

HUMAN RIGHTS EDUCATION FOR PSYCHOLOGISTS

**Edited by
Polli Hagenars, Marlena Plavšić,
Nora Sveaass, Ulrich Wagner
and Tony Wainwright**

Human Rights Education for Psychologists

This ground-breaking book is designed to raise awareness of human rights implications in psychology, and provide knowledge and tools enabling psychologists to put a human rights perspective into practice.

Psychologists have always been deeply engaged in alleviating the harmful consequences of human rights violations for individuals. However, despite the fundamental role that human rights play for professional psychology and psychologists, human rights education is underdeveloped in psychologists' academic and vocational training. This book, the first of its kind, looks to change this, by:

- raising awareness among professional psychologists, university teachers and psychology students about their role as human rights promoters and protectors
- providing knowledge and tools enabling them to put a human rights perspective into practice
- providing texts and methods for teaching human rights.

Featuring chapters from leading scholars in the field, spanning 18 countries and six continents, the book identifies how psychologists can ensure they are practising in a responsible way, as well as contributing to wider society with a clear knowledge of human rights issues in relation to culture, gender, organisations and more.

Including hands-on recommendations, case studies and discussion points, this is essential reading for professional psychologists as part of continuing professional development and those in training and taking psychology courses.

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Foreword

Psychology for human rights: *Human Rights Education for Psychologists*

Saths Cooper

Across the ages when human beings gathered in their various social formations, there has always been some semblance of a sense of justice and propriety. All societies have ensured that at least a modicum of care for the health and welfare of their members obtained. Even the most oppressive societies have attempted to pass muster by strenuously defending their horrendous treatment of specific individuals or groups of individuals. With the resurgence of strident nationalism and unprincipled demagogues assuming leadership, it is abundantly apparent that a human rights ethic is becoming more urgent.

History has not been objective and has certainly not been accessible until fairly recently after the advent of the information and digital era. Facts have been – as they will unfortunately continue to be – interpreted tendentiously, often defying cognition and reason as long as the explanations suit a narrow but seemingly dominant agenda. The growth of widespread contradiction and confusion can only breed scepticism – if not outright rejection – of scientific knowledge and objective fact, making the most hard-nosed realist wish there were a space to disappear to. Such circumstances provide fruitful ground for increasing insecurity, uncertainty, doubt and anxiety. In such conditions it becomes easy to adopt the route of least resistance, allowing for convenience as the better, alternative explanation. Better judgement, ethical choice and going against the accepted narrative become more remote. In such a climate mere questioning seems to be revolutionary, not an inalienable part of human discourse.

We are constantly challenged in so many ways, variously asked “Is it better to be part of the herd or the herder?” Is the question not misplaced? Surely there are other questions that may more appropriately draw meaningful responses from us? Life and the horrors daily visited upon so many fellow human beings in far-off and near places ensure that we just cannot realistically respond to each. It may indeed be that we, at times, simply wish to meld into and be part of the crowd, not wishing to constantly stand out from that maddeningly attractive crowd that makes us forget the onerous choices that we would otherwise have to countenance.

How we treat the worst-off amongst us reveals our own claim to being human. The “ticking-bomb” scenario (Association for the Prevention of Torture, 2007) and similar scare-mongering examples that influence how we view our ethical responsibilities are intended to facilitate our being drawn into the morass from which we would be unable to extricate ourselves. Faced with the mounting problems that our shrinking world confronts, it behoves us to find common ground, relying on the

precepts of the Universal Declaration of Human Rights as a lodestone to guide our thinking of, and consequent engagement with, the human condition. People, all sharing the same physical and psychological ingredients, are our remit; not their colour, gender, belief or other convenient category that our education and training may have prejudiced us into assuming. Othering, reifying and otherwise creating – often artificial – distance between us and our fellow human beings are what we must constantly guard against. The shameful spectacle of denying aiding and abetting the use of torture and other abuse of detainees in the post-9/11 Bush era has indelibly impacted all of us and can only be mitigated by unequivocally subjecting our ethics education, training and policy to the greater ethic of human rights.

This seminal text lays the foundation for a more compassionate and human-centred approach to ethics and its dilemmas. Psychology can and must serve all of humanity, without let.

Reference

Association for the Prevention of Torture. (2007). *Defusing the ticking bomb scenario: Why we must say No to torture, always*. Geneva, Switzerland: APT.

Preface

Human rights are for all

Education is the point at which we decide whether we love the world enough to assume responsibility for it.

Hannah Arendt

The origins of this book, and motivation for creating it, can be traced to the experience the editors have had over many years working with people whose human rights were at risk of violation or were already violated. There are many groups who are at particular risk of being exposed to human rights violations and therefore often described as vulnerable groups, such as refugees, LGBTIQ+, persons with disabilities, children and even also women. The world, that is politics, wars, abuse of power, colonialism, patriarchy, has placed or forced people into disadvantaged and vulnerable positions.

This was all summed up very well by Pastor Martin Niemöller (1892–1984):

First, they came for the socialists, and I did not speak out—because I was not a socialist. Then they came for the trade unionists, and I did not speak out—because I was not a trade unionist. Then they came for the Jews, and I did not speak out—because I was not a Jew. Then they came for me—and there was no one left to speak for me.

(<https://encyclopedia.ushmm.org/content/en/article/martin-niemoeller-first-they-came-for-the-socialists>)

When encountering refugees and other survivors of gross human rights violations, often victims of torture, it may strike us as difficult to work as psychologists without having an understanding of what severe human rights violations represent in terms of international treaties and state obligations. Such experiences thus highlight the need for knowledge of what such violations and lack of justice may mean in the lives of those who survive and need our support. It may also create in us a wish for further engagement and commitment to the defence of human rights.

Many human rights conventions have been developed specifically to address the ways people can be affected, and we are of the view that human rights cannot be left only to lawyers, philosophers and politicians. Human rights are about human behaviour and relationships. This is why we are inspired by Amartya Sen's ideas (2005): "Human rights are strong ethical pronouncements as to what should be done"; "they are recognised freedoms, seen as entitlements of a person to development and realisation of his or her capabilities" – all very psychological ideas.

When we think of promotion and protection of human rights, it is good to remind ourselves that being a psychologist is just one of our roles, one that we have very likely

chosen freely. Besides being psychologists, we have the privilege of being teachers. However, we also belong to various groups, some of them less and some of them more likely to be at risk of human rights violations. We all could be clients needing services that psychologists provide. So, this book is not about *us* – psychologists or teachers – and *them* – clients or students – it is about pursuing both processes, demanding as well as ensuring that human rights are protected and promoted. During our work with this book, human rights have been under increasing threat and this was one of our immediate motivations for putting this book together. If respect for human rights decreases, then psychological distress will be on the increase – and this book is an attempt to counteract such a development as well as strengthen awareness of the consequences of such processes.

We all consider it a duty as a psychologist, a scientist and a teacher to contribute to the improvement of the living conditions of people. However, the world is full of contradictory demands and access to safety, economic welfare, education and the fulfilment of other basic needs for some people sometimes comes into conflict with the interests of others. Because of this we argue that there is also a duty for psychologists and scientists to find a set of normative standards from which to take a stand. Human rights deliver an approximation to such a frame of reference. They may guide psychologists in their professional choices. Therefore, knowledge of human rights is essential for professional psychologists, and human rights education is one of the ways to achieve it.

In the book we aim to raise awareness of the close connection between the ideals and obligations laid down in international human rights, and the objectives of professional psychology: the well-being of people and peoples. By this we mean that central to what we as psychologists do on a daily basis – working to better lives and create conditions for development – we are in many ways fulfilling the objectives of human rights.

We hope through the different chapters in the book to cover the many challenges that face the profession of psychology in its engagement with the wide range of situations that human beings experience. We also cover the social contexts where the rights and dignity of individuals and peoples are not always respected or protected and where psychologists may be working. Human rights come into play in psychologists' daily practice, dealing with these challenges where, at times, human rights may be actively violated.

There are numerous ways in which psychologists have been engaged in work that, while not explicitly advocating for human rights in their day-to-day practice, nevertheless has contributed to human protection. Through this book we hope to support a more thorough involvement of psychologists in human rights protection and promotion than hitherto. In recent times the link between psychological practice and explicit human rights promotion and protection has become clearer, and psychologists and their associations are becoming more focused on their role in society. Unfortunately, human rights are still not a standard reference point within the profession of psychology. One of the challenges is to make human rights standards meaningful and relevant, and our view is that one of the best ways to achieve this is to include human rights in the education of all psychologists.

The incentive for this book to be written can be traced back to 2013 when Robert Roe, (at the time) President of the European Federation of Psychologists' Associations (EFPA), proposed that psychology should expand its focus to be more directed at the needs of society. In particular he advocated for a stronger engagement of psychologists in the promotion and protection of human rights, as human rights globally were coming under increasing pressure. Taking up this challenge, EFPA emphasised more strongly the responsibilities of the profession of psychology for promoting human rights and actively opposing human rights violations. Three priorities have been formulated: to raise awareness of human rights and risks of human rights violations; to act to prevent human rights violations; and to alleviate the effects of such violations. In order to achieve these objectives, the EFPA established the Board Human Rights and Psychology. The work of this

Board provided a platform for the articulation of the efforts and achievements of those psychologists who were already active in this field; and in addition it gave the important message to psychologists' associations and their members that *psychology matters in human rights and that human rights matter in psychology*.

Together with the European Inter-University Centre for Human Rights and Democratisation (EIUC, now the Global Campus of Human Rights) and the European Union Agency for Fundamental Rights (FRA), the EFPA Board Human Rights and Psychology organised a meeting of experts in the field of human rights and psychology in Venice, Italy in 2016. One of the conclusions of this work referred to educational resources: "*university courses and literature were scarce for psychologists to enable them to become more aware and better equipped for their role as human rights promoters and protectors.*" Our book has been the result of a number of conference symposia and many discussions, and it aims to contribute to meeting the need for course material and ideas for curriculum development.

This book is about learning *why* and *how* to be a more socially accountable psychologist:

- how to raise awareness among professional psychologists, university teachers and psychology students about their role as human rights promoters and protectors, within their discipline as well as in society at large;
- how to provide knowledge and tools enabling them to put a human rights perspective into practice; and
- how to provide texts and methods for teaching human rights.

The book comprises 19 chapters and is divided into four parts. The first introduces the main ideas in human rights law and practice and its relevance for psychology. The second deals with ethics and accountability, the third with how human rights and psychological practice can work together and the final section contains ideas for development of educational materials and approaches.

In all the chapters, authors provide theoretical background as well as practical implications and examples of connections between human rights and psychology. They also list some questions intended to encourage reflection about the topic.

In the appendices, we offer a list of learning and teaching resources, as well as an overview of bodies and organisations that are focused on human rights protection and promotion.

We are honoured and thankful to 32 authors from 18 countries and six continents for their contributions and, most importantly, for their dedication to human rights and psychology. We are also grateful that two esteemed colleagues agreed to write the preface and the postscript for this book.

Diversity in writing styles is reflected in each chapter, as the book never required uniformity. We as editors find it colourful and enriching. It was also inevitable to have some overlapping between chapters, as the general topic and the main goals are mutual.

Although many topics are covered in this book, some are missing. We are aware that the themes of interconnectedness of psychology and human rights are by no means exhausted. We encourage readers and colleagues to broaden the subject, expand the content and contribute to human rights and psychology.

The editors of this book want to acknowledge the authors' contribution, the participants of the expert meeting in October 2016 in Venice as well as the staff and teachers of the EIUC and the FRA who supported it, the colleagues of the EFPA Executive Council and Boards; the formal and informal reviewers of the concept of the book and of the various chapters; and Routledge.

Most importantly, we acknowledge all those who are struggling for human rights and the many who are victims of human rights violations. We are aware that on a global level many people and organisations are committed to the protection of human rights and support for

people whose rights are violated even in situations where they themselves may be at risk. We hope that this book will be a contribution to the struggle for human rights and the prevention of human rights violations in the future. In the book, you can also read about how people can be extraordinarily resilient even under terrible conditions.

Polli Hagnaars
Marlena Plavšić
Nora Sveaass
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Reference

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Contributors



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Dr Martin Mabunda Baluku is a lecturer at Makerere University, department of Educational, Social and Organizational Psychology, Uganda. He previously worked as programmes officer at a child rights NGO in Uganda where he was responsible for developing programmes for protecting and promoting rights of children. He has a Master's degree in organisational psychology from Makerere University and PhD from Philipps-University Marburg, Germany. Dr Baluku has published in journals such as *Career Development International*, *Journal of Global Mobility*, *Journal of Small Business and Entrepreneurship*, *Entrepreneurship Education and Pedagogy* and *International Journal of Entrepreneurship Behaviour and Research*. His current research is in the areas of psychology of entrepreneurship and self-employment, career development, workplace deviant behaviours, positive work/organisational behaviour, labour rights, retirement and psychological wellbeing, as well as organisational politics and change.



Sarah Butchard is a clinical psychologist working with older people and people living with dementia in Liverpool, UK. She works clinically for Mersey Care NHS Foundation Trust and is a senior clinical teacher on the University of Liverpool Doctorate in clinical psychology programme. She is outgoing chair of the British Psychological Society's Faculty of Psychology of Older People and sits on the National Dementia Action Alliance Steering group. Her areas of clinical expertise are the psychology of older people, dementia and human rights-based approaches to healthcare. Specifically, she has developed services that focus on the impact receiving a diagnosis of dementia has on an individual's wellbeing and relationships, and how people with dementia can live fulfilled lives with support. Her research focuses around models that promote independence and wellbeing in dementia and on human rights-based approaches to care.



Saths Cooper is Pan-African Psychology Union President, past President of the International Union of Psychological Science (IUPsyS) and the Psychological Society of South Africa (PsySSA), a Fellow of the psychological societies of South Africa, India, Ireland and Britain. The first black chair of the Professional Board for Psychology at the Health Professions Council (HPCSA), and the first non-medical/dental professional to become Vice-President of the HPCSA, he authored the statutory Rules of Conduct in Psychology. A close colleague of the late Steve Biko, he was banned and house-arrested at 22 years of age. Jailed for nine years, spending 1977–1982 in the same Robben Island cell block as President Mandela, he was declared a “victim of gross human rights violations” by South Africa's Truth and Reconciliation Commission (1998). Vice Chancellor and Principal of the former University of Durban-Westville, he has achieved peer recognition through accolades such as the inaugural IUPsyS Achievement Against the Odds Award (2012), the American Psychological Association's Award for Distinguished Contributions to the International Advancement of Psychology (2014) and the inaugural HPCSA Presidential Merit Award (2019). Having knowledge and experience in a variety of sectors, he serves on boards in South Africa (e.g. the national broadcaster) and abroad (e.g. the International Science Council).



Dr Paul D'Alton is Associate Professor of Psychology at University College Dublin, Ireland, and Head of the Department of Psychology at St Vincent's University Hospital, Dublin. Paul completed his clinical psychology training in Trinity College, Dublin in 2004, and has worked as a clinical psychologist, educator and researcher since this time. He is a Fellow and past President of the Psychological Society of Ireland. He has completed a number of funded research projects and is frequently invited to speak at scientific gatherings in Europe and the USA. He has published several book chapters and peer-reviewed journal articles.



Tommy Dunne has received the British Empire Medal. He is 66 years old, married to Joyce and has two children. He was diagnosed with early-onset Alzheimer's dementia in 2011. He believes that if you have a positive outlook following a diagnosis it helps you push dementia back and allows you to face the world.



Ragnhild Dybdahl is a licensed psychologist educated in Oslo and Tromsø, Norway. She has worked clinically with refugees, and is currently an associate professor of psychology at Oslo Metropolitan University and University of Bergen, Norway. She has worked in international development cooperation for more than 20 years, beginning with her Master's thesis in Somalia and PhD in Bosnia during the 1990s. She is a former humanitarian aid worker, director of department of education and research at the Norwegian Directorate for Development Cooperation (NORAD) and deputy head of the Norwegian Embassy in Vietnam. Her interests are global mental health, aid effectiveness, multilateral organisations, cross-cultural psychology, applied behavioural science, early childhood development and gender and sexualised violence in emergencies.



Hilda Engel is a child psychotherapist in The Netherlands. Her career was mainly focused on children with learning and emotional problems. From 1984 to 2002 she had her own child therapy practice and was a trainer of postdoctoral students. As a "retired" person she worked as a volunteer for the foundation Slachtofferhulp (help for victims of violence: <https://www.slachtofferhulp.nl>) and as chairperson of a hospital client council. Hilda became interested (more than a "normal" civilian) in human rights as a result of the discussion around the "kinderpardon" (the possibility that the government would grant permission to stay to children who had already been living in the Netherlands for many years). As a member of the Soroptimists Club of Haarlem, The Netherlands, she was introduced to Felisa Tibbitts, who became a professor of human rights education, thanks to a legacy of the Soroptimists. It is not surprising that she is specifically interested in the rights of children.



Dr Ulrike Fasbender is Assistant Professor of work and organisational psychology at the Justus-Liebig-University Giessen in Germany. In addition, she is a visiting research fellow at Birkbeck, University of London as well as at Oxford Brookes University in the UK. Prior to joining Justus-Liebig-University Giessen, Dr Fasbender was a senior lecturer and the co-director of the Centre for Diversity Policy Research and Practice at Oxford Brookes University. She received her Master's degree from the University of Mannheim, and her PhD

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human rights. For many years, he chaired the Ethics Committee of the International Association of Applied Psychology and the Ethics and Discipline Committee of the International Taekwon-Do Federation. He is currently a member of the Ethics Committee of the Canadian Psychological Association. He was the instigator and leader of the development of the *Universal Declaration of Ethical Principles for Psychologists*, which was unanimously adopted by the International Union of Psychological Science and the International Association of Applied Psychology in 2008, following a six-year process of research and broad international consultation. He has received numerous national and international awards for his distinguished contributions to education and training in psychology, and to the international advancement of psychology and ethics.



Dr Artemis Giotsa is Professor in social psychology at the Department of Early Childhood Education at the Faculty of Education in Ioannina, Greece, where she also chairs the Ethics Research Committee. Dr Giotsa has conducted many national and international psychology projects, especially on family representations, relationships and interactions. She adapted many psychometric tools to Greek. Since 2008 she has been working with IPARTheory and has translated and adapted many questionnaires on acceptance rejection to Greek. She has organised many international conferences related to psychology, human

rights and interpersonal relationships. She has authored five books, edited 12, published many book chapters and articles in peer review journals, and participated in over 150 presentations at international and national conferences. She is co-author of the Family Roles Questionnaire with cross-cultural validity and published by

Cambridge University Press. She has received many awards for her contribution to psychology. She was President (2016–2018) of the International Society of Interpersonal Acceptance Rejection and serves as past President (2018–2020). She is member of the EFPA Board Human Rights and Psychology and of the Board of Ethics.



Polli Hagenaaers obtained her degree in developmental psychology at the Free University in Amsterdam, The Netherlands. Diversity and non-discrimination have been major themes throughout her professional career. She has been a consultant to the municipality of The Hague for combating racism in the educational system, and has been teaching and developing curricula on transcultural pedagogy at university colleges in Amsterdam (Free University) and Rotterdam, The Netherlands. As the chair of the Section on Interculturalisation of the Netherlands Institute of Psychologists (NIP), she has (co)organised conferences on exclusion/inclusion: “Frantz Fanon, Exclusion makes ill” and “Identity, professionals show their full colours”, and was one of the editors of the books published after the conferences. She is a licensed psychotherapist in her own institute, C5, in Amsterdam. From 2013 to 2017 she was the Convenor of the Board Human Rights and Psychology of the EFPA and is still one of the members. Her interest in these themes comes from the historic events in Amsterdam during and after World War II.



Giovanna Leone is associate professor of social psychology at Sapienza Università di Roma, Italy, where she teaches social psychology and communication, political psychology and community psychology. She previously (1980–1994) acted as a psychologist and psychotherapist at the Santo Spirito Hospital in Rome. Subsequently (1994–2005) she was a researcher and then an associate professor of social psychology at the University of Bari, Italy. She is a full member of national and international academic associations as well as reviewer and editor of international journals. Giovanna was a management committee member of Italy in the European Cooperation in Science and Technology (COST) action IS1205, “Social psychological dynamics of historical representations in the enlarged European Union”. She coordinated the commission that in 2015 revised the Ethics Code for the Italian Association of Psychology (AIP). Giovanna has published more than 120 products (monographs, co-authored books, co-edited essay collections, book chapters, research articles). Her main research interests include: social and collective aspects of autobiographical memory; ambivalent effects of over-helping, as observed in multicultural classrooms; relationships between intergenerational historical narratives on past intergroup violence and reconciliation; and emotional and cognitive effects of truth telling.



Elizabeth Lira Kornfeld is a Chilean clinical psychologist, who has been working with victims of human rights violations in Chile since 1978. She is currently dean of the Faculty of Psychology at the Alberto Hurtado University in Santiago, Chile. She was a member of the National Commission of Political Imprisonment and Torture of the Government of Chile (2003–2005), for the official recognition of victims. Together with Eugenia Weinstein she edited *Psicoterapia y represión política*, in Mexico, in 1984. She was editor and author of *Lecturas de Psicología y Política: Crisis política y daño psicológico* in Santiago (1982) and she was responsible for the editing of its subsequent publication in 2017. In 1991 Elizabeth published *Psicología de la Amenaza Política y del Miedo* with María Isabel Castillo. In 2005 she published with Brian Loveman *Políticas de Reparación Chile* from 1990 to 2004. Among other awards, Elizabeth has received the International Humanitarian Award of the American Psychological Association in 2002 and the National Prize of Humanities and Social Sciences (2017) in Chile. She is co-researcher for the Newton Prize project “Political violence and human rights violations accountability: circumstances, uses and effects of forced disappearance registration. Lessons from a comparative perspective in the Americas” (2019–2020).



Dr Ute-Christine Klehe chairs the team of Work and Organizational Psychology at Justus-Liebig-University in Giessen, Germany. Trained as a psychologist at the Philipps-University Marburg, Germany, she completed her PhD at the Rotman School of Management, University of Toronto, Canada, before working at the universities of Zurich, Switzerland, and Amsterdam, the Netherlands. Besides work on personnel selection, her research mostly addresses questions about career self-management during voluntary and involuntary career transitions (e.g. unemployment), often focusing on vulnerable populations such as older workers or refugees. Her research has been published in numerous peer-reviewed international journals. Editor of the *Oxford Handbook of Job Loss and Job Search*, she has also been associate editor of *Applied Psychology: An International Review*, besides past and/or present editorial board activities for the *Journal of Applied Psychology*, the *Journal of Organizational Behavior*, the *Journal of Business and Psychology*, and others.



Bernadette McSherry is the Foundation Director of the Melbourne Social Equity Institute at the University of Melbourne and a Professor of law at Melbourne Law School, Australia. She holds honours degrees in law and in arts, majoring in political science, a Masters degree and PhD in law and a graduate diploma in psychology. She has published widely in the fields of mental health law and criminal law. Professor McSherry is an elected Fellow of the Academy of Social Sciences in Australia and a Fellow of the Australian Academy of Law. From 2001 to 2018, she served as a legal member of the Mental Health Tribunal of Victoria and was a legal member

of the Psychosurgery Review Board of Victoria from 2005 to 2010. In 2018, Professor McSherry was appointed a Commissioner of the Victorian Law Reform Commission and in 2019, she was appointed a Commissioner of the Royal Commission into Victoria's mental health system.



Manfred Nowak is professor of international human rights at the University of Vienna, Austria, where he is also the scientific director of the Vienna Master of Arts in Human Rights and founder of the Ludwig Boltzmann Institute for Human Rights. In addition, he serves as Secretary General of the Global Campus of Human Rights based in Venice. In October 2016, he was appointed as independent expert leading the UN Global Study on Children Deprived of Liberty. He has carried out various expert functions for the UN, the Council of Europe, the EU and other intergovernmental organisations, in which he closely cooperated with psychologists. Most importantly, he served as UN expert on missing persons in the former Yugoslavia (1994–1997), where he started a programme of excavating mass graves and exhuming mortal remains for the purpose of identifying the victims, and as UN special rapporteur on torture (2004–2010). During his 18 fact-finding missions to countries in all regions of the world, he carried out unannounced visits to different types of detention facilities, where he conducted confidential interviews with victims and witnesses of torture. In this endeavour, he was supported by psychologists and forensic experts.



Kathleen Otto is Full Professor of Work and Organisational Psychology at the Philipps-University of Marburg, Germany, and Adjunct Professor at the University of Luxembourg. She received her diploma and PhD in psychology from the Martin Luther University of Halle-Wittenberg, Germany. Moreover, she holds a Master's degree in mediation and conflict management from the University of Hagen, Germany. Prior to joining the Faculty of Psychology in Marburg she was employed as Assistant Professor at the University of Leipzig and as an Interim Professor of Organisational and Business Psychology at the Technical University of Darmstadt, Germany. Dr Otto's research interest lies in the fields of organisational justice, leadership and health, coping with occupational/organisational changes, diversity, atypical employment, unemployment and job insecurity. Her research is published in various outlets in the field of work and organisational psychology. Dr Otto has been awarded the Morton Deutsch Award and several other best paper awards for her publications, and the Theodor Litt Award for her teaching engagement.



Nimisha Patel is a consultant clinical psychologist based in the UK. She is the Director of the International Centre for Health and Human Rights, an NGO, and Professor of Clinical Psychology at the University of East London, London, UK. In addition to her professional training in clinical psychology (1983–1989), in 2007 she obtained a Master's degree in theory and practice of human rights from the Human

Rights Centre, University of Essex, UK. Her clinical, academic and research specialisms are in the areas of psychological care and rehabilitation as reparation for survivors of torture and gender-based violence; in intercultural therapy; and in addressing the intersections of whiteness and racism and patriarchy/sexism within professional training for clinical psychologists, within psychological practice and within healthcare services and institutions. She has worked in various human rights NGOs, the British National Health Service and internationally in many countries in the Middle East and North Africa region, Europe, Africa, Asia and in Latin America, including as a consultant to several United Nations agencies and international NGOs.



Pau Pérez-Sales is senior consultant in psychiatry (Hospital La Paz, Madrid, Spain, since 1996). He obtained a PhD in psychiatry at the Universidad Autónoma de Madrid, Spain in 1994. Pau has contributed to different popular organisations in Latin America since 1988. He was a founder and coordinator of the Community Action Group – Mental Health and Human Rights Resource Center (1997–2012). He is clinical director of the

SiR[a] Center for Forensic Assessment and Rehabilitation of Victims of Political Violence. He has been a forensic expert for national and international courts for victims of mistreatment and violence since 1996. His experience includes, among others, litigation in the European Court of Human Rights and the InterAmerican Court of Human Rights. Pau was Chair of the Section of Psychological Consequences of Persecution and Torture of the World Psychiatric Association (2015–2019). He is editor-in-chief of the *Torture Journal*. Pau has authored more than 80 papers and books relevant to mental health and psychosocial work in political violence, the most recent one *Psychological Torture: Definition, evaluation and measurement* (Routledge).



Marlena Plavšić, PhD, is currently Assistant Professor at the Juraj Dobrila University of Pula, Croatia, where she teaches general, developmental and educational psychology to future teachers of humanities and music. As a community psychologist she has continuously been involved in various public–civil initiatives and community projects. She has mostly worked with civil society organisations as project and activity leader, coordinator and evaluator. This is where she was most in contact with the topics of human rights, especially while working in collective centres in Croatia with refugees and displaced persons from Croatia and Bosnia and Herzegovina at the end of the 20th century. She also worked as school psychologist and as psychologist in occupational medicine. Her scientific interests comprise mostly education, ageing, mental health and wisdom. She has been a member of EFPA Board Human Rights and Psychology since its establishment, as well as a member of the Croatian Psychological Association’s section of human rights.



Inger Skjelsbæk is professor in gender studies at the Center for Gender Research and at the Center for Research on Extremism (C-REX) at the University of Oslo (UiO), Norway. She is also Research Professor at the Peace Research Institute Oslo (PRIO), Norway. She holds a PhD in psychology from the Norwegian University of Science and Technology (NTNU). Her research focuses on gender, peace and conflict, violent extremism, political psychology, international relations, qualitative research methodologies and the Balkans. She has been a visiting senior fellow at the Centre for Women, Peace and Security at the London School of Economics (LSE), UK, and at the Human Rights Center at University of California, Berkeley, USA. She is the author of numerous scholarly publications, including the monograph *The Political Psychology of War Rape* (Routledge, 2012). She is also a frequently used commentator in the Norwegian and international media on issues related to gender-based violence in armed conflict. She is a deputy member of the Norwegian Nobel Committee, which awards the Nobel Peace Prize.



Kerstin Söderström is a licensed child psychologist at Innlandet Hospital trust and associate professor at Inland Norway University of Applied Sciences, Norway. She is a member of the EFPA Board Human Rights and Psychology. She has studied and been involved in the development of psychology as discipline and profession in international collaborations with Cuba, Palestine and Vietnam, always with an eye on child and family wellbeing. Her professional activities and research focus are on children and families with psychosocial burdens such as parental mental problems, substance addiction, marginalisation and the transgenerational transmission of trauma, poor health and parenting practices, often with the Convention on the Rights of the Child as background.



Nora Sveaass is professor emerita at the Department of Psychology, University of Oslo, Norway. She worked clinically with refugees at the Psychosocial Centre for Refugees from 1986 to 2004. She was head of the research unit on refugees and forced migration at the Norwegian Centre for Violence and Traumatic Stress Studies (NKVTS), University of Oslo, and conducted research projects on family therapy with traumatised refugee families, rehabilitation of victims of torture and transitional justice mechanisms. Sveaass has written numerous books and journal articles on psychology, forced migration and human rights, with a particular focus on the right to redress and rehabilitation. Sveaass has worked clinically, in research and in developing training material in relation to gender-based violence in conflict. Sveaass is initiator and head of board of the Health and Human Rights Info, an NGO providing information on health and human rights for professionals working in conflict areas. She served as chair of the Human Rights Committee for the Norwegian Association for Human Rights (1998–2019), was a member of UN Committee Against

Torture (2005–2013) and is currently member and vice-chair of the UN Subcommittee on Prevention of Torture. In 2009 she was awarded the Amnesty International award (Norway) for work on human rights, and the University of Oslo's Human Rights Prize in 2018. In 2019 she was awarded The Royal Norwegian Order of Saint Olav for her work on human rights.



Ava D. Thompson, PhD, is a licensed clinical psychologist and associate professor at the University of the Bahamas where she also serves as coordinator of the Psychology Programme and a member of the Institutional Review Board. Her professional psychology activities reflect a macro-disciplinary focus with national, regional and international engagement. She is past President of the Bahamas Psychological Association and was the founding President of the Caribbean Alliance of National Psychological Associations (CANPA). She continues to serve a leadership role in CANPA and is also a member of the Executive Committee of the International Union of Psychological Science (IUPsyS). Recent and current scholarship includes historical perspectives on Bahamian and Caribbean psychology, culturally relevant pedagogy, indigenous models of child and adolescent mental health and integration of human rights and social justice frameworks into psychology education and training. Dr Thompson's ongoing clinical and research projects involve integrating her forensic psychology training with human rights and Bahamian social/educational challenges to address youth mental health and enhance the child care and juvenile justice systems. She has served as a reviewer for multiple publications and is currently a member of editorial boards of several journals, including the *Caribbean Journal of Psychology* and *Inter-american Journal of Psychology*.



Felisa Tibbitts is UNESCO Chair in Human Rights and Higher Education and Carla Atzema-Looman Chair in Human Rights Education at the Human Rights Centre of Utrecht University, The Netherlands. She is also a lecturer in the Comparative and International Education Program at Teachers College of Columbia University, USA, and visiting professor at Nelson Mandela University, South Africa. Dr Tibbitts' scholarship has appeared in numerous books and journals, including *Comparative Education*, *Journal of Peace Education*, *Intercultural Education*, *Perspectives*, *Teaching and Teacher Education* and the *International Review of Education*. She has also published practical resources on curriculum, programme development and evaluation on behalf of the Office of the UN High Commissioner for Human Rights, UNICEF, UNESCO, Organization for Security and Development in Europe (OSCE)/Office for Democratic Institutions and Human Rights (ODIHR), the Council of Europe and NGOs such as Amnesty International and the Open Society Foundations. Dr Tibbitts is the co-founder and former director of Human Rights Education Associates. She was a Fulbright Fellow at Lund University, Sweden and a Human Rights Fellow at the Kennedy School of Government, Harvard University, USA (2011–2013).



Rama Charan Tripathi is currently the *Kulguru* (Chancellor) of Swaraj Vidyapeeth, Allahabad, India, an educational society that is devoted to the realisation of Gandhi's idea of *purna swaraj* (self-rule in all spheres). Till recently, he was a National Fellow of the Indian Council for Social Science Research. He was formerly Director of G. B. Pant Social Science Institute at Allahabad and also Professor and Chair of the Department of Psychology at the University of Allahabad, India. He is the Editor-in-chief of *Psychology and Developing Societies*, a journal of Sage International. Among his publications are: *Deprivation: Its Social and Psychological Roots*; *Norm Violation and Intergroup Relations*; *Psychology in Human and Social Development*; *Psychology, Development and Social Policy*; and *Perspectives on Violence and Othering in India*.



Professor George Ulrich is currently Programme Director of the European Master's degree in Human Rights and Democratisation (EMA). He held the position of Rector and Professor of Human Rights at the Riga Graduate School of Law, Latvia, from 2009 to 2016. Prior to this, he served as European Inter-University Centre (EIUC) Secretary General (2003–2009) in Venice, Italy, and as Academic Coordinator/Programme Director of EMA from 2001 to 2004. He obtained his PhD as well as an MA in philosophy from the University of Toronto, Canada, and holds the degree of Cand. Mag. in Social Anthropology and History of Ideas from Aarhus University, Denmark. Among George Ulrich's current research interests are issues related to the history and philosophy of human rights, human rights diplomacy, human rights and development cooperation, health and human rights, international medical ethics and ethics for human rights professionals. The considerations presented in this book are to a large extent based on the author's direct experience of working with ethical problems and challenges in the fields of overseas medical research, social anthropology, international development cooperation and international human rights field operations. A particular source of inspiration for George was a study conducted in the mid-1990s on ethical challenges of donor-sponsored research in developing countries.



Michael Ungar, PhD, is a family therapist and Professor of Social Work at Dalhousie University, Canada, where he holds the Canada Research Chair in Child, Family and Community Resilience. Since 2002, Dr Ungar has directed the Resilience Research Centre, designing multisite longitudinal research and evaluation projects in more than a dozen low-, middle- and high-income countries, with much of that work focused on the resilience of marginalised children and families, and adult populations experiencing mental health challenges. Dr Ungar has published over 180 peer-reviewed articles and book chapters on the subject of resilience and is the author of 15 books for mental health professionals, researchers and

lay audiences. These include *The Social Ecology of Resilience: A Handbook for Theory and Practice* for researchers; *Change Your World: The Science of Resilience and the True Path to Success*, a book for adults experiencing stress at work and at home; and *Working With Children and Youth With Complex Needs*, a book for clinicians. His blog, Nurturing Resilience, can be read on *Psychology Today's* website.



Lisa Waddington holds the European Disability Forum Chair in European Disability Law in Maastricht, The Netherlands. Professor Waddington's principal area of interest lies in European and comparative disability law, the UN Convention on the Rights of Persons with Disabilities and European and comparative equality law in general. In 2000, she received an Aspasia award from the Netherlands Organisation for Scientific Research. She is currently coordinating Maastricht University's participation in the Marie Skłodowska-Curie Innovative Training network DARE (Disability Advocacy Research in Europe: 2019–2022). Professor Waddington is a member of the Maastricht Centre for European Law, the Ius Commune Research School and the Human Rights Research School. She is currently a board member of a number of networks and organisations, including the European Network of Legal Experts in Gender Equality and Non-discrimination and the Academic Network of European Disability experts.



Dr Ulrich Wagner is professor emeritus of social psychology in the Department of Psychology and in the Center for Conflict Studies at the Philipps-University Marburg in Germany. Dr Wagner is an expert in intergroup research, with a special focus on ethnic intergroup relations. His research on causes and the reduction of ethnic prejudice, discrimination and violence as well as the promotion of intergroup acceptance and tolerance incorporates both experimental and survey methods. An additional field of his research is violence prevention. Dr Wagner is the present Convenor of the EFPA Board Human Rights and Psychology.



Tony Wainwright studied biological science and then completed his doctorate in experimental psychology. He then trained as a clinical psychologist, working in the UK National Health Service in mental health, older adults and primary care. He now works at the University of Exeter, UK, in the department of psychology. He is deputy academic director of the doctorate in clinical psychology programme. He represented the British Psychological Society (BPS) on the EFPA Board of Ethics as chair of the BPS Ethics Committee. He is concerned with the effect that human activity has environmentally, and its impact on human rights and the lives of the plants and animals with which we share the world.



Michael Wessells, PhD, is Professor at Columbia University, USA, in the Program on Forced Migration and Health. A long-time psychosocial and child protection practitioner, he has conducted extensive research on the holistic impacts of war and political violence on children. He has worked extensively on issues of recruited children and is the author of *Child Soldiers: From violence to prevention*. Currently, he is lead researcher on interagency, multicountry research on community-led child protection, including strengthening linkages with government-led aspects of national child protection systems. This work has included learning from girls and boys directly about their lived experiences of violence and their coping and resilience amidst adversity. He regularly advises UN agencies, governments and donors on issues of child protection and psychosocial support, including in communities and schools.



Anna Zenz is an international lawyer and researcher and currently holds the position of executive officer at the UWA Public Policy Institute at the University of Western Australia. Between 2016 and 2019 she acted as executive assistant to Manfred Nowak in his function as Secretary General of the Global Campus of Human Rights in Venice, Italy. Prior to that she was involved with the work of the Administrative and Budgetary Committee of the General Assembly of the United Nations in New York and worked as research assistant in the field of international security law. She holds a law degree from the University of Vienna, Austria, and an Advanced LL.M in Public International Law from Leiden University, The Netherlands.

Glossary

For the commonly used terms related to human rights that are used in this book, we refer the readers to the following *Glossary of Human Rights Terms* at the website: fs2.american.edu/mertus/www/HR%20Glossary.htm. We find their explanations highly similar or identical to our understanding of them.

Editors



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A human rights based-and-oriented psychology

Introduction

The opening part of the book guides us through the history of human rights, human rights principles and laws, with a special focus on the interrelatedness between psychology and human rights.

The profession of psychology faces many challenges in its encounter with the wide range of human lives, strengths and possibilities, and human rights come into play in the daily professional practice dealing with these challenges. Psychologists may also work in settings where the rights and dignities of people and peoples are not always respected – at times they are even actively violated; and they meet individuals and groups who are suffering from the consequences of human rights abuses.

Psychology will be approached from a human rights perspective and human rights will be approached from a psychological perspective. The first five chapters introduce human rights principles and treaties, and their meaning for psychology. They present the foundations of the human rights framework and how these relate and apply to psychology. They outline the close connection between the fields of human rights and psychology and provide examples of this relationship.

The chapter “The universal declaration of human rights: foundations for a human rights based-and-oriented psychology” by Polli Hageaars and Ava D. Thompson opens this part of the book. It starts with presenting the development of human rights and the Universal Declaration of Human Rights in 1948 as a culmination of this work. It describes the double relationship between psychology and human rights: the inspiration of human rights to psychologists as well as the contribution psychology as a science and a practice can give to human rights promotion and protection. It continues with critical reflections both on the applicability of human rights and the need for a more inclusive psychology. The questions of how psychology can be more oriented to human rights as well as how human rights can benefit from psychology are addressed.

The second chapter “Human rights: how do they matter for the profession of psychology?” by Nora Sveaass and Michael Wessells highlights the importance of understanding what human rights instruments may mean in the context of psychological practice. Some of the major human rights conventions, instruments and mechanisms are presented and the authors discuss how these relate to the working areas where psychologists find themselves as well as to the challenges they face.

Psychologists' involvement in human rights violations is also presented, while at the same time emphasising the need to prevent such abuse from happening and reminding us about the obligation to respect and promote human rights in all settings. The ways in which psychologists have contributed to the defence and promotion of human rights, as ways of improving the lives of people, are discussed.

Chapter 3, "Main human rights instruments and bodies, relevant for psychologists' interventions" by Manfred Nowak and Anna Zenz, follows. Here, human rights are described from different perspectives: human rights as protection, as means of empowerment, as prohibition of discrimination. The relationship of the profession of psychology with human rights is given due attention. The most important human rights instruments and monitoring bodies are extensively described. Some real-life experiences give good examples of the interplay of human rights and psychology.

Chapter 4, "Human rights, cross-national and cross-cultural perspectives" by Rama Charan Tripathi, discusses the meaning of human rights across cultures and nations. Next to rights, duties are discussed. The interdependence of duties and rights differs in diverse cultures. The human rights discourses have paid more attention to the rights of the individuals and less to the rights of the collectives. The imbalance between rights given to individuals and to collectives maintains inequalities. The role psychologists can play in the realisation of human rights on the ground is not uniform across cultures and nations. Cultural humility will require that psychologists develop a perspective that is marked by concern for the other and for the other's culture.

But human rights are not only presented as something easy to grasp or unproblematic to argue for. In the last chapter of this part, "Critical human rights-based approach to applied psychology: context and power" by Nimisha Patel, questions are raised in relation to serious challenges involved both in the advocacy of human rights as well as in the implementation into professional practice. Colonialism, Western traditions and stories of supremacy have their influences on daily mental health practice. Power relationships and abuse of power need to be recognised and addressed. Patel advocates for a critical human rights-based approach to psychology and the role of applied psychologists as practitioner-activists.

The Universal Declaration of Human Rights

Foundations for a human rights based-and-oriented psychology

Polli Hageñaars and Ava D. Thompson

Introduction

The overarching aim of this first chapter is to provide an introduction to the meaning and implications of a human rights based-and-oriented psychology, and to present arguments as to why human rights matter for psychology and how psychologists can and should contribute to the realization of human rights. This chapter will focus initially on the development and historical context of the United Nations (UN) Universal Declaration of Human Rights (UDHR), which is the foundation of the human rights framework. This includes some critical reflections, as well as articulated tensions between universality and uniformity of human rights, and the impact of various sources of diversity.

The UDHR (UN, 1948) is an inspiration for all of humanity and continues to serve as the foundation of a shared value system for human and societal well-being. A human rights based-and-oriented psychology is grounded in the core principles of the UDHR: dignity, freedom, inclusion, and the equal and inalienable worth of a human being. Psychologists with their knowledge and expertise have well-recognized professional and scientific responsibilities to society, and can better serve humanity by incorporating the principles of the UDHR, which serve as the foundation for a human rights framework in all aspects of their professional activities.

The chapter will also describe the contributions psychologists can and should make for the protection and promotion of human rights, and the actions that are needed. Psychologists are experts in helping to alleviate trauma, often arising from human rights violations. “Pre-emption of violations” (An-Na’im, 2016) can be a guiding principle for a proactive approach of psychology’s commitment to promoting humanity’s overall development. This calls for reflection on the science of psychology and its intersection with human rights principles and values, particularly as it relates to the hidden exclusion and undervaluation of persons and groups as a result of the historical development of psychology and its philosophical bases.

The chapter will end with recommendations to develop a human rights framework for psychology. Focus is placed on the overall nature of the discipline, research as well as the prerequisite attitudes, knowledge, and skills of psychologists.

Universal Declaration of Human Rights: an overview

Development of the Universal Declaration of Human Rights

The origins of human rights continue to be debated by scholars in various disciplines (Langford, 2018). However, there is growing consensus that human rights are reflected in all religious, spiritual, and moral philosophical traditions of the world and thus originate in the very nature of humanity (Johnson & Symonides, 1998). Despite the presence in all societies, human rights were selectively applied. Even “international laws” contributed to oppression, slavery, and colonialism around the globe. Ironically, it was the entrenched resistance of enslaved and colonized persons, and acknowledgment of the atrocities of slavery and colonialism, among other factors, that resulted in laws grounded in principles of human rights (Langford, 2018; Viljoen, 2009), via Great Britain’s Slave Trade Act of 1807 and the Slavery Abolition Act of 1833. Other states followed over the course of the 19th century, abolishing slavery in their overseas colonies, and human rights on a global scale were addressed.

While steps were taken such as the Hague Conferences of 1899 and 1907 on international warfare, and the first international legal standard in 1919 protecting the rights of workers under the auspices of the International Labour Organization (ILO), the development of international human rights law remained elusive. In fact, initial attempts to establish a human rights system to protect minorities under the patronage of the League of Nations were unsuccessful. Amidst political and general public concerns about a range of injustices and threats to humanity in the global community, including the rise of fascism in the twentieth century, the prevailing global standard was that the treatment of citizens by their own government was outside the purview of other governments and international organizations (Dolinger, 2016).

It was only in the aftermath of the horrific atrocities and violations of human rights that preceded and occurred during World War II (WWII) that the international community realized that violations of human rights within a state can affect nearby countries and the world and should be subject to international law. In his January 1941 State of the Union Address, Franklin D. Roosevelt cited four essential human freedoms as a foundation for the world – freedom of speech, freedom of worship, freedom from want, and freedom from fear – in justifying the United States’ involvement in WWII (www.roosevelt.nl/fdr-four-freedoms-speech-1941). The ideas enunciated in the Roosevelt’s Four Freedoms speech (1941) eventually developed into the UN Declaration of January 1, 1942 and the envisioned international organization, the UN, was created in 1945 (www.un.org/en/sections/history-united-nations-charter/1942-declaration-united-nations/index.html).

The UN Charter recognized for the first time that the situation within states – not only between states – was of concern to international law:

We the peoples of the United Nations determined to save succeeding generations from the scourge of war, which twice in our lifetime has brought untold sorrow to mankind, and to reaffirm faith in fundamental human rights, in the dignity and worth of the human person, in the equal rights of men and women and of nations large and small, and to establish conditions under which justice and

respect for the obligations arising from treaties and other sources of international law can be maintained, and to promote social progress and better standards of life in larger freedom

(<https://treaties.un.org/doc/publication/ctc/uncharter.pdf>, p. 1)

With the creation of the UN, the international community vowed never again to allow atrocities that occurred during WWII and made a commitment to complement the UN Charter with a road map to guarantee the rights of every individual everywhere. To this end, the *United Nations Commission on Human Rights* (UNCHR) was established in 1946 with the mandate to strengthen the protection and promotion of human rights globally, respond to violations, and make recommendations. As such it had the task of developing international instruments to protect fundamental rights and freedoms ([www.ohchr.org/EN/HRBodies/CHR/Pages/CommissionOnHumanRights](http://www.ohchr.org/EN/HRBodies/CHR/Pages/CommissionOnHumanRights.aspx)). The UNCHR established a drafting committee, which consisted of representatives from multiple countries. The UDHR was drafted over a two-year period, and involved consultation with academic and state actors, UN bodies, and non-governmental organizations. It was adopted by the UN General Assembly on December 10, 1948 (<http://research.un.org/en/undhr/ga/plenary>). For the first time in history an international document set out fundamental human rights to be universally protected.

Key principles of the UDHR: relevance for psychology

The UDHR sets common standards of freedom, justice, and peace for all in the world. It consists of 30 articles with more than 100 rights that are grounded in several core principles. Three of those principles, with particular relevance for psychology, are elaborated below.

Dignity

“Recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world” (Preamble of the UDHR, 1948). The inherent dignity of every person is the uncontested universal basic value of human rights.

Dignity is opposed to individual and collective dehumanizing practices, ranging from bullying and scapegoating to systemic inequality, poverty, and torture, as well as excluding persons and maintaining relationships that disempower, denigrate, and demean and lead to worthlessness. On the other hand, moral action and moral judgment depend on an appreciation of the humanness of others. Only if others are understood as fully human do we feel bound to consider and care about their interests, prevent or alleviate their suffering, and experience moral emotions when we have wronged them (Staub, 2013).

Freedom

Article 1 of the UDHR: *“All human beings are born free and equal in dignity and rights.”*

Freedom can even be seen to be stronger than an individual ideal as each person has “a duty to be free” (King, 1956). It is the responsibility of everyone to uphold not only their liberties, but also those of their peers. Freedom is not only an internal phenomenon – it is a communal concern. Freedom includes autonomy and is present as a principle in most professional codes of ethics. Amartya Sen (2005) sees freedom in a very essentialist way. All persons must be able to have the capabilities for development and to live a good life, in order to become fully human, physically, intellectually, psychologically, and spiritually. People can only realize a dignified life if the context in which they are living enables them to do so. Systemic historical and contemporary inequality which contributes to poverty, for example, is understood as deprivation of the capability to live a good life. Deprivation of capabilities for development is seen as a human rights violation.

Inclusion

Article 2 of the UDHR: “*Everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.*”

Fulfilling human rights requires attention to structural and institutional forms of social exclusion of persons in disadvantaged positions, who are often silenced or even invisible. While the major causes of exclusion and the effects vary across contexts, there are many similarities. Equal access to quality health care, including mental health care, and education are global priorities; almost invariably, exclusion means that fundamental rights are violated. Discrimination and exclusion also negatively affect personal and group identity, which interact with other factors and increase the challenges of realizing the quality life to which all are inherently entitled.

Dignity, freedom, and inclusion or non-discrimination are cross-cutting principles in the UDHR; they are important for psychology, given the discipline’s focus on well-being. In addition, the principles are present in ethical codes and psychological scholars have demonstrated the impact of various forms of violations. Nonetheless, more engagement is needed to realize the aspirations of the UDHR, as reflected in Marsella’s (2012) call for a global psychology to address humanity’s challenges.

The UDHR and the further development of human rights

The pivotal role and the moral, legal, and political significance of human rights in the international arena have become indisputable. They have been elaborated in subsequent international treaties, regional instruments, national constitutions, and even in professional codes of conduct (https://en.wikipedia.org/wiki/Human_rights). Following the adoption of the UDHR, two international Covenants were adopted in 1966, the International Covenant on Civil and Political Rights (ICCPR: UN General Assembly, 1966a) and the International Covenant on Economic, Social and Cultural Rights (ICESCR: UN General Assembly, 1966b). The ICCPR covers what was considered as “liberty rights,” rights implying that the state abstains from intervening in the liberty of every human. The ICESCR is about the “debt obligation” of the

state to stand up for its citizens and take appropriate measures. The UDHR, the ICCPR, and the ICESCR together form the International Bill of Human Rights. The UDHR is a statement of principles but the Covenants and the various conventions that were developed after 1966 are legally binding to the states that have ratified them. These major human rights instruments were followed by other international declarations and conventions. They constitute international human rights law and principles, implementation models, and monitoring mechanisms for the 21st-century global community.

