



Linking national standards developed by HIQA to human rights as set out in the European Convention on Human Rights Act 2003 and the United Nations Convention on the Rights of Persons with Disabilities 2006

A number of national standards developed by HIQA make high-level reference to a human rights-based approach to care and support. Within the national standards emphasis is placed on protecting and promoting people’s rights and respecting their autonomy, privacy, dignity, values, preferences and diversity. This includes the *National Standards for Safer Better Healthcare* (2012) as well as standards developed in the areas of older persons, disability, maternity, and adult safeguarding.¹ These national standards emphasise the importance of actively involving people using services in their own care and promote a culture of kindness, consideration and respect. This document provides an overview of the relationship between specific human rights, as set out in the European Convention on Human Rights (ECHR) and the United Nations Convention on the Rights of Persons with Disabilities (UNCRPD), and some of the national standards developed by HIQA; this is not intended to be an exhaustive list of standards.

Human Rights	<i>National Standards for Safer Better Healthcare</i> (2012)	<i>National Standards for Residential Services for Children and Adults with Disabilities</i> (2013)	<i>National Standards for Residential Care Settings for Older People in Ireland</i> (2016)	<i>National Standards for Safer Better Maternity Services</i> (2016)	<i>National Standards for Adult Safeguarding</i> (2019)
Right to freedom from torture or inhuman or degrading treatment ECHR: Article 3 UNCRPD: Articles 15, 16	‘Service providers ensure all reasonable measures are taken to protect service users from abuse.’ (Standard 3.4)	‘Each person is protected from abuse and neglect and their safety and welfare is promoted.’ (Standard 3.1)	‘Each resident is safeguarded from abuse and neglect and their safety and welfare is promoted.’ (Standard 3.1)	‘Maternity service providers ensure all reasonable measures are taken to protect women and their babies from all types of abuse.’ (Standard 3.7)	‘The service strives to protect each person from the risk of harm and to promote their safety and welfare.’ (Standard 3.1)

¹ The National Standards for Adult Safeguarding were jointly developed by HIQA and the Mental Health Commission.

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Right to liberty and security ECHR: Article 5 UNCPRD: Article 14	-	'People living in the residential service are not subjected to a restrictive procedure unless there is evidence that it has been assessed as being required due to a serious risk to their safety and welfare.' (Standard 3.3)	'Arrangements to protect residents from harm promote bodily integrity, personal liberty and a restraint-free environment in accordance with national policy.' (Standard 3.5)	-	'Staff ensure that any actions undertaken to address harm: <ul style="list-style-type: none"> - take account of the person's will and preferences, beliefs and values - are proportionate and tailored to the person's circumstances - are the least restrictive and are applied for the shortest possible time - and are subject to regular review. This is fully explained to the person at an appropriate time.' (Feature 10 of Standard 1.2)

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<p>Right to a fair trial and access to justice²</p> <p>ECHR: Article 6</p> <p>UNCPRD: Article 13</p>	<p>'Clear and transparent decision-making processes, including referral pathways, to facilitate service users' access to healthcare services. The effectiveness of these processes is regularly evaluated.' (Feature 3 of Standard 1.2)</p>	<p>'The residential service demonstrates transparent and effective decision making when planning, procuring and managing the use of resources.' (Feature 4 of Standard 6.1)</p>	<p>'The residential service demonstrates transparent and effective decision-making when planning, procuring and managing the use of resources.' (Standard 6.1.4)</p>	<p>'Governance arrangements are in place to ensure the interests of women and babies using the service are taken into consideration when decisions are made about the planning, design and delivery of services, such as including former patients and service users in these processes, for example, through a maternity service liaison committee.' (Feature 4 of Standard 5.2)</p>	<p>'People are informed about and supported to access the justice system if there is a concern that a crime may have been committed. Examples of this may include contacting An Garda Síochána (Ireland's National Police Service) or employing legal representation.' (Feature 5 of Standard 1.1)</p>

² In the context of health and social care settings this goes beyond the process of a legal trial and includes decision-making processes, for example making a complaint, making a compensation claim, commencing staff disciplinary proceedings or tribunals in health and social care settings.

