



University of
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Humanities &
Social Sciences

“ I Know it When I See it ”

*Can talking about ‘dignity’
support the growth of a
human rights culture?*

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Executive Summary

This report presents the findings of a research project which explores whether talking about the fundamental value of 'dignity' shapes perceptions of international human rights law. That is, whether talking about 'dignity' influences how different stakeholders see the relevance of international human rights law to the contexts in which they live and work. The research assesses the significance of the findings for building a human rights culture in Scotland.

The 2021 report of the National Taskforce for Human Rights Leadership recommended a new legal framework that will bring into law a range of internationally recognised human rights, as well as additional protections for older people and LGBTI people and a right to a healthy environment. The aim is to strengthen the enjoyment of human rights in Scotland. The Scottish Government accepted all of the recommendations of the National Taskforce. The Taskforce report included a recommendation that the framework recognise human dignity as the underpinning value of all human rights.

This research explores the extent to which the 'anchor' of dignity language in the underpinning principles of forthcoming human rights framework legislation can influence stakeholders' perceptions of the international legal standards to which the legislation aims to give effect. The research thereby helps to understand risks and potential in engaging with dignity language in public and civil society discourse around the new framework.

The findings are based on research with civil society stakeholders in Scotland. The research sought stakeholders' views about the idea of dignity, and their views on whether 'dignity' is a useful value for promoting the relevance of international human rights law, for themselves, for their work and for the wider culture of human rights in Scotland. The research, which took place in 2020 and 2021, consisted of participant observation and individual interviews.

The findings point towards three key themes. These relate to how the civil society research participants saw the value of talking about 'dignity' for different audiences (general public, community based organisations/stakeholders, and duty bearers), how they perceived 'law' versus how they perceived 'dignity', and how they saw the relevance of the international human rights law regime.

Within these themes, the findings indicate that talking about 'dignity' as an underpinning value of internationally recognised, legal human rights standards, would have a different impact for different audiences. At the same time, the findings indicate that engagements with dignity language as an underpinning value across these audiences could contribute positively to the goal in Scotland of developing a human rights culture because 'dignity' is an idea that is accessible to people, more so than legalistic talk around human rights law. Indeterminacy in the meaning of 'dignity' is not a barrier.

The findings also suggest that there is confidence in engaging with 'law' within parts of civil society, but this confidence and knowledge could benefit from investment in future. In particular within civil society and duty bearer communities, there would be value in working productively with 'law', through respectful contention as part of human rights implementation processes.

Finally, the research findings suggest that there is space to engage further with the origins and scope of the international human rights law regime and its foundation in respect for 'dignity'. This could usefully provide a touchpoint for local use of dignity language in the context of Scotland's changing human rights framework.

The research contributes to an evidence base that can be used to inform strategies seeking to support a transformed and sustainable human rights culture.

Introduction

This report presents the findings of a research project funded by the Society of Legal Scholars.

The research explores whether talking about the fundamental value of 'dignity' shapes perceptions of international human rights law. That is, whether talking about 'dignity' influences how different stakeholders see the relevance of international human rights law to the contexts in which they live and work. The research assesses the significance of the findings for building a human rights culture in Scotland.

Dignity language was present in the terms of reference for the First Minister's Advisory Group on Human Rights Leadership.¹ This reflects the presence of explicit dignity language in Scotland's governance outcomes framework.² In 2018, one of the recommendations of the First Minister's Advisory Group was that new human rights legislation in Scotland should make explicit reference to 'human dignity' as an underpinning concept.³ The 2021 report of the subsequent National Taskforce for Human Rights Leadership recommended a new legal framework that will bring a range of internationally recognised human rights into law, with the aim of strengthening the enjoyment of human rights in Scotland. The report included a recommendation that the framework "states the intent of the legislation is to give maximum possible effect to human rights and recognise that human dignity is the value which underpins all human rights."⁴

The language of dignity is found in other Scottish legislation, including the Children's Hearings (Scotland) Act 2011⁵ and the Public Bodies (Joint Working) (Scotland) Act 2014.⁶ An innovative approach was taken in the Social Security (Scotland) Act 2018, which has a series of guiding principles stated in the Act, including a commitment to a human rights-based approach. One of the principles is that "respect for the dignity of individuals is to be at the heart of the Scottish social security system"⁷ During the development of the Social Security Act, the inclusion of the language of "respect for dignity" was explored and welcomed and, at the same time, its implications for transformative practice were perceived by some as ambiguous.⁸ Inclusion of dignity language in 'guiding principles' was later found in the Health and Care (Staffing) (Scotland) Act 2019.⁹

The present research explores the extent to which an 'anchor' of dignity language in the underpinning principles of new human rights framework legislation

can influence stakeholders' perceptions of the international legal standards to which the legislation aims to give effect, thereby helping to understand the risks and potential in engaging with dignity language in civil society and the public sector, building on the text of new legislation.

