commissioned by the EHRC.³⁵ Another is the 'EU Strategy towards the Eradication of Trafficking in Human Beings (2012-2016)'.³⁶ These strategies are based on "adopting a rights-based approach to social care as the best way of ensuring that the principles of equality and respect are met" (June 2010).³⁷

A rights-based approach implies that statutory authorities have a responsibility and duty in relation to those with social care needs. These rights are universal and are codified in international conventions and national legislation.

IFSW Europe have conducted a survey of all member countries including the UK on the impact of austerity measures and what

social workers are doing to try and combat inequalities as part of the Global Agenda for Social Work.

UK

The Human Rights Act 2000³⁸ codifies the protections in the European Convention on Human Rights into UK law. All public bodies and other bodies carrying out public functions have to comply with the Convention rights. The Act sets out the fundamental rights and freedoms that individuals in the UK have access to.³⁹

However UK based organisations and international bodies are concerned that economic and social policies are undermining human rights across all sectors and groups of people. For example:

- In 2013, the Government was scrutinised by two UN Treaty Bodies: the Committee against Torture and the Committee on the Elimination of Discrimination against Women. Both condemned the UK for consistently failing to address many previously identified violations of human rights, some of them rights specific to children, including the unlawful use of restraint on children in detention, the low age of criminal responsibility and the persisting legality of corporal punishment.
- Disabled adults have been significantly and disproportionately affected by changes to welfare, tax and service provision with reductions in benefits and public services. Disabled people and their carers are worst affected by bedroom tax and are likely to be living on lower incomes because of the costs of being disabled and the result of discrimination in the workplace.⁴⁰ Benefit cuts leave disabled people facing decreasing incomes, postcode lotteries and threats to the right to independent living.
- Research by Joseph Rowntree Trust⁴¹ found there are times when older people receiving care and support services can be amongst some of the most vulnerable and marginalised people in our society. Their civil and human rights are often ignored.⁴² Sometimes, because of their age, older people are discriminated against in access to services or in opportunities to express their views. Older people also have different identities based on their gender, ethnicity, religion and many other grounds, which are often ignored.
- Enquiries such as those into abuses at Winterbourne View Hospital⁴³ and North Staffordshire Hospital Trust show how being treated with dignity and respect is often far from the reality. The Winterbourne View Hospital inquiry concluded that it is essential

for good care to have a culture in which staff are encouraged to do the right thing based on a human rights approach that balances patients' legal and therapeutic needs"⁴⁴

- The Children's Rights Alliance in England (CRAE) 2013 report⁴⁵ shows that economic pressures have been used to justify not only a serious erosion of children's economic and social rights, such as health, food and the right to play, but also fundamental changes to our justice system. Huge cuts to legal aid and restrictions on judicial review seriously undermine children's ability to challenge rights violations across the board. The report identifies that children who are particularly vulnerable to abuse have seen the most serious attacks on their rights.
- Migrant and asylum seeking children are disadvantaged in all areas. The Immigration Bill 2013⁴⁶ undermines their right to family life, health, housing, and to be protected from harm and to have their best interests taken into account. Failure to increase the rate of asylum support, already inadequate to meet children's basic needs, will leave them in worsening destitution. Discriminatory proposals in relation to legal aid will leave them unable to challenge most breaches of their rights.
- The consequences of not taking a human rights approach to risk was highlighted by the findings of the APPG Inquiry into Runaway

and Missing Children and Adults (June 2012)⁴⁷ which found that missing children, particularly trafficked children, are at serious risk of sexual exploitation which is exacerbated by the negative and damaging attitudes of some professionals towards safeguarding older children and the lack of understanding of the complexities of child sexual exploitation. Those who have responsibilities to understand, respect, protect, and fulfil the rights of the young person were often not doing so.