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<p>Right to respect for private and family life</p> <p>ECHR: Article 8 UNCPRD: Articles 19, 22, 23</p>	<p>'Service users' dignity, privacy and autonomy are respected and promoted.' (Standard 1.6)</p> <p>'Service providers promote a culture of kindness, consideration and respect.' (Standard 1.7)</p> <p>'Service users are supported in maintaining and improving their own health and wellbeing.' (Standard 1.9)</p>	<p>'The privacy and dignity of each person are respected.' (Standard 1.2)</p> <p>'Each person develops and maintains personal relationships and links with the community in accordance with their wishes.' (Standard 1.4)</p> <p>'The residential service is homely and accessible and promotes the privacy, dignity and safety of each person.' (Standard 2.2)</p>	<p>'The privacy and dignity of each resident are respected.' (Standard 2.2)</p> <p>'Each resident develops and maintains personal relationships and links with the community in accordance with their wishes.' (Standard 1.4)</p> <p>'Each resident continues to receive care at the end of their life which respects their dignity and autonomy and meets their physical, emotional, social and spiritual needs.' (Standard 2.5)</p> <p>'The residential service is homely and accessible and provides adequate physical space to meet each resident's assessed needs.' (Standard 2.6)</p>	<p>'Women and their babies experience maternity care which respects their diversity and protects their rights.' (Standard 1.3)</p> <p>'The dignity, privacy and autonomy of each woman and baby is respected and promoted.' (Standard 1.6)</p> <p>'Maternity service providers promote a culture of caring, kindness, compassion, consideration and respect.' (Standard 1.7)</p>	<p>'Each person's rights are recognised and promoted.' (Standard 1.1)</p> <p>'Each person is supported to develop the skills to protect and promote their own physical, mental, emotional and social health and wellbeing and protect themselves from harm.' (Standard 4.1)</p>

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Right to freedom of thought, conscience and religion ECHR: Article 9 UNCPRD: Articles 3, 21	'Facilitation of service users to exercise civil, political and religious rights as enshrined in Irish law, as far as is reasonably practicable, when they are receiving healthcare.' (Feature 1 of Standard 1.3)	'Each person exercises choice and experiences care and support in everyday life.' (Standard 1.3)	'Each resident has a right to exercise choice and to have their needs and preferences taken into account in the planning, design and delivery of services.' (Standard 1.3)	'Services are flexible, accessible and culturally sensitive and planned individually to motivate all women — including vulnerable and marginalised women — to engage with services.' (Feature 3 of Standard 1.3)	'Where a safeguarding concern arises, the person and or their nominated person, is involved in the safeguarding process and is supported to exercise choice.' (Feature 8 of Standard 1.2)
Right to freedom of expression ECHR: Article 10 UNCPRD: Articles 3, 21	'Service users are enabled to participate in making informed decisions about their care.' (Standard 1.4) 'Service users' informed consent to care and treatment is obtained in accordance with legislation and best available evidence.' (Standard 1.5)	'Each person makes decisions and has access to an advocate and consent is obtained in accordance with legislation and current best practice guidelines.' (Standard 1.6)	'Each resident, where appropriate, is facilitated to make informed decisions, has access to an advocate and their consent is obtained in accordance with legislation and current evidence-based guidelines.' (Standard 1.6)	'Women are empowered to make informed decisions about their care.' (Standard 1.4)	'Each person is supported to engage in shared decision-making about their care and support to reduce their risk of harm and promote their rights, health and wellbeing.' (Standard 1.2)

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Right to an effective remedy ECHR: Article 13 UNCPRD: Article 13	'Service users' complaints and concerns are responded to promptly, openly and effectively with clear communication and support provided throughout this process.' (Standard 1.8)	'Each person's complaints and concerns are listened to and acted upon in a timely, supportive and effective manner.' (Standard 1.7)	'Each resident's complaints and concerns are listened to and acted upon in a timely, supportive and effective manner.' (Standard 1.7)	'Women or families who make a complaint are helped with accessing support services, such as independent advocacy services.' (Feature 5 of Standard 1.9)	'The service has a process in place that facilitates people using the service and staff to provide feedback, make complaints and identify areas for improvement. Staff communicate the outcomes from complaints to people using the service.' (Feature 6 of Standard 3.1)
Prohibition of discrimination ECHR: Article 14 UNCPRD: Articles 3, 5, 17, 25	'Initial and ongoing access to healthcare for service users which is in compliance with legislation and does not discriminate according to age, gender, sexual orientation, disability, marital status, family status, race, religious belief, or membership of the Traveller Community.' (Feature 2 of Standard 1.3)	'Social, religious and cultural beliefs and values are respected and valued in the everyday activities of the residential service.' (Feature 6 of Standard 1.3)	'Each resident is treated with dignity, respect and kindness. Their equality is promoted and respected in relation to the resident's age, gender, sexual orientation, disability, family status, civil status, race, religious beliefs and membership of an ethnic group or Traveller community.' (Feature 3 of Standard 1.1)	'Initial and ongoing access to maternity care complies with legislation and does not discriminate according to age, gender, sexual orientation, disability, civil status, family status, race, religious belief, or membership of the Traveller Community.' (Feature 1 of Standard 1.3)	'Each person's rights, such as the rights to autonomy, respect, dignity, privacy and equality of opportunity and treatment, and non-discrimination are promoted and protected by staff. All staff are aware of these rights as set out in legislation, national policy and national standards.' (Feature 1 of Standard 1.1)

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