A comprehensive study of the impact of the Universal Declaration is beyond the scope of this chapter, but there is considerable agreement that the UDHR is an unparalleled landmark document and has become the lingua franca of people around the world who claim, promote, and explain the cherished rights. In that respect, it could be judged a success, as Eleanor Roosevelt stated that it was “written for ordinary men and women, for people in all walks of life and in all the different cultures of the world” (Morsink, 1999, p. 33).

The vast human rights system has served to unite humanity over the past 70 years (Gostin, Meier, Thomas, Magar, & Ghebreyesus, 2018) and has become a core pillar for the work of the various organs of the UN, as reflected in the recent Millennium Development Goals (www.un.org/millenniumgoals/, 2016) and the Sustainable Developmental Agenda (www.un.org/sustainabledevelopment/development-agenda, 2016). At the core of the global effort to serve humanity is the view that all human rights are indivisible, interrelated, and interdependent, whether they are civil and political rights, such as the right to life, equality before the law, and freedom of expression, or economic, social, and cultural rights, such as the rights to work, social security, and education, or collective rights, such as the rights to development and self-determination (www.unfpa.org/resources/human-rights-principles).

Critical reflections on human rights

Despite the wide endorsement of the UDHR and the human rights system, there are ongoing debates across the globe from differing philosophical, political, and contextual positions. In this section, three of them will be briefly discussed, although more warrant attention.

Universality of human rights

The universality of human rights is much debated and for different reasons: cultural, religious, contextual, and historical. Regions have developed their own human rights declarations, e.g., the European Convention on Human Rights in 1950, the African Charter on Humans and Peoples’ Rights (Banjul Charter) in 1990, and the Cairo Declaration of Human Rights in Islam, which recognizes Sharia law as the foundation of human rights ([www.ohchr.org/EN/Issues/Education/Training/Compilation/Pages/2TheCairoDeclarationonHumanRightsinIslam\(1990\).aspx](http://www.ohchr.org/EN/Issues/Education/Training/Compilation/Pages/2TheCairoDeclarationonHumanRightsinIslam(1990).aspx))

Human rights from the Majority World – a term that refers to the countries outside Europe and North America – came most to the fore in the decolonization movements and liberation wars around the same time as the UDHR developed. This perspective was recognized in 2007 when the UN Declaration on the Rights of Indigenous Peoples

(UNDRIP) was adopted by the General Assembly (www.un.org/development/desa/indigenouspeoples/declaration-on-the-rights-of-indigenous-peoples.html). The tension between respect for alternative formulations of human rights and the universality of the principles of the UDHR has been summarized by An-Na'im (2016). The essential quality of the universality of human rights may be explained in terms of what he calls the three "Cs": the concept, content, and context of human rights. Human rights as a concept are necessarily universal, but they need to be determined (content) and given in a context.

When in 1989 the "wall" between communist states and Western democracies came down, a period of almost euphoric worldwide recognition of universal human rights began. Since then there has been a reversal in several countries, with political leaders demanding "in the name of the people" the right to give their "own" interpretation of human rights. Such interpretations invariably entail an explanation with less freedom and more enforced uniformity (Hirsch Ballin, 2015). The consequences have been highlighted in the *World Justice Project Report* for 2017–2018, which recorded a reversal in fundamental rights in over half the countries included.

Civil and political rights versus economic and cultural rights

Historically, human rights developed after WWII amid the consolidation of welfare states in Europe and North America, with a strong emphasis on liberty and democracy. In the 1970s, activists in the United States and Western Europe began to take up the cause of "human rights" for the victims of brutal regimes. The signature group of that era, Amnesty International, focused on imprisonment and torture. In general, economic and cultural rights were neglected in these contexts. However, this narrow, almost exclusive focus on atrocities associated with civil and political rights began to change after the Cold War, in large part because of efforts from the Global South. They had advocated for the universal application of human rights that not only advanced the decolonization agenda but continued efforts to dismantle the hierarchical world order that remained in post-colonial countries (Jensen, 2016). But even then, human rights advocacy did not assert the goal of economic fairness.

In recent years, international human rights law is playing an increasing role in addressing economic justice, in order to prevent discrimination against disadvantaged groups (World Economic Forum, 2018: www.weforum.org/reports/annual-report-2017-2018). The UN Committee on Economic, Social and Cultural Rights and other human rights bodies assert that states have an obligation, even during times of resource constraint, to ensure the fulfillment, without discrimination, of the minimum essential levels of socioeconomic rights, for example essential subsistence and basic shelter.

Human rights, a beautiful but unrealized ideal

The most pertinent criticisms come from authors who assert that human rights represent a beautiful ideal, but have not fulfilled the inherent promises to humanity. They note the increasing gap between the obligations and what in fact has been realized in practice. Hannah Arendt contends that the so-called "right to have rights" accorded by collective membership remains the key to the values of the UDHR; without

communal inclusion, the assertion of rights by itself makes no sense. In the *Origins of Totalitarianism*, Arendt's (1951) conception of human rights is a skeptical one. She argues that a person can have rights, but if no one gives them, they are without any meaning. Sovereign nations and state governments have little incentive to respect human rights. This, she said, can be seen most clearly by examining the treatment of refugees and other stateless people. Since refugees have no state to secure their civil rights, the only rights they have to fall back on are human rights. In line with Arendt's writings are the ideas of Bósèdè Olúwolé (2017). She criticizes Western individualism that subordinates public interest to the individual interests: when there is no obligation to take care of the other, human rights are meaningless.

In summary, over the 70 years since the UDHR was adopted, much progress has been made in the formalization of human rights. At the same time, the implementation of human rights needs more action and broader understanding, as it cannot be left to law alone. Still, the UDHR is the most widely supported document on human rights. Therefore, there are strong reasons to take the UDHR as a starting point for psychologists (Hagenaars, 2016).

Human rights for psychologists

The key argument of this section is that human rights are critical to psychology's mission of contributing to the well-being of humanity. Few psychologists will contest that human rights are important, but it may not be self-evident what role psychologists can play and how human rights are embedded in psychology (Velez, 2016). Despite their inherent connection, for a long time there was hardly any contact between the two fields of human rights and psychology (Twose & Cohrs, 2015). As human rights are about (unequal) human relationships and about promoting the well-being and development of people and peoples, the connection between psychology and human rights should be obvious.

Human rights and psychology have a double relationship:

1. The UN UDHR provides considerable inspiration for psychologists and their associations. Along with the Covenants, conventions, and related treaties, it provides a normative framework for psychologists.
2. By virtue of their knowledge and expertise, psychologists – individually and through their associations – can and should contribute to human rights protection and promote the fundamental values of human rights of people and peoples and finally prevent human rights violations (EFPA Board Human Rights and Psychology, 2015).

Professional ethics and societal responsibility for human rights

Although it is the duty of any member of a democratic society to act on Human Rights violations and to prevent their emergence as well as to reduce their negative consequences, psychologists by their knowledge and experience, have a special responsibility.

(EFPA Board Human Rights and Psychology, 2015)

As discussed before, human rights are not only to be considered as part of law, but also as a set of values. These human rights values serve as an additional unifying force for psychologists all over the world who share the responsibility of promoting human development. De Sousa Santos (2006) wants to affirm equality and non-discrimination and realize the universality of human rights as a practical principle of policy for all societies. Since all human societies adhere to their own normative systems, which are necessarily shaped by their particular context and experiences, any universal concept is by definition a *construct or hypothesis* that cannot be simply proclaimed or taken as given, he argues. The quality of being a universal norm can therefore only be achieved through a global consensus-building process, and neither assumed nor imposed through the hegemony of universalizing claims from one relativist perspective or another.

The principles and associated values of the UDHR are reflected in the internationally endorsed Universal Declaration of Ethical Principles for Psychologists (UDEPP) (IAAP & IUPsyS, 2008). The UDEPP identifies respect for the dignity of persons and peoples as a core principle. The emphasis on psychologists' professional and scientific responsibilities to society assumes a commitment to human rights, and by extension contends that psychologists are actors for human rights in all aspects of professional engagement and in their personal lives.

However, the UDEPP is an "aspirational" code, not a "mandatory" code. This important distinction is clearly present in the *Ethical Principles of Psychologists and Code of Conduct* of the American Psychological Association (APA); its structure has been followed by many associations (American Psychological Association, 2017). This code distinguishes between general principles – aspirational goals ("Do well") – and ethical standards – obligations ("Do no harm"). Only the standards imply sanctions in case a psychologist has been violating the rules. The aspirational goals, worded in the preamble of the APA *Code*, mention human rights principles. They emphasize commitment and action in society at large, in order to promote the well-being of humanity, but the commitment is not made explicit. Although there are no sanctions when a psychologist fails to honor aspirational principles, these principles do come with obligations. Societal responsibility is not optional; in order to be effective, aspirational goals need commitment, a plan of action, and accountability.

In summary, the UDEPP, like other professional codes, is clear on societal responsibility for the profession.

Towards a human rights based-and-oriented psychology

As far as is known to the authors, no psychologist was involved in drafting the UDHR. Nevertheless, through their associations, psychologists were and are involved in the work of UNESCO and the UN. Klineberg, a charter member of the Executive Committee of the International Union of Psychological Science (IUPsyS), was appointed to a senior position in UNESCO to help establish the Department of Social Sciences (Holtzman & Russell, 1992). In 1968, the Executive Committee of the IUPsyS recommended his nomination for the inaugural 1968 UN Prizes in the Field of Human Rights. The International Association of Applied Psychology (IAAP), the APA, the IUPsyS, and the International Council of Psychologists (ICP) –

among other associations – are affiliated to the UN. There is evidence emerging from regional contexts, e.g., Latin America and South Africa, that points to psychology’s increasing engagement in human rights (Thompson, 2016).

The international human rights landscape provides a shared value system for the commitment of psychologists to society and humanity. In order to realize the potential impact of human rights on the psychological profession and of psychological knowledge on human rights promotion, a human rights based-and-oriented psychology needs to be developed. The basic principles of the UDHR need to be represented in science, practice, and education of psychology. The emphasis on the inalienable equal worth of every human being, the need for inclusion, focus on enhancement of the capabilities of people and peoples, as well as the recognition of power differences in personal, community, and national relationships are particularly relevant for psychology, and warrant attention in all aspects of professional engagement. The incorporation of these principles is important as psychology continues its journey to become an inclusive, global science that represents all of humanity and effectively addresses the challenges of the 21st century. Contextual factors, including unequal power relations, are important components in the necessary shift to a more people-centered orientation of psychology. The uneven development of psychology in different regions challenges the international community of psychologists to connect and to take care that psychology acts for the benefit of all people and peoples. A human rights framework can assist psychology in addressing these challenges.

Development of a human rights and psychology framework: history and epistemology

To what extent have research and practice in psychology been in line with human rights principles? Have psychologists always respected the dignity of *all* people and peoples in language, concept, and research, regardless of gender, race, class, religion, health, abilities? The answer to this question suggests that psychology has, albeit inadvertently, violated human rights. As scientific and professional psychologists do not operate in a societal vacuum, they are influenced by social, sociopolitical, and economic relationships and by the hegemonic ideas of the societies in which they participate. Social Darwinism and race relations have influenced psychology (Mann, 1940), and ethnic minority groups, indigenous peoples, and persons in disadvantaged socioeconomic positions are not fully represented in mainstream psychology. According to Teo (2005, p. 132): “Traditional psychology has not sufficiently paid attention to psychological patterns that are connected with social conditions, power differentials, or the relation between those who are in positions of dominance and those who are dominated”; for example, the underrepresentation of women in research, already raised by Gilligan in 1982, is still an issue. For decades there have been critiques from Majority World psychologists and calls for a global psychology (Nsamenang, 1992).

A human rights-based psychology will seek epistemic justice, which requires that no person or group will be excluded or “othered” (Spivak, 1988) in psychology. The question arises if the ideal image of man in psychology represents primarily one particular group, e.g., gender, class, ethnicity, or one region of the world. Has the

science of psychology violated human rights via epistemic violence by excluding or ignoring? Epistemic refers to knowledge and the measure of its validation (Bunch, 2015). Epistemic violence focuses on the discourse involved in the practice of “othering.” Othering, to this effect, is the marginalization of those who are distinctly different from the majority “us.” The “other” is the out-group, those who are marginalized by a large portion of the population and who often maintain limited rights within society. A human rights-based psychology will explicitly act to restore unequal, marginalized, or dehumanized representations of people in psychological theory, ethics, and methods, and will take care that people are well represented (Myers, 2017).

A variety of traditions within psychology put emphasis on various aspects of these mechanisms. Peace psychology, in German *Friedenspsychologie*, seeks to develop theories and practices aimed at the prevention and mitigation of direct and structural violence. It tries to promote the non-violent management of conflict and the pursuit of social justice (Christie, Wagner, & Winter, 2001). Feminist theory of epistemology recognizes the need for the awareness of “epistemic responsibility.” Those who subscribe to this theory suggest that epistemologists need to take more seriously issues of group differences because the social hierarchies that they often encourage can “both limit the spheres of action available to agents from non-privileged groups and discourage those from privileged groups from being accountable for their actions when they seek and claim knowledge” (Townley, 2006, p. 40).

Decolonizing psychology is reaching out to develop non-oppressive and inclusive ways of knowing (Adams, Dobles, Gómez, Kurtiş, & Molina, 2015), critically reflecting on the ideal image of humanity and the consequences of research done from (only) a Western perspective. While some cross-cultural psychology scholars are taking the context in which people are living seriously, others remain committed to the status quo, i.e., they seek to maintain a non-activist character of cross-cultural psychology (Spivak, 2005, p. 140) and continue to maintain homogeneity of populations in their scholarship and interventions to “control” for group differences. The existence of group differences, instead of being used as a crutch for marginalization, must be used to give these differences legitimacy in their own right. Psychology can and should contribute considerably to the promotion and protection of human rights, and for the prevention of violations and alleviation of the consequences; but to fulfill its promise to humanity, more change is required.

A human rights framework for psychology is an inclusive psychology with a decolonial perspective, a psychology that is multi-indigenous and contextual, and bears in mind that all psychologies are indigenous and thus cannot impose their views on others (Roe, 2014). This framework is very much reminiscent of the work of the Martinique-born Afro-Caribbean psychiatrist Frantz Fanon, whose work on the psychological effects of colonization inspires contemporary psychologists by emphasizing a holistic approach to well-being and noting the sociogenic determinants of pathology, including the effects of intergenerational trauma and oppression (Fanon, 1965; Martín-Baró, 1983). In fact, Fanon saw pathology as a consequence of colonization and the goal of intervention was to restore freedom.

Outlook

Advocacy, accountability, and actions

Because all persons are entitled to human rights, human rights have to be honored at all times, in all situations. Everyone who is in the position to support human rights should take his or her responsibility (Sen, 2009). Obviously, this includes psychologists in various fields of the profession, as reflected in the World Programme for Human Rights Education (www.ohchr.org/Documents/Publications/WPHRE_Phase_2_en.pdf, 2012). For Spivak (1988), promoting human rights starts with activism. She is working with girls in India, in order to “un-other[...] the subaltern”. In order to do so, one needs to step down, to sit next to the other person and to hear what is going on, what the needs are. Human encounters and understanding the lived experiences of all are as important as scientific experiments.

Professional bodies have a significant role in advancing human rights in science, education, practice, and advocacy. Specifically, associations need to speak out loud if human rights are under threat. For example, in 2019, psychologists’ associations protested against the separation of children from their parents at the Texas, USA border. Psychologists and their associations are not always aware of the unequal power relations in society which are manifested in many ways. One such manifestation is the psychological impact of colonialism and present-day neo-colonialism, as is expressed in the treatment of indigenous peoples (e.g., the Sámi people in the Northern countries of Europe). The advocacy of indigenous peoples around the world has contributed substantially to the human rights landscape, including new conventions, clarification, and further articulation of existing documents (Tauli-Corpus, 2010).

Sometimes ethics transcends law and asks to break the silence or even for disobedience. Psychologists who refuse to act in a way they do not find ethical, like being involved in unethical interrogations or finding themselves in a situation where fundamental human rights are violated, are entitled to the support of the whole community of psychologists. Article 1.02 of the APA *Ethical Principles of Psychologists and Code of Conduct* states:

If psychologists’ ethical responsibilities conflict with law, regulations, or other governing legal authority, psychologists clarify the nature of the conflict, make known their commitment to the Ethics Code, and take reasonable steps to resolve the conflict consistent with the General Principles and Ethical Standards of the Ethics Code. Under no circumstances may this standard be used to justify or defend violating human rights.

(American Psychological Association, 2017)

This principle is also known as the Nuremberg principle. During the Nuremberg trials in 1947, the defendants could not excuse themselves using the argument that it was law or regulation. Remember that apartheid and slavery were legal, but unethical, and in violation of fundamental human rights. The controversy over conflicts between ethical and legal responsibilities has a long history in psychology. We

need to figure out how we can live up better to our ethical responsibilities (Pope & Vasquez, 2011).

The UDHR is the cornerstone of a human rights system that has had a significant global impact in a range of areas in the last 70 years: on education, self-determination of indigenous communities, women, invisible or marginalized groups, decolonization, and the sustainable development agenda. The human rights conventions have led to positive changes in global health, and to public health initiatives, including policies, programs, and practices (Gostin et al., 2018). Also other professions – medicine, history, sociology, and anthropology – seek to develop a human rights’ framework for their respective fields. An overarching human rights framework for and by psychology, that further unites psychologists across cultures and strengthens connections with other scientists in a shared vision for humanity, is important to help psychology better serve humanity. Only recently have there been increasing references to human rights in the psychology literature and an explicit development of a human rights framework for psychology (EFPA Board Human Rights and Psychology, 2015).

Human rights education in psychology education and training

Education about human rights is arguably the most important step for psychologists to honour their professional and personal responsibilities to protect the principles of the UDHR and the fundamental human rights of all. The UN declared 1995–2004 to be the Decade for Human Rights Education and called for the integration of human rights in all formal and non-formal learning institutions. The World Programme of Human Rights Education (2017) has built on the achievement of this global program and a variety of training resources have been developed at national, regional, and international levels (www.ohchr.org/EN/Issues/Education/Training/Pages/HREducationTrainingIndex.asp). Integrating human rights in psychology education at all levels of training is a natural first step. Given the wealth of resources, including guidelines and curricula available from the Office of the High Commissioner for Human Rights (OHCHR) and other institutions, psychologists do not have to reinvent the wheel. The nascent scholarship that provides innovative models on introducing and evaluating the impact of human rights education shows that even brief human rights education can bring positive attitudinal change and commitment to human rights (Farina, 2009; Stellmacher & Sommer, 2008).

The impact of psychology’s engagement on the human rights landscape is potentially transformative. Millions of students enroll in psychology courses. Extending the focus to high school psychology classes further increases the discipline’s potential reach. Specifically, it lays the foundation for a human rights framework for psychology as tomorrow’s professionals can learn about, interrogate, and integrate human rights into all aspects of psychological theory, practice, and research. This integration is not only consistent with the UN human rights theory of change, the overall strategy in the pursuit of its long-term goal, “all human rights for all” (OHCHR, 2018, p. 57), but is also critical for transforming psychology into a multi-indigenous, inclusive discipline that can address the enormous challenges of the 21st century and beyond.

To integrate human rights education across the psychology curriculum, it is important to provide learning opportunities for psychology educators, practitioners,

and researchers in the myriad existing settings. The final report from the 2016 Expert Meeting on Human Rights Education for Psychologists, held in Venice (<http://humanrightsforpsychologists.eu>), special journal issues devoted to human rights and psychology (e.g., Söderström, Hagedaars, Wainwright, & Wagner, 2019), and congress presentations on human rights education for psychology are useful resources for psychologists.

The educational opportunities extend beyond published work. Incorporating human rights as a theme in congresses, workshops, and post-academic courses is a useful means of engaging psychologists. Professional development is a requirement for all; internships and summer/winter schools, international, and national as well as specialty conferences and webinars can serve as components of a sustainable model for educating psychologists and students alike. A range of perspectives can inform about an inclusive human rights psychology framework.

Conclusions

The UDHR has been pivotal in creating a new era of human solidarity and unity that is grounded in a commitment to human rights promotion and protection for all. While the process that created it and the evolving global human rights system are imperfect and much of the criticisms raised against them are justified, the overwhelming achievements are significant and warrant continued efforts to further enhancement. Even the most ardent supporters recognize contemporary challenges and have stressed the need to renew and intensify efforts to promote global human rights (Bennoune, 2018). Psychology has made human rights contributions and can and should continue to do so. Psychology has the opportunity and means to expand its role in the global, regional, and national discourse on human rights matters in all aspects of professional engagement: behavioral change expertise, research, education, influencing policy, and practitioners. This potential can be realized via a global human rights informed psychology framework that is the best option for psychology to fulfill its promise to humanity. It holds the promise to facilitating psychology's continued evolution as a critical, inclusive discipline that represents and serves all of humanity. Given the reality of an increasingly polarized world, rapidly changing landscapes, and the multiplicity of threats to humanity, a human rights based-and-oriented psychology is needed now more than ever.

Questions

1. There is discussion about the universality of human rights. In this chapter three main causes are mentioned. Can you think of other points of discussion on the universality of human rights?
2. In your own situation – practice as well as private life – where would you start to improve human rights?
3. Are you capable of speaking openly about threats of human rights violations? And what skills or support do you need to do so?
4. What is the core challenge for psychologists to protect human rights?

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Human rights

How do they matter for the profession of psychology?

Nora Sveaass and Michael Wessells

Introduction

Although psychology and human rights are usually discussed as separate fields, we will argue that human rights are at the core of the profession of psychology. Reviewing what may be considered as some of the basic ambitions, developments and focus areas in psychology, including ethical platforms for psychologists, we see that the obligations entailed in the international human rights conventions and declarations not only converge with what psychologists do and engage in, but also offer meaningful, ethical guidance for our profession. In addition, of course, the human rights obligations specified in the conventions to which states are parties imply that these are reflected in national law, and as such, these are legally binding for us as a profession. We argue that our psychological practice ought to be informed not only by our theoretical and practical knowledge, background and professional ethics, but also by the principles of human rights, as set forth in fundamental instruments such as the Universal Declaration of Human Rights (UDHR). We will argue this, despite the fact that the science of psychology and the professions of psychology cover a wide range, and that the direct relevance to human rights may vary (Sveaass, 2019).

The human rights principles, laid down in conventions, covenants and protocols, frequently referred to as human rights instruments, will be briefly described in the following. These instruments are legally binding once states have ratified them, either as integrated or domesticated into national law, or as principles to which national authorities have committed themselves. Ratification further implies that states open up for international monitoring and evaluation of their compliance with the conventions by international bodies or committees specifically established to overview how states in fact implement and respect their human rights obligations in their country.

With this background, we will explore ways in which psychologists may engage in the promotion and protection of human rights, and contribute to the prevention of violations of such rights, as part of their regular professional activities. Bearing in mind that the central objectives within our profession are echoed in the aspirations of human rights principles, the connectedness and interrelatedness between the two fields become apparent. Examples are easily found among the tasks psychologists carry out on a daily basis, such as work for improving and ensuring human well-being, strengthening communication and relations between people, empowering

individuals and groups to be in charge of their lives, providing psychological assistance to cure or reduce distress and illness, securing the best possible conditions for children's healthy development and protecting against violence and abuse. In line with this, psychologists must respect the principle of "doing no harm". In other words, a substantive part of our professional work can be understood as reflecting both a psychological and a human rights perspective (Sveaass & Woolf, in press).

The relevance of our professional knowledge to human rights defence

The rich interconnections between psychology and human rights derive in part from psychologists' specific knowledge and insights into human life, well-being and dignity. Through research, clinical studies and practical work, there is a substantial body of knowledge on psychological effects of life-threatening and potentially traumatic events (Bisson, 2007; Herman, 1992; Wilson, 2004). Many of the clients or patients we see in our everyday practice, both in peace time and in situations of conflict, are victims or survivors of serious traumatic events, such as rape, domestic violence, torture and ill-treatment and war-related hardships, that is, violence at the hands of officials or others abusing power or violence committed by private actors (Sveaass, 1994, 2017). With a growing number of refugees and asylum seekers seeking protection and shelter in other countries, the engagement by psychologists in this work is expanding all the time.

Based on professional experiences and available knowledge, psychologists have the skills and preconditions to deal professionally with survivors of many of these situations. In addition to providing therapy, psychologists may further work for improved and safer life conditions, either directly, or indirectly by raising awareness about destructive or unhealthy situations to those concerned with or responsible for such situations. In the same vein, a focus on prevention of violations and potential trauma represents an important area for psychologists. Prevention of violence against children, against abuses in hospitals and in places of detention, and working against trafficking in persons, are examples of engagement where there is the need to combine professional psychological work with human rights-oriented approaches (Sveaass, 2013, 2019).

Psychologists in different workplaces

Psychologists frequently work in settings where there may be risk of human rights violations, including ill-treatment or even torture. Examples are psychiatric hospitals where practices such as mechanical restraints, forced psychopharmacological treatment, involuntary hospitalization and other forms of questionable treatment are practised, not always in conformity with either national law or international standards. Psychologists furthermore work in military settings, in places of detention and in criminal justice settings, including prison services. In these and related settings, people in positions of power may deprive individuals of their liberty, conduct harsh investigations and employ punitive measures that go beyond what is permitted, legally as well as ethically. Despite the fact that these institutions in most countries are under formal state

regulation and have a legal basis, reports from monitoring bodies (United Nations Committee Against Torture (UNCAT) and United Nations Subcommittee on Prevention of Torture (UNSPT)), as well as from civil society organizations (e.g. Amnesty International or Human Rights Watch), frequently indicate that they are sites for violations of core human rights. These may include excessive use of force by police or prison guards, interrogation via abusive methods, use of isolation rooms or cells as disciplinary or protective measures and detention in overcrowded, inhumane conditions, often longer than regulated. Other violations may include detention for days before being brought before a judge, extended pre-trial detention and lack of basic legal safeguards, including access to health care professionals when deprived of liberty. Such violations happen in health care institutions as well as places of detention. Thus, institutions may develop practices that not only are in violation of national legal framework, but also violate human rights principles to which states have committed themselves. Psychologists may be involved, directly or indirectly, or they may be witnesses to or aware of such violations.

Important to ask is therefore: how do psychologists engage in such matters and what are psychologists' moral obligations when they observe or learn about different kinds of abuse? The capacity to stop, protect against, whistle-blow or report on abuse and violation, whether these are intentional or consequences of rigid and unreflecting systems, depends on one's insight and knowledge with regard to human rights and to what these mean in practice, as well as a willingness to take on the responsibility of openly defending rights. As will be discussed later in this chapter, this may also be a position involving tolls and risks.

Psychological insights and challenges

The science and profession of psychology contain knowledge and insight about human development and vulnerabilities, communication between persons and conditions that may allow for change to happen. This knowledge is highly constructive when applied ethically, but likewise destructive when applied in contexts where human rights abuses take place, or even worse, where psychological knowledge is intentionally applied in unacceptable ways and for purposes other than serving the good for people (Wessells, Sveaass, Foster & Dawes, 2017).

Psychologists have the skills to raise questions and look into matters of concern, and initiate systematic research into or mapping of possibly harmful practices or conditions. By doing this, professionals may contribute to the documentation of violations and practices such as solitary confinement, sleep deprivation or separations of children from their parents that are unacceptable to human rights standards as well as to standards of health and well-being.

Psychologists will, in most circumstances, be considered civil servants or public officials, or at least as professionals working on delegations of public officials. This includes private professional settings like institutions for children, private hospitals, centres for persons with disability or for elderly persons, that is, institutions that usually function on the basis of licence or approval by the state in which they function. As such these are bound by national law, and should be in conformity with the human rights conventions ratified by the state. When they are not in conformity

with human rights conventions, psychologists should take action. One form of relevant action is advocacy guided by the intent to fulfil people's human rights.

Psychologists and advocacy

Like others engaged in work with human beings, psychologists have a special responsibility to prevent, avoid, stop or report actions that may be or develop into prohibited acts, that is, torture or ill-treatment. Psychologists may be aware of situations where groups made vulnerable are able to voice needs and complaints. Psychologists who are informed about this in professional contexts must ensure that such concerns are raised, reported and reacted against through advocacy. Psychologists must notify or report on, when considered necessary, conditions that represent serious risks or cause harm to people, that run counter to health and development. In many countries, psychologists are obligated by law to report on harmful situations when these relate to children/minors at risk and/or in dire conditions.

As we see it, psychologists have the social position and power, through their professional background, placement and recognition, to comment, act upon or report on conditions that may jeopardize health, development and human rights. This also includes taking action and/or reporting on colleagues and other professionals who work in violation of ethical, professional and human rights standards. Psychologists are likewise bound by the ethical standards developed for their profession in the state where they work, and violations of such standards shall in principle result in sanctions from those in charge of monitoring and ensuring respect for the ethical standards. As will be further elaborated in the book, ethical norms usually cover professional behaviour and actions, whereas the obligation to ensure that rights are respected in the lives of our clients is less focused. Examples can be the right to just asylum procedures, that disability rights are fully respected and that persons are aware of and can enjoy their rights in different areas.

Having a human rights-based approach as psychologists thus implies having a thorough understanding of and, at the same time, a critical view on the legal regulations, implementations and practices in the context where one works. Despite ratification and state adherence to the human rights principles, a state's legislation may fail to offer full protection against abuse or forms of violations. Likewise, there may be lack of awareness, skills and guidelines as to what should be done to live up to human rights obligations and standards. Examples of this may be imperfect implementation of laws protecting children against violation or exploitation, or lack of willingness to provide victim groups with their rights to rehabilitation or other services. There may also be examples of states interpreting their obligations in ways that may counter the acceptable international standards. For instance, during the so-called "war against terror", the Bush administration in the US attempted to redefine and reinterpret international human rights standards with regard to definition and prohibition of torture, presenting the view that it was "lawful" to torture detainees, and that "enhanced forms of interrogations" could be undertaken for the sake of preventing terror, despite these being assessed as forms of torture by national and international bodies (UNCAT, 2006).

Another example is the growing tendency for states to detain asylum seekers on the borders or fully deny them entry, and as such be in risk of blocking their right to seek protection as well as denial of liberty (Mink, 2019).

Psychologists need to see that ethical reasoning and behaviour require more than adherence to the law and that human rights standards provide foundational benchmarks and principles for defining what counts as ethical behaviour and treatment.

In conclusion, psychologists must, as professionals, respect and abide by international human rights standards and domestic laws, provided that these are in conformity with these standards. When there is a conflict between international rights and national law, there is a need to follow international human rights principles. This principle was laid down in the so-called Nuremberg principles, codified through United Nations General Assembly Resolution 177, November 21, 1947 (Nuremberg Principles, 1947). When there is lack of adherence to international human rights in domestic laws, this must be questioned and challenged, including by psychologists, as it may have serious repercussions for their practice. The state should be confronted with the fact that lack of implementation of ratified conventions is a violation of the obligations inherent in these instruments and mechanisms. Likewise, steps should be taken when cases are difficult to present to court because they are not sufficiently defined or typified in the national criminal law. Examples of unacceptable acts that may not be clearly defined as criminal in domestic legislation are marital rape, harmful traditional practices, slave-like working conditions for children or even torture.

Knowing about human rights

In recognition of the extensive interplay between psychology and human rights, it is of fundamental importance for psychologists to have an adequate understanding of human rights. This includes what the rights are, what they mean in practice, to what extent they regulate the professional work of psychologists and how they can be part of our ongoing discussions and deliberations regarding choices and directions to take in our work. There is a need for psychologists to understand how they can contribute to the implementation of these rights, in collaboration with the state itself and civil society. In order for this to be possible, psychologists should also have an overview and a good understanding of *international, regional and national mechanisms* monitoring state compliance with human rights treaties and principles. The following is a very brief presentation of this, with references to places where more information can be found.

International human rights bodies

On the international level, the UN represents the central and most important institution, collaborating with member states on the development and pronouncements of human rights standards and principles and ways of ensuring respect for these principles. The UN has many areas of concern, but here we will concentrate on the part of the UN system in charge of human rights, under the mandate of the High Commissioner of Human Rights (HCHR) (OHCHR, 2019). The human rights system in the UN consists of the different treaties adopted by the states defining the standards

and the specific bodies monitoring compliance, in addition of course to the General Assembly. The most important bodies in the human rights field are the Human Rights Council, the human rights treaty bodies and a number of special procedures (rapporteurs) overseeing standards and the respect for these.

These treaty bodies, often referred to as the UN committees, form the basic system for monitoring state compliance with the main human rights treaties and conventions. Among the ten so-called core international human rights treaties are the International Covenant on Civil and Political Rights (ICCPR), the International Covenant on Economic, Social and Cultural Rights (ICESCR), the Convention on the Elimination of all forms of Racial Discrimination (CERD), the Convention on the Elimination of all forms of Discrimination against Women (CEDAW), the Convention on the Rights of the Child (CRC), the Convention Against Torture (CAT), with its Optional Protocol on prevention of torture (OPCAT), and the Convention on the Rights of Persons with Disabilities (CRPD), to mention eight of these. All the ten conventions have their corresponding committees overlooking how states in fact respect their obligations on a regular basis. Some of these conventions and their relation to psychological work will be discussed below.

Based on reviews of state party reports, reports and information from other UN bodies as well as from civil society organizations, both national and international, the committees present recommendations to the ratifying states after finalizing the considerations of each state. In these concluding documents, concerns are raised and praise given, and the committees often urge states to rectify, amend or act upon situations and issues that are not compliant with the convention or even in clear violation of the standards laid down. All this is public, which means that all interested parties have access to this information. For state representatives and for civil society organizations, as well as for other UN bodies, this information can be used to strengthen claims for changes and necessary reforms. There are no direct sanctions available to this system other than the publication of the recommendations and the follow-up to these. Nevertheless, for many states this in itself represents something that they may find difficult to deal with. This, of course, may be an incentive for action, which is the main motivation for this process. Examples of treaty bodies are the Human Rights Committee (CCPR), Committee for Social, Economic and Social Rights (CESR), Committee for the Rights of the Child (CRC), Committee on the Elimination of Discrimination against Women (CEDAW), Committee Against Torture (CAT), Subcommittee on Prevention of Torture (SPT/OPCAT), and so on. The members of the committee are individuals nominated by their own state and elected by the ratifying states, for a period of four years.

The important basis for this work is the 1948 UDHR (UN, 1948). The conventions and protocols as we know them today were developed after the adoption of the UDHR. Whereas the Universal Declaration is an aspirational document defining the different types of rights and obligations, the conventions and protocols are legally binding to the ratifying states, as described above. Today most of the member states of the UN have ratified most of the conventions, some have ratified all of them, some fewer. The work to obtain more ratifications, together with the work to ensure compliance, represents the backbone of the human rights system in the UN.

Regional level of human rights

On the regional level, human rights systems vary. Europe and the Americas have developed their particular human rights conventions (the European Human Rights Convention and the Inter-American Human Rights Convention), as well as regional human rights courts, that is, the European Court of Human Rights (ECHR) and the Inter-American Court of Human Rights (IACHR). These regional bodies represent important actors with regard to respect for human rights in the two regions. Africa has its charter on human rights but no court, and Asia has not yet developed such systems to monitor human rights. The European council has in addition developed a body for the prevention of torture, Committee for the Prevention of Torture (CPT), with a visiting mandate to places where persons are kept deprived of liberty.

National level

On the national level, the incorporation of human rights treaties into national legislation is perhaps the most important step taken by the ratifying states. The next is the establishment of different national independent bodies mandated to monitor human rights in the state. Usually such mechanisms are appointed by the Parliament in order to ensure stronger independence than when appointed by the head of the sitting government. These mechanisms are usually established as the Ombudsperson in the country and/or as National Human Rights Institutions (NHRIs). Sometimes these are different entities; other times they are merged serving similar functions. Although these are national bodies, they must follow specific principles defined by the international society, such as the Paris Principles (1993) developed to ensure that the bodies in question in fact protect and promote human rights; that they are independent, and represent the range of people living in the country. When these principles are not complied with, the national institutions are not “accredited” or found to represent the highest standard of functioning, by the international body assigned to do this, that is, the International Coordination Committee for National Institutions for the Protection and Prevention of Human Rights (ICC, 2016). The question regarding functioning of these bodies is frequently raised by the treaty bodies, to ensure that the human rights bodies in fact live up to standards and that the state provides necessary conditions for these to function.

An important national body, in states that have ratified the OPCAT, is the National Preventive Mechanisms (NPM), that are independent bodies with a mandate to visit all places where persons are deprived of their liberty. The OPCAT opened the possibility for a system of visits, including unannounced visits and the possibility to interview persons deprived of their liberty in private, both on an international and an international level. The international body monitoring the OPCAT, called the Subcommittee on Prevention of Torture, visits prisons, police stations, hospitals, closed migration entres and other places keeping persons in detention, as well as collaborating with the national mechanisms in the different countries. The NPMs aim to be in close contact with institutions with persons who are detained for different reasons and they have a multidisciplinary composition, including with mental health professionals, and provide recommendations to the authorities in order to reduce risk of torture and ill-treatment (OPCAT, 2003).

The different bodies that have been described above have, in different ways, access to monitor institutions, to receive complaints and allegations regarding violations of rights and deal with these in the required ways. Together the national, regional and international mechanisms constitute an important system overseeing respect for and implementation of human rights.

The judiciary

The court system is vital in each country with regard to respect of human rights. The independence of the judiciary is essential to enable it to assess and judge in cases where the state has violated human rights principles and obligations. Each individual has in principle the possibility of complaining with regard to violations of different kinds, in their view committed by the state, to the court, and have the situation decided there. When national courts have dealt with cases on all levels, and all domestic remedies are exhausted, regional courts or certain UN Committees can take on the case. This is usually a long and difficult procedure, but every year a number of different human rights-related problems are decided upon in the regional courts in the world.

Civil society

Finally, the civil society in each country in the world plays a central role in monitoring respect for human rights. They contribute to this work by documenting and reporting on breaches and violations, and different forms of lack of compliance. Both national and international civil society organizations contribute significantly to the national as well as the international system for monitoring, both in the preparatory work to inform bodies and committees, and in the implementation part. Organizations like Amnesty International, Human Rights Watch and Physicians for Human Rights are organizations with an overall focus on human rights, both in peace time and in armed conflict. Others, such as the World Organization on Torture (OMCT) and Association for the Prevention of Torture (APT), concentrate on the international fight against torture. Very central to the work of psychologists and other health professionals in relation to work with victims of human rights violations are the global networks of organizations, institutions and members working on rehabilitation for victims of torture. The International Rehabilitation Council for Torture Victims (IRCT) and International Society for Health and Human Rights (ISHHR) are all central resources in the field. Furthermore, there are organizations actively focusing on advocacy for justice and reparation (Redress), specifically on treatment, often in combination with advocacy work (Dignity, Freedom from Torture, Xenion, Pharos and many more). There are also a number of examples where professional health work is combined with strong advocacy and public statements on health consequences of torture and injustice, of oppression and impunity, in particular in countries and regional conflict (see section on psychologists as human rights defenders, below). Civil society organizations frequently collaborate with international bodies in order to defend human rights. Such organizations may themselves be exposed to reprisals and threats. Among civil society organizations that can contribute to the respect for human rights, we must also count associations of professionals, such as psychologists (Sveaass, 2019).

Psychologists' involvement

As described above, the rights that should be protected and promoted include rights closely related to issues relevant to the practice and science of psychology. In the past, most psychologists had relatively low levels of engagement on human rights. We argue that this needs to change by having psychologists become active defenders of human rights. Psychologists should actively use the options that participation and engagement in the different mechanisms allow. This involves monitoring rights and promoting them in different ways, such as by engaging in the improvement of rights, and calling for better standards based on our knowledge of psychology. Finally, psychologists can contribute by ensuring that there is an understanding of mental health aspects in the protection of human rights. In the following, the term human rights defenders will be described as a way of engaging in human rights work, and as a position psychologists can take in this field.

Psychologists as human rights defenders

The first UN resolution on the situation for human rights defenders was adopted in the UN General Assembly in 1998 (UN, 1998) and soon after, the first high commissioner was appointed. "Human rights defenders" is a term referring to individuals or groups engaged in the work of strengthening the protection and improving the implementation of human rights, usually as part of civil society movements and organizations. Human rights defenders engage with the whole range of human rights, in particular civil and political rights, but also economic, social and cultural rights. For instance, the work to protect LGBTI rights has grown stronger over recent years. Similarly, the work to protect the rights of people to land and protect the environment represents areas of deep concern for a number of civil society organizations.

Today working as a human rights defender in general is becoming increasingly challenging, and human rights defenders are frequently targets of repression and reprisals, by states or groups working for states or by others such as hate groups. The problems facing many human rights defenders today are restrictive laws and limited space for action, with limited freedom of association, peaceful assembly and expression and different forms of reprisals and threats. Threats to defenders and their family, smear campaigns, abuse, arbitrary arrests and detention, forced disappearance, torture and assassination are examples of this. This has called for action in many international contexts, including the UN. As a result, the UN General Assembly (most recently in November, 2017) has adopted several resolutions on state commitment to protect human rights defenders and prohibit and sanction violations against them. In addition, a number of guidelines and declarations have been issued in order to protect those who collaborate with human rights bodies by providing information and sharing experiences, and those actively engaged in defending the rights of others, such as the San Jose Guidelines (OHCHR, 2015).

Among persons who are at risk of threats and insecurity in their endeavours to deal with human rights abuses are health professionals, who work directly as care providers to persons who are victims of serious human rights abuses and/or in conflict with authorities. As professionals engaged in protection of vulnerable groups or

in advocacy on rights regarding health and life conditions, health professionals may risk being confronted with reprisals and persecution, marginalization and even detention.

There are many reasons for arguing that health professionals can be regarded as human rights defenders. Their obligations to detect, identify, document and report on abuses and serious violations of rights, and the challenges involved in directly dealing with consequences of such rights, may well be regarded as arguments for supporting the view that psychologists should be human rights defenders. This of course is the subject for discussions and elaborations and implies the need for training in human rights as well as strategies to ensure safety and safeguards.

There are many examples worldwide of psychologists engaging in professional psychology work that in fact represents human rights defence and protection (Kordon et al., 1988; Lira, 2010). One such example is the work of Latin American psychologists and health professionals in their assistance for victims of torture, of disappearance and other serious violations, while at the same time working against oppression and impunity (Kordon et al., 1992; Rojas, 2000). Psychologists in South Africa fighting apartheid, both in direct clinical work and in writing, is a good example of such engagement, as well as doctors fighting torture and abuses against political opponents and even groups of people, such as those in Turkey, now risking imprisonment (HRFT, 2019).

Engaging in violations

We have argued that psychologists should aspire to see themselves as a form of human rights defenders. At the same time, there is a need to stress that psychologists should never engage in acts that may seriously violate the rights of others, whether directly, or by providing knowledge and insight to those who abuse rights or by failure to protest and intervene when rights are violated and finally, by condoning or accepting different forms of abuse. Above we mentioned examples of psychologists and other health professionals' involvement in human rights defence. There are unfortunately abundant examples of psychologists and health professionals engaging in serious violations of rights, such as doctors participating in torture or issuing false death or birth certificates, of psychiatrists participating in hospitalizing dissidents in the Soviet Union (Stover & Nightingale, 1985) or South African psychologists providing "scientific" support for apartheid (Foster, 1990). Of more recent date is the involvement of US psychologists in developing methods of enhanced interrogation of terror suspects, and the American Psychological Association (APA) encouraging psychologists' participation in national security activities, even in places outside international law (black sites) (Wessells et al., 2017).

It is of vital importance that psychologists are aware of the danger involved in engaging in actions regarded as serious human rights violations, either as intentional and direct, or as the result of lack of due diligence and prevention. Ethical practice and ethical training must go together with a clear focus on human rights, the provisions therein and the need for a clear perspective on prevention of human rights abuses.

Concluding remarks

The relationship between human rights and ethics is a close one and both sets of principles provide important guidelines for good psychological practice. The challenges that psychologists may face in a number of professional situations create the need for ongoing discussions among us with regard to ways of dealing with dilemmas, conflicting rights, situations related to lack of independence in our professional roles and expectations that may create serious burdens and difficulties with regard to action and reaction. Nevertheless, there is a need to develop strategies, models and good thinking in relation to the role of psychologists in the defence of human rights defenders, about how we can best participate in the process of ensuring that rights are in fact enjoyed, and that abuses, injustice and other forms of harm are dealt with.

Through the many chapters in this book, the numerous situations and contexts in which psychologists work and engage will be outlined and discussed, and the human rights challenges involved will be presented. Whereas knowledge and insight in human rights standards will always be a must here, a sense of professional collaboration and mutual support combined with a willingness to engage are likewise highly important for this to be possible. This requires that the associations of psychologists take up these issues for further elaboration and develop ways of realizing ideals and aspirations entailed in human rights, ensuring that psychologists approach the challenges involved in a human rights-oriented and informed professional position in the best possible way, and do so together.

Questions

1. In what way can we argue that human rights are vital to the practice of psychology? Can you illustrate this with your own experiences from practice or the study of psychology?
2. Ethics and human rights are in many ways closely related issues – but how would you explain the differences between these two concepts and what they mean in practice?
3. There are examples of situations where human rights principles may be in conflict. We may speak of conflicting rights. What are good examples of such conflicting rights and how can they be dealt with?
4. Human rights can at first glance seem abstract and not readily available in practice. How can we make these principles more directly relevant and understandable in psychology and psychological practice? Give an example to illustrate.
5. Is information about human rights readily available on the official websites in your country? Please look into relevant public sites and explore how human rights principles and different national monitoring mechanism are described.

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Main human rights instruments and bodies, relevant for psychologists' interventions

Manfred Nowak and Anna Zenz

Introduction

This chapter explores the relationship between psychology and human rights and gives emphasis to the positive contribution that psychologists can make to human rights in their work. It gives an overview of core instruments and mechanisms of international human rights law relevant for the profession of psychologists and illustrates the role of psychologists in their practical application through examples found in the work of human rights expert Manfred Nowak.

What are human rights and what is their relationship with psychology?

Human rights, human dignity and notions of empowerment and powerlessness

Defining human rights

There are different ways to define what human rights are.

In a strictly legal sense, they are *the sum of civil, political, economic, social, cultural and collective rights laid down in international and regional human rights instruments, and in the constitutions of states*. These instruments, their content and practical application will be looked at below.

From a philosophical point of view, human rights can be understood as *the only universally recognized value system under present international law comprising elements of liberalism, democracy, popular participation, social justice, the rule of law and good governance*.

Adopting a more descriptive approach, they can be understood as *those fundamental rights which empower human beings to shape their lives in accordance with liberty, equality and respect for human dignity*.

The last definition is particularly relevant in the context of psychology, as it correlates with its basic mission to contribute to the well-being of humanity, based on the principles of freedom, inclusion, personal integrity and dignity. It also introduces the notions of human dignity and empowerment, which play a central role in the ethics of psychology.

Human dignity and human rights

Human dignity is generally understood as the philosophical and political foundation and justification of human rights. It is the one explicit principle underpinning the International Bill of Human Rights (consisting of the Universal Declaration of Human Rights (UDHR), the International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social and Cultural Rights (ICESCR)). It is reflected in the first paragraph of the preamble of the UDHR, which states: “Whereas recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world”, as well as its Article 1: “All human beings are born free and equal in dignity and rights”. This context of justification is particularly evident in both of the second preambular paragraphs of the United Nations (UN) covenants (ICCPR and ICESCR), which stipulate that all civil, political, economic, social and cultural rights derive from the inherent dignity of humankind. Human dignity is also prominently mentioned in different national constitutions, both as the foundation of all fundamental rights and as a separate right (see for example Article 1 of the “Bonner” Basic Law of the Federal Republic of Germany of 1949 or the Charter of Fundamental Rights of the European Union).

However, neither international nor national documents further define human dignity nor explain the context of justification with human rights, and it remains a matter of contention within different disciplines whether human dignity has a universally accepted meaning.

Historically, dignity was understood as the value of a person based on a special status that he or she holds in society, which can be native or inherited (e.g. royalty, aristocracy) or acquired through specific accomplishments or functions (e.g. academic, diplomatic or religious dignitaries). This understanding of dignity is strikingly an elitist rather than an egalitarian one. The radical change in the meaning of “dignity” as a characteristic inherent to *all* human beings is a more or less recent development of the past few centuries and finds its origin in the period of the European Enlightenment. Interestingly though, the concept of dignity is nevertheless not mentioned in those constitutional texts, which included for the first time fundamental and human rights (e.g. the French Declaration of the Rights of Man and Citizen of 1789). It was not until the gross and systematic human rights abuses and violations of human dignity of the two World Wars, the World Economic Crisis, Fascism and the Holocaust that both of these concepts converged. In the aftermath of and in reaction to these atrocities, numerous international human rights instruments were formulated and adopted, all of which reflect this shift and give emphasis to human dignity as the universally accepted foundation and justification of all human rights.

From a perspective of Christianity, the concept of human dignity is mainly founded on the idea that mankind was created in the image of God, which sets it apart from any other living being. The UDHR and other international human rights instruments, however, rather build upon the doctrine of reason elaborated by Immanuel Kant which attributes human dignity to the fact that human beings are autonomous subjects endowed with reason, free will and a conscience. While this tradition of thinking also bases itself on the distinctive nature of humanity in contrast to other creatures, it justifies it with rationality rather than the “Vision of God”.

As mentioned above, there are some examples of jurisdictions and constitutions that understand human dignity also as a stand-alone right. However, it is not entirely clear what the concrete content and meaning of this right to human dignity are, mainly due to the fact that usually a violation of human dignity involves the simultaneous violation of another human right, which then becomes the main matter of attention in jurisprudence. However, even if human dignity is the basis of all human rights, it is quite obvious that not each and every human rights violation represents an automatic violation of human dignity. For example, if a journalist's article in a newspaper is censored this may be qualified as a violation of the journalist's right to freedom of expression, but it will be difficult to argue that the censorship also violates his or her dignity. However, a person who is imprisoned in a tiny cell with 20 other people, with no daylight or access to sanitary facilities will not only have suffered a violation of his or her right to certain minimum standards of detention and to be treated with humanity, but also an infraction of dignity.