Although the links between erosion of human rights, poverty and discrimination have not been visibly made in public policy particularly in England, the devolved administrations in Scotland, Northern Ireland and Wales have made stronger connections and are embedding a human rights approach. For example:

In Northern Ireland

*A Strategy for Social Work 2012-2022*⁴⁸ was published in April 2012. It recognises that a rights-based approach and principles of social justice and inclusion are key elements in the process of empowerment and underpin all of social work practice. It recognises that social workers need to develop and strengthen partnership and

community development approaches in practice with individuals, families and communities. It specifies the distinct contribution that social workers make is to ensuring that services are personalised and that human rights are safeguarded through:

- building professional relationships and empowering people as individuals in their families and communities
- working through conflict and supporting people to manage risk and safety
- knowing and applying legislation
- accessing practical support and services
- working with other professionals to achieve best outcomes for people.

The Participation and Practice of Rights (PPR) Project has pioneered the development – by communities affected by poverty – of indicators and time-bound targets (benchmarks) to measure the realisation of their human rights in relation to the development of a large housing estate.⁴⁹ A project at Queen’s University Belfast aims to use human rights to strengthen the advocacy capacity of communities experiencing poverty.⁵⁰ There is evidence that participatory human rights work – like this project in Belfast

generates practical solutions to problems experienced by people living in poverty and can help deliver best use of public funds.

In Scotland

The Scottish Human Rights Commission is working with other organisations to embed human rights in care.⁵¹ The Commission sees human rights as central to both the underpinning values and implementation of changes in particular in the transformation of older people’s service through the increased integration of health and social care services with a focus on personalisation. The Commission would like human rights fully incorporated into health and social care National Occupational Standards. A new care inspectorate set up in 2011 – Social Care and Social Work Improvement Scotland (SCSWIS) should ensure that human rights are clearly articulated and understood in the system of regulation, inspection and service improvement.

Scotland has also passed a human rights-based homelessness law (31 December 2012)⁵² with a commitment that all of those assessed as unintentionally homeless by local authorities will be entitled to settled accommodation as a legal right. The Scottish Government will fund a scheme which effectively allows councils

and housing associations to “write off” the cost of bedroom tax to tenants facing eviction.⁵³

In Wales

The Children and Families (Wales) Measure 2010 makes statutory provision to take forward the Welsh Assembly Government’s commitment in terms of child poverty, and strategy for vulnerable children by creating legislation to provide greater support to families where children may be at risk, and strengthened regulatory enforcement in children settings. Participation Standards are based on the core principles of participation and approved by young people.⁵⁴ The Standards website has been specifically designed to help practitioners, policy makers and managers measure the process and the impact of children and young people’s participation using the National Children and Young People’s Participation Standards for Wales and the Impact Assessment Framework.

Across the UK

Service user groups have been campaigning for many years for social care policy and provision to be based on rights and

independent living. The reframing of health and social care on the basis of rights offers an empowering strategy to people with disabilities. Designing, implementing and evaluating health policies and programmes on the basis of rights creates a more responsive and dynamic health and social care network, not just for people with disabilities but for everyone (2007).⁵⁵

There are new approaches, such as co-production, developing a new vision for public services which offers a different way to respond to the challenges we are facing. They recognise the resources that citizens already have, and delivering services with rather than for service users, their families and their neighbours. Early evidence suggests that this is an effective way to deliver better outcomes, often for less money.⁵⁶

Many of the approaches and causes championed by service user groups and promoted by social work over the past few years, are now becoming mainstream practice. “These include service user involvement, promoting choice and independence, the importance of service user experience as a measure of quality, de-institutionalisation and anti-oppressive practice. This is a testimony to social work being able to influence societal norms and professional practice and services.”⁵⁷

These developments are all fundamental to a rights based

practice approach.

Social workers also have statutory duties to safeguard children, young people and vulnerable adults as a core element of social work practice, underpinned by legislation. Applying ‘best interests’ and a person centred approach to practice is challenging, as there are often issues of conflicting rights and risk. Every situation should trigger questions for social workers about basic human rights such as the right to maintain family life, right to freedom and the right to dignified care and treatment.