An Academic Advisory Panel briefing paper to the National Taskforce focused on the underpinning value of human dignity in the legislation. One finding from this paper was that the "underpinning value can be a route for promoting a sense of ownership of the legislation within Scotland's public culture if it forms part of the participatory and capacity building process around the Bill."¹⁰ It noted that some existing academic research suggests that values, such as 'human dignity', can be a positive resource to help those who do not have legal expertise to engage with legal rights protections. However, there has been very limited evidence for this, and it has not been explored in a European context.

Against this backdrop then, the aim of the research has been to begin building an evidence base to inform the development of advocacy and public sector (including government-led) strategies for achieving transformative human rights culture change in Scotland.

The project also aims to make a contribution to academic literature on the effectiveness of international human rights law. This will be the subject of future publications.

This report outlines four findings relating to:

- 1. personal & professional perspectives on human rights and law;*
- 2. the accessibility and potential of 'dignity' talk;*
- 3. meanings of 'dignity'; and*
- 4. barriers to, and attributes of, a human rights culture.*

From these findings, this report highlights three key themes. These relate to how research participants saw the value of talking about 'dignity' for different audiences/stakeholder groups, how they perceived 'law' versus how they perceived 'dignity', and how they saw the relevance of *international* human rights law.



Research methods

Ethical approval for the project was granted from the University of Strathclyde. The research was conducted in two phases using two methods: participant observation at a participatory civil society event (in September 2020) and twenty-one individual interviews plus five individual follow-up interviews with civil society stakeholders from a range of third sector organisations working in a range of different sectors in Scotland, and a range of geographical locations.

The research examines the views of civil society stakeholders about the idea of dignity, and, in light of the work of the National Taskforce for Human Rights Leadership, their views on whether 'dignity' is a useful value for promoting the relevance of international human rights law in Scotland, for themselves, for their work and for the wider culture of human rights in Scotland.

Overview of findings

1. Personal & professional perspectives on human rights and law

Every participant felt that human rights language and approaches resonated with their own personal values. All participants worked in the third sector and many spoke of their reason for being drawn to this kind of work. For example:

I'm quite political and I think it's been quite a lot of my sort of political learning - I've not ever studied it, I don't have a degree in human rights, I haven't studied it in any academic sense. But I think it's just something that probably has been instilled in me from quite a young age [...]. (Interview 15)

Some participants, but not everyone, had seen human rights as pertinent to their own personal experiences. Several noted that an understanding of this personal relevance grew the more knowledgeable they became about human rights. Some noted that they knew they benefited personally from human rights standards or that they could be called upon if the need arose.

[...] I think both my professional and personal experience means I can't see the joins. It's just everything. (Interview 2)

I think right across the board, yeah. [...] I do also see the disconnect and disconnect particularly in the personal life as people in my family and neighbours, they probably see human rights in the same vein as I saw them a few years ago or decades ago that, well, that's about them. That's not about me. (Interview 3)

So I always saw them as part of - it's actually quite interesting - I always saw them as part of the professional world or it was a very other-ing thing. It was like people over there [...] But it's since becoming more aware of it, that I now see the relevance to myself. (Interview 11)

There were varying degrees of learning about human rights law: A minority had undertaken formal learning; others had proactively sought out learning on human rights law (e.g. through online courses); others learned on the job.

Human rights language seemed to be present to very different degrees within participants' organisations: central and explicit, or important but not explicit.

[...] human rights are absolutely at the core of everything that we do. So it's lived and breathed as an organisation but we don't use the language and we don't talk about rights based approaches and it's like we see the day to day very, very clearly but we don't understand or necessarily use the human rights language in a way that we're confident really. I suppose it's about lacking the confidence to be able to use that. So in terms of it becoming - human rights becoming a thing within that world, it's always been there but it's not something that has been articulated very strongly. (Interview 11)

[...] we've actually always done rights based work as an organisation but we didn't really articulate it before. (Interview 12)

[...] it's always something that's very everyday language [...] (Interview 8).

Some participants themselves saw human rights as being inaccessible to an extent, and also referred to the way that they thought human rights could be perceived by others. Human rights were described as "academic" (Interview 1) and "formal" (Interview 9). Some referred to human rights as distant, as reserved for grave rights violations, and as complex.