It is therefore interesting to investigate how the violations of certain human rights automatically also constitute a violation of the human dignity of the person whose right is violated.

An analysis of the most important human rights texts in national constitutions and international instruments shows that the rights that show such a distinct link with dignity can be summarized in a few different categories, as described below.

HUMAN RIGHTS PROTECTING HUMAN BEINGS FROM EXPLOITATION, DEGRADATION AND DEHUMANIZATION

This category of rights shows the most explicit connection with the concept of human dignity, given the distinctive element of stripping the victims of violations of their humanity, of their personhood and personal integrity. Article 5 of the African Charter of Human and Peoples' Rights is one of the few examples of a stipulation of a distinctive right to respect of human dignity. The purposeful connection of this right with the prohibition of slavery and torture in the same provision is particularly insightful. These prohibitions constitute the two most important absolute, that is inalienable, human rights. While slavery denies the enslaved the recognition as a human being by law and degrades them to an object, torture dehumanizes (i.e. deprives of human qualities, personality or spirit) victims by purposefully inflicting them with severe pain or suffering. In both cases, the victims are used for a specific purpose – in the case of slavery to exploit their labour, in the case of torture to extract a confession or information. This stands in direct contrast to Kant's second formulation of the Categorical Imperative ("Act in such a way that you treat humanity, whether in your own person or in the person of another, always at the same time as an end and never simply as a means"), by reducing a human being to merely a means to an end.

Other types of abuse that are characterized by elements of exploitation and degradation also fall within this category, such as slavery-like practices (e.g. forced marriage, trafficking or child labour) and cruel, inhuman or degrading treatment and punishment, which are closely related to torture. Any such practices violate the affected victims in their dignity. The mention of "outrages

upon personal dignity” in Article 3 of the Geneva Conventions of international humanitarian law together with the listing of examples thereof reveal that murder, mutilation, the capturing of hostages and extrajudicial killings are clear attacks on human dignity (International Committee of the Red Cross (ICRC), 1949).

HUMAN RIGHTS PROTECTING HUMAN BEINGS FROM ECONOMIC EXPLOITATION AND ECONOMIC AND SOCIAL SECURITY AS EXPRESSION OF HUMAN DIGNITY

While extreme forms of economic exploitation, such as slavery, are clear violations of human dignity, the general danger of such exploitation has been recognized in different constitutions by defining human dignity as the limit of the right to property and economic freedom. Examples are the Weimar Constitution of 1919, stating that the economic freedom of the individual shall be only secured within the limits of guaranteeing a humane existence of all, or the Italian Constitution of 1947–1948, stipulating that economic freedom shall not act in a way that affects security, freedom and human dignity. Put positively, this means that the rights to work and social security form an essential guarantee for a life in dignity, as reflected in Article 22 of the UDHR. Therefore, extreme poverty (which is characterized by the absence of social security and living conditions that lack sufficient food, water, hygiene, clothing, housing and other minimum requirements for a life in dignity) also constitutes a violation of human dignity.

THE PROHIBITION OF DISCRIMINATION IN ALL ITS DIMENSIONS

Historically seen, the system of international human rights protection developed as a direct reaction to the Holocaust as the most extreme form of discrimination based on race and religion. This context explains the particular prominence of the prohibition of discrimination in different international treaties as well as in constitutions, and why instruments aimed at its eradication (such as the International Convention on the Elimination of All Forms of Racial Discrimination of 1965 or the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) of 1979) make direct reference to human dignity. This goes also for instruments that were created to address the protection need of certain groups that have been particularly disadvantaged or subjected to discrimination (e.g. the Convention on the Rights of the Child (CRC) of 1989 or the Convention on the Rights of Persons with Disabilities of 2006). Gender-specific forms of violence that constitute a violation of human dignity are mentioned in the Maputo Protocol of the African Charter of Human and Peoples’ Rights, which defines specific rights of women in Africa. Article 3 of the Protocol explicitly defines a right of women to dignity, which is closely related to certain forms of violence and exploitation, such as female genital mutilation (FGM). In recent years, discrimination based on sexual orientation is increasingly discussed in the context of the violation of the dignity of the discriminated persons.

HUMAN RIGHTS PROTECTING FROM EXPLOITATION, ABUSE AND DISCRIMINATION IN THE CONTEXT OF BIOMEDICINE

The potential threat of scientific progress in the field of biology and medicine to human dignity has been recognized particularly in the context of the European Union and the Council of Europe. This is evidenced by a separate Council of Europe Convention for the Protection of Human Rights and Dignity of the Human Being with Regard to the Application of Biology and Medicine, which prohibits discrimination on the basis of genetic traits, the manipulation of the genomes of progeny, the creation of human embryos for scientific purposes and the utilization of the human body or parts thereof for financial gains.

The common denominator of all of these rights is the nature of the practices they aim at banning and offering protection from: they are either challenging the uniqueness of human life itself or treat, degrade, discriminate or dehumanize human beings as mere objects in the interest of the economy, of an ideology, of a state or of other people, exposing them to the violence of others. The predominant topic of all these instances of deprivation of rights and dignity is the absolute lack of power of the victims. Victims of torture, slavery and comparable forms of economic exploitation are just as incapable of resisting their tormentors as those who are defenceless against a policy of systematic discrimination, ethnic cleansing, genocide or genetic manipulation, or those living in absolute poverty.

As counterpart to this powerlessness, human rights embody the idea of empowerment as the only reasonable strategy for humanity to lift itself out of poverty, oppression, exploitation, discrimination and dependence, and to live an autonomous life in dignity.

Human rights as a means of empowerment

While the underlying values of human rights, such as dignity, freedom, equality, life and autonomy, can also be found in other value systems (e.g. religion, philosophy and ethics), the special nature of human rights lies in the fact that they are formulated as subjective rights of all human beings, which correspond to duties of other human beings, the state and the international community. The basic idea of subjective rights, a product of the rationalistic doctrine of natural law of the Enlightenment, is of empowerment: it is not sufficient to have laws in place that proscribe certain acts and behaviours (“you shall not kill, you shall not steal”); rather human beings have to be empowered to enforce their corresponding right to life or to property and to claim reparations from those who violated their rights. For this reason, most human rights have been equipped with different enforcement mechanisms. These can be found on different levels – nationally, through appeals before domestic courts, and internationally, established through instruments of international law. These are above all codifications of different human rights in conventions and treaties and corresponding monitoring bodies with a variety of tools to take action in case of human rights violations and abuses. We will look at these instruments and mechanisms in more detail below.

Empowerment is also a central psychological notion closely connected to the concept of identity. The formulation of the concept of the independent and autonomous

self goes back to the same origins as the one of human dignity and relates to the three core human experiences: reflexive consciousness (self-awareness and self-esteem), the human being as an interpersonal being (the self-evolving as a member of a group and in relation to others) and the self in relation to its executive functions (manifestations of autonomy, self-efficacy and self-regulation). These fields of self-experience are essential for the constructs of well-being, happiness and resilience, which are associated with a fulfilled life in dignity.

The relationship of the psychologist's profession with human rights

Psychology as a science and profession dedicated to studying and advancing the mental well-being of human beings has a strong connection to human rights. Both psychology and human rights share the same goal of a life in dignity, based on the individual's personal integrity. Many mental health issues have their root causes in the violation of a human right. This is particularly the case when the human right in question has a direct link with the human dignity of a person. When there is a sense of infringement on one's dignity, this can have long-lasting and serious detrimental effects on the psyche and mental health. Consequently, psychologists will encounter a large number of situations and issues that are connected with different human rights and their violation: first and foremost, in the treatment of patients who have been subjected to human rights abuses, but also more generally in the study of the human mind and the utilization of such knowledge. Fundamentally, the different ways in which psychologists play a role for human rights and their realization or violation relate to the notions of powerlessness and empowerment elaborated above.

Psychologists as human rights protectors and promoters

Psychologists play a crucial role in the aftermath of and the process of coming to terms with past human rights violations. Human rights abuses can cause major distress experiences, which interfere with the psychological principles that stabilize mental health: a sense of safety, calming, self-efficacy, connectedness and hope. Therefore, the profession and practice of psychology are central to the treatment of post-traumatic stress disorder (PTSD) resulting from gross and systematic human rights violations (such as genocide, ethnic cleansing, torture, disappearances, violence against women and children, war crimes, inhuman prison conditions) and other suffering as well as to the long-term reappraisal of past traumas. In this context, the focus should be on overcoming grief and personal suffering, aiming at restoring the sense of dignity and ultimately facilitating the empowerment of the victim. An important part of it is the acknowledgement of the violations and restoration of justice.

While the task of psychology in treating victims of abuses that already occurred seems intuitive, attention should also be given to the contribution psychology can make to the prevention of future human rights violations as well as to the overall advancement in the realization of human rights. Research into the root causes of violations, inequalities and discriminatory behaviour and the triggers of violations can give important insight and can help shape policies and means of

implementation. Similarly, the work with and psychological supervision of perpetrators aimed at their social rehabilitation and the prevention of recidivism can lead to best practices and recommendations for reforms of the criminal justice system and the design of preventive mechanisms.

It is evident that psychology relates to human rights in fundamental and real ways and that the impact it can have on their promotion and protection is considerable. It requires, however, a strengthened awareness of the potential for abuse, of the powerful position that psychologists assume when interacting with victims and perpetrators as well as a profound understanding of the relationship between specific rights, dignity and empowerment. Bearing these concepts in mind leads to a human rights-based and -oriented approach to psychology and its practice.

Psychologists as human rights violators

Psychologists can create or abuse situations of powerlessness, given their specific role as persons of trust (relationship between patient and psychologist) and their knowledge of behavioural, social and psychological processes, psychological phenomena and conditions, their causes, triggers and cures. Psychologists have been part of elaborate systems of human rights violations, such as in the application of “enhanced interrogation techniques” and other types of psychological torture, most notably in the so-called US-led “War on Terror”. In such cases, they abuse the situation of the powerlessness of detainees as well as their expertise to extract information or confessions. However, even outside of such systems, psychologists are regularly in contact with persons, who by way of putting themselves in their care (for treatment or study of their psychological condition) make themselves vulnerable. Such situations of inequality of power can be easily exploited.

The most important international human rights instruments relevant for psychology as a practice

The international bill of human rights

The most important source of international human rights law is the so-called International Bill of Human Rights, consisting of the UDHR, the ICCPR and the ICESCR and their respective Optional Protocols (OP). While the UDHR, adopted by the UN General Assembly in 1948, is a non-binding declaration – as opposed to the two Covenants, which impose legally binding obligations on their respective States Parties – it is considered the most important and far-reaching declaration of the UN. It proclaims the human rights and fundamental freedoms to which all men and women, everywhere in the world, are entitled without any discrimination. Its significance is evidenced by prominent references to the document in many national constitutions and a variety of international human rights treaties as well as in human rights jurisprudence. It dictates the basic philosophy underpinning all efforts in the promotion and protection of human rights and includes both civil and political and economic, social and cultural rights, which are further elaborated in the two separate covenants.

The International Bill of Human Rights covers the whole spectrum of human rights and enjoys great authority due to the fact that some of the provisions contained in the UDHR and in the Covenants have achieved the status of customary international law, meaning that they are considered as part of the international legal order independent from their codification, and the high ratification rate of both Covenants (the ICCPR currently has 172, the ICESCR 169 States Parties). Still, over the course of the last decades, the UN has developed a variety of specialized human rights treaties.

Other specialized human rights treaties

Specialized treaties were developed for different reasons. Some of them are dedicated to specific rights and provide for more detailed State obligations to respect, protect and fulfil these rights (e.g. requiring criminalization of certain violations under domestic law, for example under the Convention against Torture). Others stem from the central objective of the UN to combat discrimination of any kind, which led it to adopt treaties addressing the particular challenges of and needs in view of different types of discrimination (e.g. the Convention on the Elimination of Racial Discrimination, CEDAW). Finally, a number of treaties deal with the rights of specific groups (e.g. the CRC, the Convention on Migrant Workers, the Convention on the Rights of Persons with Disabilities).

Some of these UN treaties, together with the ICCPR and the ICESCR, are referred to as the “core human rights treaties” due to the fact that they are equipped with special human rights treaty-monitoring bodies and procedures:

- International Convention on the Elimination of all Forms of Racial Discrimination (CERD), adopted in 1965/entry into force in 1969;
- ICCPR, 1966–1976; first OP on individual complaints 1966–1976; second OP on the abolition of the death penalty 1989–1991;
- ICESCR, 1966–1976; OP on individual complaints, inter-State complaints and inquiry procedure 2008;
- CEDAW, 1979–1981; OP on individual complaints and inquiry procedure 1999–2000;
- Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, 1984–1987;
- CRC 1989–1990; OP on the Involvement of Children in Armed Conflicts 2000–2002; OP on the Sale of Children, Child Prostitution and Child Pornography 2000–2002; OP on individual complaints, inter-State complaints and inquiry procedure 2011–2014;
- International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, 1990–2003;
- OP to the Convention against Torture (OPCAT) on preventive visits to places of detention, 2002–2006;
- Convention on the Rights of Persons with Disabilities, 2006–2008; OP on individual complaints and inquiry procedure 2006–2008;
- International Convention on the Protection of All Persons from Enforced Disappearance (CED), 2006–2010.

Human rights treaty-monitoring bodies and procedures

Monitoring bodies

All the treaties listed above have established specialized bodies that monitor the compliance of States Parties of the respective treaties with their obligations assumed with ratification. In the case of the ICESCR, no such body was envisaged in the treaty itself, which prompted the Economic and Social Council of the UN to create one, shaped after those of other treaties. These bodies are formed as Committees and are composed of 10–25 independent experts nominated by Governments and elected by the Assembly of States Parties to each treaty. They hold between one and three regular sessions per year at the Office of the High Commissioner for Human Rights (OHCHR) in Geneva. The tools available to the different Committees to exercise their monitoring mandate vary, but all of their decisions, general comments and recommendations are non-binding in a legal sense and therefore only bear a recommendatory character.

While the Human Rights Committee is primarily composed of lawyers, all other UN human rights treaty bodies are composed of independent experts with different professional backgrounds. Due to their specific knowledge of the long-term effects of most human rights violations on the psychological well-being of human beings, psychologists are needed in most treaty bodies. This is particularly true for treaty bodies dealing with the most serious human rights violations and those that affect the dignity of the victims, such as the Committees against Torture and Enforced Disappearances. Similarly, the Committees on Racial Discrimination and Discrimination against Women need special psychological expertise aimed at assessing whether particular practices amount to discrimination and what effects such practices have on the mental health and psychological well-being of victims of discrimination. Moreover, the Committee on the Rights of the Child requires specific expertise in child psychology and the Committee on the Rights of Persons with Disabilities needs psychologists to assess the rights and needs of persons with mental disabilities.

Monitoring procedures

The only procedure that is obligatory and provided for in all core treaties is the state reporting procedure. Under this mechanism, States Parties are required to submit regular reports to the respective Committee (every two to five years) about their compliance with the treaty ratified. The reports are prepared at a national level, and examined in public hearings, in which the Committee members pose questions on controversial issues to State representatives. Such questions are often also based on important information from other UN bodies and on reports from civil society organizations. Upon conclusion, the Committee publishes concluding observations and recommendations addressed to the Governments, the implementation of which is monitored in the context of the subsequent periodic report.

The individual complaints procedure, granting the possibility of individual victims of human rights violations to complain against their own Government, is one of the most successful monitoring tools. Despite having initially been the subject of a lot

of controversy and having been considered as an undue interference with national sovereignty, this monitoring mechanism has gradually been introduced into all core human rights treaties (with the exception of OPCAT; see below). The most important one, which serves as a model for the others, is the one under the first OP to the ICCPR. Its treaty body, the Human Rights Committee, has developed a quasi-judicial procedure and its “final views” have led to landmark decisions with far-reaching implications for the interpretation of the Covenant. Still, compared to the jurisprudence of different courts, such as the European Court of Human Rights, it is apparent that the individual complaints procedure before UN treaty bodies is an underused tool in addressing human rights violations. There are many reasons for this, with the non-binding nature of the decisions taken by the Committees and the lack of enforcement and effective political follow-up among the more notable ones.

Over time, some monitoring systems have been supplemented by additional, treaty-specific monitoring mechanisms. One very important type of treaty-specific procedures are monitoring mechanisms established through a treaty or an OP to the same, but implemented at a national level (national monitoring mechanisms). The most prominent one is created by the OPCAT, which established the Subcommittee on Prevention of Torture (SPT) tasked with carrying out preventive visits to all places of detention in States Parties to the OP. Furthermore, it obliges States Parties to establish National Preventive Mechanisms (NPMs). These independent, domestic bodies – composed of experts from different professional backgrounds (doctors, psychiatrists, social workers, lawyers, psychologists, etc.) – are mandated to carry out regular and ad hoc visits, usually unannounced, to all places within the State Party where a person can be deprived of personal liberty. These include prisons, police stations, military facilities, psychiatric hospitals, special detention facilities for different groups such as juveniles, migrants, asylum seekers, drug users, persons with disabilities or old people’s homes. Both the SPT and the NPM are entitled to unrestricted access to all such places as well as to prison registers and other relevant documents and to conduct confidential interviews with detainees, victims or witnesses.

The introduction of such new monitoring mechanisms is an expression of an overall tendency to move part of the monitoring mechanisms to the domestic level, combined with an emphasis on preventive measures, such as adopted by NPMs. This trend is also reflected in the increased utilization of National Human Rights Institutions (NHRIs), which are domestic, non-judicial human rights commissions and similar bodies with a broad mandate of human rights education, awareness raising, monitoring, advising and reporting.

While virtually all of the described monitoring mechanisms have the potential for psychologists’ engagement and interventions, both in the aftermath of human rights violations and in the prevention of abuses, there are some mechanisms that have more immediate links with the everyday psychologists’ practice than others. This is particularly obvious in view of a possible involvement as member of an NPM, NHRI or other institution at a national level that is mandated to carry out preventive visits and interact with victims, witnesses and other individuals possibly affected by human rights breaches. But also at an international level and in the context of the different UN treaty-monitoring bodies, psychologists can play central roles in advancing their work. Through their profession they may be able

to bear witness to practices in violation of certain rights and to the detrimental psychological effects of such practices and submit important indications to the respective Committees, which could trigger inquiry procedures or other actions, or to Governments and NGOs feeding into the preparation of their reports to the Committees. Additionally, on the level of interaction with affected individuals, being a person of trust and counsel, they may be in a position to detect and treat conditions indicating abuse, and to raise awareness about existing avenues to address human rights abuses with persons in their care and encourage them to make use of them.

In this chapter we have described and outlined the relevance of a close cooperation between human rights professionals and psychologists, whose expertise is essential to assess facts and situations, to conduct interviews with victims and perpetrators of human rights violations, to provide psychological assistance to victims, family members, interviewers and human rights experts as well as to carry out functions aimed at preventing human rights violations.

Notwithstanding these direct and indirect contributions that the profession of psychology can make to the existing human rights system, a psychology that is informed by a profound understanding of human rights and their underlying principles of dignity, equality, self-determination and empowerment, in and of itself constitutes an invaluable contribution to the promotion and protection of human rights.

Practical examples

In the following, some examples of the practical need and relevance of collaboration between psychologists and lawyers for the advancement and protection of human rights will be described, based on the experiences of one of the authors of the chapter, Manfred Nowak, human rights expert and lawyer by training.

Example I: Torture

Between 2000 and 2015 Manfred Nowak was the head of a visiting commission under the umbrella of the Austrian Ombuds-Board, first as part of the Human Rights Advisory Board at the Austrian Ministry of Interior, later as part of the NPM, established in accordance with the OPCAT. The commission consisted of eight experts from different backgrounds, including medical doctors, nurses, psychiatrists and psychologists, and had the right to carry out preventive and unannounced visits to all places of deprivation of liberty, including prisons, police lock-ups, migration detention centres, psychiatric hospitals, old people's homes, institutions for persons with disabilities or children's homes. The aim of these visits was to prevent torture and other forms of ill-treatment, to interview detainees and to assess the conditions of detention. Psychological expertise was helpful for every visit and interview, but particularly in children's and old people's homes, institutions for persons with disabilities and psychiatric hospitals.

The same expertise was crucial in supporting Manfred Nowak during his six-year term as UN Special Rapporteur on Torture between 2004 and 2010. In addition to his 18 official fact-finding missions to selected States in every world region, he also conducted, together with other UN experts, fact-finding on the US military detention facility at Guantánamo Bay (Cuba) and on the use of secret detention in the fight against terrorism. At the end of his mandate he concluded that he had found torture in 17 of the 18 countries he had visited, that torture was widespread in more than 50% of all countries and systematic in roughly 10%. Moreover, the conditions of detention in most countries were so appalling that he spoke of a global prison crisis. While the conditions of detention and the treatment of detainees in Austria were far from ideal, he was now confronted with some of the worst forms and practices of torture in countries such as Nepal, China, Sri Lanka, Indonesia, Jordan, Equatorial Guinea, Nigeria and Jamaica. His team was not as interdisciplinary as the one in Austria, but he always tried to involve forensic doctors and psychologists when conducting fact-finding missions. Psychological expertise was essential, e.g. when interviewing detainees with severe mental traumas, but also when confronting them with police and military officers who were responsible for these torture practices. Moreover, some of the psychiatric hospitals, children's homes and institutions for persons with disabilities in countries like Kazakhstan and Moldova required psychological expertise to be professionally assessed.

He also visited various torture rehabilitation centres as UN Special Rapporteur on Torture and as member of the Advisory Board of the Copenhagen-based International Rehabilitation Council for Torture Victims (IRCT) in countries such as Zimbabwe, Turkey and Moldova.

Finally, psychological expertise in assessing the intensity of the mental pain and suffering of persons was crucial when Manfred Nowak had to evaluate whether the "enhanced interrogation methods" used by the US military and intelligence agencies against suspected terrorists in the so-called "war on terror" amounted to torture. He based his conclusion that these practices clearly constituted torture on a broad variety of interviews with persons who had been detained in the US detention centres in Abu Ghraib (Iraq), Guantánamo Bay (Cuba) as well as in many secret CIA "black sites", such as the "prison of darkness" in Afghanistan and various other secret detention facilities in Asia, Africa and Europe. Psychological research shows that these practices of mental torture usually inflict more severe mental pain and suffering than physical torture.

Example 2: The rights of specific groups (persons with disabilities, children)

Between 2008 and 2012 Manfred Nowak was member of the Austrian Monitoring Committee established in accordance with the UN Convention on the Rights of Persons with Disabilities. Psychological support was necessary, e.g. in interviewing adults and children with mental disabilities and in assessing whether the Austrian practice of subjecting persons with mental disabilities to custodianship (*Sachwaltschaft*) or keeping them in special institutions was in accordance with the UN Convention.

In 2016 Manfred Nowak was appointed as Independent Expert leading the Global Study on Children Deprived of Liberty, as requested by the UN General Assembly. This is a highly cooperative task involving all UN member States, various UN agencies, a panel of more than 150 NGOs and roughly 100 academic researchers from different backgrounds. Child psychologists are included in the Advisory Board and in different research groups. Most importantly, psychological expertise is needed in order to include the voices and stories of children, who are the best experts in their own rights, in the Global Study, and to assess the effects of deprivation of liberty on the physical and mental health and development of children.

Example 3: Enforced disappearances and missing persons

As a member of the UN Working Group on Enforced or Involuntary Disappearances (1993–2001) and UN Expert responsible for the "Special Process on Missing Persons in the former Yugoslavia" (1994–97), Manfred Nowak carried out many fact-finding missions, where he needed the assistance and cooperation of psychologists and forensic experts. Most importantly, when he started a process of excavation of mass graves and exhumation of mortal remains after the genocide in Srebrenica in July 1995, psychologists provided urgently needed assistance to the family members of the disappeared persons and to many members of his team, who worked in close cooperation with these families when identifying the mortal remains.

Questions

1. Have a look at some of the core human rights treaties mentioned in the chapter and reflect on how the substantial rights covered by the treaty relate to the concept of human dignity.
2. Reflect on the different roles psychologists can play in relation to human rights and think creatively about how they can contribute to their

promotion and protection. How can they do so both in a practice/clinical setting and at a policy level? Which roles can they take on within the human rights architecture, at national and international level? What knowledge and skills can they contribute to the advancement of human rights?

3. Imagine you are accompanying the Special Rapporteur on Torture on his fact-finding mission to China as the leading psychologist of the team. You are about to visit a large prison, which is known to be a particularly brutal one, with a reputation for some of the worst conditions in the country. Discuss in the group:
 - How do you prepare for the visit?
 - What do you need to take into account or be mindful of when speaking to:
 - a) Prison staff (e.g. the director, guards)?
 - b) Detainees?
4. Role play: interview of a detainee.

Human rights

Cross-national and cross-cultural perspectives

Rama Charan Tripathi

The issue is not whether culture matters ... That it must be, given the pervasive influence of culture on human life. The real issue, rather, is how – not whether – culture matters. What are the different ways in which culture may influence development?

Amartya Sen

Introduction

The Supreme Court of India on September 28 in 2018 struck down by a 4–1 majority a rule that did not permit the women of “menstruating age” between 10 years and 50 years to enter the Sabarimala temple in Kerala, a state in India. Sabarimala is an iconic temple which is devoted to a god called Ayyappa who is considered celibate. The female police check the entry of the women at the temple gate. The Supreme Court in allowing the entry said,

We have no hesitation in saying that such an exclusionary practice violates the right of women to visit and enter a temple to freely practice Hindu religion and to exhibit their devotion towards Lord Ayyappa. The denial of this right to women significantly denudes them of their right to worship. Prejudice against women based on notions of impurity and pollution associated with menstruation is a symbol of exclusion.

(Rautray, 2018)

The only judge who gave dissenting judgment was a woman who ruled:

Constitutional morality in a secular polity would imply harmonisation of fundamental rights, which include the right of every individual, religious denomination, or sect, to practise their faith and belief in accordance with the tenets of their religion, irrespective of whether the practice is rational or logical.

(Supreme Court of India, 2018)

No woman of menstruating age has yet been able to enter the temple, although the government of the state has made all efforts to implement the order of the apex court. Devotees of the Lord Ayyappa have come out on the street to block the

attempts of the government to implement the orders of the Supreme Court supported by a rightist Hindu party. Many among them feel that the virginity of the deity is in grave danger. They also feel that their right to practice their religion freely as guaranteed to them by the constitution of India is being violated.

The example above shows how the matter of human rights is not simply framing the laws and their implementation by the various arms of the state to restore human dignity. The matter of human rights is closely related to the cultural values and religious beliefs of the people. They oftentimes come in the way of realization of human rights. Just as in this case, women, so far as human rights are concerned, may have a right to enter a temple but it is not considered “right” by devout Hindus if they are of menstruating age. Similarly, the right to education of women in some of the Middle Eastern countries and the abortion rights of women, even in some of the most developed countries, like the US, continue to be a matter of debate among “true believers.” The political, social, and economic contexts of the nations within which these beliefs find expression add further complexity. While the right to be treated like other humans is “universal,” there are limits imposed on human rights by nations and cultures which make them “relativistic,” at least in terms of their implementation. This also can happen when human rights are seen as an alternative belief system and as part of the project of cultural globalization of some powerful western nations.

The Universal Declaration of Human Rights (UDHR) adopted by the United Nations (UN) in 1948 (<http://research.un.org/en/undhr/ga/plenary>) and such covenants as the International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social and Cultural Rights (ICESCR) in 1966 clearly show that human rights are inseparable from the contexts of nations. The UN had this in mind when it invited inputs from various religious group leaders representing major religions in the process of finalizing the UDHR. It does appear, though, that a lot still remains to be understood and done in this regard. Why else will cultural rights often clash with human rights of women, as seen in Sabarimala’s case? International human rights regime, it is often suggested, is “Euro-centric”, which ignores the cultural norms of non-western cultures. To give some examples, many African writers take the view that human rights are “culturally relative.” They argue that there is a unique African conception of human rights (Cobbah, 1986; Deng, 2006), just as there is an Asian view (Bauer & Bell, 1999).

A third factor that has emerged which poses a great challenge to the realization of human rights across the world relates to migrations of a large number of people to different countries for different reasons but especially post-globalization. Political leaders in many developed nations around the world have sought to create their vote banks by demonizing immigrants and minorities and, in the process, standing up against the principles of human rights.

Many studies have pointed to differences that one sees among the nations of the world in the implementation of human rights. Human Rights Watch publishes an annual report on the state of human rights in different countries. The Report of 2017 shows how country after country has engaged in human rights violations and given support to the anti-human rights campaigners (Human Rights Watch, 2017). There is a view that in more than 150 countries who are members of the UN, torture is permitted and women in almost all countries of the world are treated

unequally, although the life domains in which this takes place may differ. In particular, there are violations practiced on grounds of religious and cultural beliefs and practices. While most of the violations brought to attention will find universal condemnation, some among them may have cultural bases and will require a different strategy if the goal of a tolerant and humane society is to be obtained.

The question which may be asked here is: how far are the UDHR and ICCPR and ICESCR able to provide support to the rights of the collectives in previously agrarian societies? Also, how do they, if they do at all, shield the indigent and poor from threats to their dignity and right to life? There are instances where in such societies people have established “grain banks” to prevent poor members of their community from going hungry. This question is related to the culture of a society which provides a sense of identity to a person which is closely related to his/her dignity. At the same time, there are practices within many cultures that apparently make some groups or people within it less human and clearly violate their rights. Female genital mutilation is given as one such example. Shweder (2000), on the other hand, draws attention to the story of a young Afro-American anthropologist who herself had undergone such an experience and reported that most Kono women (she belonged to this tribe) in Africa supported the practice. In fact, they found that the practice had positive consequences for their psychological, social, spiritual, and physical well-being. There is a need to look for a path based on the convergence of human and cultural rights. Implementation of individual rights needs a communitarian perspective. This will become clear from the discussion that follows. It is conceded that such guidelines cannot be drawn from isolated cases and female genital mutilation cannot be accepted under the cover of a cultural right.

Meaning of human rights across cultures and nations

Psychologists have categorized cultures based on their thought systems, core beliefs, and behavioral consistency that individuals show across social situations. Triandis (1995) categorizes them as individualist and collectivist cultures. In individualist societies, the basic unit is the individual while in collectivist societies the basic unit may be family, a clan, a tribe, or a group. Both individualist and collectivist cultures have their norms and any transgression of these norms is found unacceptable. Such normative behaviors may sometimes come into conflict with the rights covered under the UDHR. A related term which needs to be considered here in the context of collectivist cultures is duty or obligation. Philosophers and theorists who believe in liberalism have generally ignored it in their discourse on human rights.

Human rights will be seen in a different light if considered in tandem with duties in some cultures. Vincent (1986) points out that, in Islam, human rights based on Islamic doctrine are actually duties of individuals and the rulers. The term duty is not alien to individualist cultures. Mutua (1995) is right in pointing out that “the language of rights primarily developed along the trajectory of claims against the state; entitlements which imply the right to seek an individual remedy for a wrong” (p. 1). In collectivist cultures rights are seen as appurtenant to duties and not independent of each other in Asian as well as African cultures. Indian culture is characterized as a culture of indebtedness (*rina*) in which all individuals are indebted to their parents, teachers, ancestors, and gods and it is their duty to pay back this debt

which they owe to them. The Chinese, similarly, have a concept which comes close to it, called “*filial piety*” – love and respect for parents and ancestors. This may be why in some Asian countries laws provide for the maintenance and welfare of parents as the duty or responsibility of children.

It needs to be understood that even in collectivist societies individuals have rights. An example of this is an Act passed in the Indian parliament relating to the maintenance and welfare of parents and senior citizens which entrusts the obligation and responsibility for maintenance of the parents to children, even near relatives (Ministry of Law and Justice, 2007). According to this Act, relatives are expected to take care of the needs for food, clothing, residence, and health-related expenses of their old relatives rather than leaving them to the state. In contrast, in most western countries social security of all citizens is the responsibility of the state. Attention needs to be drawn to the fact that even in Asian countries cases of abandonment of elderly parents are on the rise. A World Health Organization (WHO) report carried out in 2017 found that 15.7% of adults over 60 reported suffering from abuse either in institutional or community settings (Yon, Mikton, Gassoumis, & Wilber, 2017).

As Finkel and Moghaddam (2005) point out, we are living today in an “age of rights” in which duties are easily forgotten. In a more recent paper, Moghaddam (2016) discusses two varieties of rights and duties. The first he calls primitive rights and duties that emerged as part of human evolution and were largely functional for survival. The second is called supererogatory rights and duties that are not based on any formal requirements of law. This is where culture comes to play a role, as Moghaddam (2016) correctly points out that the “rule of law” can only be superficially fair.

It is clear that cultures may differ in terms of their understanding of human rights and also which right within a social context is given priority, but very often it is the culture of greed, driven by individual needs, that determines which right becomes more or less important within a society. Cultures in this age of communication do not remain confined to silos; they come into contact with each other and change. What is unacceptable in any culture is the denial of humanity to someone who may have violated a social norm or to groups of people who for the same reason may be attributed animal-like qualities. Humans, no matter what their crime, continue to have the right to be treated like another human and have the right to a fair trial. The alleged treatment of prisoners in the Guantanamo Bay detention camps, therefore, will always be seen as a violation of human rights.

Haslam and Whelan (2008) found that humanness is used as the basic dimension to differentiate groups and their members. They differentiate between what they call unique traits that define human nature and traits that define human uniqueness. Traits related to human nature are seen as more universal but those related to human uniqueness as less so. The lesson for psychologists here is that they need to use multiple lenses to understand the violation of human rights in all societies but these lenses may need to be differently focused based on how individualist and collectivist a culture is.

Endorsement of human rights and commitment to them across cultures

Individual differences have been found in the endorsement and commitment to human rights. In a study by McFarland and Mathews (2005), dispositional empathy, education,

and global knowledge were found to be positively associated with endorsement of human rights but not with a commitment to act in support of it. An attitude of globalism and principled moral reasoning in this study was associated with commitment. On the contrary, ethnocentrism and social dominance orientation reduced it. What evidence do we have for such findings across cultures and nations? Doise, Spini, and Clémence (1999) carried out a study to check this across 35 nations representing various regional blocks around the world. The study largely had a sample of students and sought to understand how the 30 articles of the UDHR were understood by them. The study found that a shared meaning system was used in understanding these articles, although differences in endorsing these values were found at the individual as well as at the country level. McFarland (2017) also found that the human rights regime has differential support around the world; the strongest of which comes from Europe and the Americas. African nations provide weak support, and the Arab and South East Asian nations still weaker. As Moghaddam et al. (2000) point out, individualist societies have paid more attention to rights and less to duties, although it is clear that the two go together. Rights can be exercised only with the support of others who grant them such rights because they consider it their duty. It may be because individualist societies are driven more by achievement and, therefore, have less time for others. Collectivist societies which look more for ascription, on the other hand, are driven more by relationships and interest of the communities and care more for duties.

The rights of the collectives

The human rights discourses have paid more attention to the rights of the individuals and less to the rights of the collectives. Locke's theory, which underlies today's liberal democracy, sees the individual as the moral unit in which the will of the ruling majority prevails. Minorities in it have little voice and their rights are compromised. Such groups, thus, get subordinated, become structurally disadvantaged, and lose their claim to equal citizenship (Freeman, 1995).

A lot of conceptual confusion is found in the case of collective or group rights. Scholars and practitioners of international law, in particular, believe that only individuals have rights and the rights which groups or collectives have are nothing more than the aggregated rights of individuals. Bisaz (2012) correctly points out that one reason for this may be that collective rights are often seen as coming out of political ideologies. It is because of this that collective rights either are missed out completely or get subordinated to individual rights. The purpose of collective rights is to affirm the collective identity of groups in society, which is not achieved by individual rights. Problems relating to collective rights often surface when development projects are taken up in the name of securing individual rights. An example of collective rights can be seen in the case of the indigenous or tribal people who have shared land and other assets with other members of their community over centuries. They get evicted from their ancestral lands because they have no legal or formal document to show in support of their entitlement.

The history of colonization around the world shows how such people have been systematically deprived of their lands and cultures. Many of these groups still face eviction from their lands in the name of development on a daily basis, in spite of the UN's resolve to protect the rights of indigenous people (UN, March, 2008). The

UN Office of the High Commissioner for Human Rights (OHCHR) fact sheet on forced eviction provides details in this connection (OHCHR, 2014). The state everywhere has used its power to dispossess them of their land and other assets. Despite the declaration of rights of the indigenous people, the fact still remains that forced evictions of groups of people for the purpose of development has been taking place around the world. What is worse is that land that has traditionally belonged to indigenous people is often acquired by governments in favor of multinational corporations, which are fast becoming the harbingers of neo-colonialism. Hoshour (2012) suggests that there may be close to about 250 million people who have gotten displaced around the world in the last 20 years because of large development projects. A very large number of them have lost their livelihoods and have no roof over their heads.

Another project that cuts into the collective rights of people in developing countries is that of special economic zones (SEZ). This is a direct offshoot of the free-market economy and the new wave of liberalization and globalization. India has created 150 SEZs following the Chinese model to attract foreign direct investment. These have been created mostly on lands that once belonged to indigenous people. SEZs, as the concept has evolved, are foreign territories for the purposes of trade, duties, and tariff. The locals in the process have lost whatever little assets and rights they once had (Rawat, Bhushan, & Surepally, 2011).

The fact still remains that both individuals and collectives have rights in all societies, whether granted to them by law or cultural traditions. The case study of Rawat et al. (2011) of Polepally SEZ in India, cited above, and opposition mounted by the Dongariya Kondh tribals to bauxite mining by Vedanta at Niyamgiri Hills (Sahu, 2008) amply demonstrate how the rights of individuals as well as of communities get trampled in the process of land acquisition done for mining or industrial purposes. The most glaring example is the case of a state government, Chhattisgarh, in India. It sold away a stretch of 23 km of a river to a corporation called Radius Water Limited for a period of 22 years. The villagers around the river have not only been denied their rights to the use of water which is a natural resource, but they also have to deal with the environmental pollution. Other examples from Africa, Latin America, and Asia also show how the land rights of indigenous people have been compromised. These are discussed in detail by Feiring (2013).

The UN Declaration on the Rights of the Indigenous Peoples of 2007, besides granting land rights, also grants them the right to self-governance, language, and equality. On the whole, very few governments around the world have allowed groups and collectives to use their traditional rights to land and natural resources and have forcefully usurped them. Although most nations have adopted the UN Declaration, it still remains to be translated on the ground for indigenous people. Is the situation any better for other disadvantaged and marginalized groups?

The rights of the poor

It has been recognized for long that the group which faces most human rights violations is the poor everywhere. They not only have no voice in governance and are financially excluded, but they also face discrimination and social exclusion. To put it differently, they are not accorded the dignity they deserve as humans. It is in this

context that the UN in 2015 had set removal of extreme poverty as its topmost millennium development goal (MDG) by 2030 (UN, 2015). The latest figures from the World Bank show that approximately 769 million people are found living in a state of extreme poverty around different geographical regions of the world. They live on less than \$1.90 a day. Extreme poverty has been on the rise in sub-Saharan Africa since 1981. It contributes to roughly one-third of the population of the extremely poor, as does India too. The drop in poverty rates, which has steadily been reducing since 1981, has considerably slowed down in the last two years according to the World Bank figures.

Poverty is intimately related to the most important human right, right to life. Because of their economic status, their basic rights to education, health, housing, and security are all denied to poor people. The question that is posed here is whether there are some social, cultural, and structural factors that act as impediments to the realization of these rights and entitlements for the poor or whether these are culture-neutral. Psychological studies have shown that poor people differ considerably with respect to causes they attribute to their poverty from one place to another. Such attributions and attitudes are expected to influence not only how poor people think about their rights but also public policies relating to securing human rights of poor people. It is not only the others who blame them for their poverty; they often blame themselves for their poor economic condition. This clarifies why the poor find it difficult to beat the poverty trap.

A study of villagers who were under debt bondage found that attempts to rid them of their bondage through the formation of self-help groups (SHG) failed because such people felt more secure with their debtors. The poor bonded laborers, having faced uncertainty over a long period of time, actually feared their freedom (Singh & Tripathi, 2010).

In general, three kinds of factors have emerged as the causes of poverty over the years in developing societies (Vázquez, Panadero, Pascual, & Ordoñez, 2017). These are firstly, structural factors – the way the economy is organized; secondly, fate and culture; and thirdly, personal and psychological characteristics of poor people. Political ideologies play a role in how these attributions get made. Individuals with left-leaning ideologies tend to blame the system and structure while those on the right may attribute their poverty to fate. Weiner, Osborne, and Rudolph's (2011) study suggests that moral evaluations of the poor, i.e., whether the person is himself responsible for his poverty or it is because of reasons beyond his control, decide whether such a person will receive help or not. A case in point is of Roma beggars whose fundamental rights are, by and large, not protected within EU countries (Mäkinen, 2013). On the contrary, begging in India has the sanction of various religions, particularly of Hinduism and Sufi Islam, although begging was declared a crime in 1920 in British India. What is most worrying is that there are gangs in many countries around the world which engage in child trafficking and force children into begging, thus seriously compromising children's rights. Child begging is not only prevalent in less-developed poor countries but it is also prevalent in those relatively affluent countries in which laws relating to this matter are either absent or are lax (Kaushik, 2014).

The rights of minorities

Individuals in social contexts interact either as persons or as representatives of their group. Numerous studies have shown how individuals are biased in favor of their own groups and discriminate against out-groups. Social identity has been found to be a major factor in explaining intergroup bias and prejudice (Smith, 1993). In most societies, minorities get the short straw and have to pay in the form of political, economic, and social exclusion. There is a positive relationship that is found between ethnicity and poverty across nations and cultures (Palmer & Kenway, 2007). Such findings generally replicate for various minority groups around the world, such as minorities based on religion, culture, ethnicity, race, linguistic, gender, refugees, and also immigrants. The matter becomes more complex if the minority group is part of the social structure that is supported by tradition, and by religious and cultural texts.

The most appropriate example is the caste hierarchy in India. The highest number of poor in India is tribals and those who belong to the lowest group in caste hierarchy, called the Scheduled Caste. Indian society is a social identity-based society where one is born into a group which has impermeable boundaries (Thorat & Newman, 2010). This caste social hierarchy is fixed and one is ascribed the caste identity of the group in which one is born. The rate of poverty among the Scheduled Caste is 12.4% higher compared to the general population in India (Gang, Sen, & Yun, 2008). People belonging to the lowest-caste groups, more than economic discrimination face social discrimination, particularly in rural India where they are denied access to temples and certain community events as their very presence is considered polluting. This is because traditionally they have engaged in the job of scavenging. The government of India has provided for such groups reserved quotas in educational institutions and in jobs in the public sector. There is a law in place to prevent atrocities against members of these groups which provides for penal action. Yet, crime against this group has been increasing in the last few years. The people belonging to the minority groups, as mentioned above, suffer from structural disadvantages also. In conjunction with issues related to identity, structural disadvantages make it doubly difficult to protect the human rights of minority group members (Tripathi, 2016).

A major problem that is related to collective identities relates to racism and racial discrimination. Not only does it feed intolerance which leads to conflicts between groups, it majorly hinders achievement of the goal of a humane, just, and equitable society. This it does by supporting various kinds of inequalities. As many reports from the OHCHR and Committee on the Elimination of Racial Discrimination (OHCHR, 2018) show, there is not a region in the world that is not plagued by racial discrimination; also, a nation that is not divided along the lines of majority and minority. The ruling majority group members feel that engaging in discrimination of others and supporting their own group is their prerogative. There are studies which show that individual members find their group as positively distinct compared to their out-groups. This adds to the self-esteem of individual members of their own group. The process involves attributing negative qualities to the out-group and positive qualities to their own group (Tajfel & Turner, 1979).

Negative attitudes that the majority group members hold of the minority group members lead them to react in two ways. Firstly, they may not recognize the presence of the other group. An example of this is non-recognition of Ahemadia Muslims in Pakistan by the dominant Sunni majority. Secondly, they may engage in micro-aggressions against the members of the out-group (Sue, 2010). Such attitudes and reactions on the part of ruling majority group members not only get in the way of protection of human rights of minority group members, instead they encourage their group members to engage in actions that violate their various rights and also deepen the feelings of exclusion of minority group members.

The rights of women

One area in which culture comes in to influence the understanding and promotion of human rights relates to the rights of women at work. In almost all societies of the world, women are treated as less equal than men. In most developing societies, the place for a woman is considered at home. When asked to name their occupation many women give it as “homemaker.” But that is only half-truth. This is supported by a horrific story that was carried by *Hindu Business Line* (Jadhav, 2019), a national news daily in India, on April 11, 2019, with the headline “Why many women in Maharashtra’s Beed district have no wombs.” The story relates to the women of a large number of villages who migrate as cane-cutters to different regions and have undergone hysterectomy. They are hired by contractors if they have no womb as there will be no loss of work due to menstruation. Menstruating women who abstain have to pay a fine of Rs 500/- per day, which is more than their daily wage.

In most developing countries, the rate of literacy of women, which could add to their freedom, is found to be way below the literacy rate of men. In some countries, such as Afghanistan, Liberia, and Pakistan, the percentage difference in literacy rate is found to be about 28–30%. This may be unacceptable but then, a difference of eight percentage points is found in global literacy rates for men and women. Concerned with such glaring inequalities based on gender, UN agencies have developed several other measures to assess gender equality, such as gender development index (GDI), gender empowerment measure (GEM), and gender inequality index (GII). The data collected from different countries show a great deal of variance on all such indices, and this is explained on the basis of prevailing cultures. Such variations are generally explained in terms of cultural practices which deny the right to women to go to school or access health facilities. Women still cannot enter mosques in many Islamic countries to offer prayers. Under the practice of “triple talaq,” a Muslim man can divorce his wife by simply uttering the word “talaq” thrice or, worse, even through a WhatsApp message. The Act has witnessed strong opposition from various Muslim groups who see it as interference by the government in their religious affairs.

Similarly, abortion laws in Europe vary by country. One of the most severe human rights violations concerning women relates to sexual violence. The violations refer to violence that women face in their marriages, living with partners, and from strangers that is tantamount to rape. For obvious reasons, reliable statistics on such violations are not available because of the stigma that such violence carries, also,

due to the laws of different countries and many other factors. A 2013 WHO report showed wide variations across countries (WHO, 2013). Sexual violence is underreported in most countries, particularly in cultures in which “face” issues are important and in which admission of sexual violence may result in honor killing. In many Islamic countries, women admitting to such violence may be charged with adultery and face a death sentence. The issue of sexual violence is a complex one in terms of precisely what acts are covered under sexual violence. For this reason prevention of human rights violations is difficult and problematic.

Challenges faced by psychologists with human rights concerns

In this chapter we have tried to show that both understanding of human rights and their realization on the ground are not uniform across cultures and nations. Not only do societies differ with respect to their stage of development and growth, they also have evolved in contexts that are different. They also differ in terms of their economic, social, political, and cultural contexts. All of these impose limits on the implementation of various declarations and covenants related to human rights and explain the lack of uniformity in dealing with violations of these rights. All human rights regimes are supposedly driven by core human values, such as equality, freedom, and human dignity, that underlie a global ethic. Some of these appear to be compromised by the emerging world order in which the core values of neo-liberalism, like greed, hold sway. The greatest challenge that psychologists and other social scientists face is in the creation of minds and structures that seek to collaborate rather than compete for power and pelf. The most important question that psychologists need to help answer is how to deal with the promotion of human rights and prevention of human rights violations in societies which are culturally diverse. Psychologists can engage in the development of multicultural attitudes and promote intercultural contacts which will go a long way towards reducing cultural relativism. Not enough attention has been paid to healing of traumas that result from human rights violations. Psychologists can guide human rights practitioners and advocates in the techniques of healing and also by training them in cultural humility (Hook, Davis, Owen, Worthington, & Utsey, 2013), which has been used successfully by social work professionals. Cultural humility allows individuals to break out of self-focus and develop an orientation of openness towards others who belong to diverse cultures. This will help them to understand and appreciate how and where the rights of such people get violated. They can then come out in support and also act as their counsellors to heal the traumas that they may have experienced. Cultural humility will require that psychologists develop a perspective that is marked by concern for the other and for the other’s culture. It requires openness, supportive interaction, self-awareness, lack of ego, and an ability to engage in self-reflection and critique (Hook et al., 2013). Culturally humble psychologists can go a long way towards the promotion of human rights and play a role in the effective prevention of human rights violations.

Teaching of cultural and cross-national variations in human rights

My approach will be to familiarize learners first with the different cultural contexts and nations in which human rights violations take place through news stories. This may be followed up by showing them a short film related to these violations. Since a very large number of students will be unfamiliar with the diverse cultural contexts they may be allowed to soak up the diverse cultural/national contexts.

1. The class may be presented with the incidents of human rights violations and students asked whether they consider the incident as violating human rights and, if yes, to what degree? Students may be asked the ways of reparation. The group discussion may focus on the factors that make students take diverse positions. This may be followed up by allowing learners to engage with the text of the chapter and reflect on core issues in small groups.
2. Learners are presented with human rights violations in diverse contexts and asked to come up with the maintenance and promotion of human rights.
3. Instructors may consider developing experiential exercises to resolve cultural conflicts in dealing with human rights violation. They may also consider exposing their students to exercises in “cultural humility.”

Case study

Shankargarh is a small rural town situated about 40 km from Allahabad, a large city in central India. It is surrounded by the Vindhya hill ranges. A very large part of the land is rocky and whatever cultivable land is available is less fertile. The irrigation facilities available are minimal and the farmers are left to depend on rain water for farming. The majority of the population belongs to the Kol tribes. They have been largely living their lives based on forest produce. The new laws that have come into place do not give them access to the forests although they use forest produce for their sustenance. This has led these people to look for alternative ways of survival. A very large number of them have started working in stone quarries. In view of their indigent situation, they are often forced to approach their labor contractor for a loan. The interest they are required to pay is so high that they are never in a position to pay it back. This results in a situation of debt bondage, a new kind of slavery. They have to keep working for the contractor and cannot leave until the debt is settled, which it never is.

