

What are my Human Rights and how are they protected?

Human rights are the basic rights and freedoms that belong to every person in the world simply because they are human. You have human rights regardless of where you are from, how old you are, what you believe, or how you choose to live your life.

Your rights cannot be taken away, though they can sometimes be restricted for particular reasons – for example if a person breaks the law, or in the interests of national security, or to protect other people's rights and freedoms.

Human rights are protected by international law, such as United Nations treaties, and by national law. Your rights can be grouped into two categories, though neither is more important than the other:

"Civil and political" rights, such as:

- the right to life
- the right to a fair trial
- the right to privacy
- the right to vote
- freedom of expression
- freedom of religion or conscience
- freedom of assembly
- freedom from torture, inhuman or degrading treatment and slavery

In Scotland civil and political rights are protected by the [Scotland Act 1998](#) and the [Human Rights Act 1998](#). The Scotland Act means that all laws passed by the Scottish Parliament and all actions of Scottish Ministers must be compatible with the European Convention on Human Rights. The Human Rights Act brings the European Convention on Human Rights (ECHR) into domestic law, which means that all public authorities must respect and protect your rights, and enables courts in the UK to hear cases about alleged breaches of human rights. For more information on the ECHR please see <http://www.coe.int/en/web/human-rights-convention>

"Economic, social and cultural" rights, such as:

- the right to an adequate standard of living
- the right to the highest possible standard of physical and mental health
- the right to education
- the right to work and to decent working conditions
- the right to social security
- the right to participate in cultural life and to enjoy the benefits of scientific progress

Scotland, via the UK, is signed up to 7 core UN human rights treaties, including the International Covenant on Economic, Social and Cultural Rights, which contains the above rights. The UK has made a formal commitment to honour these treaties and both the UK and Scottish Governments must uphold the rights contained in them. The UK's progress on its human rights obligations is monitored by International and European organisations.

How to get advice on Human Rights or report a possible breach of your rights

Advice services and other human rights groups can give free advice to help you work out what to do.

You can get independent advice from **Citizens Advice** Bureaux across Scotland in person or via Citizens Advice Scotland

<https://www.citizensadvice.org.uk/scotland/about-us/get-advice-s/>

Write: Brunswick House, 51 Wilson Street, Glasgow G1 1UZ

Call: Freephone 0808 800 9060

Email: info@advice.scot

The Equality Advisory Support Service can give information and advice about discrimination or human rights issues <https://www.equalityadvisoryservice.com/>

Write: FREEPOST EASS HELPLINE FPN6521

Call: Freephone **0808 800 0082**

Email: via 'contact us' enquiry form on website

The Scottish Independent Advocacy Alliance can help you find a local advocacy service that may be able to help you and speak up for you if you are disadvantaged by your situation or condition <http://www.siaa.org.uk/>

Write: Mansfield Traquair Centre, 15 Mansfield Place, Edinburgh EH3 6BB

Call: 0131 524 1975

Email: enquiry@siaa.org.uk

Human rights groups are often charities that have nothing to do with the government or any other public bodies, so can give free, independent information, help or advice. Some of the groups that might be able to help are:

- Liberty <https://www.liberty-human-rights.org.uk/get-advice> 020 3145 0461
- Amnesty International <https://www.amnesty.org.uk/issue/scotland> 0131 718 6076 scotland@amnesty.org.uk
- Scottish Human Rights Commission (cannot provide advice but can signpost to specific organisations that can) <http://www.scottishhumanrights.com/help-advice/> 0131 297 5750 hello@scottishhumanrights.com
- Equality and Human Rights Commission (advice and guidance online only) <https://www.equalityhumanrights.com/en/advice-and-guidance>

You can also seek support and assistance from your local members of both the **Scottish Parliament** and the **UK Parliament**. They are able to raise matters on your behalf with relevant public bodies or UK government departments. Further information can be found at:

<http://www.parliament.scot/msps.aspx> and <http://www.parliament.uk/mps-lords-and-offices/mps/>.

Legal Advice

The bodies referred to above cannot provide legal advice. If you need expert legal advice you should consult a qualified solicitor. **The Law Society of Scotland** (<http://www.lawscot.org.uk/>) can help you find a solicitor or organisation to give legal advice about human rights issues in your particular situation.