Two participants described human rights as outside of, or prior to, the law, while the vast majority perceived human rights to be tied to the law (seen either in what they said explicitly or in the things that they associated with drawing upon human rights language). The majority of participants felt that human rights were generally perceived by others as 'legalistic':

So I think one of the issues of human rights and even with developing this new law is it can be seen as being very law-ish, very kind of legal and tricky, sort of complex but out there, a bit kind of divorced from people's lives. (Interview 7)

[...] in terms of the everyday sort of individual cases that we're seeing, it can be quite hard to frame that within human rights because it is seen as like a legal thing. (Interview 12)

People will just automatically shut off and go on to something else when faced with that kind of mass of legislation or legalese, and we find that in other aspects of our work as well. (Interview 3)

[...] I think people tend to think of it as being quite a legalistic thing and therefore, not being lawyers and not having legal training, do not feel qualified to be able to have those conversations. (Interview 4)

One participant did not see the 'legalistic' as problematic for public understandings of human rights; the problem was the lack of accessible enforcement mechanisms (the latter point was picked up by several participants):

I mean, I think people can understand much more complicated concepts than they're given credit for. [...] I don't think people instinctively recoil from the law [...] people love the law [...] I think it's that [...] it doesn't have any - there's no accountability mechanisms, it's not easy to do, I think that makes it harder. (Interview 6)

These observations did not point towards a perception of the legal nature of human rights as something negative; rather, participants were talking about the impact on the accessibility of rights language. Indeed, many participants referred directly or indirectly to the power of the legal framework.

One participant referred to the legal framework as the "spikey stick" (interview 7); another described using opportunities to get legal standards into conversations with public authorities to make them "try that wee bit harder [...]" (Interview 14).

Others associated law and lawyers with "trouble" (Interview 8) or with things becoming serious:

[...] it brings a certain elevation [...] it's like if you go to a meeting and someone brings along their lawyer, you're just going to be like, OK, it's more serious now [...] (Interview 17)

[...] it's the threat of going to court and I do think that, for people like - for public authorities and people who are maybe less comfortable with the language of human rights, I think [...] that's the type of discussion that puts it into perspective for them [...] - because it will always be an add-on for busy public authorities unless there is a level of legal accountability in the background. (Interview 11)

Some participants talked about legal human rights language (including reference to international treaties) being invoked in relation to individual circumstances. This tended to occur in relation to people who were already engaged in some form of legal process, which meant that law was 'on the radar' and came up in conversations. For example:

A good example was a chap I had who was in hospital and they wanted guardianship for moving into a care home and they'd never tried in their home and he was quite capable in a lot of ways but not in others. And I got nowhere with the hospital staff or indeed social work. So when I got to court, I was like, we haven't tried this, there is potential that he might manage. (Interview 5)

There was discussion of the value and limits of participants themselves having confidence to engage in those specific conversations. This shows knowledge and skills in talking about balancing human rights demands, and was most prominent from those working in advocacy roles on behalf of individuals.



2. The accessibility and potential of 'dignity' talk

Observations from the civil society event are most relevant to findings on the accessibility and potential of 'dignity' talk. This is because the observation questions were focused on seeing which kinds of meanings were associated with 'dignity', whether participants at the event were familiar with talking about 'dignity' in the context of human rights, and whether participants responded positively or with scepticism.

The observation notes show that each participant had a very different take on 'dignity'. The majority in one group said that they had never really thought about it. The terms 'rights' and 'dignity' were sometimes used interchangeably.

'Dignity' tended not to be linked to specific examples, although it was sometimes linked to issues of accountability and redress.

There was some evidence of participants taking 'dignity' on board, when 'dignity' was referred back to later in the event after the focused breakout discussion on 'dignity'. Generally, participants saw 'dignity' language as having positive added value.

The following points are drawn from the interview responses:

A minority used, or heard, the word 'dignity' in their work. Some indicated that they had not thought about the idea of 'dignity' before.

The overwhelming view was that 'dignity' language was universally accessible.

So my gut feeling is trying to operationalise it and make it as simple as possible. That's where I think dignity comes in cos it's something that people can understand. (Interview 1)

I think what dignity does is place it with the individual. So someone might not be able to spell the word dignity or explain it but they know when they've been treated with dignity. [...] when you haven't been treated with dignity, the feelings are real. (Interview 2)

I think dignity is something that people can understand. I think, unfortunately, it's something that is probably recognised more in the absence than in the realisation. So it's not so much that you know what it is when you see it, but you can see it when it's not there.' (Interview 4)

[...] [the community] understood what dignity looked like when they experienced it. But I suppose it was more the reverse. What they were very much aware of was that they hadn't experienced that and ... I mean, one of the things that they often said was that they were not treated with dignity or respect by the local authority. (Interview 18)

Dignity language was described as a "bridge" and a "gateway" (Interview 2), and as having "more heart" (Interview 19). It was described by some as resonating with the way that people generally navigated "the moral universe" (Interview 6), and as such was positive for engaging people with human rights.