The plight of these people drew the attention of an NGO called Pragati Gramodyog some 15 years ago. The goal of the organization was to free these

tribals of their debt bondage and to improve their life conditions. The plan this NGO came up with was to form SHGs. SHGs could approach banks for credit for undertaking a project that will provide financial support to the members of an SHG. Most SHGs, which had on average 12 members, decided to apply to secure a lease for the stone quarries because that was the only job they knew anything about. The idea was that by securing such leases they would also be able to secure their agricultural land rights.

The NGO supported them by providing the legal and administrative support they needed and also by lobbying in their favor. In the first phase about 250 SHGs were formed. Nearly 600 individuals were freed from debt bondage. However, it was also true that some of these SHGs did not take off because of caste and other rivalries.

About ten years back, another initiative was taken in which 60 Farmer Clubs were organized with the support of the National Bank of Agriculture and Rural Development. A federation of the clubs was organized and members of all the farmers' clubs were invited to participate in its meetings and take decisions. This experiment has passed through various stages and has culminated in a Farmer Producer Organization which is engaged in organic farming and provides different kinds of organic produce to the buyers in the nearby villages and town of Allahabad. The Kol tribals and poor villagers have beaten the debt trap. The young ones have enrolled in schools and the women folk want to add to the family income by taking up sewing and other businesses.

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Questions

1. Globally, extreme poverty and hunger are found more in rural areas than in urban areas. According to reports, more than 70% of rural people in developing countries are living in conditions of extreme poverty. What factors, according to you, account for the difference between the rural and urban poor and mitigate the human rights of the rural poor more than the rights of the urban poor?
2. Is culture a factor in achieving health equality in the case of women? Is it possible to align cultural values to bring about health equality in their case?

3. How far do you agree with the view that globalization supported by a culture of greed has cut into the rights of the indigenous and rural people more in the developing world than elsewhere? If so, why?
4. Do the various covenants of the UN recognize the rights of the collectives? Are there ways in which the rights of the collectives and the rights of the individuals can be reconciled?
5. Identity is a major factor that gets in the way of the realization of human rights of minorities and women. Critically evaluate this view in the light of the available evidence.
6. Does the philosophy of neo-liberalism that drives the world economy pose a problem for the protection of social and cultural rights of people in developing societies?

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Critical human rights-based approach to applied psychology

Context and power

Nimisha Patel

Introduction

The operations of power saturate human rights and psychological theories and practice, and any clarion call for psychologists to adopt a human rights-based approach requires an understanding of the importance of context and power, both structural and material power (Smail, 2005) as well as discursive and disciplinary processes of power (Foucault, 1971). The manifestations, processes and impact of power evident in social and legal policies, in State practice and in social inequalities, marginalisation, discrimination, oppression and structural violence towards some people beg the question “and so what?” – what exactly can be done as psychologists, with what and how? This chapter proposes that human rights offer a tool, flawed but useful to applied psychologists, and it presents a critical human rights-based approach (CHRBA) to applied psychology, and relevant competencies for applied psychologists. Here, applied psychology refers to the application of psychological concepts, theories and methods to working with individuals, families, communities, systems, teams and organisations, in a range of health-related settings and with a range of populations, across the lifespan.

Human rights-based approach in healthcare

Using the overarching legal discourse of human rights, at the structural level of State responsibilities and obligations, a human rights-based approach (HRBA) entails the respect, protection and application of human rights norms (for example, on protecting life, privacy, health, family life, freedom from torture), in accordance with the expectations of the international community. It requires that breaches of human rights should be investigated, prosecuted, redressed; repetition of such breaches should be prevented; and that there should be reparations for victims/survivors of human rights violations.

An HRBA to health which encompasses all human rights norms is important, since they are together relevant to health, although Hunt (2016) argues that the right to health (the right to “the enjoyment of the highest attainable standard of physical and mental health”: Article 12 of the International Covenant on Economic, Social and Cultural Rights) should be placed at the centre of a rights-based approach to health. The World Health Organization (WHO) advocates an HRBA to health as enabling strategies, by States, to “address and rectify inequalities,

discriminatory practices and unjust power relations, which are often at the heart of inequitable health outcomes” (WHO, 2015), thereby offering a route to examining the structural determinants and inequalities which lead to suffering. A State-enforced HRBA is nevertheless problematic, particularly when the State’s own policies and practices may have led to those very injustices and suffering.

Where practising psychologists and other healthcare professionals may be duty-bearers (e.g. in State services), the application of an HRBA is most meaningful when integrating the principles of human rights in daily clinical practice and services. To this end, Curtice and Exworthy (2010) offer the “FREDA” principles (fairness, respect, equality, dignity and autonomy), whilst others emphasise the principles of participation, non-discrimination and prioritisation of vulnerable groups (Dyer, 2015). Twelve human rights principles, amongst the many others, are highlighted as particularly relevant to healthcare and applied psychology (e.g. principles of ensuring safety and integrity, fairness, respect, equality, non-discrimination and attention to vulnerable groups, dignity, autonomy, participation and inclusivity, gender and cultural appropriateness, proportionality and monitoring by disaggregation) (see Patel, 2019a). In different countries and settings, HRBA may be interpreted and applied differently, and other principles valued. Nonetheless, human rights offer an ethical framework consistent with psychological practice, alongside a legal framework to ensure accountability and prevention of the causes of poor psychological health. However, an unquestioning use of human rights as an acontextual tool to analyse and address what are defined, within the legal discourse of human rights, as human rights violations, is problematic for two reasons. Firstly, because, as Farmer (1999) argues, a purely legal view of human rights violations tends to obscure the dynamics which lead to those violations – local and global inequalities, globalisation, social inequalities, discrimination, and so on; and secondly, because human rights are themselves contested, as subsequently illustrated.

A critical human rights-based approach to applied psychology

With respect to healthcare, including applied psychology, an HRBA can be understood as:

the adoption of human rights as a conceptual framework for all aspects of healthcare, from policy, research, practice and monitoring; an approach which places physical, psychological and social health firmly within the context of security, social justice, equality and non-discrimination. Hence, a HRBA frames health not just as needs but as rights to safety, various protections and freedoms, whereby every individual and community can enjoy health and well-being.

(Patel, 2019a, p. 120)

A *critical* human rights-based approach (CHRBA) to applied psychology elaborates upon this definition and foregrounds the need for a commitment to acknowledging, naming, deconstructing and addressing, wherever possible, the operations, maintenance and reproduction of power and oppressive functions of our theories, research, activities and practice, by using the tools of critical thinking, human rights and

psychology, to improve health and well-being. A CHRBA to applied psychology acknowledges both traditional, Western psychology and human rights as socially constructed, context-bound yet universalising, hegemonic discourses and inevitably flawed (Patel, 2011). A CHRBA also requires an examination of how power operates in what we choose to value as human rights. For example, which human rights are privileged by whom (is the right to private life and family devalued for those with learning disabilities, and why?); which human rights principles are ignored, for who and when (is the right to dignity in healthcare seen as less important for older people?); and whose notion of health, safety and freedom is considered more important in psychological services (professionals' views or those who use psychological services?).

As with applied psychology, power permeates human rights, in their construction, application and in the normative architecture of legalised human rights – the national, regional and international human rights bodies, institutions and mechanisms. The political process by which human rights were conceived, developed and used has led some to argue that human rights are in reality moralised politics, or politicised morality (Hoover & Iniguez de Heredia, 2011) and others have criticised human rights as Eurocentric, ideological and political tools (e.g. An-Nai'im, 2016; Panniker, 1982) which perpetuate colonialist othering and racist practices (Mutua, 2002; Rana, 2007), at the service of hegemonic global powers in legitimating particular ideologies and a particular international order. Human rights are also criticised for traditionally privileging Whiteness and patriarchy in the conceptualisation of “human” (MacCormack, 2009), subjugating the racialised “other” and women, and therefore to whom human rights pertain, when and how. The structures of human rights to enforce dominant human rights embody and perpetuate power, for example, by seeking improvements in ensuring justice and redress, without necessarily addressing the structures and causes of human rights violations (Bhasker, 1991; Chinkin, 1998). The practice of human rights (in monitoring, data collection, evaluating, reporting, human rights education, and so on) meanwhile operates as surveillance systems (Evans, 2005), continuously normalising and legitimising dominant discourses of human rights. The position in this chapter, in keeping with a critical perspective, is therefore that the mere adoption and unquestioning use of human rights language and principles in psychology are insufficient and problematic, in that they serve to reproduce dominant discourses of rights without questioning their interpretation, value and legitimacy in different contexts.

Similarly, the use of psychological models, methods and research without examining context and power is also problematic. Psychology's neglect, denial, dismissal or justifications of power are evident in many ways. For example, traditionally, applied psychologists have ignored or diminished the importance of history and the influences of slavery and European colonialism in our theories, including the theory, research and application of eugenics (see Pilgrim, 2008), which influenced British health and social policy; and the architect of apartheid, the South African psychologist Hendrik Verwoerd, and apartheid policies where psychologists were “servants of apartheid” (Webster, 1986); the German eugenic health policy (Weindling, 1989); and discussions on voluntary euthanasia (Joseph, 2005), as examples. Psychologists have also neglected the role of the social, political, economic and cultural contexts and structural inequalities in the development, construction and understanding of psychological difficulties,

distress and suffering, and in the professional responses to them, thereby reinforcing inequalities (Patel, 2003) and leading to persistent “epistemologies of ignorance” (Mills, 2007) – ways in which psychologists have learnt to decontextualise human suffering and distress, ignoring the realities of racism, poverty and other inequalities and discrimination in daily life.

As practitioners, psychologists typically focus on symptoms as manifestations of distress – a reductionist, acontextual and incomplete acknowledgement of the effects, without formulating the multiple causes and the various complex, interacting dynamics and mechanisms by which structural inequalities and social factors may lead to distress and poor psychological health, for different people, in different contexts. Similarly, applied psychology has neglected the operations of power in psychological theorising (ongoing process of theory making) and knowledge production, research methods, outputs and misuses of research, psychological practice and in psychological services and the professional and regulatory institutions of applied psychology. Eurocentric psychology is criticised for its racism (Howitt & Owusu-Bempah, 1994) and for continuing to promote the interests of the global privileged minority, specifically, those from WEIRD (Western, educated, industrial, rich, democratic) settings (Henrich, Heine, & Norenzayan, 2010). According to Arnett (2008), the majority (99%) of psychology journals are edited and articles are written by those from Western backgrounds, who use Western, White participants in research – evidence then applied to the “neglected 95%”, the global majority. Thus, Whiteness is reproduced in knowledge production and advocated as universally applicable, whilst the norms of Whiteness, for example, in concepts of “self”, health, family, appropriate behaviour or expression of distress, remain the yardstick against which deviance or “abnormality” is judged.

Historically, psychology has also neglected its patriarchal biases, for example, in the assumptions of women’s biological inferiority; misrepresented women in research and in theories (Eagly, Eaton, Rose, Riger, & McHugh, 2012); neglected androcentrism and the marginalisation of women within psychological theories and within clinical psychology (Ussher & Nicolson, 1992); and subjected women to sexist use of psychoanalytic concepts and psychiatric diagnoses and to sexual misconduct in therapy. At the extreme end, applied psychology’s perverse intimacy with power is also highlighted by psychologists’ historical involvement in developing, researching and refining methods of torture (see Patel, 2007a; Pope, 2019).

The imperative to address power in a CHRBA to applied psychology is clear when we consider the consequences of neglecting, avoiding or minimising the existence or impact of power. First, neglecting power obscures the social, economic and cultural context, the structural determinants of health and State policies and structures which give rise to and maintain inequalities – elevating the potential for harm and obscuring or obstructing opportunities for redress. Second, neglecting power inevitably individualises suffering by locating psychological problems within the psyche, genes, behaviours and cognitive “dysfunctions” of individuals, thereby, again, neglecting their causes (e.g. discrimination, inequalities, oppression) and the meanings of the suffering for individuals, families and communities, and reinforcing those very abuses and inequalities. Third, the adoption of the neutrality ideal (scientific and therapeutic neutrality) and ignoring researcher/therapist subjectivity and values, or constructing these as evidence of bias and professional incompetence, can

be used to defend against examining power, privilege and the professional and economic interests of the psy-professions. Fourth, a neglect of the operations of power in psychological theorising, practice and professional education, serves to reproduce and reinforce social injustices and perpetuate “othering” and consequent epistemic violence (Fricker, 2007) and human rights abuses in our daily practices. Even when psychologists work with survivors of injustices and abuses, traditional psychological approaches have adopted an individualist, acontextual, depoliticised and universalising (though Eurocentric) approach (see Patel, 2003, 2011), perpetuating injustices and the oppressive gaze which normalises patriarchy, racism and oppression as invisible givens.

The notion of “critical” is important to address, since critical thinking is integral to all education and professional training of applied psychologists. However, adopting a critical approach (CHRBA), as advocated here, demands scrutiny of context and vigilance of the operations of power; it requires acknowledgement and recognition of the manifestations and processes of power, the deconstruction of dominant knowledges often presented as uncontested “truth” and “facts” and a questioning of the unexamined assumptions underpinning what we take as theory, law, research, evidence and so on. A critical approach invites students, trainees, trainers/trainers and practising psychologists to embark on a process of learning which demands a continuous and two-way scrutiny of power – of what we are learning/teaching, and of what we each and collectively bring to this process – our own historical legacies, identities and experiences of intersectional discrimination and disadvantage – and privilege (e.g. patriarchal privilege, White privilege, economic privilege and so forth), our biases, assumptions, values and beliefs. Thus, in summary, a CHRBA requires psychology trainers, teachers, students, trainees and practitioners to consider power and context in human rights and in psychology, in terms of (a) the nature and the social, cultural, political and economic conditions which give rise to distress and difficulties which people experience, and the social context (e.g. of discrimination, oppression, deprivation) which maintains distress; the background, social identities, privileges and experiences of disadvantage, discrimination and oppression of (b) the trainer/teacher; (c) the students/trainee psychologists; and (d) the individuals, families and communities with whom we work.

For applied psychologists, the aims of CHRBA coalesce around change: how to improve the lives of all, enable changes in macro systems and structures, changes in institutions and practices, changes in individuals, families and communities, changes in social discourses and practices – changes to what creates, contributes to and maintains individual and social distress and suffering. A CHRBA warrants the question: what can psychologists do to address distress and suffering related to social inequalities, discrimination and human rights violations; and how can we contribute to the protection of health and the prevention of the causes of suffering and distress? It also requires us to be aware that context and power have historically shaped *both* Western psychology and human rights – the tools of change, our concepts, theories and methods need themselves to be scrutinised for their cultural, gendered, class and other biases, and for how they have harmed, or their potential to discriminate and harm, and to be changed.

The power of human rights

Importantly, a critical stance necessitates the questioning and critique of the validity and operations of power and interest in human rights – not as a churlish, rhetorical undermining of human rights, but engaging in critique as a form of action. A critical stance can then create spaces to reflect on alternatives, whilst at the same time acknowledge and not sanitise the role of human rights in reproducing power and domination at local, regional and global levels. The adoption and expansion of human rights have also enabled resistance movements to pragmatically achieve particular changes (e.g. ensuring rights of women, workers, indigenous communities, sexual minorities, justice and reparation etc.); and to support radical movements for anti-slavery, women, decolonisation, civil rights and so on.. Indeed, Ignatieff (2001) argues for a focus on what human rights can *do*, perhaps to use human rights for action to “do good”. The pragmatic and/or strategic use of human rights, however, does not sidestep the issue of power; rather, it illustrates how power and competing interests are navigated, one consequence of which is the maintenance of power, legitimising the legal discourse of human rights as *the* (only) discourse of human rights. Paradoxically, human rights offer a discourse of both domination and of freedom (Evans, 2005), and can be used in different ways strategically, to disrupt and challenge the social order (Hoover & Iniguez de Heredia, 2011). Psychology too offers both discourses of oppression and of the alleviation of distress and suffering; and applied psychology can be used to defend the “human-ness” and inclusivity of all, and their desires for safety, security, peace and a “good life”.

Both human rights and psychology can guide political and social action – for change, and this requires acceptance that, in seeking particular changes (whether towards a particular social and political order or a particular version of a “good life” and good “health outcomes”), neither psychology nor human rights are neutral, interest-free, value-free, acontextual, ahistorical, apolitical and/or free of the operations of power. For psychologists, adopting a pragmatic epistemological stance to human rights, not as a crude form of utilitarianism, or a blind acceptance of human rights as fixed and universally accepted, involves acknowledging structural and discursive power, and the Eurocentric, gendered, ideological, ethical, political and constructed nature of human rights (Patel, 2019a). Such a stance accepts the evolving and pluralist approach to human rights as providing tools to achieve particular ends: essentially, to ensure improvements in the lives of all human beings, their families and communities.

A CHRBA to teaching, professional training of psychologists and pedagogy

A CHRBA to applied psychology requires educational institutions and professional psychology regulatory bodies to embed human rights principles and framework in their aims, curricula, teaching and assessment methods and in continuing professional development activities. A CHRBA to applied psychology requires a minimal set of competencies which applied psychologists should develop during their psychological education and professional training (Box 5.1) – competencies which trainers/teachers themselves would need to develop in order to facilitate learning of their students/trainees. The process of teaching CHRBA to psychology, and which

competencies are prioritised by teachers/trainers, may vary in different settings, educational institutions and courses. Ultimately, teaching CHRBA demands a commitment to continual critical thinking and reflexivity – an examination of our own biases as trainers/teachers. It requires a critique of the social, political, cultural and philosophical context and foundations of what we consider to be “knowledge”; the operations of power within knowledge production, in educational institutions and teaching practices and in how we construct “human needs”, “psychology”, “indigenous psychology/approaches” and the role of psychologists.

Box 5.1 Competencies for a critical human rights-based approach to applied psychology

Critical awareness, knowledge and understanding of:

Human rights

1. The underpinning philosophical basis, ethics and values of human rights and psychology; and differences across contexts
2. Human rights principles, norms and their context; and the human rights framework relevant to applied psychology and healthcare
3. The role of domestic, regional and international courts, United Nations mechanisms and other procedures in enforcing human rights legal norms
4. Key limitations, critiques and the potential of the human rights framework for psychologists

Context

5. The influence of the wider social, cultural, economic, political, legal and historical contexts on:
 - Intersectional oppression
 - What those from historically marginalised, discriminated against and persecuted groups feel able to ask for by way of safety, security, opportunities and services; and what they can access or are denied
 - The homogenisation, othering and labelling of marginalised groups and the pathologisation, negative stereotyping, dehumanisation and degradation they are repeatedly subjected to within society, public institutions and psychological services

Power

6. The discursive operations of power and related ideologies in:
 - Knowledge production
 - Psychological assessments, formulations, therapy and practice
 - Constructions and use of psychological measures and tools

- The conceptualisation, design (including inclusion/exclusion criteria) and delivery of psychological services
7. Structural power, its systems (e.g. patriarchy, Whiteness, neo-liberalism), its mechanisms in maintaining structural inequalities and oppressive practices

Inequalities

8. The role of structural inequalities in individual and collective suffering and well-being
9. The differing patterns in the adverse psychological health impacts of inequalities and individual and institutional/structural discrimination on:
- Individuals, families, communities
 - Marginalised communities, including those marginalised on the basis of intersectional identities (e.g. disability, gender, race)

Psychological theories and models

10. How (or if) different psychological theories and therapy models:
- conceptualise the role of context, power and social inequalities
 - reproduce a view of the subject as an individual; and psychological distress, health and well-being as universal and acontextual

Research

11. How psychological research practices:
- Attend to/perpetuate inequalities and reproduce power in their models, methods and interpretations of findings; in what is seen as science/devalued as biased and unscientific; in what is published, where, by whom and funded by whom/which funding body

Impact on people

12. How those we work with, within psychological practice, make sense of context, social inequalities and power and their impacts on them

Settings and organisations

13. How the settings in which psychologists work (schools, organisations, health and social care services, prisons, care settings etc.) acknowledge the influence of context; reflect social inequalities in society (e.g. in staffing, management, policies, salaries); and how they reproduce dominant discourses and subjugation of certain people/groups of people

Skills in:***Assessment and formulation***

14. Integrating in psychological assessments and formulations the role of context, power, social inequalities and human rights abuses
15. Integrating relevant human rights principles, specific to the individual, family, community and the specific client group, setting and organisation in which psychologists work
16. Identifying which aspects of the domestic and regional human rights framework and mechanisms offer avenues for change

Interventions

17. Naming, exploring and addressing the role of context, power and social inequalities in the distress, suffering, endurance and survival of individuals, families and communities
18. Embedding human rights principles in all psychological practice

Service design, delivery and evaluation

19. Embedding human rights principles in the design, delivery and evaluation of psychological services

Research

20. Embedding human rights principles in the research process, from conceptualising research questions to research design, conduct, evaluation, publication and dissemination

Prevention

21. Developing, engaging in and evaluating a range of prevention activities, which embed human rights principles, at different primary, secondary and tertiary levels to prevent psychological distress and its causes

Ethical and professional conduct of psychologists

22. Embedding human rights principles in all activities and conduct of psychologists
23. Critiquing the role of psychologists in perpetrating, condoning or perpetuating human rights violations

Personal and professional development

24. Exploring and reflecting on our own identities, values, assumptions, biases and world views – and the contexts which have shaped us
25. Reflecting on our own personal and collective histories and experiences of power, powerlessness, social disadvantage, privilege, discrimination and harm
26. Addressing the ways in which our own experiences, backgrounds, privileges and disadvantages influence and manifest in our work as psychologists.

There are a number of ways in which teachers and trainers can facilitate the development of competencies, and this depends on the audience and context. A combination of lectures, interactive learning and discussions may be supplemented for trainee/practising applied psychologists with specific role play, discussions of scenarios and vignettes (of situations, individuals, communities, settings) and field placements/internships to develop skills in applying a CHRBA to psychological practice.

Some discussion points, related to key aspects of a CHRBA, are suggested for teaching purposes and can be found at the end of the chapter.

The application of a CHRBA to psychology is illustrated in Box 5.2, focusing on the example of sexual violence and torture.

Box 5.2 Application of a critical human rights-based approach to psychological practice**Example: Sexual violence and torture**

Many torture survivors, including those who are forced to seek asylum, have experienced multiple injustices, persecution, marginalisation and discrimination. Torture is a systematic abuse and function of power, a political tool of State oppression to destroy the identity of the person, to silence and subjugate him or her. Many women torture survivors experience other forms of historical oppression, patriarchal subjugation, misogynistic practices and gender-based discrimination and violence (including financial or sexual exploitation, harassment, sexual insults, sexual abuse, domestic violence, rape). The psychological impact can affect the individual woman, her family, children, couple relationship and community. The structures of patriarchy and sexism which pervade education, health, politics, law and so on can also be prevalent in psychological practices and services, as well as in asylum decision-making processes and justice mechanisms. The persistence of impunity, ongoing persecution, intimidation and threats of harm against the person and family; and the inability to access justice mechanisms or rehabilitation services can mean that survivors live in isolation, continued fear and suffering.

Applying a CHRBA

A CHRBA to working with women survivors of torture and other sexual violence explicitly applies a human rights framework to therapy and to the understanding of suffering not as an individual, internal pathology, but as an understandable, human response to a gross human rights violation (a structural pathology). A human rights framework is then the antithesis to the psychologisation of torture (Patel, 2011) and the decontextualisation and depoliticisation of gender-based violence. In a CHRBA, psychological therapy is seen as one component of holistic and multidisciplinary rehabilitation as a form of reparation for gross human rights violations (Patel, 2019b; Sveaass, 2013), not as a psychological “treatment” for an assumed internal pathology, disease, disorder or illness.

Psychologists applying a CHRBA to working with torture survivors can:

1. Critique the ways in which *psychological language, concepts, models and their methods* reproduce power, by:
 - Not acknowledging or obscuring power, including in the therapeutic process
 - Obscuring systematic gender-based inequalities in their role in sexual violence against women and perpetuating dominant patriarchal discourses which position women as passive victims, blame survivors, demean and pathologise women survivors (as psychologically “inherently” vulnerable by virtue of being women, “emotionally unstable”, “manipulative”, “hysterical”, “personality disordered” etc.)
 - Psychologising torture and sexual violence
2. Critique *psychological research* for its:
 - Historical gender biases and the privatising and psychiatrisation of sexual violence (e.g. in the sole language of psychiatric diagnoses)
 - Historical role in developing and refining torture methods
 - Complicity with State abuses of power
3. In *therapeutic work* with torture survivors:
 - Scrutinise assessment and therapy practices for how they neglect/address the economic, social and political contexts of sexual violence and torture
 - Contextualise and address distress and suffering
 - Avoid locating the problem (e.g. by using reductionist labels, language of individual pathology) within the survivor
 - Adopt an explicit stance of non-neutrality – taking a position against gender-based violence and torture
 - Explore intersectional discrimination in the sexual violence and torture a woman is subjected to
 - Notice power, and how gender dynamics and inequalities manifest and are perpetuated in the therapeutic relationship

- Name power – in what happened to the person (dehumanisation, marginalisation, persecution, torture) and in its ongoing manifestations (e.g. feeling silenced, diminished, blamed, not having a choice or control, being and/or feeling discriminated against and punished)
 - Notice, talk about and challenge social discourses which continue to stigmatise and dehumanise women and other marginalised people
 - Explore how patriarchal power, sexism and other forms of intersectional discrimination within society, within the criminal justice system, health services and other public institutions can silence women and normalise, excuse, tolerate violence and torture and maintain impunity for the perpetrators
 - Enable survivors and their families to exercise choice wherever possible, seeking and supporting their participation, respecting their dignity and treating them as human beings
 - Identify and address the ongoing abuses and economic, sexual or other forms of exploitation; risks of further harm; any threats of harm and reprisals against them or family members; and any ongoing discrimination – to ensure their safety and welfare
4. Monitor and examine how *services* where torture survivors are seen:
 - Reflect social inequalities (e.g. within staff make-up and positions, service policies, practices and decision making)
 - Reproduce power in discriminatory practices and in how they talk about survivors, women, sexual violence and perpetrators
 5. Identify which *human rights principles* are relevant in services and psychological practices with survivors
 6. Identify the key *human rights* which are engaged (e.g. rights to be free from torture and cruel, inhuman or degrading treatment or punishment, to private and family life, liberty, life, health and rehabilitation as a form of reparation)
 7. Identify the *national legal context and the international human rights framework* which:
 - Protect against torture and sexual violence
 - Fail to protect women (e.g. where marital rape is not recognised as rape, where abortion is illegal even if a woman was raped)
 - Recognise that sexual violence can amount to an international crime, torture, part of genocide and a crime against humanity
 - Offer avenues for redress and reparation
 - Enable survivors to access justice and other reparation measures; and as psychologists support them through this process if they want
 8. Engage in *prevention activities* at different levels (e.g. Caplan, 1964), adopting a stance of practitioner-activist (Patel, 2019a) to prevent psychological distress related to torture (see Patel, 2007b) and sexual violence

Primary prevention

- Contribute to public health strategies targeting populations not yet affected by health problems; and to the development of macro-level policies (national social, economic and legal policies); and strategies to address the social determinants of health – strategies which require social change (Albee, 1995)
- Challenge/influence those policies which adversely impact on psychological health and well-being
- Raise public awareness of torture, its impact and the importance of justice and reparation
- Provide human rights education to psychology students and training professionals

Secondary prevention

- Identify national policies (e.g. asylum and immigration policy) and practices (e.g. lack of protection against domestic violence and other harm) which perpetuate social injustices and human rights abuses and worsen existing psychological health problems
- Provide expert witness reports to challenge impunity for crimes of sexual violence and torture; to protect against return to a place where survivors may face torture again; and to ensure access to appropriate healthcare

Tertiary prevention

- Prevent the further deterioration and chronicity of the psychological and social impacts of social inequalities and human rights abuses on individuals, families and communities. For example, by providing psychological care, as part of a multidisciplinary, holistic service, within a human rights framework, to survivors, their families and communities affected by sexual violence and torture.

Conclusions

Applying a CHRBA to psychology explicitly constructs the role of applied psychologists as practitioner-activists. Broadly, this involves (a) the critical unpacking of the foundations, contexts and biases of psychological theories, research and practices as well as of human rights doctrine; (b) addressing discursive and structural power; (c) embedding human rights principles in psychological practice, research and services; and (d) engaging in change processes, collective activism and prevention to address the causes of harm and psychological distress and suffering. As a stance against oppression and oppressive practices, structural inequalities and human rights

abuses, a CHRBA invites critical reflection of ourselves, our roles as psychologists and the ways in which we may reinforce inequalities and human rights abuses, and, importantly, the ways in which we may challenge and help transform policies and practices which harm people.

Questions

1. Which social inequalities are prevalent in your society? How are these inequalities perpetuated in your academic teaching, your workplace and in psychological services? How do they impact on the health and well-being of people from different social groups?
2. What are the historical legacies relevant in your context (e.g. slavery, colonialism, dictatorships and political oppression)? How do these historical legacies manifest in psychological practice? How are they denied, minimised or simply not talked about, and why?
3. What does power look like in psychological theories, therapy models, practice and psychological services?
4. Which social policies (e.g. on education, health and social care, employment, housing) or the absence of State policies (e.g. criminalising domestic violence) have adverse psychological and health consequences for individuals, families and communities?

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Psychology and social accountability

Introduction

The first part of the book has now taken us through the foundations of human rights thinking as it applies to psychology, and why we believe the connection between human rights and psychology is so important. This section of the book covers the relationship between human rights, professional ethics and social accountability. It takes as its starting point that professional ethics has a broader meaning than the individual responsibility that a psychologist or other professional has to the individual client. It is often the case that, because psychologists work on a one-to-one basis with an individual client, they come to think that their responsibilities begin and end there, for example, focusing on such issues as client confidentiality or consent. However, being a professional implies a broader commitment to the welfare of the wider population. As we live now in what has been aptly described as a global village where we are all dependent on each other, this responsibility extends globally. How this broader understanding connects human rights and traditional professional ethics will be explored. This section also includes examples of learning from where ethical principles and human rights have been protected under difficult conditions. Furthermore, we also consider situations where there have been failures to realise such protection.

The chapter entitled “Human rights and professional identity” by George Ulrich and Tony Wainwright is concerned with how we understand professional identity. The concept of identity is both individual and social and our commitment to the group we belong to is an important topic in psychology research. In this chapter we compare the experience of a relatively new profession, the human rights field officer, with the professions that make up the “family of psychology” and how both they and other professions intersect with human rights. The aim is to work towards a metatheory of professional identity and its content on the one hand and human rights on the other; a connection that may help to answer why some professions are fully engaged with a rights-based practice and others are not.

In the chapter “Use and misuse of psychological science, knowledge and research”, Tony Wainwright and Giovanna Leone have written what can be thought of as a sort of warning chapter. It raises some uncomfortable questions about the way psychology can be dangerous if misused. There are, of course, many examples of where psychology is beneficial, but there is a fallacy that it is a bit like common sense, and so can never really be harmful. Recent experience with the coming of age of the use of cognitive psychology in machine learning and artificial intelligence; the risks exposed by

the misuse of our personal data in the Cambridge Analytica case; and the employment of psychological torture methods all underline the fact that psychology is neither only common sense nor harmless. Psychological science is a powerful approach to understanding how we relate to each other and can be an important ally in human rights protection but can also be the cause of human rights abuses.

Taking us to a more positive place in the chapter “Playing together: children’s human rights and psychology”, Kerstin Söderström and Ragnhild Dybdahl give us an inspirational account of the connection between children having a lovely happy childhood and protecting their rights that they have called playing together, both a way of describing children having fun and a metaphor for human rights and psychology. The authors make clear that for children there are some fundamental requirements that need to be in place for them to thrive and that the human rights framework provides just those necessary ingredients. There is so much good research evidence about the impact of adverse childhood experiences – so-called ACEs – that this is a field that very directly connects public health, human rights and psychology, and how psychology as a profession needs to take accountability for advocating for these conditions for children.

In the chapter “Human rights in business and employment: promoting the right to decent work”, we move on to the experience of adults in employment with the chapter by Kathleen Otto, Martin Mabunda Baluku, Ulrike Fasbender and Ute-Christine Klehe. For the majority of adults of working age, their lives can be made enjoyable or a living nightmare by the conditions of their employment. In this chapter the authors explore some of the ways in which both psychology and a human rights-based approach can be central in framing the conditions under which people work. The field of organisational psychology has developed some important links with social justice, and these are further developed in this chapter. This chapter further underlines the professional responsibility of psychologists to consider the wider context of people’s lives and apply their ethical reasoning to these situations.

We conclude this section with the chapter “Social accountability and action orientation: strengthening the policy-making capacity of psychologists” by Elizabeth Lira Kornfeld, who gives an account of how psychologists and other health and social care professionals responded when faced with the extreme violence of the military dictatorship in Chile that started in 1973 and lasted for 17 years. While the dictatorship itself ended then, the consequences did not. The chapter explores how psychologists and human rights organisations worked together to provide psychological care and, among other things, supported witnesses being able to document the terrible abuses. The chapter provides lessons for psychologists at many levels. At one level, it draws attention to the connection between supporting democracy and human rights and the wellbeing of the population. Ignore this and you can get very bad things happening. Secondly, it invites us to consider how to engage with policy-makers on the framework for monitoring human rights and recording their violations. Finally, the way we might need to adapt our clinical practice when we are working with victims and families of such abuses is discussed in some detail.

Human rights and professional identity

George Ulrich and Tony Wainwright

Introduction

This chapter explores what it means for professional practitioners to embrace a commitment to human rights as part of the wider value base guiding professional conduct. This entails reflecting on how predominantly legal human rights standards, which in the first instance apply to state actors, in a derived sense also entail ethical obligations on the part of individual and corporate private actors. For professional organisations and practitioners, the idea of a “horizontal” application of human rights raises questions about the relationship between professional ethics and the implicit ethos of human rights. It will be argued that there is an extensive overlap – and compatibility – between these two levels of normative discourse, albeit one which is not commonly recognised and which requires better elucidation.

Questions of this nature are addressed both in general terms and specifically with reference to the profession of psychology – or perhaps better, the family of psychology professions. Historically, the engagement of psychologists with human rights has been relatively limited when compared with that of other professions. In a few unfortunate examples, psychology has played a role in human rights violations, for example a key figure in the implementation of the apartheid system was a professor of psychology (Cooper, 2014). Yet, as the present chapter seeks to illustrate, there are many possible convergences between the two agendas. There is, in other words, a rich potential for psychologists to contribute to the realisation of human rights and good reasons for embracing the engagement.

Human rights have over the past two or three decades, since the end of the Cold War and the World Conference on Human Rights in Vienna in 1993, shifted from being a cause narrowly associated (in popular perceptions and in political practice) with oppositional civil society groups advocating the interests of the underprivileged and oppressed to being seen as a shared responsibility for all members and institutions of society. Human rights work has in this process moved from the fringes into the *mainstream* and now implicates public officials at all levels of government, stewards of private business enterprises and specialists working, for example, in law enforcement, diplomacy, international development cooperation, international peace and security, development economics – just to mention a few of the many relevant areas.

Professional practitioners representing a broad cross-section of academic disciplines have an important role to play in this connection. Certain professions such as law and political science have a long history of engaging with human rights. The

medical profession came on board relatively early, similarly social workers. Psychology, as already noted, is a relative newcomer to this scene, but a closer examination of the history of the profession in fact reveals a rich legacy of normative engagements that resonate strongly with human rights – even if not thematised as such. A central aim of this chapter is to help to render this legacy visible and to further map avenues for human rights engagement for psychologists.

The chapter is structured in two main parts: the first part addresses the implicit *ethics of human rights*, i.e. ways in which the normative framework related to international human rights in the 21st century applies not only to agents of government but also “horizontally” in the everyday interaction between people and to the conduct of specialised professional groups. It in this regard overlaps or intersects with established professional ethics. A key aim will be to identify some of the main points of both compatibility and tension between these normative frameworks.

The second part provides a discussion on how the diverse branches of psychology relate to human rights. Since its origin as a separate scientific discipline there have evolved many different fields of study, with their associated applied aspects. These have diverged in significant respects, and so to understand the way these different branches connect with a human rights-based approach requires some examination of both the explicit and implicit values that inform their practice as well as their domains of theory and practice. Furthermore, this section will suggest how all psychologists, whatever their discipline, might analyse the way they could become more aligned with human rights.

The final part of the chapter describes a more pragmatic perspective on ethical conduct and human rights implementation that is further developed in the book. It is one thing to embrace a certain normative commitment, quite another to consistently realise it in practice, and history is replete with examples of egregious professional misconduct even in spite of existing rigorous ethics standards. The authors in this light introduce two main models for integrating values and professional practice. One was developed by an educational psychologist and focuses on ethical competence. The other model is drawn from the world of human rights practice and outlines the parameters of an effective “human rights-based approach” to, among other things, development and social programming.

Professional identity and social responsibility

An important aspect of what constitutes professional identity is one’s identification with, or reflection on, the values associated with the profession. This does not imply that all practitioners share a unified, clearly defined value base. Obviously they do not. But they continuously relate to a range of normative expectations, points of ambiguity and characteristic challenges associated with the given profession. This is part of the on-going dialogue among practitioners and informs the manner in which the profession is viewed by society. This is a complex issue in any professional context and all the more so in the case of psychology given its origins as a scientific discipline with many different areas of investigation, including studies of computer models of cognition, understanding animal behaviour, and human and animal moral development, to name but three, as well as its application in a very wide range of fields, including organisational and social psychology and clinical settings.

A useful model in social psychology to conceptualise identity in this context is Social Identity Theory as it has been recently applied to leadership and health (Haslam, Reicher, & Platow, 2011; Van Dick, Becker, & Meyer, 2006; van Knippenberg, 2017). This describes how, in the course of everyday life, we associate with a plurality of social identities. Much of the time we may not actually be aware of the many social identities we have, as they only become important – or “salient” – when triggered by specific circumstances or when perceived to be under threat. Practitioners of a given profession, accordingly, consciously or tacitly accentuate different aspects of their professional identity in different contexts. The aspect of professional identity that we seek to elucidate here has to do with the normative commitments that one embraces as a practitioner and that guide professional practice.

Conduct, ethics and human rights

The collective value base guiding professional conduct is articulated within the framework of professional ethics, typically in the form of codes and guidelines. As tools for regulating conduct, these are sometimes perceived negatively by practitioners, but they also contain a positive statement of common commitments – an aspirational reflection of what the profession stands for at its best and the values with which practitioners strive to be associated and by which they are prepared to be held accountable. The value base of a profession is also reflected in its history, in particular iconic events, complicated cases and prominent points of controversy.

Based on extensive consultations with a broad range of stakeholders, individuals and groups involved in and affected by research and professional practice in the context of development cooperation, Ulrich has identified five main parameters of ethical consideration which he argues apply with varying emphasis to all areas of professional conduct (Ulrich, 2017). Taken together, they delineate the range of concerns addressed in concrete detail by ethics codes in different disciplines. According to this taxonomy, the five main categories of issues that together define the realm of professional ethics are:

- i. *No-harm issues* (about how one’s actions and decisions affect others, *what* one does to others – directly or indirectly; by commission or by omission; physically, materially or psychologically; immediately or in the longer term);
- ii. Issues having to do with *beneficence* and *justice* (about doing good for others, promoting a greater good, maximising available scarce resources, ensuring a fair distribution of burdens and benefits, preventing and redressing wrongs, addressing needs);
- iii. Communication issues/issues concerning *recognition* and *respect* (relating to the quality of our interaction, *how* one relates to others, recognition of competence and autonomy, negotiating expectations of reciprocity);
- iv. Issues related to *collaboration* and the *negotiation of vested interests* (about correct conduct and *fairness* in how the parties involved in professional practice mutually benefit from their engagement);
- v. Issues of compliance with *scientific and professional standards* and institutional policies.

It should be noted that many characteristic ethical dilemmas present themselves at the intersection between two or more levels of consideration, typically in the form of a tension or conflict between competing commitments. Paternalism, for example, denotes a prioritisation of one's commitment to doing good for others over the obligation to respect their capacity for self-determination. Utilitarian reasoning, which prioritises the second parameter indicated above, raises questions about the degree to which particular risks of harm are justified by the prospect of a greater good. Conflicts and tensions between different principles and competing priorities arise on a continual basis in the human rights context as well.

Embracing an ethos of human rights

A more detailed elaboration of ethical considerations at each of the five levels is beyond the scope of this chapter (see Ulrich, 2017). Our principal aim in the present context is to demonstrate that human rights norms overlap considerably with the issues covered by professional ethics and when properly understood have the capacity to make an original and challenging contribution at each of the five levels of consideration identified above.

An immediate obstacle to recognising such affinities lies in a perceived disconnect between the legal idiom in which human rights are articulated and the language of professional ethics. As standards of international law, human rights are conceived as personal liberties, entitlements, powers and immunities that states are obligated to honour and protect. They establish government obligations vis-à-vis individuals inhabiting the territory under its control. The underlying normative framework, accordingly, positions individuals as rights holders and states as duty bearers. This asymmetrical disjunction of rights and duties is frequently criticised as being antithetical to an ethos of social responsibility, as it fails to attribute obligations to individual agents. The separation of rights and responsibilities, so it is stated, is profoundly unhealthy. This was a central theme already in the thinking of Mahatma Gandhi who, despite being one of the preeminent human rights pioneers of the 20th century, consistently emphasised morality, social obligations and the importance of fostering a common spirit of benevolence, tolerance and service towards one's fellow human beings. "The true source of rights is duty", Gandhi proclaimed. "If we all discharge our duties, rights will not be far to seek. If leaving duties unperformed we run after rights, they will escape us like a will-o'-the-wisp" (Gandhi, 1957).

Gandhi's sentiment resonates widely in a contemporary context and is a primary cause of scepticism in relation to human rights. It is closely linked with a perception that the human rights architecture is excessively individualistic and legalistic. However, while certainly pertinent, this does not capture the full picture. The appropriate response is not to simply reject the notion of universal human rights protected by the rule of law; it is rather to elaborate, and to some extent rediscover, the ethical dimension that it also entails. If we aspire to realise a society governed by common respect for the dignity of the human person, then all inhabitants must recognise a fundamental claim to rights protection in their fellow human beings and must interact with one another in this spirit.

The human rights framework thus entails both "vertical" and "horizontal" obligations, which in fact co-exist side by side and reinforce one another. Vertical obligations

apply to states and are codified in the form of law. Horizontal obligations, by contrast, are predominantly ethical in nature and apply both to powerful corporate actors such as business enterprises and to private individuals (ordinary citizens). In our horizontal interaction with one another, we all become human rights duty bearers.

Mapping essential features of an ethics of human rights

What, then, are the principal tenets of the implicit ethos of international human rights? And how do these tally with established standards of professional ethics? These questions can be approached in many different ways. In what follows, we shall examine each of the five levels of ethical consideration identified above and inquire what the human rights perspective has to contribute.

Do no harm

The most obvious and most immediate ethical obligation deriving from a commitment to human rights consists in the simple injunction to *not contribute to violations*. Within the legal framework, this is articulated as an *obligation to respect* human rights. While initially articulated with reference to states, the obligation to respect applies with equal force to private actors. Analytically speaking, this is a negative obligation which resonates closely with the injunction to refrain from inflicting harm, as is expressed in the non-maleficence principle of professional ethics.

What the human rights perspective contributes to the ethics discourse is the specification of a broad range of possible manners of inflicting harm, as each human rights article can be taken as a signpost in this regard. The human rights framework, places focus on specific freedoms, entitlements and immunities that all members of society must recognise in one another and that we are ethically obliged not to place in jeopardy – directly or indirectly, through acts of commission or omission.

Specifically related to professional conduct, the obligation to respect engages professionals in their capacity as *potential violators* of human rights. It requires a high level of foresight and awareness so as to avoid unintended adverse consequences of one's actions. The ethical obligation, reinforced by the authority of an internationally recognised human rights framework, also *empowers practitioners* in different areas by enabling them to set limits to the range of actions which they can legitimately be asked to undertake by employers and public authorities.

Doing good for others, contributing to the realisation of human rights

Taking the above line of reasoning a step further, the ethos of human rights is naturally associated with a commitment to assist in shielding fellow human beings from abuse perpetrated by others and in a wider sense contribute to the general societal enjoyment of human rights. This bears affinity with what in the taxonomy of state obligations is recognised as *obligations to protect* and *obligations to fulfil* human rights. These are both positive obligations that at the level of state conduct are associated with legislative measures and law enforcement as well as with monitoring, promoting, facilitating and progressively realising human rights. Articulated with reference to individual conduct, the corresponding ethical obligation may be

understood as a matter of bearing witness and taking action against human rights abuses that come to one's attention, engaging in advocacy and campaigning for human rights compliance, raising one's voice to hold government to account. The analogous expression within the context of professional ethics is found in the principle of *beneficence*, which denotes a positive obligation to devote oneself to doing good for others. Ethical obligations in this regard are less specific and less absolute in nature than the obligation to refrain from inflicting harm for the simple reason that our agency is limited with regard to the good that we are able to accomplish in comparison with the scale of need laying claim to our attention. But even so, the aspiration to do good is a powerful and universally recognised guiding principle which inspires action in all spheres of human conduct.

What the human rights framework contributes to professional ethics at this level is, once again, a concretisation of standards by which to qualify the common good. As a "common standard of achievement for all peoples and all nations" (Universal Declaration of Human Rights (UDHR) Preamble), universal human rights norms summon us to action in response to entrenched societal patterns of discrimination, deprivation and abuse. Transposed into aspirational policy documents, such as the Global Compact, the Sustainable Development Goals and most recently the Global Compact for Safe, Orderly and Regular Migration, they define a range of ethically compelling objectives of both global and local relevance. Professional practitioners in virtually all fields have an essential role to play in realising such objectives. In virtue of their authority and access to information, they are often in a privileged position to act as witnesses of wrongdoing which might otherwise go unnoticed, and they are needed as partners of government in the wider realisation of human rights. This is notably true in relation to economic, social and cultural rights, which entail an aspect of progressively realising objectives set at national level and monitoring the gradual achievement of such objectives with reference to pre-defined indicators and benchmarks and available statistical data. Actions of this nature do not exhaust the injunction to do good for others for professional actors, but the reference to human rights may in many contexts help to qualify and give direction to this otherwise vaguely defined ethical norm.

Recognition, reciprocity and respect

Ethical considerations having to do with honouring expectations of *respectful communicative interaction* tend to be under-accentuated in formal ethics codes but are perceived to be of paramount importance by virtually all stakeholders involved in ethically charged interaction (Ulrich, 2007, 2011, 2017). They concern not just what we do to and for others but also the quality of *how* we interact, how we relate to one another. This may at first sight appear to be less directly connected with the value base of human rights, but upon examination one finds the exact opposite to be true. The underlying expectation of being treated with respect is integral to the ethos of human rights and reverberates strongly with many specific human rights norms. It is the flip side, as it were, of the foundational premise of universal human dignity, as captured in Article 1 of the UDHR: "All human beings are born free and equal in dignity and rights" (www.un.org/en/universal-declaration-human-rights/).

This is illustrated, most notably, by the cross-cutting principle of *non-discrimination*, which reflects an expectation that all members of society be recognised, accepted and respected for who they are. This imposes a corresponding duty on all of us to consistently observe common principles of tolerance and equal treatment and to refrain from any form of bigotry, hate speech or hate crime. Coming at the same issue from a different angle, it may be argued that most, if not all, mass scale human rights violations are preceded by deeply rooted patterns of *misrecognition* of the population groups exposed to abuse. This is seen in demonisation practices paving the way for acts of genocide and ethnic cleansing, and similarly in the way in which colonial rule, apartheid and the suppression of indigenous peoples were absurdly “justified” by paternalistic notions of acting in the best interest of incompetent peoples. In deliberate contrast to this, Article 1 of both 1966 human rights covenants establishes a *right to self-determination* as a precondition for the realisation of all other rights.

The principle of *recognition of discursive competence*, by which we mean the inherent capacity of human persons to form and articulate value judgments and assume responsibility for essential personal decisions, is reflected in a broad cross-section of human rights norms. This is true of rights related to freedom of conscience, opinion and expression, freedom of religion, the right to participate in public life and also the rights to privacy and family life, which in essence express an entitlement to assume responsibility for decisions affecting one’s very existence.¹ These are commonly understood as negative rights, protecting individuals from external coercion and abuse and thereby safeguarding their autonomy, but they also arguably entail a positive aspect whereby duty bearers share a certain responsibility for facilitating the capability of others to exercise their discursive competences (Nussbaum, 2013; Sen, 1989a, 1989b). Psychology plays an essential role in this regard. This theme is commonly associated with notions of *empowerment*. Within the legal framework, the empowerment agenda will typically be associated with the state obligation to *fulfil* certain rights, and in everyday social interaction we recognise a common obligation to give space and voice to others while engaging in a reciprocal exchange of hearing and being heard.²

Economic, social and cultural (ESC) rights further reinforce this dimension of the ethics of human rights. The rights to education, health, food and work are thus oriented not just towards governments providing for frail and vulnerable people in situations of exceptional need; preceding this, they express a societal commitment to reinforcing autonomy and self-reliance by systematically empowering individuals to feed themselves, effectively and meaningfully pursue good health and realise themselves as active and valued members of society through education and engagement in work and public service. ESC rights, when properly understood, are fundamentally oriented towards reinforcing the capacity for self-reliance and self-realisation of all members of society. This underlying agenda resonates strongly with the ethos of psychology. It intersects with many of the classical civil and political rights, which similarly construe respect for human dignity in terms of the liberty, and indeed capacity, to project oneself into social relations in a self-directed and humanly fulfilling manner.

Safeguarding equitable relations among colleagues and peers

This level of ethical consideration is fundamentally about managing and negotiating vested interests while ensuring transparency, propriety and equity or fairness in

professional relations. The essential ethical requirement is to disclose any possible conflicts of interest and avoid unduly benefitting from decisions taken in one's professional capacity or privileging individuals to whom one is related. This applies to anyone with significant professional decision-making responsibilities. In practical terms it may mean ensuring appropriate recognition of all contributors to a joint publication or ensuring a meaningful say for all in how tasks are being approached, proportional salary and employment terms, and equal access to security measures in case of a sudden crisis in the area where work is being conducted.

