



Craigdale
HOUSING ASSOCIATION

HUMAN RIGHTS POLICY

Date of Approval: 22/06/2026

Date of Next Review: 2029

Craigdale Housing Association can provide this document on request, in different languages and formats, including Braille and audio formats.

Alert

Anyone wishing to copy this policy or use extracts from it, should contact Craigdale Housing Association in the first instance.

Contents

1. Introduction	Page 3
2. Regulatory compliance	Page 3
3. Defining Human Rights	Page 3
4. Legal Framework	Page 4
5. Housing as a Human Right	Page 5
6. Human Rights Based Approach – HRBA	Page 5
7. Managing Risk	Page 6
8. Supporting Agencies	Page 6
9. Application and Training	Page 6
10. Review	Page 7
11. Distribution	Page 7

Appendix 1 - ECHR Rights**Appendix 2 – Children’s Rights**

This policy should be used by staff and Board when making decisions, in the design and review of internal and external policies, and in day-to-day service delivery.

1. Introduction

- a) Craigdale Housing Association is a community based housing provider which builds, improves and manages houses, mainly for rent in the Castlemilk area of Glasgow.
- b) The purpose of Craigdale Housing Association (Craigdale HA) is to provide excellent affordable homes and services for the community.
- d) Its functions are designed to change lives for the better and include: property maintenance, housing management, development and factoring.
- e) Formed with a stock transfer from Glasgow City Council, Craigdale has managed ten phases of development generating 428 new and improved homes for rent, shared ownership and owner occupation. Each phase has been developed informed by engaging with tenants and the community.

2. Regulatory Compliance

- a) When preparing the Annual Assurance Statement Craigdale HA must have assurance and evidence that it is meeting all its legal obligations associated with housing and homelessness services, equality and human rights, and tenant and resident safety.¹
- b) Regulatory Standard 5 requires Craigdale HA to conduct its affairs with honesty and integrity and that includes advancing human rights.²
- c) There are a range of duties, obligations and responsibilities placed on Craigdale HA by legislation and through statutory guidance which includes promoting human rights.
- d) This Policy reflects the duties and enables Craigdale HA to consider human rights issues properly when making decisions, in the design and review of internal and external policies, and in its day-to-day service delivery. The impact of this policy will advance human rights.
- e) The Scottish Social Housing Charter Outcome one requires Craigdale HA to perform all aspects of their housing services so that every tenant and other customer has their individual needs recognised, is treated fairly and with respect, and receives fair access to housing and housing services". It also says that landlords have a responsibility "...for finding ways of understanding the needs of different customers and delivering services that recognise and meet these needs".

3. Defining Human Rights

- a) Craigdale HA will provide assurance and evidence that it is meeting all legal obligations in respect of human rights through informed decision making. There are an increasing number of laws, policies, duties and obligations on human rights in Scotland. The following list is not exhaustive but illustrates those which Craigdale HA is covered by, along with partner agencies such as the Local Authority and Health Board.

¹ <https://www.housingregulator.gov.scot/for-landlords/regulatory-framework/#section-3>

² <https://www.housingregulator.gov.scot/for-landlords/regulatory-framework/#section-5>

- a) In 1998 the Human Rights Act was passed by the UK Parliament which incorporated most of the European Convention on Human Rights (ECHR)³. As a result those rights became enforceable in domestic courts such as Article 8 the right to respect private and family life, home and correspondence. See Appendix 1 for a list of rights.
- b) Section 57 of the Scotland Act 1998 requires the Scottish Government to comply with the ECHR.⁴ Since 1999, the Scottish Parliament has passed a range of laws which specifically include human rights such as in 2018 when human rights were agreed as one of the eight principles in the Social Security (Scotland) Act.⁵
- c) The United Nations' Convention on the Rights of the Child (Incorporation) (Scotland) Act 2024⁶ came into effect in July 2024.⁷ Now, public authorities must not act in a way that's incompatible with the UNCRC and introduces a statutory reporting duty for authorities who have a distinct influence on the fulfilment of children's rights such as the Scottish Housing Regulator.
- d) It is noted that in implementing this policy, attention should be given to the relevance and impact of legal and public policy developments on Craigdale HA as well as other stakeholders. For example in December 2025, a framework was published [to embed equality and human rights across the Scottish Government and the wider public sector](#) and a Human Rights Bill, setting out rights and duties on devolved matters, may be introduced later in 2026.
- e) Craigdale HA's obligations under the Equality Act 2010 are covered in a separate policy