Participants who worked with, or were part of minority or other marginalised groups strongly felt that 'dignity' was a language that resonated with those groups.

[...] you absolutely get it when you're a member of a minority group. (Interview 2)

This was despite the fact that it was described, for example, as "abstract" (Interview 12) and "fuzzy" (Interview 6)

Some participants saw a need to talk about values in public life more often, and saw 'dignity' as fitting within this picture. Some noted that certain values had already been embraced in public discourse in Scotland, and again, saw 'dignity' as a good fit. Some saw 'dignity' as a way of connecting to personal experience which was a common communication and engagement strategy that participants found valuable.

There was limited concern with potential risks of using the language of 'dignity' in the context of human rights work. One risk was that 'dignity' meant different things to different people.

[...] there's going to be so many different interpretations of what that means or how it's applied. (Interview 11)

Another risk, expressed by two participants, was that negative media around human rights meant that the general public, who might say that certain groups do not deserve rights, might say the same about 'dignity', and that this seemed like a dangerous conversation (to suggest that certain people did not deserve dignity). It was a question that these participants had not necessarily thought of before, however, and when they did reflect on it thought that talking about 'dignity' might actually be the way of having conversations around the universal nature of human rights.

These participants (five in total) had reservations about the language of 'dignity' in the forthcoming Bill due to concerns about 'dignity' being a subjective idea that might be manipulated by some.

There was some suggestion that the term 'dignity' in the Bill should be 'defined'

[...] would require some quite thoroughly thought out guidance but I think it would be a hugely helpful tool. Hugely helpful. (Interview 11)

I think it's always positive to include dignity in the legislation. But also linking back to the meaning of dignity to explain what is dignity and how is it related to human rights specifically both in international conventions but also other national legislations. Because it can be - you know, I think it's like - it's a word that can be misused depending on the person that it's coming from. (Interview 16)

[...] I think people feel more comfortable when they have a bit of guidelines [...] (Interview 5)

One participant powerfully expressed that even if 'dignity' did not have one clear and settled meaning, this did not mean it was too risky to use it:

I don't think complexity is bad, I don't think confusion is bad. [...] no, I don't think there's any argument at all to say that it's not valid because we can't say exactly, this is what it is. (Interview 10)

Another pointed towards that "unquantifiable" (Interview 17) nature of 'dignity' as an asset for allowing people to draw on their own experiences as a way in to talking about human rights.

Overall, regarding the integration of explicit 'dignity' language in the Bill as the underpinning value of human rights, a clear majority of participants saw this as positive. For example:

[...] just really hope the concept gets a lot of support and I would love to see it as part of how we tackle rights. (Interview 12)

I totally welcome it, applaud it thankfully because I believe it's absolutely fundamental. [...] [I]t gives you that touch point, it gives you a base line, a reference point, however you want to describe it. But it's not just because [someone] wakes up one morning and thinks dignity's a good idea. It gives you that something to tie, tether yourself to and say, that's what we're about. (Interview 2)

I think it's good because [...] you can get down to the nub of human rights [...] (Interview 3)

I think it's definitely useful because it taps into, well, everybody's instinctive understanding I think but also, in terms of civil society, it absolutely gives organisations a way of talking about why they're talking about human rights almost, because it's about people's dignity [...]. (Interview 7)





3. Meanings of 'dignity'

The interviews showed that many participants were new to thinking about 'dignity'. Sometimes this came out directly in the conversation, for example, participants who had only been prompted to think about it by the research project, including searching online to see what was said about 'dignity', or who said they had never really come across the language in relation to human rights. Sometimes it was implicit in the way that participants talked in a slightly unsure way about the meaning of 'dignity'. For example:

Do you know, it's interesting cos I think if I was to give a description of what dignity is, I'd find it quite difficult actually. I don't know. There's something much more instinctive about it [...] (Interview 7)

Not all participants indicated what they understood 'dignity' to be, or how it was impacted or protected, although some did, and there were a variety of responses. 'Dignity' was seen as something that could be given or recognised, something that could be taken, lost, or undermined, and as something that people sought.

Participants associated 'dignity' with a wide range of concepts and experiences: with respect, voice, equality, fairness, value, uniqueness, recognition, integrity, power, choice, absence of shame, facing adversity, citizenship and humanity. It was associated with a minimum baseline of treatment, having control over one's life, and subjective/individualised experience, and as expressed through relationships.