Concerns of this nature resonate with the underlying ethos of human rights on account of some of the core principles already registered, such as the principles of non-discrimination, equal treatment and respectful collaborative interaction. The ethical requirement to avoid conflicts of interest and abuse of office furthermore reflects a commitment to prevent and combat corruption in the management of social affairs by both public and private actors (as highlighted by Global Compact principle no. 10: www.unglobalcompact.org/what-is-gc/mission/principles). This is increasingly being recognised as integral to the worldwide endeavour to realise human rights.

Working in conformity with established institutional and disciplinary standards

The parameter of ethical consideration having to do with honouring established scientific and professional standards applies to human rights professionals as much as to practitioners in any other field. It aims to ensure effectiveness in the achievement of intended outcomes and protects the general public as well as individual consumers and clients from adverse outcomes, e.g. in the form of substandard treatment or exposure to hazardous products or practices. The ethical considerations in this regard overlap with considerations related to the principles of beneficence and non-maleficence and are incorporated in the human rights framework, notably through the inclusion of "quality" as a criterion by which to evaluate government compliance with obligations to provide essential societal goods and services (in addition to "availability", "accessibility" and "acceptability", which together constitute the so-called AAAQ framework³).

Human rights and the family of psychology professions

Having examined the general normative implications of embracing a commitment to human rights, we now turn to considering what this entails in practice for psychologists. As this book is principally written by, and has many examples of, psychologists whose work is informed by an understanding of human rights and a commitment to defending human rights, the reader can gain an overview by consulting other chapters. However, while there are no figures on this, the majority of psychologists do not consider human rights when conducting their day-to-day work, and many would find it difficult to see the connection between their field of psychology and human rights. In the next section of this chapter we explore some ways in which you can work out how a field of psychology might connect to a human rights approach, and see how you might use this to develop your own professional identity informed by human rights.

Psychology covers a wide range of topics and is applied in many different settings, and so the concept of a family of professions may be helpful here. Each branch of psychology tends to have an applied as well as a theory and research-based component – what you might call a scientific discipline and its associated applied field – and these may have different underpinning values.

A starting point for exploring this is to look at the values on which the branch of psychology is based and examine how these might connect to a human rights approach and lead on to the identity of the profession. We suggest that an important dimension on which these professions can be organised is the degree to which they focus on individuals (or parts of individuals as in neuroscience), compared to other branches that focus more on the social or collective aspects. For example, in the field of social work (Ife, 2012) it is said that focusing on the individual experience tends to have less connection with human rights and that a human rights-based approach makes private troubles into public issues (Cox & Pardasani, 2017). As we shall see, this is not the whole story as some quite individually focused branches of psychology have developed some rights-based advocacy aspects to their work. Below are some examples of different fields of psychology and their connection with a rights-based approach. There are many others, and this is only a brief selection to illustrate how to explore this territory. Community psychology, social psychology and industrial/organisational psychology are given as examples, but this approach can be applied to any branch of psychology. Exercises at the end of the chapter invite you to explore the values that underpin different branches of psychology and how these can make the links between its practices and a human rights-based approach.

Community psychology

The branch of psychology with probably the closest connection to human rights is community psychology. It has a long history, and perhaps can be seen as having its origins in studies of children living in slum conditions in the USA, and how this affected their development (Witmer, 1910). Other strands included studies that began in the 1930s of how unemployment impacted on people's lives (Fryer, 1992; Jahoda, 1992). These ground-breaking studies described how inequality and power structures in societies affected the lives of people and had implications for both how psychologists might make the most difference in improving people's lives and also for policy makers. Community psychology, unlike other branches of psychology, includes a commitment to social action. A key figure in the development of new approaches in psychology was Kurt Lewin, who, in his "social action" work in the 1930s conducted studies that strongly endorsed democratic participation rather than coercion in developing productive industries, in respect for law and order and how significant the role of communication in social relationships was to good community functioning (Adelman, 1993). Kurt Lewin can be considered as an important founding father of all three subdisciplines, and also American social psychology – for example, Leon Festinger was his student (Festinger, Schachter, & Riecken, 1956).

The ideas of action research disappeared from academic social and organisational psychology and only survived with any energy in community psychology and an example of where it has been retained is illustrated by the community psychology

division of the American Psychological Association. This was founded in 1965 at the Swampscott Conference on community mental health and has as its mission the advancing of theory, research and social action. Much of the energy for the establishment of community psychology was dissatisfaction with the limitations that individually based psychological approaches had in solving social problems. While often retaining a critical stance towards the way human rights have been institutionalised, many community psychologists would see themselves as human rights defenders.

Social psychology

This branch of psychology has similar roots to community psychology, and they share some of the same values. Generally considered one of the founding figures of social psychology, Kurt Lewin was a refugee from the Nazis and the field of study he established had a commitment to trying to understand and perhaps prevent the atrocities of the Second World War. Studies that examined the social processes that could have allowed the euthanasia programme, where the first gas chambers were used to kill children and adults with disabilities, were a key focus (Lifton, 1986). While social psychology today has a much wider field of view, it retains this heritage and provides a relatively easy connection to human rights-based approaches (Doise, 1998)

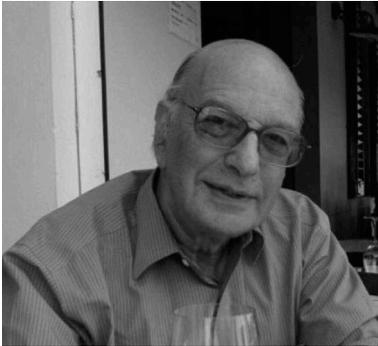
Industrial/organisational (I/O) psychology

Some accounts of the history of the application of psychology to industry and business suggest that it has, in large part, been marked by a focus on how industrial output can be improved, worker efficiency increased and profits maximised. However, there has always been a strand of this work that made social responsibility a key aspect of their endeavours. Writing in the *British Journal of Psychology* in the 1920s at a time of great conflict between workers and employers, the industrial psychologist Susan Brierley recognised the importance of developing a genuinely ethical approach to this work, and that it could not ignore the challenges that it faced in that area. In some prescient comments critiquing the way economists view people as “manikins” whose only motive is economic, she argues for a much more humanitarian approach, informed by the voices of the workers, particularly the well-educated ones, who articulate their needs and rights (Brierley, 1920). Health and safety laws have also been a strand of I/O work that is informed by values that take both the needs of the organisation, but also the ethics of providing a good work setting. The field has taken a further turn towards more explicit social responsibility with the scandals that have emerged in recent times in large corporations. This shift in focus is summarised by Joel Lefkowitz’s chapter in *Using Industrial Organizational Psychology for the Greater Good* (2014), where he writes about I/O psychology from a values perspective and he says:

a profession must give an account not only of its substantive knowledge base and the instrumental applications of such in its professional practice, but also its moral or normative belief system concerning human well-being. This should include the use of moral values and criteria for evaluating its aims and actions, as well as those of its clients; and articulating a normative view of how organizations ought to behave from a moral perspective.

Two people who illustrate some of these themes are shown in Boxes 6.1 and 6.2.

Box 6.1 Psychology and disability rights



How can the rights of people with disabilities be realised? This was Professor Peter Mittler's challenge as a psychologist and advocate. Professor Peter Mittler is a clinical psychologist who has over many years been a researcher, clinician and advocate. In his book, *Thinking Globally, Acting Locally – A Personal Journey* www.mittlermemoir.com (Mittler, 2010), he describes the way his career developed from individual work, via research and practice, to policy formulation and his

active role with other disability rights advocates in the production of the United Nations Convention on the Rights of Persons with Disabilities (CRPD). His work on inclusive education and changing the way people with learning disabilities were treated has helped transform much of the disability landscape. In recent years he has continued this campaigning work focusing on the rights of people with dementia, having this condition himself. He joined Dementia Alliance International (DAI) www.dementiaallianceinternational.org and, together with others, persuaded the Council of Alzheimer's Disease International to adopt a human rights-based policy, including full access to CRPD and other relevant human rights treaties for its 85 National Member Societies (for more information, see <https://tinyurl.com/Peter-Mittler>).

Box 6.2 Psychology and children's rights



How can children who have communication difficulties or who have been severely traumatised have their voices heard? This was the challenge that developmental psychologist Dr Ruth Marchant (April 9, 1961–December 12, 2018) pursued during her professional career (see <https://tinyurl.com/Ruth-Marchant>). She connected her advocacy for children's rights by embedding it in both research and social action. In recent years she, together with colleagues at Triangle, the

organisation she founded (<https://triangle.org.uk>), has been able to show that very young children, including those who have been through traumatic experiences, can give credible evidence in court. She was one of the first registered

intermediaries whose role is to assess and facilitate the communication of a witness (see www.theadvocatesgateway.org/) where she was a pioneer in showing that if adults got it right, the child's voice could be heard and relied upon. She has played a significant role in changing the way the criminal justice system in the UK deals with children's evidence. Throughout her career she was committed to always engaging young people in any processes that concerned their welfare and rights. One example was her work that led to the publication of the "Chailey Charter" www.chf.org.uk/Chailey_charter.pdf setting out the rights of children who lived in Chailey Heritage, a school for children with complex disabilities.

As noted above, these examples are to show how you might approach any field of psychology (or indeed, any other discipline) to discern its relationship with human rights, starting with uncovering the implicit values, and also those expressly stated. From there you could ask: how focused is the discipline only on the individual experience; how much is it contextualised and does it refer to power relationships? These will help get a picture of the identity that a practitioner of such a profession would be expected to adopt.

The values that a profession endorses, as we have shown, are often expressed in the ethical framework to which they subscribe. The relationship between such frameworks and human rights-based approaches is taken up further in the book.

Conclusion and summary

In an era of ever-increasing global inter-dependency, humanity has an urgent need for an agreed moral compass by which to navigate hitherto unprecedented challenges with profound consequences for the future of our species. The universal human rights standards form a core element of such a normative compass. They project a vision of a world shaped by social justice and respect for the dignity and integrity of every member of the human family, yet this is far from being honoured in practice and contemporary geopolitical trends seem to indicate setbacks rather than progress. Under such adverse circumstances, there is an urgent need for a revival of the human rights agenda that involves a wide range of stakeholders, from governments to individual citizens.

Psychologists, by virtue of their professional competences and diverse social functions, always premised on an intimate understanding of human experience and social interaction, have an essential role to play in this endeavour, but it is one that has not yet been well defined. This chapter has demonstrated that the underlying ethos of human rights resonates strongly with the ethics guiding the work of psychologists as well as with key moments in the history of the profession, and has aimed to trace some initial, important steps in making explicit their own contribution to promoting such an agreed moral compass.

Questions

1. How would you characterise the values underpinning the work of experimental psychologists (<https://eps.ac.uk>)? How do their values connect with ethics and what connection can you see between the identity of the professional who practises experimental psychology and human rights?
2. What would a human rights-based approach look like in clinical psychology?
3. Are you sceptical about human rights? As an exercise, list all the arguments you can think of that support being sceptical. Then list counter-arguments.

Notes

- 1 A growing literature, informed in part by queer theory, applies a similar line of reasoning in relation to the affirmation of sexual identity (see e.g. Grigolo, 2003).
- 2 This theme is central to Habermas' Discourse Ethics, which is based on his wider theory of communicative rationality and communicative action (Habermas, 1990, 1994).
- 3 See, e.g., the World Health Organization's elaboration of the right to health at www.searo.who.int/entity/human_rights/topics/right_to_health/en/, last accessed 17.12.2018.

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Use and misuse of psychological science, knowledge and research

Tony Wainwright and Giovanna Leone

Introduction

This chapter is concerned with how psychological science may be used, and sometimes misused, in areas that bear on human rights. The chapter can be read as a kind of warning that psychology can be dangerous as well as beneficial. To this end we have included mainly examples where psychology has caused harm.

We begin by comparing legal and psychological approaches to human rights and stressing the pivotal role of human dignity. We argue that promoting human dignity for rights holders will also promote their human rights, and that undermining their dignity could potentially adversely affect their human rights. We hope this will allow readers to evaluate psychological theory, knowledge, research and practice against this metric: does it promote or impair human dignity? We will then present examples of how psychological research has contributed to enhancing human dignity and examples where it has led to human dignity being undermined.

What are the principles that we should use to judge if psychology in fact impacts positively or negatively on human rights? As we shall see, some fields of psychology are unlikely to affect human rights by virtue of their subject matter, although some may have an unexpected effect on these rights in spite of their seemingly remote impact on them. For instance, even the Nobel Prize-winning psychologist Ivan Pavlov, planning the seminal work on digestive reflexes that he developed on animals in laboratory settings, could have hardly foreseen that his results will open an immense field of applied works based on analogies between human processes and animal conditioning (e.g. Allan, 1993). A similar example could be presented from “Big Data” allowing for the storing and processing of extremely large amounts of personal information, collected with the aim of fostering easier communication among people as well as a better insight on societal phenomena. Here again, these technological developments, while having many benefits, have also become a threat to people’s privacy, and more widely to democracy. They have been addressed at a legal level, as for instance shown by the General Data Protection Regulation elaborated as specific laws across Europe.

Apart from these fields of research, where knowledge can turn into a threat to human dignity and welfare with impacts diverging from the main intended aims of researchers, other fields of psychological science directly impact the welfare of human beings and these are likely to be centrally relevant for the main concern of this chapter. We argue that the principle of upholding or undermining human

dignity is a simple touchstone to grasp both these kinds of challenges, although we shall mention others as well. Moreover, we will expand more on negative examples because we hope to show how easily psychological knowledge could turn into a threat for the welfare of those belonging to marginal or dominated social groups, or even become a destructive tool when a violent conflict arises between groups. By these negative examples, we hope to enhance a critical and self-reflective attitude among all those interested in applying psychological knowledge in their everyday life and work.

Lessons from the past

In its relatively short history, psychology has applied a scientific approach to questions about the human mind that people have raised for thousands of years. Little by little, its research has produced a rich variety of different empirical observations, giving us valuable insights that sometimes differ deeply from common sense or may be strikingly counter-intuitive. The science of psychology has been in constant development since its early years, and has developed into a diverse and many-sided discipline – a bewildering mixture of subjects, each with its own language, methods and subject matter.

Referring to the central theme of our chapter, i.e. the reflection on how psychology may impact on human rights not only for the best, as it is hoped, but sometimes also for the worst, we have chosen some episodes taken from the history of the discipline in order to understand some of the underlying dynamics of this relationship.

The science of psychology got off to an enthusiastic start in the middle of the 19th century in Europe, with the publication of the first text books, the opening of the first laboratory and the establishment of the first psychology journal (Weiner, 2013, Chapter 1). These early years were marked by the need to put some clear water between psychology and the other disciplines from which it had emerged, in particular philosophy and physiology, and to clarify what the scope of this new science was to be. The dominant cultural attitude at that time included the realisation that it was possible to apply experimental methods to understanding human behaviour, methods that had previously only been applied to physical aspects of our lives. Furthermore, the methods of introspection, favoured generally by philosophers, were now considered as problematic, and something that needed to be and could be addressed using the experimental approach. The excitement of the time came from the idea that it now seemed possible that people could take control of their own destiny by the application of science.

During the years that saw the emergence of psychology as science, the work of Isaac Newton was being applied in all sorts of ways and the mathematics he developed provided tools for understanding the world. The way nature was organised was also being studied during this time and the publication of Charles Darwin's *On the Origin of Species* was a turning point. The debates that took place about human beings' place in the world, framed in the context of the positivistic approach to science, were challenging not only philosophy, but religion as well, shaking the values that had informed morality and the direction of public policy. There were many strands to this, but we will focus particularly on those issues that have

a bearing on the relationship of the science and the emerging thinking on human rights. Even within this there are many possible elements that we could discuss in terms of the origins of the profession – how the psychology of women was understood, how sexuality was viewed and so on. Among the many challenges that psychology as an emerging science was facing, in this chapter we will analyse mostly these fields where the work of psychologists arrived to threaten the human dignity of participants. We have chosen to examine two examples, eugenics and racial theories, as these were key areas showing how psychologists could play not only a positive but also a negative role, as far as human rights were concerned.

From science to public policy

Into this ferment of ideas a brilliant researcher and thinker, Francis Galton, began his work. At this stage of the development of psychology as a science, the distinction between what individuals did in their research, academic or practice work was not clearly defined – so Galton studied an enormous range of topics including, for example, instructions on the best ways to prepare a cup of tea. His main work, however, in the field we are particularly concerned with concerned the development of “differential psychology” and how different characteristics were inherited. He came from a family that were by any standards high achievers – Charles Darwin was a cousin – and this gave Galton the idea that being brilliant (as he believed he was) was something he had as a gift when he was born. He drew up charts showing how gifted people often had gifted relatives and he published a book called *Hereditary Genius* in 1892. Here was evidence that clever people ran in families. In a series of papers, presentations and books he further developed this to show that not only did genius run in families but those who were less intellectually able also ran in families. The mood of the times was, as noted above, that human beings could now take control of their own destiny, and Galton embraced this wholeheartedly. He believed that science should and could play a key role in developing policy that would help improve the lives of people. In 1883 he published a book entitled *Inquiries Into Human Faculty and its Development* (Galton, 1883), where he proposed the new science of eugenics, which would become a major cause of human rights abuses in the next century (Hansen & King, 2013). Galton based this on three pillars of research – it was evidence-based!

1. The differential psychology results (that is, people differed in their abilities as measured using careful experimental approaches).
2. The inheritance of talents and deficits.
3. The evidence that those who were more able tended to have fewer children.

The policy objective became to prevent those who were considered to be “inefficient”, in the words used at the time, from breeding (negative eugenics) and to encourage those who were well endowed to have many children (positive eugenics). This was psychology and public health working together.

While psychology was developing in its early years contemporary racial theories were being debated. In much of Galton’s writing the racism by contemporary standards is extreme. In his work described above he also argued strongly that certain

groups of people were innately inferior and suggested that the scientific methods he was applying strongly supported his case.

So while the main focus of eugenics wasn't the issue of race, it was one of the main ingredients and the support that the emerging science of psychology was giving to racist theories is an important aspect of its early relationship with human rights (Fancher, 1983).

Emerging opposition

Taking the two topics we have selected as an example of how psychological science could turn into a threat for human rights, eugenics and racial theories, it is also informative to know what opposition was developed among psychologists. There is strong evidence that eugenics was taken up without serious opposition and was supported by many campaigners who saw themselves as progressive thinkers, so the lack of opposition among psychologists was part of a broad acceptance of the paradigm. As we have seen, the model that eugenics was based on, was that some humans have more rights than others, so was fundamentally different from the human rights framework as we now understand it. The ideas underpinning it spread world-wide and the methods of negative eugenics – discouraging or preventing some people from having children – were put into practice in many countries. Given the scale and “success” of this aspect of psychologists’ efforts, it is surprising there was so little opposition.

To find it we need to turn to a psychologist working in the United States. There were two strands to the opposition. The first we will describe comes from work on children growing up in the slums and the second from psychologists who investigated the role played by a person’s racial identity in that person’s life chances.

Lightner Witmer was a psychologist who first coined the term “clinical psychology” and so can be said to be, in some sense, the founder of the profession that bears that name. His paper, published in 1910, entitled *The Restoration of Children of the Slums* (Witmer, 1910), is a powerful attack on the eugenic ideas that were the dominant paradigm of the time. In this paper, Witmer is clearly outraged by the way children living in poverty are treated, and the implication that their problems are due to their heredity rather than their living conditions. The quotation here gives the flavour of his opposition to the eugenic movement.

One does not expect figs to grow from thistles, and the slum child seems naturally destined by the force of heredity to grow into an inefficient adult. There are many reasons, however, for repudiating this belief in the potency of heredity. The different races of men are not separated from one another as are the fig tree and the thistle. The different social classes of the white races constitute more nearly a single human family. Modern research, such as the parliamentary investigation into the physical deterioration of the English people, indicates that the degeneracy which is symptomatically associated with slumlife, is to a great extent acquired by each generation and not inherited from the preceding. The inefficient product of the slum is the result of the treatment received during infancy and childhood. Children of the rich, of the moderately well-to-do, and of the poor are, as it were, representatives of the same species of plant growing under diverse influences of

soil, sunshine, air and moisture. You would doubtless consider it dangerous for your own child to spend a single night in a typical home of the slum. Children born into slum life, of slum parents, apparently do not differ very greatly from your own. A few of them, but only a few, are strong enough to fight their way out of their environment into better conditions, and even these bear permanently the scars of the battle. Many succumb quickly to the unfavorable conditions. The majority are irretrievably damaged in early life and their physical, mental and moral development is more or less seriously retarded. Shall we shut our eyes in order not to see that grinding poverty is slowly executing a death sentence upon many of these children, a sentence which is only the more cruel because it takes so many years to be finally carried out?

(p. 266)

He goes on to give very practical examples of what happens to young children in slums and how he was able to help them and suggests that this “clinical psychology” is the way forward.

The other strand that was opposing the eugenic ideas can be represented by Francis Sumner, who is sometimes described as the father of black psychology. In 1920, he was the first African American to receive a PhD in the United States (Sumner & Sumner, 1931). As you can see from the quotation above from Witmer, the idea that the “races of men” were not fundamentally different was in stark contrast to the dominant racist views which were generally current in society at large and in psychology.

From eugenics to euthanasia: the Nazi euthanasia programme and civic opposition

The extreme dangers in this pseudoscience of eugenics are illustrated by the Nazi euthanasia programme in which disabled children and adults were murdered; indeed, the first gas chambers were for this purpose (Loistl & Schwanninger, 2018). This programme was able to gain ground since cuts due to the economic depression after 1930 created overcrowding and squalor in German public facilities for handicapped people. Justifications for this murderous programme included compassion, reducing suffering and the practical reason of saving money allotted to “useless” citizens; in addition, more “scientific” reasons put forward from eugenics and racial hygiene theories referred to earlier and indeed already other eugenic methods like mandatory sterilization had been in operation in many parts of the world. This “scientific” approach was amplified during the war by the argument that “the best young men died in war, causing a loss to the *Volk* [national community] of the best genes. The genes of those who did not fight (the worst genes) then proliferated freely, accelerating biological and cultural degeneration” (Lifton, 1986, p. 47).

Here again, however, this historical example can also show the psychological and social processes of resilience that were used to face this extreme historical situation.

In fact, although these crimes were masked by pseudoscientific justifications and were perpetrated in secret places, to let the relatives of those judged “unworthy of life” hope that the disappeared ones were simply placed in other clinics to receive better treatment, ordinary people witnessing these killings often sent protests and

petitions to the Reich Chancellery. Also a handful of people in the same Nazi party, of doctors and of bureaucrats struggled against this programme. But “the strongest, most explicit and most widespread protest movement” (Evans, 2009, p. 98) against the euthanasia programme was set in motion by the “Four Sermons” given in July and August 1941 by the Catholic Bishop of Münster, Clemens August Graf von Galen. In order to make clear to all those listening how these fake scientific reasons were hiding a complete dehumanisation of those killed, he said:

We must expect, therefore, that the poor defenceless patients are, sooner or later, going to be killed. Why? ... because in the judgment of some official body, on the decision of some committee, they have become “unworthy to live” and because they are classed as “unproductive members of the national community”. The judgment is that they can no longer produce any goods: they are like an old piece of machinery which no longer works, like an old horse which has become incurably lame, like a cow which no longer gives any milk. What happens to an old piece of machinery? It is thrown on the scrap heap. What happens to a lame horse, an unproductive cow? I will not pursue the comparison to the end – so fearful is its appropriateness and its illuminating power

([www.churchinhistory.org/pages/booklets/vongalen\(n\).htm](http://www.churchinhistory.org/pages/booklets/vongalen(n).htm))

Speaking up for the human dignity of those threatened with a “mercy” death was the key rhetorical strategy allowing this fearless Bishop to oppose such a powerful propaganda machine. Although not reported in the German press, Galen’s sermons were circulated illegally as leaflets, and even dropped by the Royal Air Force over German troops. These sermons were very influential, since this orator trusted in the capacity of ordinary people to oppose violent challenges to human rights (first of all, the right to life), due to their moral emotional reactions, empathising with those who were threatened as fellow human beings.

From historical examples to today’s overview

Psychology as a specific cultural force in the struggle for human rights

As we mentioned in the introduction, and also to simplify what is a complex analysis and taking account of the examples discussed earlier in this chapter, we suggest that psychology, if used well, fundamentally contributes to the promotion of human rights, because many of its empirical findings show how *the need for human dignity* appears to be grounded in some very basic self-reflective capacities of the human mind (Shultziner & Rabinovici, 2012) and that there is a very close relationship between upholding human dignity and upholding human rights.

All the examples of the use and misuse of knowledge stemming from psychological research that will be discussed in the second part of the chapter are chosen because they illustrate the role of human dignity in psychological research. In spite of their striking differences and specificities, all these examples help to deepen our understanding of how the need for human dignity reinforces the ethical claims for

promoting human rights and for advocating for the prevention of human rights violations.

From the point of view of psychological research, challenges to human dignity can therefore be explored by observing the emotional reactions people show when facing controversial events, since emotions seem to provide systematic input into complex moral judgments (Greene & Haidt, 2002; Haidt, 2001). While cultural definitions of human dignity have changed depending on historical and cultural contexts, emotional reactions to threats to human dignity appear to be relatively stable (Shultziner & Rabinovici, 2012). As already mentioned, it has been suggested that these emotions, especially when referring to an appreciation of the moral standards that are expected to rule human interactions, can enhance ethical claims of *moralisation* of inter-human interactions (Rozin, 1997). These theoretical proposals are highly relevant here, because they provide an account of how “to safeguard the specific ethics ... that allow people to live together harmoniously” (Horberg, Oveis, & Keltner, 2011, p. 242). We expect therefore that emotional reactions to challenges to human dignity could act as basic motivators for the social struggle in favour of human rights.

While to some degree oversimplified, we contend that human dignity (see Chapter 2 for a detailed discussion), being subjectively felt as a sense of self-worth, can be seen to connect well with all human rights. You can perhaps think of it this way:

- When related to interpersonal interaction, keeping a positive sense of self-worth can be seen as the opposite of dehumanisation, humiliation and degradation (Kaufmann, Kuch, Neuhaeuser, & Webster, 2010).
- When related to social groups, a positive sense of self-worth can take the name of social inclusion, and be seen as the opposite of discrimination, racism and marginalisation (Dovidio, 2010).
- When finally seen from the point of view of opportunities to fully develop one’s own personal capacities, a positive sense of self-worth can take the name of capability, and be the opposite of each kind of restriction in personal development (Sen, 2017).

However, in spite of the great cultural contribution that psychological science can make to the understanding of the processes driving towards the moralisation of social life, many examples can unfortunately be found where psychology has also threatened human dignity, rather than fostering it.

Why and when psychological research can affect the human dignity of participants

To best grasp how violation of the human dignity of participants in research could practically occur, we have to remember that it is organised, as with all other scientific activities, in three main steps.

1. Research aims are identified at the outset of a study, and while these are sometimes focused on the specific interests of the researchers, they are also heavily influenced by the context – for example, who is funding the study, and the

ideological framework of the associated institutions. We show how this plays out in some examples below.

2. Secondly, there are predictions based on theory and previous research on how participants will experience the research and what psychological and other consequences there might be. These may be taken carefully into account in an ethically well-designed study, but may not be, and the result can be serious infringements of human rights.
3. Finally, when data are collected, their interpretation and what is now called the research “impact” could raise a third issue for human rights. Researchers have to ask themselves about the ethical consequences of their explanations. Although researchers cannot be sure of the way in which readers will interpret their messages, they have to consider if it is possible that the interpretation of their research might lead to violations of human rights, without that being their intention.

To exemplify this last kind of misuse of psychological knowledge, our third section will critically discuss how research on social inequalities, taken from different fields of psychology, has sometimes had the consequence of making these social inequalities even greater. These last examples will be used to show how, if scientific results are presented and discussed without critically foreseeing the ultimate consequences implied by the kind of explanations proposed, they may sometimes contribute to the maintenance of the same inequalities threatening the human dignity of participants that researchers were trying to address, therefore damaging their human rights.

Unable to say no to the unethical aims of research partners: the SERE case

Our story of the SERE (Survival, Evasion, Resistance and Escape) programme and its relationship with psychology begins after September 11, 2001, when “enhanced interrogation” techniques (EITs) were authorised by the US government. EIT procedures are based on such things as prolonged sleep deprivation, sensory deprivation, enforced nudity and painful body positions. EITs became routine in at least three war zones, and in an unknown number of secret “black sites” under the responsibility of the Central Intelligence Agency (CIA). Each one of the procedures composing these EIT is considered by the United Nations to fall within the definition of torture, and the United States recognised these techniques as violations in its reports on human rights practices (Iacopino, Allen, & Keller, 2011). In fact, in an executive summary of a 6700-page report, the US Senate Select Committee on Intelligence Agency’s Detention and Interrogation Program made public its conclusions in December 2014, stating that:

encouraged by political leaders and the public to do whatever it could to prevent another attack... CIA personnel, aided by two outside contractors, decided to initiate a program of indefinite secret detention and the use of brutal interrogation techniques in violation of U.S. law, treaty obligations, and our values

(p. 2)

The “two outside contractors” were psychologists, Bruce Jessen and James Mitchell. Originally, they had been involved in helping American soldiers survive if tortured by communist enemies in the Cold War-era SERE program (Shane, 2014, p. A16).

Thanks to their involvement in SERE programs these two psychologists were very familiar with psychological processes triggered by situations of dehumanisation and so were able to adapt their methods for resistance into methods for producing dehumanisation and human rights violations in the name of so-called enhanced interrogations.

The two psychologists were chosen by the CIA to design the EITs. Therefore, knowledge gained by psychological research on the morally sensitive topics of how to face war situations where one’s own human dignity was in danger was finally turned into psychological advice on how to design specific techniques, the intention of which was to destroy human dignity and psychological resilience, of people held in detention under US control.

This last step, turning an understanding of processes of human resilience into a tool to undermine the resilience of other human beings, conceptualised as being necessary in the pursuit of national security, dramatically shows how the moral judgment of psychologists cooperating in such activities was influenced by the specific context and justified on that basis.

Readers can consider how much the mind-set of the psychologists cooperating in such a project echoed processes described by other psychologists and how they were affected by influential research partners (see Mitchell & Harlow, 2016 for Mitchell’s account of his role).

To be clear, the psychologists who developed the enhanced interrogation programme thought it was the right thing to do. In his book, Mitchell refers to his reflections on whether it is ethical and decides it is. They were able to justify their involvement by such arguments as protecting American citizens from harm. Their acceptance of such violent aims may be an exemplar of the moral disorientation that can be observed when a societal ethos of conflict (Bar-Tal, Sharvit, Halperin, & Zafran, 2012) becomes dominant in social discourse. According to this theoretical framework, when intergroup relations are socially represented as a zero-sum game where only one of the two contenders may survive, the out-group individuals can be easily seen as nothing but enemies, with no entitlement to moral respect as fellow human beings. The SERE case teaches us that psychologists must be able to recognise critical signals of such a societal climate, and the ethical shortcomings it can bring for intergroup relations in general and for their own professional work more specifically.

Many have been shocked to see how psychologists whose research contributes to our understanding of how moral judgments are made, appear to have had great difficulty in grasping such evident ethical misconduct. Moreover, it has to be briefly mentioned – a complete discussion of this complex issue exceeding these pages’ aims – that results expected from these techniques were far less effective than those planned. While it is clear on ethical and moral grounds this approach was unacceptable, it was also not effective (O’Mara, 2016).

The evidence observed in the SERE case is similar to that described by Herbert Kelman and Hamilton in *Crimes of Obedience: Toward a Social Psychology of Authority and Responsibility* (Kelman & Hamilton, 1989), where they expand on some of the underlying psychological mechanisms that make such misconduct possible.

It can often be the case that misuse of psychological (and other) science happens when requests by research partners cannot easily be resisted – especially when psychologists are working in potentially abusive environments, for example the prison service, the military forces, the police service or mental health provision or under conditions of conflict outlined above.

It shows how human rights' violations may become easier when political power declares such violations as both feasible and lawful, because they are said to serve "national interests". In the SERE case, such violations were eased by the US Department of Justice's revised definition of torture, which raised the physical and mental pain thresholds for torture (Iacopino et al., 2011). To face this kind of moral challenge, which can sometimes be met in difficult historical times, psychologists have to pay attention to the many ways in which the societal context where their professional activities are embedded may shape their own implicit representations of the world (Hogarth, 2001).

Bad consequences of good intentions

A second aspect is how empirical data are presented and discussed in publications meant for the scientific community and for society at large. Sometimes, in fact, scientific discussions and popularisation of some specific data, potentially apt to put at stake the human dignity of research participants, can endanger the participants' human rights, even when researchers are motivated to do their best for the same participants. To make this point, research on social inequalities will be considered, taken from different fields of study.

Inequalities in scholastic attainment

In her recent review of the way in which psychological research has dealt with the issues of inequalities of children's achievements in school, Doris Entwisle (2018) pointed out how developmental psychologists have emphasised factors internal to the child much more than the social contexts in explaining children's development. This point of view has led them to disregard how inequalities of achievement may be socially constructed as the final result of marginalisation processes, making it extremely hard for children of deprived or dominated social groups to fully develop their potential capacities. It can be argued that this biased perspective on children's development can be traced back to the lack of dialogue between Jean Piaget and Lev Vygotsky during the first decades of the 20th century. The impact of these two scholars on psychological development and education has been so huge and so deep as to make reviewers describe their influence as "too much present to not be noticed, and much monumental to be grasped" (Lourenço, 2012, p. 281).

As is well known, and also thanks to an astonishing group of collaborators working with him in his well-equipped centre of research in Geneva, Piaget described fully how children's intelligence and judgment develop, from birth until first youth, following regular stages. These stages were afterwards not only corroborated by further research, but also found to be pan-cultural. In fact, the methodologies developed by Piaget and co-authors are still used to assess the child's so-called "mental age" – measured by observing the child's capacity to solve more and more complex

problems and, when older, to be able to justify the strategies used to understand and solve these problems.

Working in a more remote and difficult situation, Vygotsky unsuccessfully tried frequently to enter into a scientific discussion with the influential Swiss scholar. Although isolated by the repressive control of Stalin's regime, that judged his scientific approach to be too "cosmopolitan" (Luria & Conquest, 1999), the Russian researcher developed another point of view on children's development, taking more into account how the regular unfolding of individual development is inextricably intertwined with the learning opportunities offered to the child by parents, teachers, elder brothers and sisters, coaches and so on, to solve problems that the child can grasp, but cannot yet solve autonomously.

Piaget's approach that focused on individual child development influenced developmental psychologists all over the world while the lessons of the studies of Vygotsky, who died prematurely in the USSR, touched the scientific community only later, mainly thanks to the intermediation of Jerome Bruner. Woods, Bruner, and Ross (1976), well aware of the lessons of the young and talented Russian psychologist, attracted researchers' attention to processes used by adults to enhance child development. Based on the fundamental idea of Vygotsky that "all the higher functions [of the human mind] originate as actual relationships between individuals" (Vygotsky, 1978, p. 57), they called "scaffolding" those interactions by which more expert people (parents, teachers, coaches, elder brothers and sisters, and so on) help children to gain more and more advanced skills. Looking at the tentative autonomous solutions of children, these more expert people can gradually modify their own support, in order to make it possible for children to grasp and solve the difference between their first ineffective efforts and the competences needed to successfully execute a better performance. Once this competence is internalised by the child, the help provided by the most competent person may gradually fade, similarly to scaffolding used during the building or restoration of a house, where this temporary structure is removed once the work is done. Thanks to this innovative point of view, theories explaining the different outcomes in children's school achievement could be reached, looking not only at the way in which the child's performances reach a pre-assessed level expected for the majority of similarly aged children, but also at the way in which teachers and other more competent people try to adapt their help, thanks to their understanding of the different needs of each child.

Making it evident that it is not possible to disentangle a child's personal development from the role of social relations that foster the unfolding of developmental stages is, in fact, a crucial theoretical step. Being aware of this enables psychologists to avoid the risk that their own interventions may trap the child in deprived circumstances, which would arise by focusing solely on the individual rather than the collective context (Au, 2016). Moreover, when observed from the perspective of scaffolding processes, studies are able to show how small differences in teacher-pupil interactions may, at early ages, account for poor school attainment and school inequalities (Entwisle, 2018), systematically depriving children according to their gender, ethnicity and social dominance of their groups and confirming Witmer's earlier hypothesis.

In a similar vein, a large body of evidence in developmental psychology shows how psychologists focusing exclusively on an individual's lack of competence, and

disregarding the teaching strategies used – or misused – to reduce inequalities among pupils ultimately endorse the social order and as such contribute to the maintenance of inequalities and injustice (Au, 2016).

Concluding remarks

This chapter aimed to critically discuss the influence that psychological science may have, either for the best or for the worst, on the diffusion and social acceptance of human rights. Taking for granted the huge variety of subdisciplines that are today included under the general label of psychology, the chapter contended that a need to protect human dignity could be constantly found as a key element of all ethical claims eventually leading to the consolidation of human rights' priorities. Thanks to empirical observations of the emotional reactions to violations of this basic need, psychological studies showed how ordinary people greatly contribute to the moralisation of interpersonal and intergroup relations, making societies a better place to live. Psychological knowledge in fact not only allows us to understand in greater depth the violence enacted between human beings, but also their resilience towards such cruel interactions – since human violence adds to aggressive behaviours used by all animals to survive the unique wounds of humiliation and degradation of those who receive such aggression.

We may conclude that in many situations of psychological research and practice there may be a thin line between the good use of psychological knowledge and its misuse – particularly in potentially abusive environments. The implications are that psychologists need to be very aware of what to do and what not to do, including refusing to act against one's own moral judgment and reporting when violations of human dignity occur.

Concluding these pages, we come back to the question from which we started: What are the principles that we should use to judge if psychological science, knowledge and research, if at all, have been or are impacting positively or negatively on human rights?

Summing up all considerations originated from our examples, two main principles seem to emerge, as well as a practical suggestion.

As a first principle, we can judge the impact of psychological interventions on human rights by noticing if psychologists are actually taking the perspective of receivers of their professional activities, to see if these people could feel that their human dignity is challenged by their psychological interventions. A second principle we can use is to observe if psychologists – especially when working in potentially abusive environments, or living in violent historical times – have struggled to protect their capacity for independent moral judgment.

Based on these two principles, we suggest that psychologists' teachers, professional trainers, scientific and professional associations have to clearly assume their own responsibilities, to help psychologists when they have to show their courage and openly face human rights violations. In fact, when occurring at this collective and institutional level, these positive actions can not only powerfully empower human rights, but can also implicitly stress that, for psychologists, the capacity to diagnose when human dignity is at stake is not only a matter of personal empathy, but also a crucial facet of their professional expertise.

Questions

1. Do psychological ideas about eugenics continue to affect human rights and if so, how?
2. Consider how the obedience to authority studies (Milgram, 1974) were used or misused in connection with human rights.
3. In what way might psychologists' tendency to focus on the individual and a disorder rather than the context, both social and in terms of power relationships (Johnstone, 2019), put at risk the human rights of those they are aiming to help?
4. In what way do other ethical principles in psychology, apart from dignity, play a part in promoting or undermining human rights?
5. Taking the example of Cambridge Analytica (Jacobson, Gruzd, Kumar, & Mai, 2019), what role did psychological science play, and how did this affect human rights?

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Playing together

Children's human rights and psychology

Kerstin Söderström and Ragnhild Dybdahl

Introduction

Childhood is not only a period of time, it is an unfolding landscape, writes novelist Hoem (2013). This landscape is shaped by the caregiving context in transaction with the unique qualities of the individual child. It can be fertile, safe and supportive, or meagre, hostile and dangerous. This early landscape, much studied by psychologists, continues to influence health, relations, learning, productivity and civic participation into adulthood (Shonkoff & Philips, 2000; Young, 2017). The Convention on the Rights of the Child (CRC) (United Nations General Assembly (UN GA), 1989) can be viewed as a cross-culturally accepted “handbook” of what it takes for a child to thrive, and a supplement to developmental psychology textbooks.

The aim of this chapter is to write psychology into the children's rights agenda, and demonstrate the value of combining human rights and psychology. We argue that psychology can, and should, be an active player in the fulfilment of children's rights, locally and globally. Conversely, integrating the human rights framework into science and practice will strengthen psychology. Human rights instruments have the capacity to bring fields and professions together, not least through monitoring mechanisms such as regular national human rights reporting procedures. Human rights instruments also provide opportunities and legal measures to identify gaps and implement knowledge. Throughout the chapter, we advocate a *human rights-based psychological practice*, meaning “to actively relate to the content of existing international Human Rights conventions and relevant national legislation, work to ensure that rights are respected, and react when Human Rights are at risk of being violated” (European Federation of Psychologists' Associations (EFPA), 2015b, para. 3 (i)). The human rights framework thus provides both a guideline and a tool for psychologists' work.

We will focus on early childhood and selected articles of the CRC (UN GA, 1989), and link the youngest children with current global issues, in particular the United Nations' Sustainable Development Goals (UN SDGs) (United Nations (UN), 2018). Although all ages of childhood are important, narrowing the scope to early infancy highlights less-studied aspects of children's rights. These include the indivisibility of mother–infant health, and the necessity of adequate nutrition to fulfil children's right to life, health and development.

Mother–infant health is integrated in the UN SDGs of Agenda 2030 (UN, 2018). Sustainable development has been defined as societies' development that manages to meet present needs without compromising future generations. From a psychological

perspective, *sustainable* development also refers to processes that support present and future needs and the well-being of the individual, and which contributes to positive social interaction, productivity and civic engagement, for the benefit of both individual and society.

The SDG Agenda 2030 is a global road map for ending extreme poverty, protecting the planet and promoting peace, human rights and good governance. These goals can only be reached if a multitude of actors at all levels of society take part. In line with Woodhead (2016), we argue that investment in well-being and mental health from before birth through early childhood is crucial to reach the SDGs.

The evolving nature of science and law

Neither science nor the human rights framework is fixed, but rather evolutionary in character. For example, fulfilment of CRC Article 24 on *the right of the child to the enjoyment of the highest attainable standard of health* (UN GA, 1989) is relative to time and place. It means something else today than when the CRC was adopted in 1989. CRC Article 6, describing *the right of the child to life, survival and development* (UN GA, 1989), cannot be implemented without accounting for the knowledge revolution of early childhood development (ECD) over the last 30 years. For example, there is now substantial evidence that early adversity profoundly affects the developing brain (Schoore, 2016). We know that childhood toxic stress impacts adult somatic health (Brown et al., 2010; Dube et al., 2009), and that experience affects gene expression (McGowan et al., 2009).

With knowledge comes responsibility. Governments and services must be informed about new insights and updated on the knowledge base in order to reach their policy aims and human rights treaty obligations. The knowledge revolution of ECD has implications for policies and priorities. In line with Binagwaho, Scott, and Harward (2016), we argue that failure to support early development is a violation of children's rights to health, education and economic prosperity.

Unfortunately, as we see it, neither scientific nor applied psychology has managed to fulfil this knowledge responsibility. We suggest that psychology has failed to team up with other sectors and actors in a way that translates knowledge into policies and actions for child well-being in line with its potential. Evidence suggests that integrated quality programmes that combine interventions from several sectors have most impact. Human rights for children and the UN Agenda 2030 (UN, 2018) provide golden opportunities for psychology to change from solo to team players.

Teaming up depends on knowledge of each other's field and finding viable linkages between human rights and psychology. Therefore, we provide a brief introduction of children's rights. Then, we link sustainable global development to child development, and explain why a special focus on children's rights and early childhood is important. The third section explores how the expertise of psychologists can strengthen children's human rights. Finally, challenges and lessons learned are described.

Children's human rights

Human rights provide a moral and legal platform to protect and promote fundamental rights at all ages. Children's human rights have been embraced by the international community for a long time, acknowledging children's vulnerability and special need for protection.

The 1924 Geneva Declaration of the Rights of the Child (League of Nations, 1924) was adopted in an extended form by the UN in 1959 (UN GA, 1959). It established children's rights to means for material, moral and spiritual development; special help when hungry, sick, disabled or orphaned; first call on relief when in distress; freedom from economic exploitation; and an upbringing that instils a sense of social responsibility.

With the adoption of the Universal Declaration of Human Rights (UDHR) (UN GA, 1948) another important step was taken to formalize the rights of children. UDHR Article 25 states that "motherhood and childhood are entitled to special care and assistance" and that "all children ... shall enjoy the same social protection". In 1979, in the International Year of the Child, work to draft a legally binding convention on children's rights started, resulting in the CRC, unanimously adopted by the UN GA in 1989 (UN GA, 1989).

The UN Convention on the Rights of the Child

The CRC is the most widely and rapidly signed and ratified human rights convention in history, demonstrating a universal consensus on the need to protect the rights of the child. The CRC (UN GA, 1989) is formulated as 45 substantial principles defining civil, political, economic, social, health and cultural rights of children, sometimes summarized as the three Ps: the rights to *protection* from harm, *provision* for basic needs and *participation* rights. The CRC describes a comprehensive set of rights and conditions that are essential for healthy child development by accounting for individual needs and external factors, including familial, social and environmental influences of childhood (Betancourt et al., 2012).

The CRC has been further strengthened with the adoption of three additional, optional protocols (UN GA, 2000a, 2000b, 2011).

- On the involvement of children in armed conflict
- On the sale of children, child prostitution and child pornography
- On a communications procedure introducing a mechanism by which children may submit complaints to the Committee on the Rights of the Child.

The predominant topics in children's rights studies are involvement, agency, awareness, citizenship, respect for rights and social change (Brantefors & Quennerstedt, 2016). This indicates that the literature is mostly about children who can walk and talk, and less about infants' rights. Our focus voices the rights and needs of infants, who in the literal meaning of the word do not yet have the capacity to speak up for themselves. Although psychologists need to know the entire content of the CRC, here, due to space limitations, only a selection of articles relevant for early childhood and sustainable development are addressed.

Article 3: the best interest of the child

"In all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, the best interests of the child shall be a primary consideration" (UN GA, 1989).

This radical and profoundly important principle is much used in rhetoric, even from opposite standpoints, for example in debates about migrant and refugee children. To prevent misuse of the principle, and to ensure that the child's best interest is firmly justified, the UN child committee defines the child's best interests as a threefold concept:

- “A substantive right: The right of children to have their best interests assessed and taken as a primary consideration when different interests are being considered ...”.
- “A fundamental, interpretative legal principle: if a legal provision is open to more than one interpretation, the interpretation which most effectively serves the child's best interests should be chosen”.
- “A rule of procedure, so that whenever a decision is to be made that will affect a specific child, an identified group of children or children in general, the decision-making process must include an evaluation of the possible impact (positive or negative) of the decision on the child or children concerned”. (United Nations Committee on the Rights of the Child, 2013, p. 4)

If other concerns overrule the best interest of the child principle, a rule of procedure must clarify the impact on the child, what is considered to be the child's best interest and why it was overruled. The UN High Commissioner for Refugees (UNHCR, 2008) has developed guidelines on determining the best interest of the refugee child. The knowledge of early childhood development is relevant to many best interest determinations.

Article 6: the right to life, survival and development

“States Parties recognize that every child has the inherent right to life. States Parties shall ensure to the maximum extent possible the survival and development of the child” (UN GA, 1989).

The article holds governments responsible for providing a landscape of childhood that ensures survival, fosters healthy development and does not impact negatively on children's well-being.

During the 30 years of CRC's existence, great progress has been made for children, including a significant reduction in child mortality. Still, millions die from causes that could have been prevented, and many more do not get sufficient protection, health care, nutrition and education to fulfil their developmental potential.

Article 6 seems, at first glance, uncontroversial and self-evident. However, it has been, and will continue to be, a battleground for the definition of when life starts, and reflects the inseparable and complex character of mother–infant health and rights. When a pregnant or new mother is in danger, deprived of fundamental rights, the baby's rights are threatened. For example, UNICEF (2015) stipulates that more than 16 million babies were born in conflict zones and during flight, many under life-threatening conditions and violations of Article 24.

Article 24: the right to health

“States Parties recognize the right of the child to the enjoyment of the highest attainable standard of health” (UN GA, 1989).

States Parties are expected to take appropriate measures to combat infant and child mortality, disease and malnutrition, and ensure appropriate pre-natal and post-natal health care for mothers. It is the responsibility of the state to provide all people, in particular parents and children, information and education and support in the use of basic knowledge of child health and nutrition. States are expected to ensure provision of adequate nutritious food and clean drinking water, and reduce the dangers and risks of environmental pollution.

States Parties are not only obliged to realize children's right to health in their own countries, but should also promote and encourage international co-operation to achieve the full realization of the right recognized in Article 24 everywhere, especially in developing countries.

Jakab, director of World Health Organization (WHO) Europe, argues that poor health has social determinants; it "cannot be explained simply by germs and genes. It involves the circumstances in which young people live" (Currie et al., 2012, p. xvii), calling for whole-of-government responsibilities to identify risk and create a landscape of childhood that supports population health and the reduction of inequalities.

Article 27: the right to adequate living standard

"States Parties recognize the right of every child to a standard of living adequate for the child's physical, mental, spiritual, moral and social development" (UN GA, 1989).

The parent(s) or other(s) in their place have the primary responsibility to secure the child's living conditions, but States Parties are expected to take appropriate measures to assist caretakers to implement this right, to provide material assistance and support programmes if needed, particularly with regard to nutrition, clothing and housing.

UNICEF (2015) has documented that climate change impacts child survival and protection, stipulating that half a billion children live in areas where floods are extremely common, and nearly 160 million live in high-drought zones. Children and youth all over the world, inspired by teen-activist Greta Thunberg (2019), are demonstrating for their rights to survival, health and sustainable living conditions for people and planet.

Adding child psychology to the CRC

Child psychology involves the scientific study of how and why children change, and how opportunities for development can be optimized, in line with CRC Article 6. Children's development encompasses all areas of children's well-being, as reflected in CRC Article 27 (UN GA, 1989). As demonstrated above, infant human rights and well-being cannot easily be translated in terms of rights at an individual level (Odent, 2012); there is always a caregiving context and a physical environment.

The Child Convention (UN GA, 1989) provides ample opportunities for psychology and the science of early childhood development to form alliances with other disciplines, human rights activists, the WHO (2019) and the Agenda 2030 SDGs (UN, 2018). Joint efforts must address both the individual child and the caregiving context at multiple levels: from healthy pregnancies, safe deliveries and parental

support, to child-friendly neighbourhoods and institutions, to child protection and welfare systems, and inequalities and adversities on a regional and global scale. Such a systems and global approach can be challenging to the dominant individualistic orientation characteristic of both the human rights framework and Western psychology.