4. Legal Framework

There are a number of laws which respect, protect and fulfill human rights on devolved matters including:

- Mental Health (Care and Treatment) (Scotland) Act 2003
- Commissioner for Children and Young People (Scotland) Act 2003
- Gaelic Language (Scotland) Act 2005
- Scottish Commission for Human Rights Act 2006
- British Sign Language (Scotland) Act 2015

Additionally, the UK has ratified international human rights treaties which means that all our laws and policies should comply. However they are regarded as "soft law" as they cannot be enforced in domestic courts apart from the UNCRC due to specifically Scottish legislation giving it domestic effect. They include:

³ <https://www.legislation.gov.uk/ukpga/1998/42/contents>

⁴ <https://www.legislation.gov.uk/ukpga/1998/46/section/57/enacted>

⁵ <https://www.legislation.gov.uk/asp/2018/9/contents/enacted>

⁶ <https://www.legislation.gov.uk/asp/2024/1/contents/enacted>

⁷ <https://www.gov.scot/publications/statutory-guidance-part-2-uncrc-incorporation-scotland-act-2024/>

- The United Nations Convention on the Elimination of All Forms of Racial Discrimination (CERD)
- The United Nations Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW)
- The United Nations Convention on the Rights of People with Disabilities (CRPD)
- The United Nations Convention on Economic, Social and Cultural Rights (ICESCR)
- The United Nations Covenant on Civil and Political Rights (ICCPR)

5. Housing as a Human Right

- a) The GB Equality and Human Rights Commission (EHRC) stated in 2011 that housing is a human right and a gateway to all our rights: “Human rights have special significance in relation to social housing. Quality of housing can have a huge impact on wellbeing. Inadequate housing increases the risk of severe ill health and disability; it can also lead to poor mental health, lower educational attainment, unemployment and poverty.”
- b) Article 27(3) of the UNCRC requires the Scottish Government, in accordance with national conditions and within their means, to take appropriate measures to assist parents and carers to implement the right to a standard of living adequate for the child’s physical, mental, spiritual, moral and social development. The duty includes providing material assistance and support programmes, particularly with regard to nutrition, clothing and **housing**.
- c) Article 8 of the ECHR is the right to have your “home” respected along with your “private and family life”.
- d) Protocol 1 Article 1 of the ECHR provides a right of tenants and service users to peacefully enjoy their possessions’.⁸

6. Human Rights Based Approach – HRBA

- a) Craigdale HA will adopt systems and tools to evidence how and what human rights have been considered to provide organisational consistency. This is understood as a human right based approach (HRBA), made up of: participation, accountability, non-discrimination, empowerment and legality.
- b) Craigdale HA will ensure there is a decision making audit trail. Assurance and evidence in decision-making requires clear record-keeping and an ‘audit trail’ of what was considered, when and by whom. The decision-making process should follow a consistent framework to enable comparison.
- c) An EqHRIA will be used to make decisions which provide evidence and assurance that all matters have been considered in each case. The type of assessment undertaken will vary on the complexity or otherwise of the matter

⁸ Protocol 1 ECHR.

being considered. The assessment will be used by staff to make decisions and make recommendations to the Board.

- d) Papers to the Board should include a standard statement that human rights have been considered in making the recommendations and highlight any issues. For more complex decision making, a fuller explanation of the issues should be provided and evidenced as to why a particular recommendation is made.

7. Managing Risk

Craigdale HA's Board will consider the risk management factors involved in delivering this policy including:

- a) Non-compliance with the Scottish Government's Social Housing Charter outcomes.
- b) Non-compliance with the Scottish Housing Regulator's Regulatory Framework, the Regulatory Standards of Governance and Financial Management and with legal duties.
- c) Failure to consult customers effectively.
- d) Failure to gather sufficient information to enable informed decision making.

8. Application and Training

- (1) This policy should be read in conjunction with all other Craigdale Policies.
- (2) All agents of Craigdale HA, employees and Board Members are required to abide by this policy.
- (3) Craigdale will provide training for staff and management committee members on the delivery of this policy.
- (4) This policy will be promoted to customers of Craigdale HA.