This variety of meanings was captured eloquently by one participant, who said:

I'm going to give you an example of what that would look like if I had to describe dignity. I don't have one word to describe dignity but it's like [an] onion and as we start going through those layers, we see some of the elements of rights and respect and self-worth and value and opportunity and encouragement and all of those kind of bits that if you get down all the way to the bottom of it, the inside of it would probably say dignity in there, you know, it's encompassing all these kind of other things. I would struggle to find a word for it because it's not something that's in my daily language, so I'm not - I don't have anything practised about dignity. But yeah, I also don't see it as a single thing and probably in that onion there's a wee layer that's about behaviour and another wee layer that's about culture and all those bits and pieces. But if you cut through it, you would see it all. (Interview 19)

4. Human rights culture: barriers and attributes

Barriers to human rights culture in Scotland were associated with different actors: the general public, the third sector itself, and primarily the public sector.

Comments related to the general public focused on a lack of knowledge of human rights. For example:

The Bill that's coming forward hopefully to Holyrood after the election to incorporate those international treaties, the recent incorporation of the UN Rights of the Child, all of these are hugely important. I don't think people in Scotland understand what our relation with human rights legislation is. I don't think they're aware of the risks that we face with the Human Rights Act going under review. I just don't think people are aware of it.

(Interview 15)

Examples of barriers to human rights culture within the third sector included: instances of failing to make connections between human rights issues across different sub-sectors; instances of avoiding promotion of the rights of particular 'unpopular' groups of rights holders; and hyper-critical approaches towards duty bearers that might discourage individuals working in duty bearer organisations from trying to improve their organisational culture.

Examples of barriers to human rights culture within the public sector were more common, and included a culture of power and control ("gatekeeping"; Interview 1), and a culture of fear (of losing control; of risks; of getting something wrong).

Participants also observed nuances within organisational culture. For example, participants referred to different people and levels within organisations, and where different kinds of barriers might be found:

[...] when the institution that you are trying to deliver your values and your practice through doesn't understand that rights base, it can be very easy for people to become very quickly disillusioned with the way that they're working. So I suspect the block is probably in that middle level rather than at street level. *(Interview 4)*

One participant talked about experiences of dealing with "bullies" within public sector organisations:

I just can't stand bullies and all the time you come up against bully, bully, bully. I phone up DWP for someone and they'll say, the answer is no, what's the question? *(Interview 14)*

Another described a culture of seeing human rights as problems to be managed; something which suggested that duty bearer organisations are not ready for transformative change:

[...] we need to create a system where the people that see [human rights] as aspirations are in charge of making them grow and not just people that are there to manage them down. So that comes with recognition that you don't own all the keys and all the solutions and you don't push down all the problems and tidy them away or prevent them before they go to the Ombudsman [...]. But that is a mind-set change [...] *(Interview 13)*

These barriers seem to be exacerbated, within the public sector, by a lack of "ownership" (Interview 15) over human rights legislation:

[...] I think people see it as just something else they have to take awareness of and that's cos they don't see the value of it. If you see the value of something, then something isn't a burden. If something has value, it's something you incorporate in your professional practice. If you don't see the value of it, it's just seen as something else you have to take awareness of and I think that is a real problem actually. *(Interview 15)*

The significance of language emerged in relation to discussion of barriers and attributes of human rights culture. It was noted that shared language signifies "shared beginnings" (Interview 18), i.e. the beginnings of changes in approach. One participant, when asked which language they found preferable for speaking to duty bearers, highlighted the connection between language and power:

I would use the same language. I would use [the same] language because I think if you start then talking a different language with civil servants or people in service provider roles, then you just continue that divide and that kind of power imbalance. So if we're using that language with communities and rights holders but this is the real language we're using with [the people] who make the decisions and that just exacerbates the divides that are already there. [...] [I]f you start using that same kind of language, suddenly it begins to feel a bit real for them rather than just being, well that's what we do because we're decision makers or we're service managers or whatever. *(Interview 3)*

The significance of relationships also emerged.

[...] there's some quite complicated relationships with [...] providers and the people that you need to challenge to change people's situation. I think if you come in, guns blazing and say, you're failing this person's human rights, it feels quite charged as language. And I think it has to be done in a way that

feels like you're helping someone by making the point but you're also not disrupting the ability to then solve the issue at hand. (Interview 12)

One participant pointed towards the significance of relationships in another sense; that is, in terms of sustainability of positive connections:

Part of the challenge is there's such high turnover in jobs and people move and leave. We lose the network [...] It's really powerful. But actually, they've all gone. (Interview 2)

The significance of collaborative relationships was highlighted by several participants:

[...] sometimes you've got [...] an individual [duty bearer] who's actually very constrained by structural problems. So I think sometimes it feels like you need to be very clear about what is and isn't acceptable but you also understand that it's not this person's fault necessarily. They haven't maliciously gone out of their way to abuse this person's human rights. It's a failing of the system that has failed resources or culture in an organisation and you do unfortunately get people who are very much like, well this is just how it is. There are difficult personalities in every local authority and service but, also, there are lots of really good people who I think really know that they're actually not there enough and I think it's trying to help them to somehow also use human rights within their own organisations to try and create change. (Interview 12)