Global development and children's development

Children's development is linked to global development in many ways, as human resources are the basis for societies' development and the future of peoples and the planet. For example, children's cognitive development is crucial for their ability to benefit from education and learn the skills that are needed for a society's economic development. ECD interventions are promising for improving labour markets and subsequent economic growth (Tanner, Candland, & Odden, 2015). Nobel Laureate James Heckman (2008) calculated that high-quality birth-to-five programmes for disadvantaged children can deliver 6–17% per year return on investment, concluding that investing in human well-being, beginning from pregnancy, gives a higher societal pay-off than any technical or structural investment.

Not just poverty, but also inequity, threatens global development. It is increasingly recognized that investment in early childhood is one of the best ways to combat inequity (Engle et al., 2011), thus being one of the ways in which children's development and global development are linked. The gaps between the development of rich and poor children, for example in terms of language development, is already substantial before they enter school (Schady et al., 2014), and contributes to the learning gap between advantaged and disadvantaged children.

During early childhood, brain development is rapid and characterized by a high degree of plasticity in brain organization. Brain architecture is strongly influenced by environmental factors and experience. Exposure to extreme stress and deprivation is likely to have serious and long-term effects. Severe deprivation due to institutionalization has been associated with reduced brain volume, larger amygdala volume, decreased cortical activity, altered frontal and limbic activity, white-matter abnormalities and irregular hormone levels, similar to effects of violence and harmful events (Perego, Caputi, & Ogliari, 2016).

Psychology's contribution to this aspect of infant human rights is knowledge of the interplay between neurobiological development and social experiences, the long-term consequences of neglect and adversity and ways to support recovery. Studies on attachment, maternal depression and parenting support (Center on the developing child, 2007; Tanner et al., 2015) are examples of this. Although ECD interventions can have positive impacts on a wide range of outcomes into the adult years and generate benefits to society, not all investments and programmes work. Thus, applying available knowledge is imperative, especially when it comes to scaling up interventions (Richter et al., 2017).

Focusing on the psychology and human rights of early childhood is justified by progress of insights into ECD and its profound potential for changing lives and societies. It is based on the "emerging view of the potency of early experience in shaping both life outcomes and national outcomes" (World Bank, 2015, p. 98), as well as early childhood being an area where knowledge urgently needs to be translated

into policies and action. The concept of “nurturing care” is useful to incorporate different aspects of children’s well-being, and is described by Britto et al. (2017) as a stable environment that is sensitive to children’s needs. These are health and nutritional needs, protection from harm, opportunities for stimulation and learning and interactions that are responsive and emotionally supportive. These are complementary to the three Ps of the CRC (UN GA, 1989) mentioned earlier, i.e. protection from harm, provision for basic needs and participatory rights.

A human rights-based psychological approach

How then can human rights and psychology join forces and become team players in promoting human rights for children, from birth to youth, and at the same time contribute to global sustainable development? Firstly, a human rights-based approach aligns with the ethical principles for psychologists, e.g. EPFA’s (2015a) *Model Code of Ethics*. Psychological practice is expected to do good, treat people with respect, avoid doing harm and be non-discriminatory. Our practice should promote dignity, self-determination and empowerment of people and communities. It also supports advocacy as a tool, such as speaking out about human rights violations and raising awareness amongst people of their rights, and obligations of states.

A human rights-based approach is not just an underlying value, but also a practical tool to identify when human rights issues are at stake, and to address whose responsibility it is to respond and help. A rights approach provides us with the concepts of rights holders and duty bearers. Linking back to the under-recognized issue of the right to adequate nutrition, mentioned in CRC Articles 6, 24, and 27 (UN GA, 1989), Table 8.1 exemplifies different aspects of the States Parties’ obligations as duty bearers to the mother–infant dyad who are rights holders with the example of breastfeeding. In this example, the psychology of parenthood and ECD is valuable knowledge for both duty bearers and rights holders.

Knowledge from developmental psychology has informed a number of early childhood interventions (Britto et al., 2017; Rao et al., 2014). Entry points include health, nutrition, pregnancy, hygiene, social protection, parents’ work place or pre-school. Examples from Betancourt, Fawzi, Bruderlein, Desmond, and Kim (2010) and Betancourt et al. (2012) demonstrate a rights-based approach combining the CRC and

Table 8.1 Example of distribution of rights and duties

<i>Aspect of Convention on the Rights of the Child Article 6</i>	<i>Obligation to respect</i>	<i>Obligation to protect</i>	<i>Obligation to fulfil</i>
Breastfeeding supports infant survival, health and development	Promote attitudes and legislation that ensure time and space for breastfeeding	No advertisement for substitute formula on public maternity wards	Programmes to support breastfeeding and health care programmes that monitor development

psychological knowledge in tailoring interventions to vulnerable children in Rwanda. An integrative framework describing four overlapping core domains of children's basic security needs and rights, the SAFE model, guides their work (Figure 8.1). Insecurity in any of these core domains influences the others. The model seek to identify children and families's coping strategies in the face of adversity, in order to strengthen the positive ones and find alternatives for risky strategies.

By 2030, the world aims to reduce maternal mortality and end preventable deaths of newborns and under-five children (UN, 2018). The SAFE framework provides a useful tool to identify the links between human rights, knowledge, coping strategies and interventions related to maternal–infant health. Firstly, safe delivery and access to basic health care are crucial. Clean delivery kits for refugees and other at-risk populations with instructions on how to safely deliver a baby and mobile maternity wards are steps in this direction. Group pre-natal care, midwife and doula support improve maternal health outcomes (Lemore, 2019).

From developmental psychology we know that primary caregivers are central for children's health and development. For example, maternal depression is a risk factor for children's development, whereas parents' scaffolding behaviour, i.e. supporting children so that they can succeed at tasks they otherwise would not manage, and secure attachment are protective factors. Connection to family and friends in safe surroundings is crucial to perinatal mental health and well-being. We also know that education is key to a number of positive mother–infant health and social outcomes (Heckman, 2008).

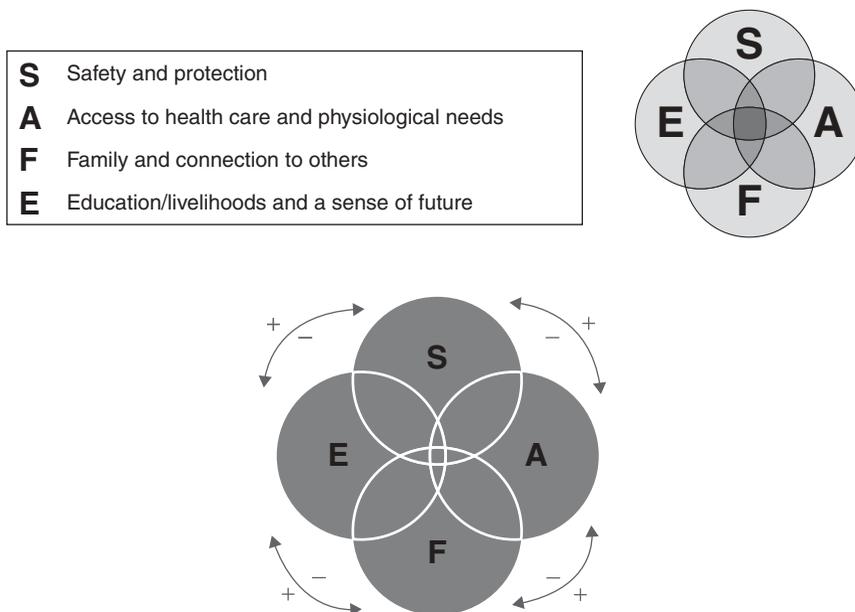


Figure 8.1 The SAFE model (Betancourt et al., 2010, p. 247). Reproduced with the permission of the authors.

Case study

In a recent initiative in Viet Nam, UNICEF is supporting the government to implement a large-scale programme for integrated early childhood development (IECD) in three provinces (Elected officials learn about IECD, 2018). The programme targets parenting, e.g. responsive interaction with the child, health, nutrition and cognition. It also emphasizes fathers' roles, a topic that is often ignored. The programme is justified and implemented through awareness raising and ownership among the duty bearers, such as the relevant ministries and the National Assembly. The rights-based approach is reflected in actions to empower communities and in making duty bearers responsible for children's well-being. The programme is an example of how to put knowledge into practical use on a large scale. However, scientific methods will be needed to assess the results.

Poor nutrition in young children may have severe consequences on current health as well as adult physical and mental health, on childhood and adult cognition, education and income. It even impacts the next generation (Walker, Chang, Wright, Osmond, & Grantham-McGregor, 2015). Nutrition is not only about food, but also behaviour and emotions. This is illustrated by an important study of a stimulation and nutritional supplementation programme in Jamaica which targeted stunted children between the ages of 9 and 24 months (Walker, Chang, Powell, Simonoff, & Grantham-McGregor, 2006; Walker, Chang, Vera-Hernández, & Grantham-McGregor, 2011). The participants were tracked for more than 20 years to assess the long-term effects of the interventions across several domains of development. In the first few years both stimulation and food supplementation had positive effects on mental and physical development. Follow-up studies found that supplementation alone did not cause significant improvements in children's development between the ages of 7 and 22 years. However, the groups that had received stimulation as babies, i.e. a health worker had facilitated interactions between mother and child, reinforcing positive stimulation, showed long-term effects. In contrast to supplementation alone, there were sustained benefits of stimulation across cognitive, language and schooling outcomes (Tanner et al., 2015; Walker et al., 2011).

Developmental psychology provides evidence on how parents' practices and beliefs differ greatly across groups and contexts. Understanding cultural beliefs and existing resources is important for successful interventions. Applying psychological knowledge on how to influence people's behaviour, for example how to promote attachment or breastfeeding, should be combined with a rights-based framework, so that activities are acceptable in the given context, are non-discriminatory, and based on informed consent.

Lessons learned and future challenges

One of the strengths of the CRC is "that it defines rights which cut across cultural, religious and other frontiers" (Sylwander, 2001, p. 7). It is a framework to protect and promote a safe and nurturing childhood.

The quality of early childhood not only shapes the individual life course, but can also have consequences for future generations and the prosperity and well-being of societies (Shonkoff et al., 2012). Lessons learned include that efforts to materialize the best interest of the child with due attention to the science of early childhood require multidisciplinary and multisector collaboration (Binagwaho et al., 2016). Human rights education among child psychologists should be strengthened. Evidence from psychology and behavioural sciences can be shared and used to a larger extent than is currently the case. This was well illustrated by the World Bank (2015) report *Mind, Society, and Behavior*, showing how knowledge from behavioural sciences, including child psychology and the science of early childhood, is needed for poverty reduction and development. The report emphasized the psychological, social and cultural influences on decision making and human behaviour, and that these impact development outcomes. Parental interventions to improve children's cognitive development was used as an example of positive results.

The science of early childhood, the economics of early investments and the rights of the child are interconnected. There is abundant evidence and experience from implementing ECD programmes and other psychosocial and mental health assistance in low- and middle-income countries and in humanitarian settings (Richter et al., 2017; Ventevogel, Ommeren, Schilperoord, & Saxena, 2015). These lessons show that we should target the youngest and most vulnerable children, that interventions must be of sufficient quality and duration and that integrated and comprehensive programmes work best (Britto, Ponguta, Reyes, & Karnati, 2015). Another lesson is that the human rights framework can be a practical tool for psychologists in their daily work. In order to use resources well, coordination is vital, and monitoring and evaluation are necessary to make sure that interventions have positive effects, and do not cause harm.

Numerous challenges remain, both on local and global levels, including the fact that young children's needs demand the involvement of many sectors and disciplines. By taking the child's rights and needs as a starting point, it is clear that contributions from health, nutrition, education, economics, legal frameworks, civil society actors and many others are necessary.

How can we play together?

How can professionals from such different backgrounds play on the same team? The two frameworks of psychology and human rights have different origins and "languages", and are mostly played out on different arenas. Yet, we have shown that they are compatible and complementary. Psychological knowledge is needed to support young children's rights, and human rights awareness improves psychological practice. Human rights experts can play an important role as mediators so that the instruments of the human rights field become available to other actors.

Nevertheless, psychologists work in settings where risks of violating human rights are high. We are repeatedly reminded that the history and current practices of psychology and psychiatry are marked by "egregious rights violations" (UN GA, 2017). An explicit human rights approach may help to avoid doing harm and aid psychologists to scrutinize the human rights aspects of their present practices. A human rights-based psychological practice calls us to actively seek opportunities

to strengthen human rights, and to speak up and act when rights are threatened or violated.

The formal UN monitoring and reporting mechanisms are there for psychologists and their associations to use. It is equally important to weave a human rights and children's rights perspective into daily practice, in our ways of thinking, talking and doing. In actively linking the professional role with human rights, and using the formal and informal possibilities to be heard, psychology can play a role in realizing the ambitions of the human rights framework. In return, the human rights framework can be a potent tool for psychologists.

There are indivisible links between child development, human development and sustainable development. The innovative power of a society is related to cognitive development, which is strengthened by nurturing care. Hence, "early child development becomes more than a humanitarian concern; it is at the core of sustainable development, social capital formation, and societal evolution", writes Jonsson (2003, p. 8).

We end this chapter by citing the preamble of the CRC (UN GA, 1989): "Bearing in mind that, as indicated in the Declaration of the Rights of the Child, 'the child, by reason of his physical and mental immaturity, needs special safeguards and care, including appropriate legal protection, before as well as after birth'." The CRC seeks to ensure and secure the landscape of childhood so children can grow into competent and contributing adults, in turn, to pass that opportunity on to future generations. It is the conventional obligation of the states to secure this fundamentally valuable transaction. It is the social and professional responsibility of psychologists to use their knowledge to ensure the best interest of the child.

Questions

1. Identify and discuss the most pressing human rights issues for children in your community/country. Discuss how to take action to promote, protect and speak up when children's rights are threatened or violated. Reflect on the barriers and "costs" of being a human rights defender.
2. Reflect on how babies' needs and best interests are taken into account in local and international policies and practices. Try to find both positive and negative examples.
3. Read about the UN reporting and surveillance mechanisms. How can psychologists contribute to the implementation and monitoring of the CRC?
4. Read about the SDGs and discuss which goals are most relevant to psychology and infant human rights. Which other actors in your context could psychology team up with?
5. Identify a case/situation where the best interest of the child is at stake. Try to simulate a best interest determination procedure.

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Human rights in business and employment

Promoting the right to decent work

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Introduction

Please think about the working world. You might have a clear vision about what you would expect when entering an organisation as an employee or what you would do as an employer. If you now look at your social surroundings, is the distribution of labour overall or between various groups in the workforce equitable? Are the working conditions always in accordance with human rights? Where do you think violations of such rights could occur?

Usually, if people reflect on human rights abuses in the working world, the first things that come to mind are the clothing industry, mining or toy manufacturing in developing countries in Africa, Asia or South America. In countries such as Bangladesh, China, the Democratic Republic of Congo, India or the Philippines, harmful working conditions (e.g. dealing with dangerous chemicals in the case of illegal electronic scrap from Europe and the United States) and child labour (e.g. when mining or producing soccer balls or firecrackers) are common and well known. This can, however, seem to be far away from our everyday life. Therefore, the question arises as to whether there are any human rights threatened in the Western developed world of work.

In developed countries, human rights in the workforce may be affected in much subtler ways. For example, the trend towards digitalisation offers companies the option of “digital Taylorism”, namely a modern version of “scientific management” (The Economist, 2015). This may be perceived as a great danger for dehumanising the workplace. By using technical equipment, some companies in the logistic, transport and construction sectors, for example, monitor and track employees’ behaviour, performance and location. This type of monitoring was impossible before the fourth industrial revolution and goes far beyond Taylor’s opportunities to control workers more than a century ago. Such conditions can cause a threat to employees’ right to privacy and data protection. Even threats to dignity and respect seem to be potential risks in parts of the modern working world.

As the digital change and its consequences for the workforce exemplify, human rights are, in many instances, at stake in the working domain. In this chapter, we introduce the reader to those aspects of the labour market and companies that build on and can violate human rights. By doing so, we focus on those rights stated in the 1948 Universal Declaration of Human Rights (UDHR) of the United Nations that

primarily affect the field of work, which are declared in Article 23. The viewpoints highlighted in this chapter also relate to the emphasis of Article 7 of the 1966 International Covenant on Economic, Social and Cultural Rights (ICESCR) and 2015 Sustainable Development Goal (SDG 8) that advocates for “decent employment for all”. The chapter sheds light on the value of (paid) work for human beings, the important role of working conditions and the state of equal opportunities. The chapter then explores these aspects from a practitioner’s perspective and suggests psychological prevention and intervention opportunities that can help to sustain or rebuild human rights at work.

Enabling the right to work? Psychological effects of unemployment

The financial crisis in 2007 led to particularly high unemployment worldwide, the likes of which were last reported during the time of the Great Depression (i.e. the 1930s). According to the 2018 International Labour Organization’s *World Employment and Social Outlook* report, the total number of unemployed exceeds 192 million people around the globe. In Article 23(1) of the UDHR, it is declared, however, that “everyone has the right to work” as well as the right to “to protection against unemployment”. From a psychological perspective, theoretical knowledge and empirical findings from the field of unemployment outline why this claim is so important for human beings.

Unemployment alters people’s lives (Klehe & van Hooft, 2018), particularly aspects of wellbeing such as happiness and life satisfaction (e.g. Mohr & Otto, 2011; Paul & Moser, 2009). Unemployment reduces both imminent and long-term financial resources. There is, overall, a 3.9 times higher mortality risk after longer periods of being out of (paid) work (Grobe, 2006). Additionally, studies have found a correlation between reduced financial earnings and mental impairment (Elovainio, Kivimäki, Kortteinen, & Tuomikoski, 2001), and one’s financial situation is related to depression (Frese & Mohr, 1987).

The impact of unemployment on wellbeing, however, arises from more factors than just mere loss of income (Carroll, 2007). Enabling the right to work provides humans with meaning for their lives: work shapes our identities, offers us social inclusion and helps us to achieve collective goals (Fasbender, Wang, Voltmer, & Deller, 2016; Jahoda, 1997). In her Latent Deprivation model, Jahoda (1997) postulates that, besides having the manifest function of earning a living, work serves various latent functions, such as structuring the daily routine of employees, providing them with self-confidence and offering them social rewards (i.e. co-operation, social contact and appreciation).

It might be difficult for unemployed people to live a life with dignity and respect as suggested by human rights because unemployment is commonly associated with stigmas (Fasbender & Klehe, 2019) such as laziness, and is even perceived as a “contagious disease” (Letkemann, 2002). Research controlling for other career-relevant factors (e.g. professional qualification, experience, age) has provided experimental evidence of such stigmatisation processes by revealing employers’ preference for hiring (still) employed as compared to (long-term) unemployed people (Oberholzer-Gee, 2008). Kugler and Saint-Paul (2004) argue that “firms increasingly prefer

hiring employed workers, who are less likely to be lemons” (p. 553). Hence, it is very hard to end unemployment (permanently) if already trapped in it (Bender, Konietzka, & Sopp, 2000). This pattern also explains why it is difficult to get into employment for the first time; such problems are faced by graduates as well as underprivileged people such as refugees when entering the labour market (Wehrle, Kira, & Klehe, 2019; Wehrle, Klehe, Kira, & Zikic, 2018).

For practitioners, the psychological consequences of unemployment are frequently considered to accompany reduced performance (Cole, Daly, & Mak, 2009). Several reasons have been posited for explaining this phenomenon including, for example, the outdatedness of human capital or learned helplessness of the unemployed. More specifically, in line with the so-called “disuse hypothesis” (Berkowitz & Green, 1965), unemployed people are potentially unable to use their skills and advance their knowledge and competencies, which contributes to an outdatedness of their human capital. Realizing this loss of competencies could lead to a shattered self-efficacy and, hence, the assumption of helplessness. However, whereas empirical findings underline that unemployment affects some work attitudes and work behaviour, for most people achieving re-employment eliminates such negative effects within a short period of time (Scheel & Otto, 2016). Yet, unemployed people are in a low-status group and share highly negative attitudes toward their own group. Thus, their own out-group favouritism (i.e. they want to escape the unemployed “in-group” as soon as possible and devalue it and its members) may be one reason why unemployed people do not have a strong lobby for representing their interests in society (Wahl, Pollai, & Kirchler, 2013).

The meaning of job quality: is any job better than none?

Employment should be full (if so desired), productive and decent (SDG 8). The International Labour Organization (2013) provides relevant indicators of decent work among which are adequate earnings, decent working time, balancing work–family–life aspects, job and social security, safe working environment and equal opportunities and treatment in the workplace. This report supplements Article 23 of the UDHR, and Article 7 of ICESCR, which advocate for just and fair working conditions and remuneration. Reflecting on the right to just and fair remuneration, it has been suggested that availability of financial resources allows humans to take part in everyday life, to determine their way of life (Fryer, 1986). Thus, fair remuneration is important to living a dignified life (Article 7a-ii). From a political viewpoint, however, it is often argued that simply having a job is the best solution for all and that people should feel grateful for work opportunities even if a specific job might lack some desired qualitative aspects. This argument serves as a justification for providing low-paid and insecure (i.e. fixed-term contracts and temporary agency work) or precarious work (i.e. insecure work plus few entitlements to income support when unemployed) and for forcing unemployed people to accept such job offerings.

Psychological and sociological knowledge provides evidence that the assumption that any job is better than none is not true. For example, Otto and Dalbert (2013) found that those in insecure employment perceiving high job insecurity were not better off regarding their wellbeing compared to those in unemployment. Similarly,

using longitudinal data from the German Socioeconomic Panel, Grün, Hauser, and Rhein (2010) found that a lack of latent functions of work (Jahoda, 1997) impairs life satisfaction. An examination of the impact of change from unemployment to full-time employment revealed that only 50% of those re-employed felt better, whereas over 20% (i.e. those re-employed with low job satisfaction as well as those who had a worse job than before) felt worse. Grün and colleagues proposed a threshold model predicting that there will not be a positive effect of re-employment on life satisfaction if at least four of six quality aspects (kind of activity, earnings, advancement possibilities, workload, working hours' regulations, use of professional knowledge) are rated as worse in comparison to the previous job.

Regular employment is defined as involving an open-ended, five days per week contract with an organisation that pays taxes and social security contributions and is subject to national labour legislation and protection (Eurofound, 2017). Yet in 2018, almost 1.4 billion workers around the globe – equalling three out of four workers in developing countries – are estimated to be in vulnerable employment (i.e. having few other means of subsistence such as financial means or a partner with a significant income), and an additional 35 million will have joined them by 2019 (International Labour Organization, 2018). In developed countries, work is also shifting radically: new forms of short-term, digitally platform-managed work, such as gig-economy work, now make up between 5% (in the EU) and 17% (in the US) of jobs (Eurofound, 2017). These new forms of employment bring potential pitfalls (e.g. less protection, inconsistency, uncertainty) for workers (Spreitzer, Cameron, & Garrett, 2017) and challenge their work identity (Selenko et al., 2018).

Psychological theories offer criteria regarding how favourable work is designed, and empirical findings provide overwhelming evidence that poor jobs damage the mental and physical wellbeing of the labour force and undermine workers' motivation and satisfaction. One such model that serves to explain health issues related to unjust or unfavourable working conditions is based on the idea of an experienced imbalance between efforts expended at work and rewards received for it (Siegrist, 2002). The Effort–Reward Imbalance model emphasises that work-related benefits depend upon a reciprocal relationship between efforts and rewards at work (Siegrist, 1996), implying that an individual's investment of effort should be matched by adequate rewards (money, esteem and career opportunities, including job security). Lack of balance in this relationship (i.e. jobs that entail high effort and low reward, such as precarious jobs) may cause emotional distress, which can lead to the development of physical (e.g. cardiovascular) and mental (e.g. depression) diseases via sustained activation of the autonomic nervous system (Van Vegchel, De Jonge, & Landsbergis, 2005).

The Job Characteristics model of Hackman and Oldham (1976), in contrast, focuses on the content of specific tasks a person must perform in a job. The model proposes five “core” job characteristics that affect various work-related outcomes (e.g. motivation or satisfaction) through three psychological states (i.e. experienced meaningfulness, experienced responsibility and knowledge of results). Together, the three job characteristics of skill variety, task identity and task significance contribute to feelings of meaningfulness for employees. Meaningfulness has been shown to be related to, among other things, increased intrinsic motivation (Fried & Ferris, 1987) and productive employment (Steger, Littman-Ovadia, Miller, Menger, & Rothmann,

2013). Specifically, skill variety refers to the level to which a job requires a broad variety of activities and/or requires workers to develop their skills. Task identity can be defined as the level to which the job requires the person to identify and complete a work piece, with work being more meaningful if jobholders are involved in the entire process rather than just being responsible for a part of the work. Task significance refers to the level to which the job affects other people's lives. Favourable working conditions in line with human rights thus offer the opportunity for persons to use and develop their skills; to be involved in all stages of a process from planning through executing to finishing a task, product or service; and, thus, to work in a manner that fosters learning and personality development (Barrick, Mount, & Li, 2013). The two other core characteristics are autonomy (how much the job provides the employee with individual freedom to plan out the work and determine the procedures) and feedback (the degree to which the worker has knowledge of results), which are both expected to interact with meaningfulness.

Equality at work without discrimination: how much is there still to do?

In paragraph one of Article 23 of the UDHR it is declared that “Everyone, without any discrimination, has the right to equal pay for equal work”. Although its manifestation, prevalence and likelihood vary according to the characteristics of individuals and organisations involved, discrimination has been reported among employees due to age (Fasbender, 2017), ethnical minority status (Laer & Janssens, 2011) and gender, including women and people of the lesbian, gay, bisexual, transsexual and queer (LGBTQ) community (García Johnson & Otto, 2019). For example, a British study investigating the prevalence of being a victim of bullying found a 6-month incidence rate of 6.4% for heterosexual employees. The number was doubled for lesbians (16.9%) and gay (13.7%) individuals and more than tripled for bisexuals (19.2%; Hoel, Lewis, & Einarsdottir, 2017). However, the prevalence of these violations as well as those in relation to age, religion or ethnic origin varies among countries.

The world is presently challenged by the growing number of refugees, the biggest in recent times (Hainmueller, Hangartner, & Lawrence, 2016). The population of refugees at the end of 2016 was estimated at over 25.4 million people (United Nations High Commissioner of Refugees (UNHCR), 2018). A critical challenge in relation to labour rights is that the majority of the refugees are hosted in developing countries in Asia and Africa where access to meaningful employment is limited, given the already exacerbated unemployment rates. Yet, about 41% of the world's refugees are considered to be in a protracted situation (Dancygier & Laitin, 2014), implying that they remain in the host countries for a long time. An important aspect of integrating refugees in host communities is ensuring involvement in the economic space through job and business opportunities. The Geneva Convention Relating to the Status of Refugees (CSR, 1951) specifically highlights rights to wage-earning employment and social security. The SDG 8 also emphasises employment and decent work for all, hence seeking to eliminate discrimination against groups such as refugees in the labour market and other economic platforms.

However, the reality is that some Western countries do not allow asylum seekers to pursue employment for a considerable amount of time while their applications for asylum are being processed, thus causing additional disruptions to their careers and undermining their ability to enact valued identities (Wehrle et al., 2018). Moreover, the challenge of forced migration and desperation to earn some kind of income lead refugees into lower-rank jobs than they qualify for, leading to lower occupational status and earnings (Connor, 2010). This situation is complicated by prejudices held by host communities and by employers, resulting in discrimination in hiring (Wehrle et al., 2018). Refugees are often the last to be hired, and easily lose their jobs (Lundborg & Skedinger, 2016). An assessment of refugees in the European labour market revealed that about 60% are overqualified for the jobs they hold compared to other immigrants and natives; indeed, refugees need up to 20 years on average to achieve a similar employment status as natives (Dumont, Liebig, Peschner, Tanay, & Xenogiani, 2016). Such patterns reflect violations of labour rights of refugees and pose challenges for their social security, mental health and career development.

Another example relating to the violation of the right to equality and equal treatment is the different economic situation of women and men and the so-called gender pay gap. Article 11 of the 1979 Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) commits states to ensure that women have the same opportunities as men in employment, promotion, training, equal remuneration, social security and safe working conditions. The recent *Global Gender Gap Report* provided by the World Economic Forum (2017), which considered 144 countries for which data were available, indicates that progress has been slow regarding gender equality. While women's and men's current access to education is nearly balanced (with ratios of women to men in primary-, secondary- and tertiary-level education of 98%, 97% and 94%, respectively), when it comes to work and political power, the percentage of females drops dramatically. While it is estimated that the education-specific gender gap could be reduced to parity within the next 13 years, the continued widening of the economic gender gap suggests that it will prevail for another 217 years worldwide (ranging from 47 years for Western Europe to 580 years in the Middle East and North Africa).

The proportion of females as compared to males employed in skilled roles equals 76%; the proportion of females in leadership positions, however, is only 32% (World Economic Forum, 2017). Notably, the blame for differences in employment rates of males and females cannot be entirely placed on employers. The education system and processes that discourage certain people from certain professions undoubtedly contribute to the imbalance in employment. Witz (1990) notes that the "profession" is a "gendered" construct, such that specific groups of people are privileged during professional socialisation, resulting in male- or female-dominated professions. There is also the notation of gendered expertise (Azocar & Ferree, 2015), whereby conceptualisations of competences are centred on gender differences. These result in human rights challenges for minority groups, such as sexism in male-dominated organisations and professions (Powell & Sang, 2015).

From a psychological perspective, the gender inequality effect is mirrored in the case of glass-ceiling discrimination, which prevents women and other minorities from ascending in the organisation's hierarchy despite possessing the necessary

qualifications (Arasu & Lathabhavan, 2017). Whereas the glass-ceiling metaphor is related to the explanation of the underrepresentation of minority groups in general, the issue of their overrepresentation in specific precarious leadership positions in which failing is very likely has been referred to as the glass cliff (Ryan & Haslam, 2007). In addition to this vertical gender segregation, a horizontal segregation is also observed: Even within the same hierarchical level, men and women do different jobs. Pichler, Simpson, and Stroh (2008) explain that women in middle human resource management positions more often are involved in jobs that afford direct employee involvement, whereas men at the same level are more involved in strategic human resource management tasks.

Building on knowledge of human rights in business and employment: what can or should psychologists do?

Psychologists can defend human rights at work. They can use their knowledge to help companies create decent work. They are experienced in risk assessments (which, at least in Germany, by law have to be conducted regularly by companies) and thus can help to identify those working conditions that are unfavourable. In the following paragraphs, some practical advice for ensuring equal opportunities, working with unemployed people and designing decent work based on empirical evidence is provided.

Ensuring equal opportunities and reducing human rights violations in the workplace

Psychologists are often involved in recruitment processes through which they can help to eliminate discrimination in hiring and placement. Psychological assessments should not only serve the interests of the employer but also the applicants and clients to promote equality in employment. Organisational psychologists and counsellors provide consulting services to organisations which allow them to inform employers about potential workplace human rights abuses, including discrimination and stigmatisation of workers from minority groups, bullying, pay discrepancies, effort–reward imbalances and lack of work–life balance, among others. Moreover, from a social learning perspective, psychologists should be role models and set standards for the organisations they counsel (Bandura, 1986) due to their expertise in detecting unacceptable conditions and behaviours in the workplace.

Working with unemployed people

It is evident that the best remedy for the unemployed would be to provide a secure job. However, this goes beyond psychology and is largely affected by political and economic contexts. Nonetheless, career research has highlighted a number of career-adaptive responses that unemployed jobseekers can undertake to foster the quality of their subsequent re-employment, such as exploration, deciding, planning and sustaining their belief in their ability to handle this difficult situation (Zikic & Klehe, 2006). Indeed, these responses appear to be trainable (Van der Horst & Klehe,

2019). Additionally, psychologists can focus on sustaining mental health and (re) building employability.

In this context, any intervention needs to be evaluated with regard to what its goal could be. In cases where the unemployment rate is very high, coping with long-lasting unemployment and trying to secure mental health should include the further development of one's job qualifications for the low-qualified. In contrast, in regions where a sufficient number of jobs are available or where self-employment is an option, re-employment should be the primary target through strengthening employability. Koen, Klehe, and Van Vianen (2013) showed that employability fostered job searches and the chance of finding re-employment among long-term unemployed people, and re-employment interventions helped to develop people's employability (though effects were small). Thus, employability is significant in the re-employment process, and interventions targeted at employability might be beneficial even among the long-term unemployed.

When designing interventions for unemployed people, psychologists should refrain from several practices. One of those is the illusion that the amount of activity put into applications is a predictor of re-employment. Psychologists should be aware that the number of applications submitted may, itself, be a risk for the mental health of the unemployed, who then may have to cope with more negative answers. Further, psychologists may be inclined to implement supporting an unrealistic optimism and a strong commitment towards paid employment. In a longitudinal study, Frese and Mohr (1987) showed that unemployed individuals who held high hopes of regaining employment but were unable to re-enter the labour market 1½ years later had the highest level of depression. Coercing a willingness to make concessions also seems to be counterproductive. This practice increases the risk that re-employment comes along with precarious working conditions.

Improving working conditions through work re-design

As introduced above, in order to avoid negative health impacts similar to those of unemployment, jobs have to contain some basic features of human work design. Under the label of occupational safety and health, legally binding human criteria of good work (Hacker & Richter, 1984) have been established across developed nations that include aspects such as feasibility (indicating that jobs can be executed, considering standard values, e.g. screen heights), elimination of damage (indicating that norms regarding pollutant concentration and of working under conditions of extreme heat, cold or noise are considered), impairment of freedom (indicating that jobs should not risk psycho-somatic or mental health problems, e.g. burnout) and personality promotion (indicating that jobs should allow the development of skills).

Overall, employment must provide a person with the means to live as well as the chance to develop skills, to take part in social life and to make plans for the future (Grün et al., 2010; Jahoda, 1997). When designing meaningful work, psychological knowledge can offer support by means of structural as well as behaviour-oriented preventions (e.g. stress prevention training). In work psychology, there is a clear preference for structural- over behaviour-oriented interventions as structural-oriented interventions keep the focus on structural problems in organisational settings and away from the individual being simply not resilient enough in the tough

working world. Through applying measures of work re-design, meaningful work can be established, and unilateral burdens can be reduced. With the classic methods of job rotation (whereby employees switch between jobs on the same qualification level in a company, e.g., balancing back- and front-office activities) and job enlargement (a widening of the range of tasks to be executed, e.g. replacing assembly lines with modular work where an employee performs not one but several tasks on a single item), task variety can be increased and employees' understanding of the organisation and its entire process can be improved. Both described methods, however, are not appropriate when learning and personality development come into play. Instead, if aiming at growth needs, more responsibility should be incorporated using job enrichment (i.e. higher-qualified tasks are added to someone's job) or semi-autonomous work groups where a high level of responsibility for a specific product or service is attributed to the group (e.g. production of a complete car).

Questions

1. You are involved in a discussion with some politicians on the community level. They suggest that unemployed people should be involved in voluntary work. How would you as a psychologist argue, building on the right to protection against unemployment and the right to just and favourable remuneration?
2. Referring to human rights (i.e. ICESCR Article 7): is any job better than none? Please discuss empirical findings (e.g. Otto & Dalbert, 2013; Grün et al., 2010) and conceptual models (i.e. the Effort–Reward Imbalance model: Siegrist, 1996; the Job Characteristics Model: Hackman & Oldham, 1976) with regard to the role of employment quality in light of human rights.
3. How can the gender gap be closed? Discuss the pros and cons of regulations regarding a female quota using your knowledge of equal rights. Can gender equality be achieved without implementing regulations or quotas?
4. How can the work experiences of refugees be improved? They face the challenges of educational equivalence, language and acculturation in addition to their personal career aspirations. What work rights and entitlements can refugees claim during and after the asylum-seeking process? What organisational and government policies limit the realisations of labour rights of refugees?
5. Take a look away from the situation in heavily industrialized countries: what about the plight of child labourers in mining and agricultural sectors in less developed countries? How can psychologists contribute to increasing awareness of human rights violations?

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Social accountability and action orientation

Strengthening the policy-making capacity of psychologists

Elizabeth Lira Kornfeld

Introduction

This chapter describes psychology's contribution to the recognition and reparation of victims of human rights violations committed in Chile during the military regime (1973–1990). Under the dictatorship, Chilean human rights organisations provided psychological care to victims and their families, documented the consequences of torture, forced disappearance and summary executions on individuals and families, and proposed methods of clinical intervention for victims and their relatives. The chapter describes the contribution of psychology to the recognition and reparation of victims in therapeutic, social and political relations in the reparation public policies after dictatorship.¹

Salvador Allende had been elected president of Chile in 1970, heading the Popular Unity government which proposed a transition to socialism within the existing legal framework. Soon afterwards, Chilean society became divided by opposing views on what constituted the common good and social utopia. The Popular Unity government was overthrown in the context of the Cold War, influenced by national and international interests, followed by installation of a military dictatorship (1973–1990). The very day of the coup, harsh persecution was unleashed against government employees and supporters as well as community and political leaders. In the following weeks and months thousands of people were arrested, brutalised, tortured and murdered. Human rights violations were justified as necessary in order to save the country from the “Marxist menace”.

The military coup conspirators declared the country to be in a state of siege and suspended constitutional guarantees. The situation became critical. Within a few days, several ecumenical entities were created to provide legal and social assistance (information, advice, food, shelter, sometimes money, depending on the victim's needs). One was the Committee for Peace in Chile (COPACHI). When this organisation was disbanded under pressure from the military government, in 1976, the Santiago Archdiocese's *Vicaría de la Solidaridad* assumed and expanded COPACHI's work. Moral (and political) resistance to human rights violations found expression in acts of solidarity with victims through legal defence and documented the repressive policies through cases filed in court. These organisations created an array of medical, psychological and social assistance programmes in support of victims.

At first, a network of volunteers and, later, specialised teams offered medical and psychological care. In late 1977 FASIC (Social Aid Foundation of Christian Churches) opened a medical psychiatric programme to provide specialised care to former political prisoners, torture victims and their families. From 1977 to 1985 the programme assisted 4,174 persons in personalised, family and group therapy processes (Weinstein, Lira, & Rojas, 1987, p. 17). In 1987, part of the team formed ILAS (Latin American Institute for Mental Health and Human Rights). In 1980 the Corporation for the Defence of People's Rights (CODEPU) opened its doors, prioritising care for victims of torture. CODEPU's mental health team worked on treatment of the tortured person and his or her family (unit DIT-T), documenting cases to research and denounce human rights violations during the dictatorship. Another mental health-based organisation, CINTRAS, was created in 1985. By the time the dictatorship drew to an end, six mental health teams existed within the various human rights organisations.

Political repression and psychotherapy under dictatorship

From the beginning, hundreds of people turned to the nascent human rights organisations for support in the aftermath of torture. Personalised care sought to bring relief to feelings of insecurity and disorientation that arose when faced with extremely violent situations. Torture was committed against thousands of detainees after September 11, 1973. Beatings, application of electric current and other forms of torture, sexual abuse and rape were the most common methods exercised against human beings held in conditions of extreme powerlessness and vulnerability (Comisión Nacional de Prisión Política y Tortura, 2004, pp. 223–257). In addition, the military government “disappeared” (detained and murdered) many people, denying that they had ever taken prisoners and any knowledge of their whereabouts (Chilean National Commission on Truth and Reconciliation, 1993).

Torture was exercised by Chileans, the majority members of the Armed Forces or police, on behalf of the state and the nation – the same state and the same nation of the prisoners. The torturer would then “forget” the prisoner's name and would categorically deny ever having mistreated and tortured anyone in every judicial process until now. The detainee could corroborate that the hatred was not personal, but rather the projection of political hatreds, that transformed the prisoner into a dangerous enemy, thus justifying the use of violence “to save the nation”.

The deliberate subjection to pain, that sought to destroy a person, break down resistance and obtain information about political activities might last for days or months. Such practices paralysed the victims, eroding trust in other human beings, and provoked fear in the broader population, thereby consolidating control of the dictatorship. Each person attempted to endure extreme suffering looking for some meaning in their beliefs, values and political convictions. But torture nearly always is traumatic, and its effects are manifested through anguish, grief, afflictions and illness. In numerous cases, deep depression was generated by multiple losses, associated with feelings of frustration, powerlessness and fear. Upon release from prison, many former prisoners experienced great difficulty in resuming their lives.

Such situations affected not only the former prisoner but the whole family and children in particular. In situations related to the kidnapping and disappearance of

a family member symptoms are similar to any other traumatic experience. The cases under treatment were classified by psychologists, psychiatrists and social workers by the specific repressive situation (former political prisoner, relative of a forcibly disappeared person, relative of victims of political execution, people coming from exile). The “situational” diagnosis emphasised the traumatic situation, seeking to make sense of the symptoms. The general diagnosis applied was that of “traumatic political experience”. This expression referred to the nature of the harm, as well as individual and familiar consequences.

Most human rights mental health professional teams offered individual, family, group psychotherapy and occupational therapy. Most of them also provided physical and psychiatric health care. The purpose of the various different therapeutic interventions was:

to repair the repercussions and traumatic side effects of violence related to torture and political repression of the individual who was harmed ... [We attempt] to restore the individual’s relation to reality, restoring his/her story, ability to relate to other people and things, the ability to project into the future, by reaching a better understanding of oneself and one’s own resources, by expanding his/her conscience concerning the experience.

(Lira & Weinstein, 1984, p. 13)

Torture

Psychologists and other mental health workers were not prepared professionally to treat torture victims. In searching for work methods to help people manage the effects of experiences that for many were cataclysmic, the FASIC team employed *testimony* as a therapeutic tool inspired by old social sciences methodology (Lewis, 1962). In 1978, the team began documenting personal testimonies which were compiled in the form of texts that registered particularly extreme and brutal situations of torture. The text belonged to the author. The testimony was done, in part, for purposes of denunciation of torture in the legal arena (criminal courts and international instances), almost always without success, but leaving a public record of the criminal complaints that, many years later, have led to successful prosecutions (Lira & Loveman, 2005). Some victims used them to substantiate the complaints of torture presented at the time before the tribunals. Sometimes the victim’s organisations sent the testimonies to support requests for solidarity with political prisoners and their families.

The patient and the therapist agreed on the purpose of the registry work. The narrative was tape-recorded, transcribed, reviewed and edited with the patient (Cienfuegos & Monelli, 1983). Each story was situated in a timeline of the person’s life, the traumatic experience and the present (the moment of the consultation). Testimony resulted from a process, a material expression of a stage of work that meant reliving, working through and thinking about the life lived, not just the traumatic experiences inflicted by repression. Therapists observed that torture altered the functions of the self as disintegrating, prosecutorial and self-destructive fantasies emerged. We observed that the narrative developed by patients in the clinical setting made it easier to progressively recover and order the fragments of a disintegrated experience. It allowed patients to

name terrifying, silenced and humiliating situations and we noted that people felt better after relating what had happened to them, although this improvement was transitory. The testimony operated as a catharsis, relieved anguish and enabled an initial emotional elaboration. Victims needed to vindicate their dignity, and their truth. They had been convicted for their statements under torture and tried without due process guarantees. The therapeutic space was constituted by a relationship based on the recognition of their dignity and their rights. However, family conflicts aggravated by the lack of employment and permanent persecution constituted an adverse context. For this reason, the achievements were often transitory. That was to be reckoned with.

Most men and women suffered sexual abuse as a form of torture (Cienfuegos & Ramírez, 2017, p. 127). The communication of these experiences was painful and almost always very difficult to report and denounce. Some men who suffered sexual torture filmed their testimony for denunciation purposes (Fliman, 1979). The complaint relieved the patients emotionally and morally. Their statements reaffirmed their experience, denied by the authorities and unknown to society. Some patients valued the recording of their testimony as a form of reliable documentation of their experience that would persist over time. CODEPU published a book on the heart-breaking experiences of surviving victims arrested shortly after the military coup. The testimonies were also collected by specialists who provided them with support and medical care between 1973 and 1974 (Rojas, Barceló & Reszczyński, 1991). Testimonies have remained over time as a subjective and political record of human rights violations.

The National Commission of Political Imprisonment and Torture (2003–2005)

The Valech Commission submitted its report in November of 2004. At the end of May 2005, 28,459 persons were recognised as victims of political imprisonment and torture from a total number of 34,690 detentions. Ninety-four per cent indicated that they were victims of torture. Among these individuals, 1,244 were under the age of 18 and 176 were under the age of 13; 12.72%, which is the equivalent of 3,621 persons, were women. The Report acknowledged the psychological contributions on the consequences of torture on its report (see Chapter 8). The Commission stated that torture had been a traumatic experience for victims, affecting their sense of personal dignity and integrity, overwhelmed by the self-perception of having abruptly changed into a different person due to having been stripped of all that comprised their previous life, identity, loyalties and values (CNPPT, 2005, pp. 583–612). The reparations measures established by law considered the physical and psychological needs of the victims.

Forced disappearances

The rupture of the life project, the death of loved ones, persecution, detention and torture, the numerous associated losses (housing, employment, income, social relationships) were part of the events experienced by thousands of people, who sought to face their difficulties and normalise daily life in a very adverse context. But there was a group of people who had no chance of returning to normality. They were faced with the forcible disappearance of a relative after detention at home, at work or on the street without witnesses. Most disappearances occurred between the years

1973 and 1977. The detained person did not reappear despite the writs of *habeas corpus* presented in his/her name by human rights lawyers (Vicaría de la Solidaridad, 1979). The disappeared detainees were militants of the persecuted political parties, community leaders, human rights advocates, labelled as *enemies of the nation* and kidnapped by agents of the state. In some cases, the detention, transfer, interrogation and disappearance of prisoners crossed national borders. Neighbouring countries conspired to form joint repressive policy operations, known as Operation Condor (Dinges, 2004).

The practice of forced disappearance installed the ghost of death that remained in its threatening ambiguity in the minds of people tied to the disappeared person. In spite of the authorities' denial of their responsibility for the detention, the relatives latched on to the hope of finding their loved ones alive. They filed countless legal actions, followed any number of leads, presented denunciations before international organisations and courts (United Nations, Organization of American States, International Labour Organization, among others). Legal recourses were inoperative, and authorities not only denied any relationship with the detained person but also constructed public interpretations to displace the responsibility of the disappearances to the victim's own decision or to their political organisations, declaring that they had gone "underground".

Families lived the absence of the "disappeared" as a forced and involuntary separation, which, when prolonged beyond the usual deadlines, nurtured anxiety and the fear that family members had been murdered. Over the years, the hope of finding them alive began to fade. Relatives, mainly women, organised themselves to keep up the search and demands upon the government and the judiciary to know the whereabouts and final destiny of their loved ones. Sometimes, but not always, the families, and especially the mothers, managed to create, with many difficulties, an adequate protective environment for the children. But economic difficulties led to families living in the home of parents, grandparents or relatives, requiring complex adaptations in daily living. It was an affective context besieged by a threatening reality, which could upset the family structure, which had been sustained and reorganised with immense difficulties while facing the disappearance of loved ones. Forced disappearances were a common practice with the same pattern and consequences in the Southern Cone, mainly in Argentina (Rojas, 2009).

According to the observations of the psychologists, in almost in all the families, after the father's arrest, the children experienced the impact of this catastrophe in many ways, depending on their age. Some presented regressive behaviours; others functioned out of control, reacting against every authority (at home, at school); others behaved in an over-adapted way, or in the role of a parent. Initial records showed that most of the children of disappeared persons who consulted presented anguish, sleep disorders, "nightmares in which they woke up crying in the middle of the night", stuttering, exaggerated search for affection, feeling of loneliness, flights of fantasy and others (Cerdeira & Lagos, 2017, pp. 181–183). Providing adequate clinical care was very complicated: how to care for those children who were orphans, but no one declared their orphanhood and took responsibility for it? How to deal with those women who were almost certainly already widows, but who in their daily struggle demanded that the government took responsibility and acknowledged the murder of their partner in order to assume their widowhood, but who,

at the same time, still hoped for the husband to appear alive? Acknowledging death would have made it possible in some way to mourn the loss, but this declaration was the responsibility of the authorities. The situation has lasted for decades. Psychotherapy has been a complex process of accompaniment of a human being living each day with the hope of finding her/his “disappeared” alive and fearing to find him/her dead. The girls and boys who grew up in families traumatised by forced disappearance have reported (and denounced) decades later the sufferings and traumatic experiences that affected them.

Extrajudicial executions

More than 2,000 persons were executed/assassinated in the first months of military government. Many of them died under torture. Some were executed after sham trials by military court martial without ordinary due process – even the minimal protections offered by the Code of Military Justice. In some cases, the bodies of the executed were not delivered to family members for proper burial. The “executions” and deaths in supposed confrontations with the military and police were reported in local and national newspapers. In a small number of cases criminal complaints were filed but were usually heard by military courts and dismissed or rejected. Impunity was the rule.

Some family members of the executed persons consulted after 1979 in FASIC. Practically all the children attended by the mental health teams had witnessed violence exercised against their parents or other members of their families. They asked for psychological care, mainly for children.

One had to connect all the feelings that the situation produced – pain, anger, sorrow, powerlessness – to other manifestations the child did not explain, such as poor attention span, difficulties in school learning, certain intense fears that overcame him/her. We could help the child cry and experience mourning. ... The deaths of these people have historic and social meaning, therefore, the task of reparation for these deaths pertains to society. As long as these children are not told by their families, and, moreover, by society the value of their parents’ lives and death, reparation will be incomplete.

(Cerde & Lagos, 2017, p. 195)

Soledad’s case illustrates the consequences of her father’s execution, the tragedy of her family, encapsulated in a traumatic oblivion that suffocated her childhood.² A creative therapeutic intervention contributed to recovery of her feelings and memories of her painful past. Soledad consulted during 1981, when she was visiting Chile for seven months. She had been living in exile since the execution of her father in 1973. When the family arrived at the country of exile, in March of 1974, her mother told her that her father had been executed. She grew up hurt and damaged, did not recover from the loss, rather hardly remembers it, developed with anger and sadness, was disturbed and sick. At the age of 15 she had great conflicts with her mother, used drugs and decided to return to Chile:

I feel empty ... I am unravelled inside ..., something is missing ..., I am permanently unsatisfied ..., I feel disunited with the things I have inside ..., sometimes I feel that I am going to go crazy ... I don't understand at all.