Write: Atria One, 144 Morrison Street, Edinburgh EH3 8EX

Call: 0131 226 7411

Email: lawscot@lawscot.org.uk

The Scottish Legal Aid Board can give information on legal aid to pay for a solicitor's time.

Write: Thistle House, 91 Haymarket Terrace, Edinburgh EH12 5HE

Call: 0131 226 7061 Main switchboard

0845 122 8686 Legal Aid information line

Email: general@slab.org.uk

Alternatively, a community law centre might be able to assist you. Law centres are charities that aim to tackle the unmet legal needs of those in poverty and disadvantage in areas including social welfare and housing law, debt, immigration, rights of victims, education law, and discrimination law. Further information can be found through the Scottish Association of Law Centres (<http://www.govanlc.com/salc>).

The Scottish Legal Services Agency focuses on the rights of people who are disadvantaged through mental illness, dementia, vulnerability resulting from youth or old age, poverty, debt and threatened homelessness. It has offices in Edinburgh, Glasgow and Greenock (<http://www.lsa.org.uk/>)

Write: Legal Services Agency Ltd, Fleming House, 134 Renfrew Street, Glasgow, G3 6ST

Call: 0141 353 3354

Email: lsa@btconnect.com

The **Scottish Child Law Centre** provides free legal advice for, and about, children (<http://www.sclc.org.uk/>)

Write: Scottish Child Law Centre, 54 East Crosscauseway, Edinburgh, EH8 9HD

Call: Advice Line Mon-Fri 9.30am-4.00pm T. 0131 667 6333

Freecall Under 21s (landlines) 0800 328 8970 (mobiles) 0300 3301421

Admin Line 0131 668 4400

Email: General enquiries: enquiries@sclc.org.uk

Legal advice: advice@sclc.org.uk

The Ethnic Minorities Law Centre (EMLC) specialises in immigration, asylum, employment, discrimination and human rights law. It provides legal advice and representation to ethnic minority individuals across Scotland – Glasgow 0141 204 2888, Edinburgh 0131 229 2038 (<http://emlc.org.uk/contact-us>)

Human rights abuses and crimes

A lot of human rights abuses are also crimes. This includes things like assault or someone being sexist or racist to you in the street. In these cases you can [report what's happened to the police](#).

Some human rights abuses aren't matters for the police. These can include things such as being treated badly by:

- the Scottish Government
- British security services like MI5
- the NHS
- universities and colleges
- housing associations
- prisons
- local councils

How to make a complaint

Most of the time you can make a direct complaint to the public body that you believe has breached your human rights. Most public bodies should have a review process for complaints that is separate to the part you are making a complaint about - this means your complaint should be looked at without any bias.

1. Police Scotland

You should make your complaint to Police Scotland in the first instance using the online form <https://www.scotland.police.uk/secureforms/police-complaints/>

If you are unsatisfied and wish your complaint (or handling of the complaint by Police Scotland) to be reviewed you can contact the Police Investigation & Review Commissioner (PIRC) http://pirc.scotland.gov.uk/how_to_request_a_review

Write: PIRC, Hamilton House, Hamilton Business Park, Caird Park, Hamilton
ML3 0QA

Call: 01698 542 900

Email: enquiries@pirc.gsi.gov.uk

The PIRC does not have the power to review a complaint which suggests that a police organisation, officer or civilian staff member has committed a crime. These complaints are considered by the [Crown Office and Procurator Fiscal Service](#).