I think from a duty bearer's point of view, it's not enough that they have this personal understanding of

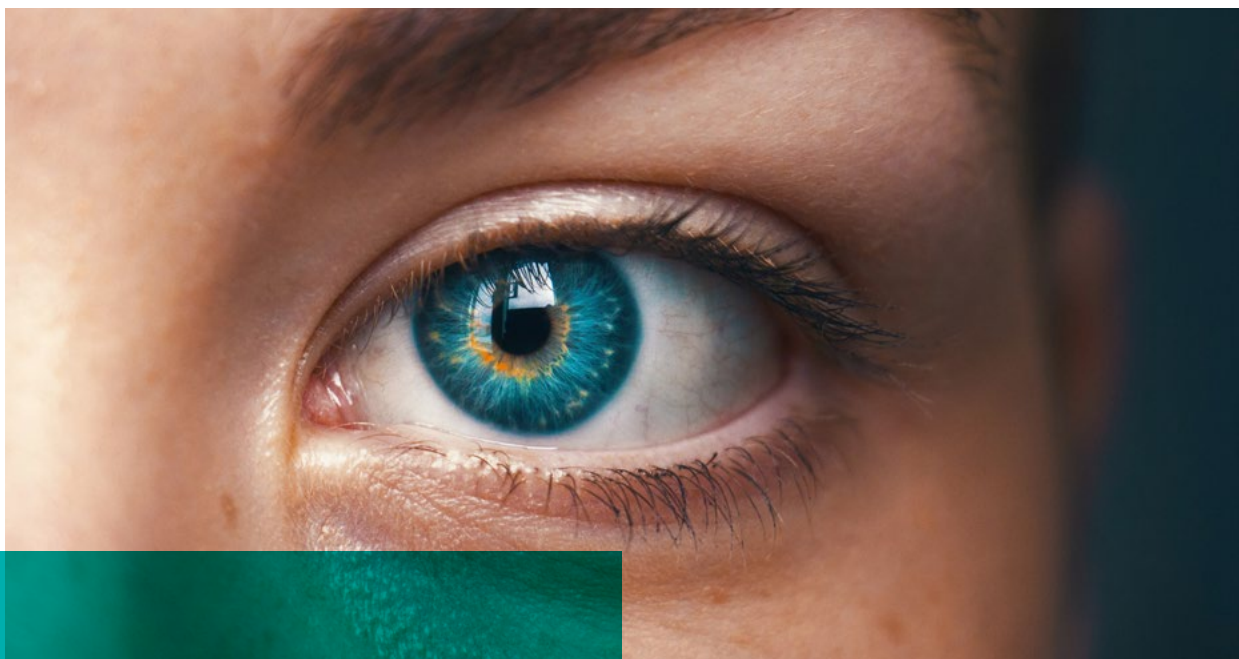
human rights. It's got to be backed up by the practice and culture and process to allow them to act on it. Otherwise you're not going to see much difference and I think it would only lead to huge frustration cos I think actually duty bearers, I mean, when I do come across them, you have a lot of people that find frustration with their own situation and want to take different kinds of decisions but they're quite constrained. [...] [Y]ou do also absolutely need that understanding of human rights. [...] You definitely need both and you need human rights not in some sort of defensive, make sure you don't end up in court on the wrong side of a judgment kind of way, but much more positive proactive kind of understanding of human rights.

(Interview 7)

The significance of relationships and culture within organisations was also raised, which provides insights into the attributes of a positive culture. One participant, referring to "learning organisations", described a need for organisations to be "open to change, challenge, learning and opportunity":

[...] if our colleagues, our peers or the staff that we manage or the staff who manage us, if there's a culture that doesn't allow honesty and reflection and constructive challenge, then it's not safe for us but it's certainly not safe for our service users. (Interview 19)

In general, human rights culture was associated with common goals, inclusivity, accessibility to all, openness to challenge, routes for escalating challenges, collaboration and proactive improvement; a "collective sense of understanding" (Interview 4) of human rights.



Key Themes

In summary, the research findings outlined above point towards three key themes. These themes relate to how research participants saw the value of talking about 'dignity' for different audiences, how they perceived 'law' versus how they perceived 'dignity', and how they saw the relevance of international human rights law.