9. Supporting Agencies

Scottish Human Rights Commission (SHRC)

[Home | Scottish Human Rights Commission](#)

Equality and Human Rights Commission (EHRC) Scotland

[Commission in Scotland | Equality and Human Rights Commission \(equalityhumanrights.com\)](#)

[Children and Young People's Commissioner Scotland](#) (CYPSCS)

[Scottish Information Commissioner](#) (OSIC)

10. Review

The policy will be reviewed in 2029 unless an amendment is prompted by a change in legislation, regulation, monitoring and reporting reveals more immediate action is required.

11. Distribution

This policy will be provided to every employee and Board member and is freely available on the Craigdale HA's [website](#).

Appendix 1 - ECHR Rights

Those rights highlighted in red are not included in the Human Rights Act 1998 (HRA) but the UK is still required to respect, protect and fulfil all rights and duties regardless of any omissions in the domestic legislation.

ARTICLE 1 Obligation to respect Human Rights

ARTICLE 2 Right to life

ARTICLE 3 Prohibition of torture, inhuman or degrading treatment or punishment.

ARTICLE 4 Prohibition of slavery and forced labour

ARTICLE 5 Right to liberty and security

ARTICLE 6 Right to a fair trial

ARTICLE 7 No punishment without law - law needs to exist before you can break it!

ARTICLE 8 Right to respect for private and family life, **home** and correspondence

ARTICLE 9 Right to freedom of thought, conscience and religion

ARTICLE 10 Right to freedom of expression, to receive & impart information & ideas

ARTICLE 11 Right to freedom of assembly and association

ARTICLE 12 Right to marry

ARTICLE 13 Right to an effective remedy

ARTICLE 14 Prohibition of discrimination – must be partnered with another right!

ARTICLE 17 Prohibition of abuse of ECHR rights

ARTICLE 18 Limitation on use of restrictions on rights

ARTICLE 19 Establishment of the European Court of Human Rights, on a permanent basis, to ensure the observance of ECHR rights and duties.

PROTOCOL 1 Article 1 Protection of property, Article 2 Right to education and

Article 3 Right to free elections.

A situation can engage several rights such as Articles 8, 10 and 14.

The above list can be split into three types:

- **Limited rights** - in specific circumstances, the right can be lawfully restricted or interfered with.
- **Qualified rights** - rights can lawfully be restricted or taken away by the government in certain circumstances.
- **Absolute rights** – rights which cannot be restricted in any way or under any circumstances by the government.

Appendix 2 - [UN Convention on the Rights of the Child \(Incorporation\) \(Scotland\) Act 2024](#) - UNCRC Rights

- 1. Definition of a child - a child is any person under the age of 18.**
- 2. No discrimination**
- 3. Best interests of the child**
- 4. Making rights real**
- 5. Family guidance as children develop**
- 6. Life survival and development**
- 7. Name and nationality**
- 8. Identity**
- 9. Keeping families together**
- 10. Contact with parents across countries**
- 11. Protection from kidnapping**
- 12. Respect for children's views**
- 13. Sharing thoughts freely**
- 14. Freedom of thought and religion**
- 15. Setting up or joining groups**
- 16. Protection of privacy**
- 17. Access to information**
- 18. Responsibility of parents**
- 19. Protection from violence**
- 20. Children without families**
- 21. Children who are adopted**
- 22. Refugee children**
- 23. Children with disabilities**
- 24. Health, water, food, environment**

- 25. Review of a child's placement**
- 26. Social and economic help**
- 27. Food, clothing, a safe home**
- 28. Access to education**
- 29. Aims of education**
- 30. Minority culture, language and religion**
- 31. Rest, play, culture, arts**
- 32. Protection from harmful work**
- 33. Protection from harmful drugs**
- 34. Protection from sexual abuse**
- 35. Prevention of sale and trafficking**
- 36. Protection from exploitation**
- 37. Children in detention**
- 38. Protection in war**
- 39. Recovery and reintegration**
- 40. Children who break the law**
- 41. Best law for children applies**
- 42. Everyone must know children's rights**
- 43 to 54. How the Convention works**