2. The Scottish Government

If you feel that any of the Scottish Government's policies, staff or services have had an impact on your human rights, you can make a complaint. Find out more about making a complaint to the Scottish Government at

<http://www.gov.scot/Contacts/Have-Your-Say/Making-Complaints>

Write: General Enquiries, St Andrew's House, Regent Road, Edinburgh EH1 3DG

Call: 0300 244 4000
Email: sgcomplaints@gov.scot

3. Courts and Judiciary

Information about complaining about the **personal conduct of a judicial office holder** can be found at <http://www.scotland-judiciary.org.uk/15/0/Complaints-About-Court-Judiciary>

Write: Judicial Office for Scotland, Parliament House, Edinburgh, EH1 1RQ
Email: judicialofficeforscotland@scotcourts.gov.uk

The Scottish Courts and Tribunals Service also has a complaints procedure:
<http://www.scotcourts.gov.uk/complaints/complaints-and-feedback>

Write: SCTS, Saughton House, Broomhouse Drive, Edinburgh, EH11 3XD
Call: 0131 444 3300
Email: enquiries@scotcourts.gov.uk

4. MPs and MSPs

The Office of the Parliamentary Commissioner for Standards can consider complaints about breaches of the Code of Conduct or the Guide to the Rules for MPs.

Write: House of Commons, London SW1A 0AA
Call: 020 7219 3738
Email: standardscommissioner@parliament.uk

For all other complaints about MPs, please contact the chair of their political party.

Guidance on making a complaint about an MSP is available on the Scottish Parliament website <http://www.parliament.scot/abouttheparliament/74861.aspx>. Different types of complaint are dealt with by different offices within the Parliament.

5. NHS Scotland

Often, the simplest way to make a complaint about any care you've received from the NHS is to make a direct complaint to any NHS staff member who is caring for you, such as a GP. If your complaint is about your GP or treatment you have received in an NHS hospital please contact your NHS Board
<http://www.scot.nhs.uk/organisations/>

6. Local councils

You can make a complaint direct to your local council. Find contact details for your local council at <https://www.gov.uk/find-local-council>

All councils should have a formal complaints procedure in place and there will be information about this on their website.

7. Prisons

You can contact the Scottish Prisons Service (SPS) to make a complaint if you feel:

- you've been treated badly while on a visit to a prison
- someone in your family is in prison and you feel they're being treated badly

If you are an inmate and you want to make a complaint about your treatment in prison you should make a complaint to the staff at your prison. They can refer a complaint to the Scottish Prisons Service.

How to raise a complaint to SPS:

- If, after discussing your issue with a member of frontline staff, you remain dissatisfied with the response then you should write to a Senior Manager on a complaints form. In prisons this will usually mean the Governor and in SPS Headquarters this will mean the relevant Deputy Director.
- Complaint forms are available in all SPS establishments at the main entrance and visitor waiting areas.
- More information at <http://www.sps.gov.uk/Families/ContactUsandComplaints/Families-Contact-Us-and-Complaints.aspx>

Write: SPS Headquarters, Communications Branch, Room G20, Calton House,
5 Redheughs Rigg, Edinburgh EH12 9HW

Call: 0131 330 3500

Email: gaolinfo@sps.pnn.gov.uk

8. Housing associations, universities or colleges

All housing associations, universities and colleges are regulated by law. This means they have to fairly review any complaint you make. You'll need to contact your individual housing association, university or college to make a complaint.

If you're not happy with the response to your complaint

If you made a complaint to a Scottish public service, and you don't feel their response was good enough, you can make a final stage complaint to the Scottish Public Services Ombudsman (SPSO) <https://www.spsso.org.uk/how-complain-about-public-service>

Write: Freepost SPSO

In person: Bridgeside House, 99 McDonald Road, Edinburgh EH7 4NS

Call: 0800 377 7330

Email: via 'contact us' section on website <https://www.spsso.org.uk/contact-us>

The SPSO will decide whether a Scottish public service has dealt with your complaint fairly. You can make a complaint to the SPSO about:

- the Scottish Government
- the NHS

- universities and colleges
- housing associations
- prisons
- local councils

The UK Ombudsman (<https://www.ombudsman.org.uk/>) reviews complaints about public bodies in the UK not listed above, including UK Government departments such as Border Force, the Home Office and HMRC.

Legal Action

Human rights cases can be heard in the Scottish courts.

Individuals who are unable to obtain an effective remedy at a domestic level might be able to approach the European Court of Human Rights (ECtHR) in Strasbourg. The ECtHR applies and protects the rights and guarantees set out in the European Convention on Human Rights. The ECtHR will only consider an application if all other mechanisms, such as action in the Scottish courts, have been exhausted.

If you are considering legal action you should seek professional advice from a solicitor as advised above.