The value of 'dignity' for different audiences

- The interviews suggest that the relative value of talking about 'dignity' and/or 'human rights law' differs depending on the audience. In other words, the extent to which the language of dignity is useful for building a sense of ownership over human rights differs depending on who we want to influence.
- Participants, all of whom worked in third sector roles, identified different audiences. The different audiences are the general public and communities; community-based organisations; and duty bearers (a mix of individuals, such as social workers, and institutions). The research findings also provide insights for understanding the impact of talking about 'dignity' and/or human rights law for civil society organisations themselves.
- For communications/engagement with the general public and local communities, research participants definitively saw dignity language as useful from a human rights education perspective; i.e. to build a wider public knowledge about human rights. Given that the research strongly suggests that dignity language is more accessible than legal language, 'dignity' could usefully form a key part of communications with the public and community-based organisations.
- In civil society work, for other community-facing engagement (with community-based organisations or in aspects of policy work that involved engagements with individual members/stakeholders for organisational policy development), participants saw dignity language as bringing benefits. Sometimes this was because these stakeholders were already convinced about the value of human rights but needed mechanisms for talking about this to their own members in non-legalistic ways. Sometimes it was because communities had basic awareness of rights but this could be enhanced by using dignity language as a 'bridge' to aid understanding.
- For work that is duty bearer-facing, participants overwhelmingly valued the ability to highlight the legal dimension of human rights, because they associated it with striving for duty bearer accountability. Participants worked in a range of sectors, therefore the category of 'duty bearer' is used broadly. For some, the legal language was a first port of call, while for others it was a last port of call, primarily depending on each participant's role/which audience was targeted in specific aspects of the role. (This was the case even if it was common amongst participants themselves to not personally feel a sense of ownership in relation to 'the law.')
- For participants themselves, whose personal values were already reflected in their professional roles, 'dignity' did not seem to bring about a significantly different response than human rights law language. Given that many favoured keeping legal duties prominent in their interactions with duty bearers, the findings indicate that more detailed engagement with legalistic dimensions of human rights in future could strengthen interventions/advocacy/policy influencing.
- An important aspect for thinking about how to engage most productively is recognition of the impact of organisational culture (in relation to human rights and more generally). One participant strikingly referred to Western cultural ideals of rational versus emotional professionalism, and described the separation of work and personal views as 'an imagined boundary' (interview 10). This points towards the role of humanising relationships with duty bearers whilst recognising the need to address bigger, harder-to-change cultural issues. At the same time, participants overwhelmingly favoured keeping the legal dimensions of human rights - the framework of accountability - front and centre for this duty bearer audience. The 'threat' of judicial accountability was seen as a key element of a broad picture. Some participants referred

to the poor experience of the Public Sector Equality Duty. This suggests that a fruitful approach would be to use mostly the language of 'human rights law' (to a point where this becomes comfortable and part of proactive engagement) but against a significant backdrop of 'dignity' as the underpinning rationale. There was a definite sense amongst all participants (and widespread experiences in training delivery) that those working for duty bearer organisations could engage effectively with a value like dignity. One participant, for example, who had a particular interest in creating positive organisational cultures, talked about her evolving view that feigning rigid separation between personal and professional values only led to conflict (Interview 19). These

approaches would fit well with explicit talk about 'dignity' as an underpinning value within duty bearer organisations. This fits also with the current National Performance Framework and the expectation that public authorities will 'treat people with dignity and respect', whilst allowing it to connect to the human rights *law* framework.

- All of this suggests that the value base in the new legal framework ('dignity') is likely to serve different purposes for, or in relation to, different people, depending on where they are positioned. All of these engagements would be able to contribute in some way to the broad goal of pursuing a 'human rights culture.'

“I think if people understood that dignity was a fundamental principle of human rights, it would make human rights more understandable to people. I think they get it.”

(Interview 15)

”

Perceptions of 'law' versus perceptions of 'dignity'

- The research clearly suggests that 'dignity' is something that people 'get', and therefore this has potential for uniting people around a shared commitment to human rights in Scotland.
- A sense that it was easier to grasp when 'dignity' was not respected, than when it was respected, mirrors research on 'dignity' in other fields of academic work. Participants though, did express positive dimensions of dignity-respect, such as feeling valued, listened to, and able to have control over one's own life. This shows the potential to see, and use the language of 'dignity' to refer to positive as well as negative experiences.
- Whilst dignity language was seen to be universally accessible, a minority of participants did note concerns about the ambiguity of dignity's meaning. However, this indeterminacy did not seem to be a significant barrier.
- There were diverse understandings of 'dignity' even among participants, which could suggest that a guide to the meaning of 'dignity' as used in the Bill (and, therefore, as used in international human rights law) would be a positive resource.
- However, any guide to meaning should be limited to providing insights from a human rights law perspective. It is important to avoid depriving the 'dignity' idea of its very power as an accessible, intuitive idea, that can bring people together to start conversations about the significance of human rights.
- The clear view was that 'dignity' is more accessible than 'human rights law' for most stakeholders.
- Responses were overwhelmingly informed by participants' experiences of communications with their different audiences, all of which favoured engaging at the level of personal experiences – with the exception of engagement with duty bearers in some respects.
- It was common for participants themselves to talk confidently about 'law', even whilst underplaying this knowledge. There was some evidence (especially from interviewees who worked in advocacy roles) of a very rich perspective on how far 'legal speak' could be 'pushed' and when to draw back and seek professional legal input.
- Cautious perceptions of law were sometimes tangled up with perceptions of duty bearers' potential negative reactions. Duty bearers' association of the legal dimension of human rights with a 'defence-against-attack' mindset stems, however, from the current culture within some organisations, and need not discount the potential to work with 'law' productively - through respectful contention - within a changed culture in future.