(Weinstein, 1984, pp. 37–38)

The psychotherapist decided to work with the emotional dissociation that Soledad presented. She experienced anguish, unable to remember what had happened to her before she learned that her father had been executed. All efforts to remember had been in vain. A therapeutic technique was then resorted to that would be essential for her; she was asked to invent, to create those seven months of her life that she lacked, those that go from the *coup d'état* to her departure into exile. The resulting written material was designated “The Void” and was analysed together with Soledad (Weinstein, 1984, p. 42). In that text she wrote in a fragmented way about memories and emotions:

There was something of love, but too much anguish, more anguish than I could bear ... the terrible anguish of my mother pressed me a lot;

Well, then I was running, I was running, I wanted to get out. I wanted to kill. I wanted to liberate the world. There were noises of war, people of war ... The days were cloudy, blind, without rain or light. I was running, ... I want to cry, I want to go out, I want to love, I want to merge the past with the present, I am afraid of the future, in it are lost loved ones.

... I've got everything blank; I don't remember. Only the days were sunny after all ... So that's how I stayed, meditating on life and death. Dying – living. I'm tired, I can't write any more.

(Weinstein, 1984, p. 48)

The psychotherapist wrote that Soledad returned to Chile to re-connect with her father and her roots and to recover her identity. Psychotherapy was for her the instance from which, with affection and companionship, she undertook the process of revealing the meanings of her confused and painful history. That emptiness that drowned her had been filled with tears, sorrow, joy, rage, in short, diverse emotions on which she could sustain herself to continue growing (Weinstein, 1984, p. 50). However, these moments of recovery were still unstable. The prognosis for Soledad was uncertain. This case, like many others, demonstrates that these patients have required professional support until they are able to sustain themselves independently – and that could require many years.

Other situations

Mental health teams also provided a variety of counselling and therapy services to different groups. In 1978 group sessions were held for former political prisoners whose prison sentences were commuted to exile. At the same time a programme was initiated for individuals and families returning from exile. These institutional experiences of psychosocial and therapeutic work, especially with teenagers and children returning to Chile from exile and carried out in FASIC, were documented

and published in 1986 (Castillo, 1986; Salamovich & Domínguez, 1986; Weinstein, 1986).

National protests began in 1983 and were violently repressed, giving rise to great numbers of people seeking medical and psychological care. In response, therapists formed groups with people who had been arrested during the daylong protests held from 1983 to 1986, mainly adolescents and young people. On-site workshops were organised with support from volunteer professionals, primarily the Psychologists Guild (Colegio de Psicólogos de Chile), to offer emotional support after the mass raids of working-class neighbourhoods and deaths during protests. Such workshops were held in Catholic church parishes with communities that had been deeply affected by violence (Weinstein et al., 1987, p. 87). After 1984 this type of intervention for working through mourning processes with affected communities and families became quite common (Lira, Weinstein, & Kovalskys, 1987, p. 341).

Such situations led to a return to the issue of fear, comprising a facet of the mental health work that expanded increasingly (Lira, Weinstein, & Salamovich, 1986). Fear and silence reigned for many years. Public silence accompanied private horror and the suffering of torture and death. Fear was constructed through personal experiences. It was reinforced in the narratives of terror, in the lack of information, in the imagination, in the silence of the night, intensified under curfew (that lasted until 1988), in human beings silenced by censorship and by self-censorship. Fear swelled from the perception that the power to kill was unchecked by law and that it was limitless. Various activities were carried out to confront fear in social organisations and communities. The first step was to recognise and speak about fear as a personal and collective experience lived in family, neighbourhoods, schools and social organisations. Groups were organised to work through threats and intimidation against regime opponents and human rights organisations, which intensified from 1985 to 1989. A study on fear under dictatorship was developed by psychologists from 1987 to 1990. The study worked actively with leaders of more than 100 groups to prevent the emotional and practical consequences of fear, considering the importance of people participation before plebiscite (1988) and general elections (1989) to put an end to the dictatorship through constitutional rules (Lira & Castillo, 1991).

Lessons from this experience

An important synthesis of the initial lessons gleaned by mental health teams emerged during a meeting held in April 1980, which discussed the intervention models that had been implemented as well as the relation between political crisis, repressive violence and psychological damage. Professional experiences outside Chile, particularly in France and Belgium, with Latin American exiles were presented (Colectivo Chileno de Trabajo Psicosocial, 1982). In 1983, FASIC's team of psychologists was accorded the Premio Nacional Colegio de Psicólogos (Psychologists Professional Guild's national award) as recognition of its pioneering work on behalf of victims of political repression (Discurso, 1983).

Later writings regarding political repression and mental health services expanded and deepened the initial, somewhat improvisational, approaches. All of them stressed the need to characterise the experiences of the consultants and to describe the different

intervention modalities implemented in order to understand how, in spite of their limitations, positive results were achieved. Most of the patients had suffered one loss after another: loss of rights, loss of a job, loss of physical integrity, loss of peace and stability of the family and the loss of the capacity to determine one's life course.

The traumatic experience of the victim is at the core of the therapeutic process. This process, when possible, starts in a professional mental health care context to build a therapeutic bond. The bond with this type of patient is characterised as a "committed bond" (Lira & Weinstein, 1984, pp. 12–13). It implies an *ethically non-neutral attitude* towards the patient's suffering. This kind of therapeutic bond helps to facilitate, and to re-establish, the patient's capacity to trust others, to establish a genuine relationship based on truth and to accept love, hate, sadness, loss, helplessness and desperation, not only in the context of this therapeutic bond, but as part of other relationships between human beings – re-establishing the capacity to trust, by building a true "human relationship sustained by comprehension and solidarity" (Pollarolo & Morales, 1984, p. 190).

However, confronting such trauma requires the differentiation of each repressive situation affecting individuals and families. The terrifying experiences the patient had endured were, to a great extent, irreparable. The therapeutic treatment of victims who have suffered such losses moves towards their acceptance of the fact that parts of their own identities and their social world have been destroyed. But, since the losses are real, only acceptance, mourning and, integration of the losses into their experience and activities can lead to the necessary transformation and reconstruction of their lives. The victims came to realise that individual therapeutic intervention was not enough: they needed to know that their society, as a whole, acknowledged what had happened to them. Individual reparation and social reparation were complementary.

This approach underlined the importance of the acknowledgement of the victims by society, and the therapeutic value of public recognition of the human rights violations and access to justice (Lira, 2016, p. 205). This role was assumed, to a certain extent, by the truth commissions, with the national government confirming and validating legally and symbolically the experiences endured by victims of repression during the dictatorship.

At the end of the dictatorship psychologists were concerned with the process of recognition of victims as a requisite of social peace and political reconciliation.

Political transition to democracy

Public policies regarding recognition and reparation of victims of human rights violations evolved gradually from 1990 until the present. In 1990, newly elected President Patricio Aylwin began to adopt several measures, including the creation of the National Commission for Truth and Reconciliation, 1990–1991 (known as the Rettig Commission) and several reparation policies in order to recognise and redress the victims of human rights violations under the dictatorship. Some psychologists from human rights organisations collaborated in drafting the recommendations of the Commission regarding provision of health services to victims. The Commission recommended the creation of a special health programme for them: "Such a program should seek technical cooperation from non-governmental health organisations, particularly those that have

provided health care to this population and have accumulated valuable experience over all these years” (Chilean National Commission on Truth and Reconciliation, 1993, p. 1068). In 1991 the Program of Reparation and Comprehensive Health Care for Victims of Human Rights Violations, known as PRAIS, was implemented, and this offers both physical and mental health care to surviving victims.

In 2003 the Commission on Political Imprisonment and Torture (known as Valech Commission) was created by President Ricardo Lagos to “determine ... the individuals that suffered detention and torture for political reasons, as a result of acts of government agents or persons at their service” (CNPPT, 2005). In 2010, the government opened a new period for application for victims’ recognition in the Advisory Commission for the Recognition of Disappeared Detainees, Victims of Extrajudicial Executions and Victims of Political Imprisonment and Torture (2010–2011). In all these instances, 41,513 persons were officially recognised as victims of human rights violations.

The Valech Commission’s report described the medical, psychosocial and psychological consequences of torture and stated that:

The psychosocial impact of torture cannot be gauged by an inventory of effects that comprise an anatomy of pain. The aggression victims suffered is not limited to them personally or to their closest circle; it affects and has implications for the entire society. The effects of human rights violations profoundly changed historic models of civic and citizen participation, and trust between people. ... Politics as a legitimate occupation became associated with death and losses. ... Medical and psychological diagnosis cannot adequately explain the unfathomable consequences of torture. ... The perception of this adverse and frustrating situation accentuated as a result of societal disinterest, incredulity, and denial regarding the existence of human rights violations.

(CNPPT, 2005, p. 606)

Reparation policies included the right to rehabilitation in the PRAIS programme. PRAIS recognised as beneficiaries (direct family members, that is to say, fathers, mothers, children, siblings and grandchildren) the relatives of forced disappearances and those executed for political reasons, exiles who returned to the country, former political prisoners and victims of torture and people dismissed from their employment for political reasons (Domínguez, Poffald, Valdivia, & Gómez, 1994). PRAIS initiated its activities in 1991 as a programme of the Ministry of Health and was established by law 19,980 as a reparation programme in 2004.

In 2019, PRAIS was comprised of 29 public health teams with networks that covered the needs of more than 740,000 registered beneficiaries, including all the victims recognised by the state and their relatives. Medical doctors, psychologists and other professionals provide specialised health and mental health care. In addition to direct care, over time other activities were added at the request of the victims and according to the possibilities offered by the teams, including participation with the associations of victims in education and human rights activities. The PRAIS teams also participate in memory and justice initiatives, such as activities at sites of memory (the Museum of Memory, former centres of torture, monuments around the country, including the national cemetery in Santiago, among others), ceremonies of commemoration, psychosocial support during

denunciation of victimisers, monitoring criminal judicial processes against victimisers, participation in the process of exhumation, identification and burial of victims who have remained disappeared for decades and whose remains, or partial remains, have been found. All of these activities have been considered part of the policy of reparation. It is important to note that the work of PRAIS has been possible thanks to the professionals working in each of the teams who have built the programme, by creating, in practice, concrete modalities of assistance, accompaniment and treatment according to the consultant's and families' needs.

Final reflections

A retrospective view enables us to see to what extent Chile's post-1990 public policies of acknowledgement and reparation of victims were based on the work, experience and documentation compiled by professional staff of human rights organisations, in most cases the same ones that had provided assistance during the dictatorship to people affected by political repression (Bernasconi, Ruiz, & Lira, 2018).

The work of the psychologists since its inception had as its main objective to recognise and care for the victims. The therapeutic process involved recognising personal resources and strengths and rescuing what could be repaired even though the losses were irreparable. These therapeutic processes have taught us that the improvement of the victims has not depended solely on the processes of psychic working through. Given that their suffering originated in political and social conditions, the public recognition of the facts that affected them, material and symbolic reparation policies, as well as the judicial convictions of the perpetrators, have contributed to many victims feeling "repaired", experiencing significant improvements in their mental health. But we have also learned that for many victims nothing will be enough to repair the physical and psychological injuries they have suffered. These relationships between political and personal processes, sometimes evident, sometimes disguised or deeply buried in victims and family members, have implications that greatly exceed the impact of clinical interventions.

Reparation as a social, psychological and political process cannot ignore the fact that most of the damages and losses that give the right to be recognised and repaired are, paradoxically, irreparable. For this reason, a reparation policy must ensure preventive measures in the sphere of the institutions involved in the violations of human rights and in the socio-cultural sphere, to ensure educational measures and civic memory that give full respect for the human rights of all and the non-repetition of these violations in a new conflict.

Questions

1. Are we talking about victims or survivors? What is the meaning of referring to individuals and families as victims in cases of human rights violations?
2. As regards the limits of psychotherapy in cases of enforced disappearance, how are we to conceptualise mourning and grief in cases where there is no information about the final destination and whereabouts of the remains of a victim of enforced disappearance?

3. What is the role of judicial processes (condemnation of those responsible, recognition of the events that occurred, recognition of the victims and their compensation) in relation to the mental health of the victims, when these results are produced 40 years after the events?
4. With regard to the individual and family consequences of the summary execution of a family member in the immediate present and over the years: how are we to conceptualise mourning and grief, and how should we accompany its processing in the context of a dictatorship?
5. Discuss the registration of the memory and truth of victims as a resource for the truth and collective memory of society and its role in the construction of democratic coexistence after the violence of political repression.

Notes

- 1 This chapter is based on documentation gathered for the project “Political Memory Technologies: Contemporary Uses and Appropriations of Devices for Recording Human Rights Violations Perpetrated by the Civil-Military Dictatorship in Chile” (Conicyt PIA-SOC18005). Memory and Human Rights Programme, Alberto Hurtado University.
- 2 Soledad is a pseudonym. The case was anonymised. She gave permission for publication to her therapist in 1984. Soledad died a few years ago.

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Human rights and professional practice

Introduction

The first two parts of the book discuss the foundations of human rights and their relevance for psychology as well as the relationship between human rights, professional ethics and social accountability. The following part focuses on the relevance of human rights for the psychological professional practice. It emphasises both the importance of human rights for understanding the practical problems psychologists find themselves confronted with as well as for acting professionally in different contexts.

In the chapter entitled “Universal human rights – except for some”, Paul D’Alton describes how psychological mechanisms contribute to the segmentation of societies into majorities and minorities. Moreover, he points out how psychological processes support prejudice, discrimination and violence against minorities. Focusing on people of a non-heterogeneous sexual orientation (LGBTQI+ people), he delineates the consequences of discrimination for the targeted group. Referring to codes of ethics of psychological associations, D’Alton demands that psychologists take a stand against these kinds of injustice and actively defend human rights. The chapter provides an example of how psychologists and psychological associations can adequately address issues of equality and right.

“The Convention on the Rights of Persons with Disabilities and the challenge to treatment without consent of individuals with psychosocial disabilities”, written by Bernadette McSherry and Lisa Waddington, relates psychological professional ethics and human rights to questions of treatment without consent of people with psychosocial disabilities. The chapter explores the growing emphasis on human rights in mental health care and treatment and its meaning for the compulsory treatment of individuals with psychosocial disabilities. Referring to the Convention on the Rights of Persons with Disabilities, the authors demand raising awareness for the need to support people with psychosocial disabilities to make their own decisions. Based on the differentiation between legal capacity and legal agency, they propose an open dialogue approach as a practical alternative to involuntary detention and treatment.

The chapter entitled “Forced migration – psychological contributions that might help to improve the human rights situation”, written by Ulrich Wagner, discusses psychological mechanisms in the context of forced migration and the resulting responsibilities for psychologists. Delineating the stations of forced migration from leaving home, Wagner describes the suffering of migrants and how it is produced by political

processes and individual prejudice. As psychologists know a lot about psychological processes behind discrimination and intergroup violence, they can also make political recommendations on how to reduce this suffering. Psychologists can advise political initiatives in order to improve the situation of forced migrants by means of psychological interventions. Using their knowledge, psychologists can provide support for those who are suffering. Such psychologically driven strategies could not only reduce the individual suffering but also improve safety in receiving countries.

In the chapter, “Indigenous communities facing environmental racism: human rights, resilience, and resistance in Palestinian communities of the West Bank and the Mapuche of Chile”, Devin G. Atallah and Michael Ungar explore the psychology of human rights from a decolonial perspective. Based on qualitative case studies of indigenous Palestinian communities in the West Bank and Mapuche communities in Chile, they were able to identify a type of environmental racism that systematically disadvantages racialised communities and increases the likelihood that these communities live in lower-resourced and hazardous environments. The authors support the idea that truth telling and opening dialogues with indigenous groups may help to develop practices and policies that promote environmental rights and racial justice.

In the chapter, “Torture and the role of the psychological profession”, Pau Pérez-Sales and Nora Sveaass consider psychological torture as a process of breaking a person’s self and identity as well as destroying his or her dignity, often leaving no physical marks, but lifelong psychological wounds. In this process, psychologists play an important role. Based on an integrative view of attacks on human needs, the authors describe the demands and required skills of psychologists when helping victims of torture. According to the authors, it is crucial to include training in human rights in general and specifically in torture documentation and rehabilitation as part of the psychological as well as medical curricula.

The issue of gender and war will be broached in the chapter entitled “Gender and war: Bosnian psychologists dealing with conflict-related sexual violence during and after war”. Inger Skjelsbæk conducted a case study of sexual violence before, during and after the war in Bosnia. She interviewed psychologists who helped survivors of conflict-related sexual violence, using their reports to elaborate on how traditional clinical psychological approaches often fall short by ignoring the specific cultural contexts when trying to help survivors, their families and communities. As a conclusion, Skjelsbæk points out that psychologists have to create a culturally adequate description of sexual violence in order to reduce the suffering resulting from this extreme form of human rights violation.

Universal human rights

Except for some

Paul D'Alton

Where, after all, do universal human rights begin? In small places, close to home – so close and so small that they cannot be seen on any maps of the world. Yet they are the world of the individual person; the neighbourhood he lives in; the school or college he attends; the factory, farm, or office where he works.

Eleanor Roosevelt, Chair of the first UN Commission on Human Rights
(Amnesty International UK, 2017, October)

Introduction

According to the 1948 Universal Declaration of Human Rights (UDHR: United Nations General Assembly, 1948), an individual is endowed with a range of rights at birth simply because she or he is a human being. According to the UDHR these rights are universal because everyone is born with and possesses the same rights, regardless of where they live, their gender or race, or their religious, cultural or ethnic background. The UDHR details these rights as:

- universal – without distinction, all individuals inherently possess these rights
- inalienable – they are unable to be lost or taken away
- indivisible – all rights are equally important.

However, 70 years after the UDHR was declared, the universal, inalienable and indivisible rights for many minority groups are far from actualized. This chapter will draw on a range of psychological theories and research to help understand why universal human rights are not universally experienced. The discrimination involved in the exclusion of some groups of people from universal human rights is as a result of certain human behaviours. This chapter aims to help us understand the evolution of these behaviours, suggests ways to address discrimination and also gives examples of resources to support the teaching of human rights in the classroom.

Psychology and human rights

Psychological science seeks to understand human behaviour. It does this by developing theories to account for certain behaviours and then testing them out, thus arriving at a model or a conceptual framework for how human behaviour is shaped. The

violation of human rights that a broad range of minority groups around the world experience happens because of human behaviour. According to Hulsizer and Woolf (2012), psychology is uniquely positioned to address the causes and consequences of human rights violations. Psychological science can help us understand the behaviour that leads to these violations.

Universal human rights – for some

There are many groups across the globe that do not benefit from universal, inalienable and indivisible human rights. Many minority groups such as ethnic and religious minorities, people with disabilities and LGBTQI+ people suffer prejudice, discrimination and violence.

There are unfortunately far too many examples to draw on: the killing of thousands of Rohingya Muslims at the hands of the Myanmar state; the travel ban for six Muslim majority countries by the US which is seen by many as a violation of the US constitution because it discriminates on the basis of religion; the new criminal law in Brunei which involves cruel and inhumane punishment that breaches international human rights law, including public stoning for sex between men or for adultery, and the amputation of limbs for theft; the trafficking of children and women into the sex industry.

There is an entire range of other forms of human rights violations that are perhaps much more insidious and less objectively brutal, such as the failure to pay women equally and marked inequality in health outcomes for people from disadvantaged communities.

These violations of human rights share one thing in common – they emerge from the *small places*: they are the result of human behaviour that emerges from the human mind, the territory of psychology.

Human rights, human wrongs and human behaviour

At the heart of human rights and human wrongs is human behaviour. Psychological science has developed an extensive collection of theories and research which provide valuable insights into why groups are treated unequally (Jenkins, Karashchuk, Zhu, & Hsu, 2018). Psychological science has also demonstrated ways to integrate and include minority groups into society (Berry, 2011; Penninx, 2003).

Much of this knowledge in psychology has direct application and relevance in the global-political sphere, at national policy development level, and it also offers practical guidance concerning inclusion and integration (United Nations Development Group [UNDG], 2011; United Nations Educational, Scientific and Cultural Organization [UNESCO], 2009).

Us–them

Many psychological perspectives have given insight into mechanisms that drive stereotyping and prejudice. It was Charles Darwin (1871) who introduced the notion of “us–them”. He noted that:

The tribes inhabiting adjacent districts are almost always at war with each other [and yet] a savage will risk his own life to save that of a member of the community.

(Darwin, 1871, pp. 480–481)

Following Darwin, William James (James, Burkhardt, Bowers, & Skrupskelis, 1890) argued that the key property of the mind is to categorize; to discern sameness to different stimuli which allows humans to organize their knowledge and plan for the future.

Many years after James, building on Pavlov's (1928) earlier classical conditioning and Skinner's (1938) operant conditioning theory, Albert Bandura (1977) developed Social Learning Theory as a bridge between behaviourism and the cognitive approach. Bandura put forward the idea that thoughts acted as a mediational force in human behaviour (Bandura, 1999).

It can be argued that the down-side of these functions which allow humans to have higher-level thinking is the tendency for stereotyping and discrimination. The immediacy and efficiency of such tribal and categorical thinking can lead to discrimination (Brewer & Brown, 1998; Macrae & Bodenhausen, 2000). It is therefore reasonable to argue that the basic Darwinian "us–them" instincts are not independent of social and ideological influences or at the very least moderate basic psychological processes.

Ingroup–outgroup

In the late 1970s, Tajfel and Turner (1979) described the tendency for human beings to define themselves according to their membership of a particular group and correspondingly undervalue those who are not members of that group. Tajfel and Turner's (1979) Social Identity Theory came into being as an attempt to explain social change and intergroup conflict. The theory suggests that the groups which people belong to, such as social class or nationality, are an important source of self-esteem and pride, and provide us with a sense of social identity. In order to boost this self-image, individuals may talk up their own group and belittle others. This social categorization results in the formation of ingroups and outgroups, which in turn may lead to prejudice and discrimination (Rubin & Hewstone, 1998; Tajfel, 1978).

This idea that human beings create their identity by being part of one group and not part of another group is now well established in the literature, and there is an extensive collection of social psychology theories that draw and build on Social Identity Theory (Tajfel & Turner, 1979). This psychological process of the development of ingroups and outgroups is well documented empirically in the laboratory and in real-world settings (Brewer, 1999; Hewstone, Rubin, & Willis, 2002).

What has emerged is a body of theory known as the Social Identity Approach (Haslam, 2001; Postmes & Branscombe, 2010), which combines concepts from Social Identity Theory and Self-Categorization Theory (Turner & Oakes, 1986). The Social Identity Approach describes the state of individuals thinking of themselves and others in terms of groups, which involves three intrapsychological processes. Firstly, social categorization occurs, whereby people organize social

information by categorizing individuals into groups. Secondly, social comparison happens, whereby people assign meaning to these categories and groups. Thirdly, people relate themselves to one of these categories, through a process of self-identification.

This psychological process can be extended to our cultures and cultural history. Cultures have developed stereotypes about minorities often over centuries, like the anti-Semitic stereotyping of Jewish people, or the stereotyping of LGBTQI+ people or people with disabilities (Glassman, 2017; Hegarty, 2018; Mackelprang & Salsgiver, 1996).

Building on previous research in the field, Fiske, Cuddy, Glick and Xu (2002) developed a two-factor model of stereotyping based on two dimensions – competency and warmth. In contrast to binary “ingroup” versus “outgroup” approaches, the two-factor framework of the Stereotype Content Model (SCM) allows for greater nuance. The SCM relies heavily on an evolutionary interpretation of human behaviour and asserts that we assess others based on our perception of their intent to help or harm (warmth) and their capacity to carry out such actions (competency). Cuddy et al. (2009) found that perceived warmth and competence reliably differentiated group stereotypes, with many outgroups receiving ambivalent stereotypes where a group was high on one dimension but low on the other.

Unconscious bias

Prejudice can also be automatic, with individuals unconsciously categorizing those seen as outgroup members on the basis of gender, race and age (Fiske, 1998). Immediate reactions to outgroups can include negative stereotypic associations (Fazio & Olson, 2003), discriminatory behavioural impulses (Bargh & Chartrand, 1999) as well as primitive fear and anxiety responses in the brain (Hart et al., 2000; Phelps et al., 2000). Even subliminal exposure to outgroups can have an effect; for example, the subliminal exposure to images of Black individuals can trigger a form of racialized seeing which facilitates the processing of crime-related objects (Eberhardt, Goff, Purdie, & Davies, 2004). According to Jost et al. (2009), unconscious bias can also affect how teachers grade Black students' schoolwork, who is hired for certain jobs and even decisions doctors make about the kinds of treatments different patients receive.

Stereotype threat

Steele and Aronson (1995) turned the question by asking: What are the effects of devaluing and negatively stereotyping on those who are stereotyped? They developed the Theory of Stereotype Threat, where people who are part of the same minority group are psychologically threatened by the stereotype views the majority or dominant group hold of them. It is reported that when members of minority groups are exposed to stereotype threat they may achieve lower results than their non-minority peers despite equal preparedness. It is suggested that stereotype threat may account for poorer academic performance of women in mathematics and also of African-American students. The stereotype threat theory is linked with the

Pygmalion effect and the work of Rosenthal and Jacobson (1968) on the effect of teachers' expectations on students.

The psychology of discrimination

Psychology has long attempted to grapple with the causes of discrimination (Berkowitz, 1974; Tajfel, 1981). In the mid 20th century Gordon Allport developed an influential model of explicit prejudice and discrimination consisting of five sequential steps: verbal antagonism, avoidance, segregation, physical attack and extermination (Allport, 1954). Each step is built upon the preceding step – for example, we can avoid a particular minority group by not socializing in certain places and then not employing them and this can lead to segregation. Hate crimes are an example of Allport's physical attacks and the follow-on step here to extermination can be seen in the treatment of Jewish people in Nazi Germany.

There are now several decades of debate concerning discrimination within social psychology (Mackie, Devos, & Smith, 2000; Whitley & Kite, 2010). Discrimination on the basis of race, for example, is described by Pincus (1996) as existing at three levels: individual, institutional and structural. Firstly, individual discrimination might be described as direct hostility to a particular race or ethnic group (refusal to employ someone on the basis of their race or ethnicity, for example). Secondly, institutional discrimination is described as the dominant gender/race/ethnic institutions, and the behaviour of the individuals who control these institutions, that are *intended* to have a harmful effect on minority groups. Thirdly, structural discrimination describes the policies of dominant group institutions and the behaviour of those who control them, which may be gender/race/ethnic-neutral but can still have a harmful effect on minority groups.

Furthermore, an issue called statistical discrimination has been considered in recent years. Statistical discrimination describes an approach where decisions concerning race or gender, for example, in the workforce where women may be seen as more emotional and therefore as inferior managers, are based on inaccurate information and result in discrimination against that group of people (Fang & Moro, 2010). Such discrimination can result in a self-reinforcing circle over time as the discriminated individuals are discouraged from participating or improving their skills (Rodgers, 2009).

Discrimination can become more sophisticated and go “underground” in cultures that overtly prohibit it (Fiske, 1998; Pettigrew, 1979). A number of researchers suggest that racism has not gone away but rather changed its form, and that this “new racism” can be defined as a conflict between modern views exerting pressure to behave in a non-prejudiced way and a deep-seated animosity towards racial outgroups (for reviews see Brown, 2011; Hilton & Von Hippel, 1996).

Discrimination and prejudice are responsible for much of the human suffering in the world today, along a trajectory which spans from restricted opportunities all the way to genocide. The psychological literature highlights the complex and insidious nature of prejudice and discrimination, and offers vital signposts to help us navigate

and address the human behaviour of prejudice and discrimination that results in so much suffering in the world.

Maladjusted psychology

Almost 20 years after the UDHR Martin Luther King stated:

there are some things in our society, some things in our world, to which we ... must always be maladjusted if we are to be people of good will ... There comes a time when one must take a stand that is neither safe, nor politic, nor popular. But one must take it because it is right

(as cited in Newnes & Golding, 2017)

Some would argue that the role of psychology is, in the words of King, to *be* maladjusted to discriminatory-dominant social norms, not to comply with societal practices, such as poor access to healthcare for some members of societies, anti-LGBTQI+ laws or the pervasive gender pay disparity, when these are contributing to injustice, prejudice, violence and exclusion (Barney, 1994; The Radical Therapist Collective, 1971). So when psychology does comply with discriminatory social norms this can also be considered a political act, an act that affirms the policies that underpin various forms of discrimination and injustice (Brown, 1973; Fox, Prilleltensky, & Austin, 2009).

The politics of psychology

When psychology adjusts to the social and economic inequality in ways that bring about mental health problems for many, for example, this is a political act. No act is politically neutral, and this is demonstrated in the empirically supported body of work concerning the social determinants of health outcomes, such as income, social status, education, access to health care and living and working conditions (Commission on Social Determinants of Health, 2006; Marmot, 2007). There is also a wealth of evidence showing that certain population subgroups are at a higher risk of mental health difficulties due to greater exposure and vulnerability to adverse social, environmental and economic conditions (Allen, Balfour, Bell, & Marmot, 2014; Marmot, Friel, Bell, Houweling, & Taylor, 2008).

The World Health Organization Commission on Social Determinants of Health (2006) maintains that the unequal distribution of power, goods, income and services, and thus the unequal distribution of health-damaging experiences, is not a naturally occurring phenomenon but rather a result of poor social policies and programmes, bad politics and unfair economic arrangements.

If psychology colludes with injustice at a level of regressive policy development, for example, it is complicit in the negative outcomes that such policy brings about. In a similar way, if psychology does not articulate the negative impacts that policies have on individuals and communities it can be argued that it is supporting discrimination and the violation of human rights.

Psychology, human rights and ethics

Many of the professional bodies representing psychologists across the world have adopted codes of ethics that are influenced by the UDHR, and are infused by an inherent regard for the dignity and rights of the individual (Hulsizer & Woolf, 2012).

The British Psychological Society Professional Practice Board (2009) says: “For psychologists, issues of human rights are not abstract, legal provisions, but reflect formalized systems for ensuring that people’s basic needs are satisfied”. The American Psychological Association (APA, 2017) details issues of beneficence and non-maleficence and the respect for people’s rights and dignity (principle A and E) and pays particular attention to discrimination based on age, gender and race.

It is therefore arguable that psychologists, in light of their codes of ethics and policies, are obliged to take a stand against injustice and actively defend human rights. It is equally arguable that psychology must place a strong emphasis on what can be done outside of the confines of individual psychotherapy by adopting a more systemic approach (Dalton, Elias, & Wandersman, 2001; Levine, Perkins, & Perkins, 2005). Dykstra (2014) argues that “psychology can and ought to concern itself with the pressing social and political concerns of our time. It is these histories that set the stage upon which our personal and relational experience depends”.

Liberation and community psychology

Liberation and community psychology emerged in the mid 20th century and were the products of increasingly less conservative societies where the emphasis was shifting from the individual to the collective (Burton & Kagan, 2009; Kagan, Burton, Duckett, Lawthom, & Siddiquee, 2011). Researchers and practitioners were influenced by the UDHR and the growing concern to understand prejudice, poverty and many other social issues.

Liberation and community psychology places central importance on the *context* of psychological experience, which many argue is the opposite of what mainstream psychology does (Martín-Baró, 1996). Martín-Baró was especially critical of what he saw as psychology’s desire for social recognition, rank and status. He advocated a psychology that places the emphasis on the political, economic, social and cultural determinants of human well-being as opposed to the lens of individualism that he understood mainstream western psychology has adopted.

Scholar-activism

According to Murray (2012), the dominant approach in health psychology, and arguably in psychology generally, is scientific, individualistic and apolitical. Murray advocates the adoption of the scholar-activist approach, citing its long history in social justice where it aims to expose, subvert and challenge injustice through a combination of scholarly work and activism. The term “scholar activist” is generally used to describe academics who take an explicitly political standpoint in their work and use their work to influence policy and public opinion. The recent work by various groups of psychologists in academic settings addressing the ecological challenges we are facing are good examples of scholar-activism.

An example of how a psychology professional body addressed issues of equality and rights

Same-sex marriage in Ireland – a constitutional referendum and the role psychology played

On May 22, 2015 the citizens of the Republic of Ireland were asked to vote on changing the country's constitution to allow for same-sex marriage. In the months that preceded voting day there was intense debate across print, radio, television and social media. Changing a country's constitution is a very serious matter and naturally warrants great public debate, civil engagement and integrity.

For hundreds of years Ireland was synonymous with Catholicism – being *truly* Irish meant being Catholic. Ireland was once considered the most Catholic country in the world. The Catholic Church remains vehemently opposed to same-sex marriage. However, in May 2015, Ireland became the first country in the world to make same-sex marriage legal through popular vote.

The debate that engulfed the country in the months leading up to the referendum was heated and many of the issues debated were psychological in nature; chief among them was the welfare of children. If the same-sex marriage amendment was carried it would extend adoption rights to same-sex couples. There were many examples of inaccurate research being used to discriminate against gay and lesbian people, including citing dubious research from the 1960s that asserted gay men were more likely to sexually abuse children.

This was a particularly challenging time for me. I was President of the Psychological Society of Ireland (PSI) and I am a gay man. The professional body for psychology in Ireland, the PSI entered the public debate and in so doing became one of the first professional associations to do so. It was the first time in the history of PSI that it entered a debate on a matter concerning an amendment to the constitution. It did so in order to address the inaccurate use of psychological research in the public debate concerning marriage equality. The PSI drew on its Code of Ethics where it states:

(1.0) Psychologists shall honour and promote the fundamental rights, dignity and worth of all people. They shall respect the rights of individuals to privacy, confidentiality, self-determination and autonomy, consistent with the psychologist's other professional obligations and with the law.

(Psychological Society of Ireland, 2011, p. 6)

(3.3.5) Make every reasonable effort to ensure the psychological knowledge is not misused, intentionally or unintentionally to harm others or infringe human rights.

(Psychological Society of Ireland, 2011, p.11)

Following a lengthy debate, the mandate to publicly support the amendment to the constitution in favour of same-sex marriage was based on the Code of

Ethics and on the PSI's policy on Equality and Inclusive Practice (EQuIP). The EQuIP policy states:

The PSI supports legislation and social policies advancing equality and social inclusion for all people

(D'Alton, 2015, p.3)

The Society eventually issued a position statement on marriage equality which concluded with the following sentence:

In this context, and on the basis of existing evidence, the PSI is supportive of the proposed constitutional change to provide for full marriage equality for same-sex couples.

(D'Alton, 2015, p.5)

This is an example of a psychology professional body getting involved in an issue concerning discrimination and inequality at national constitutional and policy level. It demonstrates the applicability of professional codes of ethics and associated policies in helping guide psychologists in a course of action in order to advance a more equal society.

The deputy prime minister of Ireland described same-sex marriage as the civil rights issue of the generation. This example shows how psychology can contribute in a very real way to ending discrimination through the promotion of equality.

Two case examples for the classroom

Disability Pride week in New Zealand (Kelly-Costello, 2018)

Rachel is a passionate disabled persons' human rights defender. She is deaf and is one of the founders of Disability Pride week in New Zealand. Her motive is to empower disabled people and give them a collective voice by sharing stories and creating awareness with the intent of aiding social change. However, some disabled persons find Disability Pride very confusing, especially those who advocate viewing disability through the lens of the social model, where it is society which disables people.

Questions

1. Are the concerns faced by some of the disabled community around the concept of disability pride warranted? Why or why not?
2. Which human rights are not afforded to people with disabilities on an individual level, structural level and institutional level in your country?
3. Does your professional body's Code of Ethics or any other policies of your professional body have any relevance for issues affecting people with disabilities?

4. Does your professional body's Code of Ethics or any other policies of your professional body have any relevance to Disability Pride?

LGBTQI+ human rights defender in Ukraine – Vitalina's story (Amnesty International, n.d.)

Vitalina is a determined LGBTQI+ human rights defender. She has been attacked and threatened for her work defending human rights. In March 2017, Vitalina took part in the International Women's Day March. She was attacked by a dozen young men, who charged at her and other protesters – tearing up their posters and shouting threats. Vitalina went to the police but they never got back to her. She has been central to the LGBTQI+ community in Ukraine and has helped set up a community centre as a safe space for LGBTQI+ people. In 2018, she was attacked again and red paint was thrown on her, causing chemical burns.

From Amnesty International, please watch www.youtube.com/watch?v=g8Xelik-EVs

Questions

1. What part of Vitalina's story is most striking to you? Why?
2. What relevance does your professional psychological association's Code of Ethics or policies have to Vitalina's situation?
3. What aspects of psychological science are relevant to Vitalina's story?
4. What kind of psychological intervention would you recommend in this case?

Some suggested teaching and learning supports

One of the key features of enquiry-based learning is the involvement of people affected by the issue being considered by students, so that the learning is embedded in real-life examples and the process does not slip into abstract, purely conceptual learning. One of the most helpful ways to do this is to involve people who suffer exclusion from human rights, such as members of the LGBTQI+ community, people with physical or intellectual disability and people from minority ethnic or religious groups. Many of the national groups representing people from these marginalized groups will have panels of volunteers who are trained and supported to offer input to groups and this often forms a key part of their advocacy work. It is really important that in considering asking people to speak with a group, the speaker's well-being is paramount and therefore it is strongly suggested to link with recognized advocacy groups for presenters who are trained and supported in sharing their stories in an educational context.

Conclusion

It is in the “*small places*”, according to Roosevelt, where universal human rights begin (Amnesty International, 2017). These *small places*, the inner world of the individual person, the human mind and heart and subsequent behaviour, are the territory that psychology knows most intimately. The human behaviour that emerges from such *small places* and its consequences, sometimes with global reach, are what can prevent or advance human rights becoming truly universal.

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The Convention on the Rights of Persons with Disabilities and the challenge to treatment without consent of individuals with psychosocial disabilities

Bernadette McSherry and Lisa Waddington

Introduction

Informed consent to treatment is generally presumed to be central to the provision of good-quality health care. However, many countries have mental health laws that enable the detention and treatment without consent of individuals with “psychosocial disabilities”. This term encompasses those who “regardless of self-identification or diagnosis of a mental health condition, face restrictions in the exercise of their rights and barriers to participation on the basis of an actual or perceived impairment” (United Nations High Commissioner for Human Rights, 2017, p. 4).

In June 2017, Dainius Pūras, the United Nations’ Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of health, submitted a report to the Human Rights Council which focused on changing approaches to mental health treatment and care. The Special Rapporteur stated (2017, para. 81) that:

Coercion, medicalization and exclusion ... must be replaced with a modern understanding of recovery and evidence-based services that restore dignity and return rights holders to their families and communities.

The United Nations’ *Convention on the Rights of Persons with Disabilities* (2006) (CRPD) provides a framework for challenging coercion and the prevalence of the biomedical model in mental health care. The CRPD clarifies the obligations of states which are party to it (that is, have agreed to be bound by this treaty under international law). The CRPD requires states to promote and ensure the rights of persons with disabilities, including persons with psychosocial disabilities, and it also sets out the steps that should be taken to ensure equality of treatment.

This chapter explores the developing emphasis on human rights in mental health care and treatment and what it means in particular for the compulsory treatment of individuals with psychosocial disabilities.

Compulsory treatment

Compulsory treatment is often allowed within hospitals and facilities where individuals are subject to detention and also within the community. The existence of such mental health laws has traditionally been justified based on what Richardson (2007,

p. 71) refers to as “three broad goals: the provision of access to health care, the protection of the patient and the protection of others”.

The first goal of such mental health laws – the provision of access to health care – refers to enabling treatment via a “substituted” decision-making process. That is, the decision to provide treatment to certain individuals with psychosocial disabilities is generally made either by psychiatrists or members of a tribunal rather than the individual concerned. On occasions, legal representatives or family members can consent to treatment, overriding the wishes of the individual.

The process of substituted decision-making is based on the presumption that those with psychosocial disabilities cannot make decisions concerning their health because they lack a complete understanding of the nature of their mental impairment. This is now being challenged by the concept of “legal capacity” under international human rights law which is explored below.

In relation to the second goal of protection of the patient, most mental health legislation contains a criterion for detention and treatment that refers to the risk of self-harm. While the concept of self-harm may appear at first glance to be limited to the risk of physical harm that is imminent and life threatening, the relevant legislative provisions may go further to include the concept of deterioration to the person’s health, which may sometimes be referred to clinically as self-neglect.

It is difficult to predict when a person is likely to harm him- or herself. There is conflicting evidence concerning factors that may lead to “non-suicidal injury”, that is, where self-injury is not intended to result in death (Hamza, Willoughby, & Heffer, 2015), and whether there is a link between non-suicidal injury and death by suicide (Hamza, Stewart, & Willoughby, 2012). There is also evidence to suggest that those who die by suicide often do so during periods when the risk of self-harm appears to be low (Dong, Ho, & Kan, 2005; see also Large, Ryan, Nielssen, & Hayes, 2008; Large, Ryan, & Nielssen, 2011).

The final goal of mental health legislation is protecting others from harm. Such legislation generally includes a criterion relating to risk, dangerousness or harm to others which justifies involuntary treatment.

Ryan (2011, p. 248) argues that this is inappropriate given that those with psychosocial disabilities are “by and large, no more dangerous” than other members of society and, because of the low base rate of violence amongst those with psychosocial disabilities, it is impossible to predict who will become violent in the future. Similarly, Large, Ryan, Nielssen and Hayes (2008, p. 879) argue that because there are problems associated with predicting the risk of harm to others and there is a tendency for psychiatrists to err on the side of safety, “[t]he dangerousness criterion effectively condones the detention of many mentally ill people who will never become dangerous, so that it might capture the few who will”. In the field of psychology, “structured professional judgment”, which combines statistical or actuarial risk prediction with clinical methods, has become an accepted forensic method to identify those who are at low, moderate or high risk of harming others (McSherry, 2014a, p. 43). This emphasis on risk assessment tools and techniques may support risk aversion in psychological practice, particularly in the forensic arena.

As previously noted by McSherry (2014a, p. 53):

[t]he dangerousness criterion in mental health legislation has also been criticized for being discriminatory in singling out those with psychosocial disabilities for preventive detention when other groups (such as those with a history of being violent under the influence of alcohol or drugs) are not.

These three broad goals of mental health laws – access to treatment and the protection of both the individual and others because of a perceived risk of harm – can thus all be questioned in terms of justifying legislation that singles out a specific group of individuals for involuntary detention and treatment.

The special relevance of human rights for psychological practice and advocacy

Various psychological organisations have explicitly referred to human rights as a basis of their work. The American Psychological Association, for example, aspires to be “an effective champion of the application of psychology to promote human rights” (American Psychological Association, 2009).

Awareness of the need to support people with psychosocial disabilities to make their own decisions is an obvious starting point for promoting human rights in this area. This may be facilitated by: (1) support for good communication skills and related attitudes and practices among mental health practitioners and removing barriers to their good practice in health and social services; and (2) introducing legal supported decision-making mechanisms such as nominated persons schemes and advance directives which allow individuals to indicate their preferred forms of medical treatment in a crisis situation (Kokanović et al., 2018). As disability rights advocate Minkowitz (2007, p. 409) has outlined, several schemes support decision-making rather than substitute it, including informal networks of family and friends, formal registration of support persons and peer support schemes.

There is also a growing body of community-based efforts aimed at reducing the likelihood of a person experiencing compulsory detention and treatment. Strategies include crisis resolution, respite housing and home-based support.

Crisis homes offer a small-scale residential alternative for people in crisis, sometimes designed for specific groups, such as women or members of minority ethnic groups. Osborn et al. (2010) compared the experiences of people with mental health conditions who were staying in four standard services and four residential alternatives. They found that staying in the residential alternatives was associated with greater service user satisfaction and fewer negative experiences.

Some crisis houses are managed and run by service users, former service users and persons with mental health conditions and typically have a strong recovery and self-help ethos. Croft and İsvan compared the use of inpatient and emergency services of 139 individuals who used, and 139 individuals who did not use, a peer respite service during a two-year period. They found that there was a significant decline in the use of inpatient and emergency services by the users of peer respite services. Their findings suggest (Croft and İsvan, 2015, p. 632) that “[b]y reducing the need for inpatient and emergency services for some individuals, peer respites

may increase meaningful choices for recovery and decrease the behavioural health system's reliance on costly, coercive, and less person-centred modes of service delivery".

Psychologists may work within such community-based services to ensure they continue as an alternative to involuntary detention and treatment as well as be aware of the importance of promoting human rights in their own clinical practice. In addition, there may be a role for psychological organisations in advocating for human rights more generally.

Psychologists and professional associations may have a role in ensuring that mental health care and treatment are provided on a voluntary basis as much as possible. Advocating for more resources for community-based mental health services and placing an emphasis on human rights in clinical practice can assist in ensuring involuntary detention and treatment are at the very least a last resort.

The next sections provide an overview of the conceptual aspects of human rights and compulsory mental health treatment and analyse what the CRPD may mean for the practice of human rights-based treatment.

Conceptual aspects of human rights and compulsory mental health treatment

As explored throughout this book, human rights are considered rights inherent to all human beings, regardless of status. The Preamble to the Universal Declaration of Human Rights (1948) recognises the "inherent dignity and inalienable rights of all members of the human family".

The rights outlined in the CRPD include the right to life (Article 10), the right to equal recognition before the law (Article 12), the right to liberty and security of the person (Article 14), the right to respect for physical and mental integrity (Article 17), the right to live in the community (Article 19), the right to education (Article 24) and the right to enjoyment of the highest attainable standard of health without discrimination on the basis of disability (Article 25).

In 2016, the United Nations' Human Rights Council passed a resolution on mental health and human rights which recognised "the need to protect, promote and respect all human rights in the global response to mental health-related issues" and stressed "that mental health and community services should integrate a human rights perspective so as to avoid any harm to persons using them" (Human Rights Council, 2016, Preamble).

On September 28, 2017, the Human Rights Council approved a further resolution on mental health and human rights. While these resolutions are not legally binding under international law, they signal a strong consensus from United Nations' member states.

One of the key paragraphs in this latter resolution recognises that it is necessary for states to "take active steps to fully integrate a human rights perspective into mental health and community services" (Human Rights Council, 2017, para. 5). It also refers to the need to promote the right of everyone "to full inclusion and effective participation in society" (Human Rights Council, 2017, para. 5). These words echo Article 3(c) of the CRPD which includes as a general principle, the "[f]ull and effective participation and inclusion in society" of persons with disabilities. The

United Nations' Special Rapporteur on the rights of persons with disabilities is currently exploring options for the societal participation of those with psychosocial disabilities, including through supported decision-making mechanisms, independent living services designed by and run by persons with disabilities and family support (Gooding, McSherry, Roper, & Grey, 2018).

How human rights can be integrated into services based on treatment without consent is a vexed issue (McSherry, 2014b; Waddington & McSherry, 2016). One interpretation of the CRPD is that any treatment without consent should not be permitted and legislation enabling this should be abolished (e.g. Human Rights Committee, 2014, para 7). Another interpretation is that processes for substituted decision-making are permitted under the CRPD, but only in exceptional circumstances (e.g. Dawson, 2015).

These interpretations have largely focused on Article 12, the right to equal recognition before the law, which raises notions of "legal" and "mental" capacity.

Legal capacity versus mental capacity

Article 12(2) of the CRPD requires states to "recognize that persons with disabilities enjoy legal capacity on an equal basis with others in all aspects of life", while Article 12(3) requires "appropriate measures to provide access by persons with disabilities to the support they may require in exercising their legal capacity".

The Council of Europe Commissioner for Human Rights (2012, p. 7) defines "legal capacity" as "a person's power or possibility to act within the framework of the legal system". There are two constituent elements to legal capacity. The first refers to "legal standing" in the sense of being viewed as a person before the law; the second to "legal agency" or what is sometimes referred to as "active legal capacity" (McSherry, 2012). At various times in different societies, certain groups have been viewed as not having legal "personhood" or standing. For example, women, children under the age of majority and persons with mental and intellectual impairments have been and continue to be viewed in some societies as not having legal standing.

Article 12(2) requires states to ensure that those with disabilities are not treated differently when it comes to legal standing. But Article 12 goes further than this. The reference to *exercising* legal capacity in Article 12(3), together with Article 12(2), ensures that "legal agency" is also encompassed by the concept of legal capacity within the CRPD. Legal agency as the second component of legal capacity refers to the ability to act within the framework of the legal system.

Quinn and Arstein-Kerslake (2012, p. 42) have conceptualised the exercise of legal capacity in terms of it being both a sword and a shield. Used as a sword, the exercise of legal capacity reflects an individual's right to make decisions for him- or herself and to have those decisions respected by others. Used as a shield, the exercise of legal capacity refers to the power of the individual to stop others from purporting to make decisions on his or her behalf.

Article 12 thus makes it clear that people with disabilities have legal capacity on an equal basis with others. This must be presumed. The question then is: can legal capacity ever be removed and, if so, in what circumstances? This leads on to the idea of mental capacity.

The United Nations' Committee on the Rights of Persons with Disabilities (2014, para. 13) defines "mental capacity" as "the decision-making skills of a person".

Traditionally, an assessment of decision-making skills has focused on a person's cognitive abilities and psychologists may be engaged to apply certain tests in this regard.

Richardson (2013, p. 89) writes in relation to the concept of mental capacity:

For the law, mental capacity is an essential ingredient of individual autonomy and is employed to define the line between legally effective and legally ineffective decisions. Those with mental capacity will have the legal capacity to act: their decisions or choices will be respected. In contrast, those who lack mental capacity will also lack legal capacity: their decisions and choices will not be respected and decisions will be made by others on their behalf.

Mental capacity is therefore at present closely linked to legal capacity. However, the Committee on the Rights of Persons with Disabilities, in its General Comment on Article 12, has argued that the two concepts should be clearly delineated (2014, para. 13) and that legal capacity should not be denied on the basis that someone is assessed as having "impaired decision-making":

the concepts of mental and legal capacity have been conflated so that where a person is considered to have impaired decision-making skills, often because of a cognitive or psychosocial disability, his or her legal capacity to make a particular decision is consequently removed ... Article 12 does not permit this discriminatory denial of legal capacity ...