Some legislation such as the Mental Health Act 1983 as amended in 2007 and Mental Capacity Act 2005 and Deprivation of Liberty Safeguards specifically deal with human rights issues relating to consent in relation to treatment for mental or physical health. The social work role may involve restricting basic rights, such as the right to leave the care home or hospital and have a private and family life, and requires from social workers input and reflection about the compatibility of it with the principles of human rights.

There is growing evidence that a rights based approach can make a significant difference in practice by ensuring that both the standards and the principles of human rights are integrated into policy making as well as the day-to-day running of organisations

and social work practice.

At an organisational level an evaluation of The State hospital,⁵⁸ a high security forensic mental health hospital in Lanarkshire found that a majority of staff, patients, carers and external commentators said that the adoption of a [human rights-based approach] was successful in supporting a cultural change ... from a ‘them and us’ culture, towards an organisation with a more positive and constructive atmosphere with mutual respect between staff and patients.

Social workers can use this approach to address new and emerging issues in society. These issues impact on social wellbeing and safety of children and vulnerable adults such as human trafficking, digital safety, sexual exploitation, care of older people and future models for provision of social care.⁵⁹ Social workers take a holistic view of people’s circumstances and working with other stakeholders, they can play an important role in transforming lives. A human rights based approach involving citizen participation, good leadership and evidence-informed practice can help to reshape economic and social and policies and services.

4. Policy

Social work is a human rights profession, which recognises that people may face particular hardships arising from the disregard of their rights, or the particular barriers they may face giving effect to their rights. Social work needs to be at the forefront of addressing social and economic policy issues in society that will impact on the social wellbeing and safety of those with whom we work. BASW supports members to actively promote and engage with human rights issues. A more explicit human rights approach to practice should enable social workers to maintain their values and deal with issues of conflicting rights and risk.



All social workers, in whatever setting they practice, should:

- Work to the BASW Code of Ethics and apply the principles of a rights based approach to their practice. Social workers should ask themselves, their organisations and stakeholders questions about whether practice is complying with human rights principles and whether actions are necessary and proportionate in each individual case;
- Develop and maintain their understanding of the United Nations Universal Declaration of Human Rights (1948) and other related UN declarations on rights and the conventions derived from those declarations. This includes an understanding of rights that are or are not underpinned by legislation, and that do, or do not have associated legal remedies, and of the legal frameworks and remedies where applicable;
- Strive by teaching and education to promote respect for these rights and freedoms and for progressive measures, national and international, to secure their universal and effective recognition and observance;*
- Ensure person centred care is based on service users participating in decision making; having a balance between competing interests and rights; and a common understanding

and language to assist in resolving tensions that may arise.

- Understand the distinction between the narrower legal and wider professional human rights obligations and the role of the state under international treaty obligations, compared with the role of a social worker.

Because human rights are held to be **universal**, applying to all people in recognition of their inherent human dignity and worth, social workers should:

- Ensure that their practice does not discriminate in giving effect to human rights;
- Ensure in particular that those who may face discrimination because of protected characteristics of age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, and sexual orientation receive necessary assistance to uphold and promote their human rights on an equal basis with others;
- Recognise that those who are not yet able to contribute to society, not currently able to contribute or no longer able to contribute, have the same dignity and worth, and the same human rights;

* Universal Declaration of Human Rights, preamble

- Safeguard the human rights of vulnerable people, particularly children and those who because of cognitive impairment and/or mental health needs may not be able to protect their own basic human rights.
- Ensure effective participation by children, young people and adults whenever possible, and find out what mechanisms employers have in place to evaluate the 'quality' of the participation process and to assess the outcomes and the changes that have occurred as a result of people's participation.