Perceptions of the relevance of international human rights law

- There were many references to specific UN treaties during the research, but there were few references to international human rights law origins, context, or the regime broadly in discussing both human rights and 'dignity'. For example, when explaining understandings of 'dignity' only one or two participants referred to, or raised a question about, how this idea was present or understood in international human rights law. This is unsurprising – because discussions were focused on Scotland – but it also seems to reflect the way that most participants had learned about human rights law in a gradual way, via their work roles, rather than in a systematic way. In light of other findings, this suggests that there could be value in increasing third sector capacity in terms of *international human rights law* knowledge.
- More generally, promoting increased knowledge of the origins and scope of international human rights law and its rootedness in the idea of dignity, would provide an anchor to the future use of 'dignity' language in relation to human rights in Scotland in future. That is, it would reinforce the role of the dignity idea as being about the 'why' of human rights legal protections, and in this way ensure that 'dignity' language in the Bill does not become fully detached from human rights law language, even as the balance of talking about 'dignity' and human rights law shifts in communications with different audiences for varied purposes. Maintaining this strong connection could help to future-proof a wider sense of ownership over the new human rights framework.





Conclusion

This research has explored whether talking explicitly about 'dignity' can influence how different stakeholders see the relevance of international human rights law - to be incorporated through new framework legislation in Scotland - to the local contexts in which they live and work.

The findings point towards three key themes. These relate to how the civil society research participants saw the value of talking about 'dignity' for different audiences (general public, community based organisations/stakeholders, and duty bearers), how they perceived 'law' versus how they perceived 'dignity', and how they saw the relevance of the international human rights law regime.

Within these themes, the findings indicate that talking about 'dignity' as an underpinning value of internationally recognised, legal human rights standards, would have a different impact for different audiences. At the same time, the findings indicate that engagements with dignity language as an underpinning value across these audiences could contribute positively to the goal in Scotland of

developing a human rights culture because 'dignity' is an idea that is accessible to people, more so than legalistic talk around human rights. Indeterminacy in the meaning of 'dignity' is not a barrier. The findings also suggest that there is confidence in engaging with 'law' within parts of civil society, but this confidence and knowledge could benefit from investment in future. In particular within civil society and duty bearer communities, there would be value in working productively with 'law', through respectful contention as part of human rights implementation processes. Finally, the research findings suggest that there is space to engage further with the origins and scope of the international human rights law regime and its foundation in respect for 'dignity'. This could usefully provide an anchor for local use of 'dignity' language in the context of Scotland's changing human rights framework.

The research contributes to an evidence base that can be used to inform strategies seeking to support a transformed and sustainable human rights culture.



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Endnotes

1. First Minister's Advisory Group on Human Rights Leadership, 'Recommendations for a new human rights framework to improve people's lives: Report to the First Minister', December 2018, Annex C, 60.
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4. Scottish Government, 'National Taskforce for Human Rights Leadership Report', March 2021, p. 12-13.
5. Children's Hearings (Scotland) Act 2011, section 175(5)(a).
6. Public Bodies (Joint Working) (Scotland) Act 2014, section 31(1)(b)(vi).
7. Social Security (Scotland) Act 2018, section 1(d).
8. For examples of perceptions of 'dignity and respect' being included in the guiding principles of the , see 'Consultation Submission: A New Future For Social Security Social Security in Scotland', October 2016, p. 7-8, (accessed 7 March 2022); and Equality and Human Rights Commission, 'Response on Social Security in Scotland', October 2016, p. 3, (accessed 7 March 2022).
9. Health and Care (Staffing) (Scotland) Act 2019, section 1(1)(b)(iii).
10. Elaine Webster, 'The Underpinning Concept of 'Human Dignity'', Academic Advisory Panel to the National Taskforce on Human Rights Leadership, Briefing Paper, June 2020, p. 16.

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