Because human rights are held to be **inalienable**, incapable of being removed or lost, social workers should:

- Continue to respect and champion the human rights of those who by their actions may have forfeited other social rights, in particular those within the criminal justice system;
- When human rights are in conflict, so that giving effect to one person's rights will impact on those of another, seek to find solutions that maximise the rights of both rather than choose between them;
- Reject the principle that human rights may be conditional, so capable of being lost by an inadequate contribution to society;

understanding instead that rights may be limited or qualified as set out within those rights;

- Ensure that those service users who can give a valid and informed consent should be empowered to protect their basic rights and freedoms for themselves. This can be achieved by access to specialist services such as solicitors, generic advocacy and sharing information on rights of appeal or the rights to complain and offer support for this.

Because human rights are held to be **indivisible**, with economic, social, cultural and collective rights mattering equally alongside civil and political rights, social workers should:

- Work to achieve social justice and to relieve the human suffering borne of poverty and inequality, recognising such work as equally human rights based practice;
- Ensure that social work practised with a view to bringing about economic, social and cultural rights nevertheless gives way to an individual's right to autonomy and self-determination;
- Recognise that rights to autonomy and self-determination include rights to pursue lifestyles and life-goals that a majority of society might reject; but subject to limitations arising from intrusions on

- the rights of others, respect and promote those choices;
- Ensure that they are not complicit in further marginalising, stigmatising and denying the most vulnerable in our communities their rights as health and welfare provision is reduced and altered;
 - Understand the complexity of poverty and discrimination including the impact of social and economic policies and the implications for developing alternative approaches to service delivery;
 - Appropriately challenge the discrimination that reduces the human rights of the most marginalised and vulnerable;
 - Ensure that there is consideration of the person's whole situation including cultural identity, community, income, education, housing and health of family members;
 - Strive to develop and strengthen partnership and community development, and preventative approaches in practice with individuals, families, other stakeholders and communities.

Additionally, social workers who by reason of their **statutory setting or their legal obligations**, have a responsibility on behalf of the State to give effect to the State's human rights obligations have a particular responsibility to:

- Maintain their knowledge of the legal framework of their work, including human rights and other legislation, and caselaw on the resolution of conflicts between human rights and other legislation;
- Understand in particular that human rights, though they may not be conditional, may be limited or qualified. Whenever a person's rights are compromised, social workers must always consider the rights-basis upon which this is permitted, and continue to give effect to human rights to the maximum possible extent;
- Ensure wherever relevant, that when human rights are being compromised, those with whom they work are made aware of the reasons this is happening, and of any rights and remedies applicable to challenge the lawfulness of the interference;
- Whenever a statutory role or legal obligation involves determining rights that are in conflict with the rights of others – for example, the rights of a vulnerable person and the rights of family members – seek so far as is possible to uphold the rights of both;
- Whenever empowered to make decisions on the basis of the 'best interests' of any person, ensure to the maximum extent possible and irrespective of their legal capacity to articulate their views, that that person's discernible wishes are given due weight in the decision-making process.

Employers of social workers have a co-equal responsibility with the social workers they employ and social workers in independent practice to ensure that social workers:

- Do not face discrimination or detriment arising from their advocating for the human rights of those with whom they work, including where such advocacy is contrary to the financial, reputational or other interests of the employer;
- Have on-going training on the changing nature of law and consequences of breaches of human rights, case law and their responsibilities.
- Have opportunities in supervision to use reflective practice to consider human rights dilemmas and what actions to take. For example working with people who may lack capacity to consent to a particular input, service or intervention or at risk from abuse requires from social workers input and reflection about the compatibility of it with the principles of human rights.

BASW should:

- Continue to work with UK, international and European partners to focus on the actions of governments that violate or fail to support the realisation of rights and which contravene obligations that governments have signed up to.
- Work together with other social work organisations that represent social work and social workers to strengthen the influence and voice of the profession on service development, policy and legislation based on human rights approaches.
- Work together with other social work organisations to strengthen its role and contribution to the public health agenda addressing inequalities and reducing their impact on social wellbeing.
- Work with education providers and other partners to collate and develop evidence based practice in human rights based approaches and evaluate their effectiveness.
- Work with education partners and other providers to ensure that social workers are educated to understand structural issues though a knowledge of social policy and international perspectives.

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