(2014, para. 15)

This General Comment, although not legally binding under international law, implies that substituted decision-making will always be regarded as incompatible with the CRPD. For some commentators, however, this interpretation should be disregarded. For example, Dute (2015, p. 318) has argued that this interpretation is "a step too far" and that the Committee "has lost sight of reality". In relation to those with psychosocial disabilities, Freeman and colleagues (2015, p. 844) argue that:

the General Comment on Article 12 of the CRPD threatens to undermine critical rights for persons with mental disabilities, including the enjoyment of the highest attainable standard of health, access to justice, the right to liberty, and the right to life.

A midway point is to focus on Article 12(3) of the CRPD which holds that "States Parties shall take appropriate measures to provide access by persons with disabilities to the support they may require in exercising their legal capacity". To date, when this paragraph is discussed, the emphasis is on support in relation to decision-making. For example, Quinn (as quoted in Clifford, 2008, p. 90) observes:

Incapacity is not really a black and white issue, it is very much an individualized process. The first thing that a political authority should do is to put in the supports that enable individuals to make decisions, rather than take away this opportunity and do the easier thing of letting another person make the decision for them.

Focusing on supports for decision-making seems the most appropriate way to ensure human rights are promoted and protected and this is taken up later in this chapter.

Practical/applied aspects

The provision of treatment without consent is increasingly a subject of concern for both professionals and the public. Moreover, this is true not only for medical and psychological treatment provided without consent, but other forms of coercive treatment, such as seclusion and the use of physical and “mechanical” restraints such as belts and straps to control behaviour (Steinert, Noorthoorn, & Mulder, 2014, p. 2). There have been several reported negative effects on patients of coercive interventions, including decreased self-esteem, fear of readmission and a sense of loss of credibility (Hassan, 2012; Katsakou et al., 2012). Those carrying out these interventions, particularly nurses, have also reported considerable distress as a result of doing so (Nagel van der et al., 2009). For this reason, research and guidance on alternatives to coercive treatment are being developed. One such example is the Open Dialogue approach, discussed in the following case study.

Case study: The Open Dialogue approach as an alternative to involuntary detention and treatment

Open Dialogue is an approach to supporting individuals experiencing mental health crises, including psychosis, which originated in Finland’s Western Lapland region in the 1980s. It is prominent in rights-based debates about crisis support and resolution in people’s homes and communities (Seikkula et al., 2003) and it includes an emphasis on working with individuals in their family and/or social network.

It is based on seven principles for supporting those experiencing a mental health crisis:

1. Immediate help: the first meeting takes place at the person’s home within 24 hours of the first contact between usually a family member and a member of the treatment team
2. A social network perspective: treatment meetings engage the person’s social network as integral participants

3. Flexibility and mobility: therapy is designed to meet the specific needs of each individual, is flexible in adapting to changing needs and often takes place at the person's home
4. Responsibility: the first professional in contact with the family takes responsibility for the first network meeting. After that, the team takes on the responsibility for supporting the person
5. Psychological continuity: the same team is responsible throughout the process
6. Tolerance of uncertainty: decisions about treatment are discussed over several meetings before being implemented
7. "Dialogism": the focus is on developing new understanding among the different participants (Buus et al., 2017)

The Open Dialogue approach is presented as an alternative to hospital and is therefore associated with a reduced likelihood of involuntary treatment. A small-scale comparative analysis by Seikkula et al. (2003, p. 163) of 45 adults who were given Open Dialogue support compared with 14 service users in typical acute services indicates that the Open Dialogue approach, "like other family therapy programs, seems to produce better outcomes than conventional treatment". They also report (2003, p. 163) that Open Dialogue participants experienced "fewer relapses and less residual psychotic symptoms and their employment status was better than in the [non-participating] comparison group".

Razzaque and Stockmann (2016) describe "peer-supported open dialogue" as a variant of the Finnish practice, which is being trialled in six National Health Service trusts in the United Kingdom commencing in 2016. They describe (2016, p. 348) how a "core principle of the approach is the provision of care at the social network level, by staff who have been trained in family, systems and related approaches". The staff include peer support workers, that is, individuals who have experienced psychosocial disabilities in their own lives. Rigorous empirical analysis of the Open Dialogue approach is yet to occur, and its application outside of Finland remains largely untested, although studies are beginning to emerge (e.g. Olson, Seikkula, & Ziedonis, 2014).

A variety of other strategies, including training staff in the use of de-escalation techniques, changing the physical environment within institutions such as by replacing worn-out furniture, painting the walls in soft colours and adding rugs and plants, allowing individuals to indicate their preferred method of treatment in anticipation of a future crisis, and providing training in ethical care, can also all help to contribute to a reduction in the use of coercive treatment, including involuntary medical treatment (Gooding et al., 2018; Voskes, 2015; Voskes, Theunissen, & Widdershoven, 2011). Evidence indicates that efforts to reduce coercion, including involuntary medical treatment, and to change the culture of an institution, are most

successful if they are supported both by management and staff (Voskes, 2015, pp. 166–167; Mann-Poll et al., 2018, p. 741). In addition, such change seems to be a long-term process, with institutions which have been engaged in coercion reduction efforts over a number of years achieving greater and more stable reductions on average than institutions which have only recently initiated such measures (Voskes, 2015, p. 43 and p. 165; Noothoorn et al., 2016, p. 1325).

Individual rights and group/collective needs that should be addressed

Individual rights may conflict with each other as well as with collective needs. As Dawson (2015, p. 71) has pointed out “[i]nvoluntary psychiatric treatment ... could both limit a person’s autonomy and promote their social inclusion, health, and standard of living.”

As outlined above, the Committee on the Rights of Persons with Disabilities has interpreted the CRPD as questioning involuntary detention and treatment without consent. However, other bodies within the United Nations, such as the Human Rights Committee, have declared that detention and involuntary treatment may be necessary in certain circumstances.

For example, the Human Rights Committee has released its own General Comment (2014, para. 19) which states that, while there should be revisions to “outdated laws and practices in the field of mental health in order to avoid arbitrary detention”, sometimes deprivations of liberty may occur provided that they are “necessary and proportionate, for the purpose of protecting the individual in question from serious harm or preventing injury to others”.

Similarly, the United Nations’ Subcommittee on Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (2016, para. 8), which was established under the Optional Protocol to the Convention against Torture, has stated that:

involuntary confinement may be judicially ordered to provide timely access to appropriate expert care and specialist medical treatment. In such cases, placement in a psychiatric facility may be necessary to protect the detainee from discrimination, abuse and health risks stemming from illness, provided that all guarantees are respected and that the treatment offered is equal to that offered to other patients and corresponds to the health needs of the person and that the placement of the person is subject to constant judicial review.

The rationale behind these statements appears to be the need to balance individual rights against each other, as well as individual against collective rights and needs.

The concept of balancing human rights in general is one that has become central to judicial decision-making in some countries and, in particular, by the European Court of Human Rights (Başak, 2007). Often this is expressed in terms of balancing individual human rights with communal interests and involves a commitment to the legal principle of proportionality. For example, in *Hatton v United Kingdom* (2003: para 98), the European Court of Human Rights referred to the need to strike a fair balance

“between the competing interests of the individual and the community as a whole” in assessing human rights claims.

Ultimately, in clinical practice, any limitations on human rights must be reasonable and demonstrably justifiable and there must be checks and balances on such limitations via the legal system to ensure they are not, or do not become, unreasonable or unjustifiable. This means that decisions regarding detention or involuntary treatment must be subject to regular judicial review.

Methods for communicating or teaching about this topic

The World Health Organization’s QualityRights Initiative (2017) is a global programme that aims to improve the quality of care provided by mental health and related services. It draws heavily on the CRPD to promote services that respect and uphold the human rights of people with psychosocial, intellectual and cognitive disabilities, as well as mental health and related service users who do not identify as having a disability. The QualityRights Initiative has six key outputs to achieve these objectives:

1. *Training tools*: six core and four advanced training modules, which include presentations, exercises and activities on the implementation of human rights-compliant services
2. *E-training*: an online training platform with six core modules similar to those in the training tools
3. *Tools for advocacy and civil society*: two documents offering guidance to disabled persons organisations and other civil society organisations on “Setting Up and Operating a Civil Society Organization in Mental Health and Related Areas” and “Advocacy Actions to Promote Human Rights in Mental Health and Related Areas”
4. *Guidance on peer support*: two documents offering guidance on developing and integrating individualised peer support programmes in mental health and related services
5. *QualityRights Toolkit*: detailed guidance and materials for conducting formal, small- or large-scale evaluations of the human rights compliance of mental health and related services within a country or local area
6. *Guidance on improving and transforming services*: a document containing training and guidance for responding to a QualityRights assessment to improve and transform services.

Conclusion

Human rights are inherent to all human beings, regardless of status. The CRPD is an essential starting point for using a human rights perspective to inform mental health service delivery and the United Nations’ Committee on the Rights of Persons with Disabilities has interpreted it as requiring the abolition of involuntary detention and treatment without consent.

While there are differing views as to whether substituted decision-making can ever be abolished, there are several methods for ensuring those with psychosocial

disabilities are supported to make their own decisions. This may be done, for example, through assisting clients to make advance statements as to their preferred treatment should they become severely unwell and through exploring options for informal peer and family support networks (Kokanović et al., 2018). Psychologists have a role in promoting human rights through practice and advocacy in order to ensure treatment is voluntary wherever possible.

Questions

1. Why do you think there was a need to create a new international *Convention on the Rights of Persons with Disabilities* (CRPD)?
2. What supports could be put in place to enable persons with psychosocial disabilities to make their own decisions about mental health treatment?
3. Can you outline the difference between legal and mental capacity?
4. What role could psychological associations play in promoting human rights?
5. What role might (former) users of mental health services play in helping psychologists protect and promote the human rights of people with psychosocial disabilities?

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Forced migration

Psychological contributions that might help to improve the human rights situation

Ulrich Wagner

Introduction

Migration is a phenomenon that has accompanied mankind since its existence. Migration creates diversity and psychologists know that diversity is one of the major preconditions for creativity (e.g. Antonio et al., 2004) and innovation, both in organizations (van Dijk, van Engen, & van Knippenberg, 2012) as well as in societies (Moscovici, 1976). Many economists see the post-World War II Western economic development significantly driven by migration to Europe and the United States (Borjas, 1995). In sum, migration is a mighty impulse of positive individual and societal development.

Migration, however, is not only connected with positive results. It often goes along with hardship, injustice, discrimination and violence – mostly for those moving.

In the following, I will describe some of the immense psychological problems connected with migration, following a prototypical path that migrants – if they are “successful” – have to pass. This path follows from leaving or being urged to leave their homeland, their route of flight – for instance, through Africa or Central America, arriving at the European or North-American borders, to entering these regions of demand, being treated as a – potentially illegal – immigrant, and being confronted with the demands of becoming a legal citizen of the receiving country. I will herein focus on forced migration, because these refugees in particular have to face a lot of problems on their way.

Fleeing home

The United Nations (UN) counted 71 million people on the run, i.e. internally displaced and stateless people, refugees, asylum seekers and returnees (United Nations High Commissioner for Refugees, 2017). Many of them are fleeing because of war, civil war, sexual abuse and other forms of violence – violations of human rights, such as the right to life and physical integrity. Others are leaving their homes because of hunger, poverty and unemployment, violations of the right to work and the right to life. Most move within their countries of origin or to neighbouring countries.

Reasons for flight usually go back to economic or ideological conflicts, often with a long history. That is, individuals or groups are claiming land or property of

others or are interested in enforcing their own religious or political conviction. These interests are then connected with political propaganda and ideology as well as the promotion of specific in-group memberships. The Russian occupation of the Crimea in 2014, for example, was the result of economic interests that were later overpainted with stories of historical ownership of specific ethnic groups. In a similar way, the so-called Islamic State claimed in 2014 to have the only proper access to Islam and other Muslim convictions have to be persecuted and destroyed.

Although reasons for flight might go back to conflicts of interest, as described above, reasons for flight are also often enforced by mismanagement and political corruption. In addition, reasons for flight are further increased by influences of the Global North when industrial countries exploit primary resources in developing countries and thereby intensify conflicts. Moreover, hardship is enforced when industrial countries deliver their highly subsidized agricultural products and thereby destroy local production. Finally, if the major financial sponsors of the UN and other aid agencies cut their support (Erlanger & de Freytas-Tamura, 2015), refugees in the neighbourhood of war and civil war are pressed to leave the region – which happened in 2015 in countries around the civil war region of Syria.

Conflicts about resources often go along with discrimination and persecution of ethnic and national minorities, specific gender groups, language, religious and social minorities and people of specific political conviction. Discrimination and persecution are human rights violations which also contribute to migration and flight, as could be observed when in 2017 Muslim Rohingya people had to leave Myanmar in great numbers due to persecution by the military and by a Buddhist majority.

Psychologists know about the psychological mechanisms behind persecution that lead to expulsion, such as hostile intergroup processes and political propaganda. For example, conflict theory proclaims that when two or more groups perceive themselves in negative interdependence, i.e. if the winning of one group implies the loss of the other one, such conflicts tend to escalate to discrimination and violence (Deutsch, 1949). In addition, escalating conflicts not only go along with an increase in negative intergroup behaviour, but also with the development of negative stereotypes, which justify hostile behaviour against the outgroup (Wagner & Gutenbrunner, 2020, in preparation).

Based on this background knowledge about reasons for fleeing, psychologists have a special responsibility to argue and work against these destroying developments in societies, among other things, by informing politicians and taking a public position.

People on the run and refugees often face problems leaving their countries of origin due to a lack of appropriate documents. They might be denied such documents by their country of origin. Or the access to visas for their goal country is complicated or even impossible due to administrative means of the potentially receiving country (Kastner, 2017). In addition, incarceration in countries of origin or transit countries frequently occurs. This again is a violation of human rights, specifically of Article 13 of the Universal Declaration of Human Rights (UDHR: United Nations General Assembly, 1948), which implies free movement within a country and movement across country borders. Furthermore, the escape routes often are accompanied by new persecution and violence – especially torture and sexual violence.

Intermediate stations and arrival at goal country

When migrants and refugees approach a place to stay – whether their final goal region or a place from which they have no opportunity to move on – they often are in a situation of extreme psychological insecurity and are traumatized. They require professional psychological support, a need which sometimes only becomes visible after a period of stay. Often, however, such help is denied. In Germany, for example, which offers relatively good health care for immigrants, only immediately needed medical support is funded. Sometimes, this results in a restriction of trauma therapy in the form of mere drug treatment without psychotherapeutic assistance. Many psychologists nevertheless provide professional support for free for people in need – also an expression of psychologists' responsibility for human rights and of overcoming the consequences of human rights violations. In addition, one has to hold in mind that, even though trauma treatment is one of the best-developed psychotherapies, the specific circumstances accompanying flight can create complicated situations even for trained clinical psychologists. Culture-specific psychological disease patterns, their expressions and thus opportunities for help may differ from the experiences of Western professionals. Hence, one of the major tasks for Western psychology is to develop a deeper understanding of culture-specific consequences of trauma and options for appropriate treatment.

Even if migrants and refugees arrive in a region which ensures their bodily integrity, they usually have to face further major difficulties. Article 14 of the UDHR declares the right for everyone “to seek and enjoy in other countries asylum from persecution” (United Nations General Assembly, 1948). The emphasis of the 1951 Refugee Convention (United Nations High Commissioner for Refugees, 1951) is the protection of persons from political persecution for reasons of race, religion, nationality, membership of a partial social group or political opinion. Getting access to these rights is often accompanied by strong bureaucratic and legal restrictions for the individual applying for asylum. For example, the European Dublin III Regulation (European Parliament and the Council, 2013) prescribes that a person has to apply for asylum in that European Community member state where he or she arrived first. Such regulations produce a lot of problems for people applying for asylum if they are – for whatever reasons – carried through different European states on their flight. The bureaucratic procedures for applying for asylum or the temporary right to stay often are not transparent for applicants and complicated to complete. In Germany, for example, applicants first have to declare their request for asylum, then applicants are compulsorily assigned to specific centres for asylum seekers where they are interviewed about their motives. Within a period of six months, a decision should be made by the responsible institution, a period during which taking a job is prohibited. A negative decision and the demand to leave the country can be formally objected. However, at least at this stage of the procedure an applicant needs lawyers' support.

In addition to bureaucratic difficulties, new immigrants often have to face rejection and discrimination from parts of the receiving society and its political elites. Psychologists have good and empirically supported knowledge of the causes of prejudice, discrimination and violence. For example, Sherif (1967) divided boys in a summer camp into two groups and organized sport matches like tug of war

between the groups, promising pocket knives for the winning team after a week. He found that these tournaments not only stimulated participants' engagement on behalf of the ingroup, but also instigated the development of negative mutual stereotypes and name calling regarding the outgroup.

Henri Tajfel and his team (Tajfel, Billig, Bundy, & Flament, 1971) demonstrated that the mere categorization of people into two artificial groups – e.g. a blue and a green one – can contribute to ingroup bias, i.e. to benefit ingroup members and discriminate against members of the other group. This ingroup bias can be observed even when participants in the experiment know that the group assignment was totally random (Billig & Tajfel, 1973). Tajfel (1978) as well as Tajfel and Turner (1979) later explained the results of the minimal-group experiments with the Social Identity Theory: people identify with groups and group memberships are relevant for their identity. In addition, the theory supposes that people strive for a positive identity. These two assumptions imply that people try to positively differentiate their ingroup from relevant outgroups. One way to achieve this is to devalue the outgroup and its members.

Later, Stephan and co-workers (e.g. Stephan & Renfro, 2002) added the component of intergroup threat to Sherif's Realistic Conflict Theory and to Social Identity Theory: outgroup devaluation is enhanced if the outgroup is perceived as a threat to the ingroup. Such threats can encompass realistic threats to the ingroup's material resources ("they threaten our economy") or symbolic threats ("they threaten our way of life") to the ingroup's values and norms.

It is interesting to think about the empirical situations created by the responsible authors of the above-mentioned theories and studies: Sherif (1967) told the participating boys that the summer camp programme would imply a weeklong tournament, Tajfel et al. (1971) informed the participants in their minimal-group experiments that they were now members of a specific group and Stephan and Renfro (2002) in their experiments presented the outgroup as threatening the ingroup's material resources or values. This means that the experimental groups did not really exist and the situations were not actually competitive or threatening: the experimenters simply fabricated such conditions for their study participants. From this perspective, there is an obvious connection between the experimental situations described and the way in which we all, as citizens, learn about the groups to which we purposely belong or are assigned, and about the character of different outgroups. Society members' perception of immigrants as being dangerous and threatening strongly depends on the communication and impact of opinion leaders, who may be politicians, other "public" people, the press or the internet.

The receptivity of people to indirect information as well as their ability and tendency to be influenced by the messages that others deliver impose a high responsibility on those who send such messages. Psychologists have the obligation to inform the public about the dangerous consequences that distorted news about immigrants can entail, not only for immigrants themselves but also for society as a whole.

A special situation of stress emerges if families are separated during the flight: children and close family members end up in different countries or part of the family may still live in the region of origin. Many receiving states have serious restrictions related to family reunification. This is a violation of Article 16 of the UDHR and of the Convention of the Rights of Children (United Nations General

Assembly, 1989) to safety, education and family. In such an extreme situation, refugees not only need juridical and legal support, but also psychological help. Developmental psychologists know about the importance of the family for the development of their offspring. Many states ratified the relevant conventions proposing minors' assistance and the importance of families. Nevertheless, they often ignore both psychological knowledge and human rights in their everyday administrative performance when receiving immigrants and refugees.

In general, one can get the impression that, when it comes to immigration, especially immigration of refugees, the receiving societies make a significant distinction between the autochthonous population and the newcomers – in the right to work, schooling, free movement, health care, access to the social security system, care of families, and so on. This is often accompanied by human rights violations and extreme negative consequences for migrants. In addition, one has to think about the moral costs European and North American societies have to pay while walling off their country against immigrants: the contradictions between their own moral and ethical aspirations, often relating to the European Enlightenment, and political practice come with extremely high costs for moral and societal cohesion in the affected Western countries (Myrdal, 1944).

Integration

If a positive decision is made about an immigrant's or refugee's right to stay, the question of integration into society arises. Practically, this often means that the immigrant has to learn the language, find a place to live, obtain the needed diplomas from schools or other institutions in the relevant educational system and find a job.

The Canadian psychologist John Berry (e.g. 1997) developed a model according to which the kind of acculturation depends on the answer to two questions: first, is an immigrating person interested in getting into contact with the new society? Second, is the same person interested in holding relations with the heritage culture? Both questions can be answered, independently of each other, with yes or no, so that a four-field panel emerges, describing integration (i.e. both questions being answered with yes), assimilation (i.e. being interested in getting into contact with the new culture whilst giving up the connection with the old one), separation (i.e. avoiding contact with the new society and solely focusing on the old culture) and marginalization (i.e. answering both questions with no). This model describes integration significantly differently from the political understanding of integration delineated above, which comes close to assimilation in Berry's model. In addition, Berry's concept of acculturation expectations can be used to describe the perspective of immigrants, as well as the receiving society members' expectations for immigrants and themselves, i.e. how far the majority is ready to recognize and approach the cultural perspective of the immigrating minority as well. Through a model like that of Berry, it becomes clear that psychological knowledge can make significant contributions to our understanding and handling of concepts of integration that go above and beyond the public debate about it.

Surveys show that immigrants usually prefer integration (and sometimes even separation; see Frindte, Boehnke, Kreikenbom, & W. Wagner, 2017) in Berry's term,

whereas receiving societies expect immigrants to assimilate. This often leads to misunderstandings, mutual rejection and prejudice (see also Bourhis, Moise, Perreault, & Senecal, 1997). Elaborating on Berry's model, it makes sense to differentiate between different contents of acculturation (Wagner, 2018). For example, most would agree that a receiving country and its citizens expect newcomers to respect the existing laws and basic customs, such as the equality of gender groups and the acknowledgement of human rights. In other fields of living, an integrative approach from both sides to one another is possible, for example by acknowledging important issues in the immigrants' culture by the introduction of new holidays, which in addition would follow the demand for the human right to participate in cultural life and to enjoy one's culture (see also the International Covenant on Economic, Social and Cultural Rights, United Nations General Assembly, 1966).

Human needs are not constant (Maslow, 1970). When immigrants or refugees arrive in a country, they often have to bear a burden of terrible, even life-threatening experiences from their countries of origin and the escape. Their primary demand is safety and survival. Bad living conditions in first reception centres are, at that moment, acceptable, if not luxury. Having lived in safe conditions for a while and having had the opportunity to observe the standard of living in the new society increase their aspirations and activate higher needs, such as needs of belonging and participation and the need to fulfil cognitive aspirations. These adaptations of needs are not unique to immigrants. Psychologists therefore should inform the public and political decision makers about such psychological processes. What is needed is an open debate about integration of newcomers and the development of a common vision of living together – taking the needs and interests of both sides, newcomers and receiving societies, seriously into account.

What are the preconditions that make individuals identify with societies? From a psychological point of view, identification with groups and with society specifically depends on society's offers for participation. That is, individuals – with and without a migration background – have to recognize that adjusting to societal expectations and norms has positive consequences for them and contributes to the avoidance of negative consequences. Identification then leads to acceptance of societal norms and finally to social participation and contribution (Deci & Ryan, 2000), accomplishing individual well-being. Identification with and commitment to societal norms also imply reduction of deviancy. The described process then results, on the societal level, in an increase of societal cohesion (Wagner, 2018). Thus, helping people identify with the society in which they live is in the interest of all – those who are expected to identify as well as society as a whole.

Radicalization

What happens if identification with society and commitment to societal norms are not realized – if, for example, new immigrants perceive themselves as rejected and permanently excluded from participation and acknowledgement? Exclusion and being the target of prejudice lead to impairments of well-being and psychological suffering (Nguyen & Benet-Martinez, 2013). In addition, they can lead to deviant behaviour and violence (Wagner, 2018), from petty crimes and gang violence up to severe sexual violence and rape. Immigrants becoming perpetrators of extreme

violence are often the disappointed who perceive themselves as unaccepted (Wagner & Lemmer, 2019): They have recognized that their primary expectations about their chances in the new country cannot be fulfilled or, even worse, they are expecting deportation from the country because they have not been acknowledged as legal immigrants or refugees. The aim of this psychological analysis is not to excuse the perpetrators, but it shows that disappointing living conditions without positive expectations for the future can contribute to deviance, violence and societal decline (see also Anhut & Heitmeyer, 2000), thereby endangering important human rights for everyone, majority and minorities.

Recent research shows that feelings of exclusion significantly contribute to political and religious radicalization and violence (Wagner & Maaser, 2018): radicalization often is a consequence of ingroup–outgroup categorization combined with feelings of deprivation and threat, i.e. exclusion, and a political or religious ideology that justifies the use of violence against the outgroup. Again, if the interest is to prevent radicalization and religious and political violence, societies have to offer opportunities for participation in order to avoid exclusion – for example, by allowing families to reunite.

Various states react with expulsion of immigrants who do not acquire the right to stay, but also of those who come to notice due to crime and violence. Such a situation is often accompanied by dramatic experiences of stress, and it may demand psychological support in order to deal with this. The author of this chapter is unsure what to say concerning psychologists being engaged in the deportation of unacknowledged or criminal immigrants and refugees – even if this decision is backed by a fair juridical decision.

In summary, since psychologists know so much about the conditions that support integration and societal cohesion as well as the conditions that lead to endangerment of human rights, they are requested to apply this knowledge, either by individually contributing to integration of immigrants, or by counselling the public and political decision makers on the consequences of inclusive or exclusive political strategies.

Measures needed to reduce human rights violations in the context of (forced) migration

Even though the Refugee Convention (United Nations High Commissioner for Refugees, 1951) grants the right to apply for asylum when in a country, there is no human right which proclaims a right to immigrate to a country or to stay there – and many consider this to be a shame. Additionally, many states purport to act in accordance with human rights, but if one takes a closer look into administration practice, hardships and human rights violations emerge. For example, the American political decision in the summer of 2018 to separate children from their parents when they were accused of having crossed the border illegally (Sacchetti, 2018) is a violation of the rights of children. The same holds true for the decision of the German administration not to allow parents of minor refugees in Germany into the country, even though the European Supreme Court had decided in accordance with the Convention on the Rights of the Child (European Court, 2018).

Migration, especially forced migration and flight, is often connected to extreme hardship, discrimination, cruelty and violations of human rights. Forced migration and its consequences are usually a result of political decisions and conflicts. Therefore, the responsibility for the reduction and avoidance of human rights violations rests with politicians – and as such, in democratic states, with the voters who can decide for parties and policies which either contribute to or prevent human rights violations.

From the perspective of the states in the Global North, Europe and North America, which used to be the prime destinations of forced migration, a political programme which earnestly tries to reduce hardships connected with forced migration and human rights violations should address the realization of the following list of means:

Working against reasons for flight

- Stopping the destruction of the environment which impairs the living conditions in many countries of origin
- Working against local and international violent conflict escalations
- Improving developmental co-operation without endangering the development of local economies.

Protecting migration paths

- Offering the opportunity to apply for immigration and asylum in regional diplomatic representations of the goal countries
- Creating legal opportunities to immigrate in the form of immigration acts.

Promoting integration

- Receiving countries clarifying what they expect from people living within their borders, i.e. in which areas of life they expect assimilation and where they offer integration opportunities
- Taking into account the changing needs of immigrants
- Promoting the reunion of families
- Taking care of affordable accommodation opportunities
- Promoting fair access to schooling, universities and training for jobs
- Ensure appropriate job qualities and payment
- Avoiding spatial segregation or ghettoization.

It is interesting to see that many of the preconditions needed for integration not only address the demands of new immigrants, but also those from the disadvantaged parts of the receiving society. Often, the problems of immigrants are not the cause of problems for others; they simply make existing issues visible, like problems in the residential market, access to schooling and the work market. Thus, promoting integration often helps prevent human rights violations not only for immigrants, but also for other parts of the population.

Migration, and especially forced migration, is strongly connected to intergroup conflict, negative outgroup stereotyping, discrimination and intergroup violence.

These phenomena contribute to unacceptable living conditions and further lead to persecution and violence. Even though one may see the mitigation of hardships and human rights violations primarily in the duty of politics, intergroup conflicts and their dramatic consequences are significantly influenced by psychological processes, too. Psychologists have scientific expertise on how to work against them.

Gordon Allport proposed in 1954 that:

prejudice ... may be reduced by equal status contact between majority and minority groups in the pursuit of common goals. The effect is greatly enhanced if this contact is sanctioned by institutional supports (i.e., by law, custom, or local atmosphere), and provided it is of a sort that leads to the perception of common interests and common humanity between members of the two groups.

(Allport, 1954, p. 281)

Allport related his ideas to the relationship between Whites and Afro-Americans in the United States. Research shows that contact also significantly improves the relationship between other groups (Pettigrew & Tropp, 2006), including the relationship between new immigrants and the autochthonous population (Kotzur, Tropp, & Wagner, 2018). Contact research implies that the improvement in positive contact between groups reduces hardships and human rights violations connected with migration and flight. Paluck (2009), for example, successfully initiated a media programme in Rwanda to establish intergroup contact between former civil-war enemies. A number of contact intervention programmes for schools (see the example below) and leisure time activities to improve intergroup relations between students have also been proved to be effective (Lemmer & Wagner, 2015). Contact theory can be used to decide about an integrative composition of teams in organizations (van Knippenberg, De Dreu, & Homan, 2004) and it gives recommendations for settlement policies in receiving countries, namely to give newcomers the possibilities to get into contact with the receiving population (without isolating them from others of a similar origin: Veling et al., 2008). This means, for example, avoiding huge reception centres for new immigrants which make contact between inhabitants and the neighbourhood impossible. It also implies taking care of integrated housing and schooling, and improving the possibilities of newcomers regarding access to traditional community institutions, like sports and art clubs and voluntary fire brigades.

Lessons to be learned

Psychologists have a lot to contribute to understanding and influencing the basic psychological mechanisms behind hardships and human rights violations connected with migration and flight. Clinical psychologists can help migrants and refugees handle the consequences of the often hard to overcome history of expulsion and flight, and school psychologists can use their knowledge in contributing to an integrating school climate. The same holds true for organizational psychologists when thinking about how to adequately create heterogeneous organizational teams. Community psychologists can contribute to the political and administrative design of communities and political psychologists have a lot to deliver in counselling political

decision makers. Psychologists should therefore publicly speak out about all this, also in the political arena. Human rights are a good standard for an appropriate normative psychological position in the context of (forced) migration (Sommer & Stellmacher, 2018).

Case examples

The jigsaw classroom

Even in integrated schools re-segregation can often be observed in the classroom. Students of one ethnic background sit together, separated from students from other ethnic backgrounds. The same can be observed for leisure time activities. Aronson and co-workers used the contact theory to develop and establish a specific kind of small-group work to counteract this ethnic re-segregation (Aronson, 2002; see also Lanphen, 2011). In these co-operation programmes, students are divided by the teacher into heterogeneous groups according to achievement, gender and ethnic background (which differentiates the procedure from other kinds of group work where the groups are composed homogeneously or according to students' choices, which also ends up in homogeneity). Small-group members have to commonly work on a specific question, such as the biography of a famous person. The information needed to fulfil the task is distributed among the small-group members: the teacher delivers information about the early childhood to just one group member, the next group member receives pre-information about the protagonist's youth, the next about early adulthood, and so on. This distribution of knowledge within the small group implies that group members have to work together in order to fulfil their task, i.e. they have to come into contact with each other under the conditions described by Allport (1954). Some variants of the programme additionally expect that all small-group members have to ensure that each group member in the end can successfully report about the small-group's work result. Evaluation studies show that these kinds of programmes really help to overcome mutual rejection and promote intergroup friendship. Furthermore, studies show that this improvement in interpersonal relations is not connected to a drop in students' academic achievement.

When psychologists protest, this can contribute to a positive change in the human rights situation

When in late summer 2015 the number of refugees arriving in Europe and especially in Germany increased to around 600,000, a strong political and media debate arose concerning how to handle this rise in numbers. In September 2015 more than 100 German social psychologists signed an open letter to the German chancellor and the German parliaments. Based on psychological considerations and arguments, the authors asked for clear information on the increased

immigration to avoid misinformation. They proposed a political strategy regarding how to handle immigration by simultaneously taking into account the demands of the refugees and the resident population. The authors condemned a policy which increased feelings of uncertainty and fear about the expense of refugees just to draw political profit from it. And they used their knowledge about intergroup contact effects to recommend an integrated settlement of the refugees. The letter was supported by major German psychology associations and broadly well received by the press. The authors never received feedback from the chancellor; however, there were positive feedback and invitations from members of parliament. Nevertheless, bearing in mind the political debate among the democratic political parties in the past years, one gets the impression that the argument about the importance of intergroup contact opportunities was widely accepted and taken into political consideration. This does not mean that politicians and decision makers would now say that they were forced to think about the opportunities of intergroup contact as a result of that letter in autumn 2015, but it surely made a contribution to the improvement in human rights for immigrants based on psychological arguments.

However, when psychologists protest, this can entail extreme negative consequences for the protesters. In January 2016, a peace petition of Academics for Peace was signed by 1,128 academics in Turkey and delivered to the press protesting against new emerging violence in the Kurdish–Turkish conflict in Turkey. The Turkish government reacted by dismissing academics from universities by executive decree, without due process and legal recourse. The international protest, coming from international psychological associations among others, is ongoing (Pratto, Reicher, Neville, & Kende, 2019).

Questions

1. If psychologists are interested in improving the situation of migrants and refugees, and also of the receiving populations, what are the typical practical areas they can make a significant contribution in?
2. Considering the different human rights and related international agreements, would you say that they are clear and extensive enough to help governments come to a decision that appropriately takes into account the interests of all parties involved in the processes of migration? If not, what is missing?
3. Imagine you are professionally involved in problems related to migration and flight. Would you need further advice, in addition to the normative standards which the human rights deliver, that might help you in the ethical conflicts your work might bring up?
4. Human rights offer a normative standard in cases where it is unclear what to do. For professional psychologists, such situations might emerge for example if one is requested to help refugees in dealing with post-traumatic

stress syndrome but insufficient financial resources are available for therapy. Other examples would be that psychologists are requested to support unaccompanied minors, to whom the right to live with their families is denied, or that psychologists should be involved in forced returns of refugees. The questions are: Is it acceptable to participate in such measures? Why is it acceptable or not? How can the orientation on human rights help find an answer to those dilemmas?

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Indigenous groups facing environmental racism

Human rights, resilience and resistance in Palestinian communities of the West Bank and the Mapuche of Chile

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Introduction

This chapter begins with an introduction to frameworks for understanding the psychology of human rights and environmental racism from decolonial perspectives. Next, we identify two distinct culturally centred themes that link resilience and resistance processes relevant to Indigenous understandings of the interdependence of people and place presented as two case examples. Both case examples are based on qualitative studies completed by the first author (Atallah) with Indigenous Palestinian communities in the West Bank and with Mapuche communities in Chile. By engaging in comparative exploration of these two case examples, we explore diverse ways that settler colonialism assaults relations between Indigenous peoples and their lands. We understand this as a unique dimension of environmental racism.

Understanding environmental racism and resilience from decolonial perspectives

Rentfrow and Jokela (2016) argue that “much of psychological science has failed to recognize the relevance of place” (p. 396). Seamon (2018) suggests rethinking the colloquial phrase in English: *life takes place*. Replacing the word “takes” with the word “requires”, Seamon argues that “life *requires* place”; lived bodies belong to social-ecological systems. Furthermore, there is growing recognition that threats to environments are interrelated with threats to human rights.

Long before the term came into vogue, Chavis and Lee (1987) described environmental racism as a complex discriminatory phenomenon, including policies and practices that disadvantage racialized communities and increase likelihoods that they live in lower-resourced and hazardous environments that are harmful to human physical and psychological health and sustainability. The initial focus of studies of environmental racism in the USA was waste management, and in particular, contamination and toxic environments that were produced by unfair practices of dumping higher-levels of waste in communities of colour (Chavis & Lee, 1987). According to the National Association for the Advancement of Colored People (NAACP)’s Environmental and Climate Justice Program, currently in the USA, “race – even more than class – is the number one indicator for the placement of

toxic facilities” at the national level (National Association for the Advancement of Colored People (NAACP), 2018, p. 1).

Environmental racism has also been used as a construct to understand and assess the vulnerability of racialized communities in response to disasters, such as after hurricane Katrina in New Orleans (Morse, 2008), and more recently, in Puerto Rico after hurricane Maria (Rodríguez-Díaz, 2018). The tragic losses and damages after these events showed vividly how legacies of settler colonialism intersect with climate change to disproportionately devastate communities of colour. In fact, histories of racialized oppression in both New Orleans and Puerto Rico established the persisting unequal social patterns where economically disadvantaged people of colour resided in environments at much higher risk for death, destruction and deprivation due to these storms (Morse, 2008; Rodríguez-Díaz, 2018).

Attempting to understand environmental racism requires consideration of impacts of intersecting systems of oppression and privilege (such as race, ethnicity, class, gender, [dis]ability, sexuality, nationality, neighbourhood or geographic location, religion) on relations between people and environments (Kotchen & Young, 2007; Westley et al., 2013). Decolonial perspectives (e.g. Atallah, 2016; Atallah, Bacigalupe, & Repetto, 2019; Dutta, 2017; Fanon, 1963; Kirmayer, Dandeneau, Marshall, Phillips, & Williamson, 2011; Smith, 2012) take this a step further and argue for the importance of placing an emphasis on Indigenous resilience processes, rehumanization, and re-imagining transformative ways of being capable of dismantling racist systems and historical and ongoing settler colonial arrangements of power, knowledge and culture. Maldonado-Torres (2016) describes decolonial processes as “efforts at rehumanizing the world, to breaking hierarchies of difference that dehumanize subjects and communities and that destroy nature” (p. 10). Whyte (2018) explains, “settler colonialism is violence that disrupts human relationships to the environment” (p. 137). In the face of such complex ecosocial violence, Whyte (2018) highlights how groups, such as the Potawatomi nation – an Indigenous people of North America of which he himself is a member – are restoring customs and Indigenous institutions of government and law that focus on interdependence of relationships between humans with environments as critical acts of resilience and resistance. Whyte argues that focusing on interdependence sheds light on the responsibility that humans have for reciprocal, non-hierarchical relationships with their ecosystems.

Miller (2016) describes settler colonialism as a unique form of environmental racism that includes interrelated processes of domination, development, displacement and erasures of Indigenous peoples in the creation of unique landscapes, or “*settlerscapes*”, which systematically disembodify people from their environments. Approaching the psychology of human rights from decolonial perspectives involves amplifying voices of racialized and Indigenous peoples in transformative struggles for resilience and justice as they challenge settlerscales, and speak “of human-rights-in-place” (Seamon, 2014, p. 8). As Brown (2017) articulates, “[o]ne core practice of resilience is transformative justice, transforming the conditions that make injustice possible” (p. 126).

Therefore, in this chapter, in order to better understand the relationships connecting human rights, environmental racism and decolonial enactments of resilience, we explore two case examples of Indigenous, displaced groups at opposite ends of the globe: in Palestinian refugee camp communities in the West Bank, and in Mapuche communities in Chile. It is important to highlight that, contrary to many societies

that centre power around the concept of a nation-state, Palestinians and Mapuche are both heterogeneous and fragmented groups (in part, due to the violence of settler colonialism itself). Palestinians and Mapuche do not have a singular body in either group that represents them as a whole. Palestinianness and Mapucheness are both verbs more than they are nouns – more “decolonial movements” than static places that typify the Eurocentric idea of a “nation”.

Case example 1: Palestinian refugee camp communities in the West Bank

This first case builds on findings from a qualitative research project entitled *Palestinian Refugee Family Trees of Resilience* (PRFTR). This study (Atallah, 2017) was conducted in collaboration with a community-based organization (CBO) in a refugee camp in the central western region of the West Bank, which is a territory occupied by the state of Israel. There are more than two and a half million Palestinians living in the West Bank. Approximately one-third are registered United Nations (UN) refugees (The Palestinian Central Bureau of Statistics, 2016). The majority of these refugees live in UN camps like the one where PRFTR took place; this camp was established in the early 1950s and houses several thousand people (UN Relief and Works Agency (UNRWA), 2015).

Participants in the PRFTR study were invited to engage in the project through the partnering CBO, which was founded in the camp by Palestinian refugees themselves more than a decade ago. In total, 30 participants from five extended family networks participated. All participants were Indigenous Palestinians and survivors of *nakba* (“disaster” in Arabic) and their descendants. *Nakba* refers to events where approximately 750,000 Palestinians were forcibly displaced during the creation of the state of Israel in 1948 (Pappe, 2006). The government of Israel refers to this event as the War of Independence (Israel Ministry of Foreign Affairs, 2016a). UN Resolution 194 states that refugees have the right to return, but Israel denies them the right to live in or visit Israel (Abdelrazek, 2008), while Israel’s Law of Return opens the lands for colonists who identify as Jewish, from anywhere in the world, to settle in the country and gain automatic citizenship (Israel Ministry of Foreign Affairs Law of Return 5710–1950, 2016b).

Since the *nakba* of 1948, generations upon generations of Indigenous Arab Palestinians have been waiting to exercise their right to return and have been raised in refugee camps like the one where the PRFTR project took place, which is managed by the UN Relief and Works Agency. At the most basic level, West Bank Palestinians are living in a settlerscape characterized by an excruciatingly contradictory psychopolitical state, as exiles in their own country on land that is not permanently theirs. All participants in the PRFTR study had been subjected to violent Israeli military incursions, experiencing live fire from sniper towers (Figure 14.1), coping with movement restrictions due to the Israeli separation barrier/wall and frequent exposure to tear gas, which corroborates existing human rights research completed in the refugee camp, such as findings from a recent report by the Law and Human Rights Center at UC Berkeley (Harr & Ghannam, 2018).



Figure 14.1 Photo showing the proximity of Israeli separation barrier/wall and a sniper tower to the street and homes of Palestinian refugees in the camp, in addition to the United Nations (UN) school (door on the left is the entrance to the UN school)

(Photo by Devin Atallah.)

As a case example of settlers' landscapes and impacts on resilience, it is important to highlight how the ongoing Israeli settler expansion into the West Bank profoundly obstructs access to diverse environmental resources of the participants in the PRFTR study. For example, clean water, agriculture and waste management are all affected. In a report on the impact of Israeli settlements on Palestinian environmental resources, Ramahi (2012) concludes:

Following Israel's occupation of the territory that remained to Palestinians in the wake of the 1967 war, it has continued to pursue a systematic policy for the destruction of the Palestinian environment. Due to the continuous and permanent depletion of its natural resources alongside incessant pollution by the Israeli occupation, the Palestinian environment and Palestinian environmental rights are under pressure and in rapid decline.

(p. 2)

Results from a study by Badil (2013) suggest that access to employment, education, health care and environmental resources has been jeopardized by the Israeli occupation system and its concurrent incursions into the refugee camps, detentions and restrictions on mobility. In fact, this settler colonization deprives Palestinians of their right to water, as Israel controls over 70% of the water extracted from the main underground water resource in the West Bank (the Mountain Aquifer). Palestinians are also prevented from accessing water from the Jordan River, which together not only prevents Palestinians from development, but at times has led to severe crises and forced displacement (Amnesty International, 2009). Pontin, De Lucia, and Rus (2015) highlight that the lack of representative self-governance and

abilities of Palestinians to enforce environmental laws are core challenges that need to be addressed immediately. As Pontin et al. (2015) explain: “Palestinians have no effective means of obtaining environmental justice domestically through independent and impartial judicial hearings. Thus, environmental justice is from a domestic perspective an empty concept” (p. 11).

Within this context, as part of the PRFTR study, Atallah conducted individual and cross-generational family interviews. The PRFTR model emerged from qualitative data analysis and describes an intergenerational process of resilience, focusing on three culturally meaningful themes: (1) *muqawama*: resistance to military siege and occupation in protection of vital resources for survival; (2) *awda*: return to lands, dignity and cultural roots despite historical and ongoing settler colonialism; and (3) *sumoud*: perseverance through daily adversities and accumulation of trauma (for a summary of the model and findings, see Atallah, 2017). *Muqawama*, *awda* and *sumoud* are each deeply rooted concepts within the Palestinian cultural ethos with complex meanings. Here, we explore only the *awda* theme in detail (it will be juxtaposed with the concept of *nietun*, a central theme of resilience from case example 2).

Awda (return in Arabic) connotes the ways in which participants articulated their strong attachment to their lands and their village ways of life which had sustained their families and communities socially and agriculturally dating back millennia. *Awda*, in the PRFTR framework, emphasizes interconnectedness with *el ard*, Arabic for “the land”. Participants underscored how *el ard* was not to be valued in a vacuum as something to be materially owned. On the contrary, participants highlighted how *el ard* inspires *el aard*, Arabic for “honour/nobility”. Together, *el ard* and *el aard* encourage a strong sense of dignity. For example, in an interview with the elder Hajj El-Khader (a pseudonym), he stated, “The most important thing is the land, then your honour, which is tied to land ... Land and honour/nobility”. He concluded by repeating: “*El ardi-el aardi*”, which translates as “my land is my honour/nobility”. Earlier in that same interview, he shared a narrative about how he coped with the difficult separation from *el ard*, which also represented a devastating disconnection within his body mind, and his ancestors. Hajj El-Khader described the process of returning to his Indigenous village after it was demolished during *nakba* of 1948 and annexed into the nascent state of Israel. He described how he would return to his village and smuggle his olives across the border back into the West Bank. This was a common practice in the years after *nakba*. Palestinians were frequently killed or imprisoned if they were caught by Israeli soldiers. And yet, despite the risk, he continued to harvest his trees:

HAIJ KHADER: I was 14 years old during *nakba*. Years after we were kicked off our land, I still returned. Regularly. I would smuggle myself back ... I got strength from my homeland. I depended on my homeland, on the olive trees. When I used to smuggle myself to return to my village, I used to eat the dirt of my village. I used to travel by myself, using the shelter of the night for safety. Sometimes I would stay for weeks in my village. During the olive harvest time, I would go back with large bags and carry 90 kilos of olives up the mountain into the caves where we were living, or later, back to the refugee camp once we had moved in. I did this for many years after *nakba*, even though it was dangerous.

Engaging *awda* as a resilience process is, in part, a manifestation of rejection of conditions of displacement while cultivating hope and holding on to the right to self-determination.

The process of returning to the land for the children and grandchildren of *nakba* survivors also emerged as an important dimension of resilience. Learning about their roots, their traditional harvest practices and Indigenous ways of life strengthened subsequent generations born and raised in the refugee camps. For example, Naila (a pseudonym), a second-generation participant born and raised in the camp, reported that sneaking across the border with her father to their Indigenous village was a powerful experience:

NAILA: Learning can be an indirect thing. I remember my father took us to the village and he was pointing and stopping, obviously looking for things that don't exist any more, without even saying anything, but you could feel he remembered the details of the details ... Although things are not there any more, the expression on his face, the sadness he showed in his face, the way he was pointing at things, told us children of deep things, even though they might not exist any more, they are still there.
(previously published in Atallah, 2017, p. 373)

Importantly, *awda* as resilience in the PRFTR model is not only about returning to land. In fact, participants frequently spoke about how, when they could not return to their lands, they would: tell stories to their children, engage in roof-top gardening in the refugee camp, teach a grandchild how to prepare a favourite meal using a traditional oven made from earth and clay, or in other ways transform the camp into sites, stories and scents of their Indigenous villages despite the camp existing within urban sprawl.

In summary, *awda* maps on to participants' descriptions of their decolonial journeys across a 21st-century settlerscape, with uniquely Palestinian-emplaced practices of resilience when resisting settler colonial arrangements of power. *Awda* is a decolonial process of *returning* to dignity in a space without environmental (or political) justice.

Case example 2: Mapuche communities in southern Chile

Approximately one and a half million people (nearly 9% of the total Chilean population) self-identify as Mapuche (Instituto Nacional de Estadísticas Resultados Censo, 2012). Most Mapuche reside in the nation's capital Santiago, or in the south of Chile (Instituto Nacional de Estadísticas Resultados Censo, 2012). Mapuche groups are more likely to present with higher levels of extreme poverty than their non-Mapuche counterparts (Ministerio de Desarrollo Social, 2014). Approximately 30% of all Mapuche live below the poverty line, and less than 3% have access to college (Agostini, Brown, & Roman, 2010). Current drastic health inequities are visible in low life expectancy rates, infant mortality, tuberculosis, women's health and mental health outcomes (Obach, 2016). These racial inequities in outcomes are rooted in long histories of settler colonialism and genocide against the Mapuche. For example, in the late 1880s, the Chilean military systematically

killed tens of thousands of Mapuche and left them with less than 5% of their land (Crow, 2013). These remaining lands were in a southern region of Chile called Araucanía, which is Chile's poorest region (Instituto Nacional de Estadísticas Resultados Censo, 2012).

Currently, many Mapuche communities in Araucanía are living in a settlerscape nearly completely “enclosed by forestry plantations making it so that they [local Mapuche communities] cannot develop their family orchards and crops, a consequence of the forestry plantations’ frequent use of aircraft to launch pesticides and toxins to control weeds and pests – making local economies unviable” (translated from the Spanish by Atallah; Correa & Mella, 2010, p. 301). Mapuche resistance to colonialism in the south of Chile in recent decades has focused on confronting forestry companies and government legislation related to land rights and self-determination. The Chilean military has responded severely, even with deadly force, to Mapuche protest and many Mapuche have been killed by Chilean soldiers, commandos or police. There is also a growing problem of mass incarceration where many Mapuche are arrested and detained under an “anti-terrorism” law created decades ago during Pinochet’s dictatorship (Correa & Mella, 2010). Many of these arrests occur while Mapuche activists directly protest against environmental racism (Figure 14.2) (Correa & Mella, 2010).

In 2014, the UN held a conference and drafted a declaration pledging to promote the human rights of Indigenous groups worldwide (UN World Conference on Indigenous Peoples, 2014). In a subsequent 2015 report by the Unrepresented Nations



Figure 14.2 Photo showing Mapuche activists and their allies in front of a mayor’s office in a city in southern Chile, protesting the dumping of waste on their lands (Photo by Devin Atallah.)

and Peoples Organization (UNPO), several Indigenous groups were highlighted as targets of ecological violence with inadequate protections and policies to address their needs. The Mapuche of Chile were one of the few groups highlighted in the UNPO report, which states that:

enormous natural resources of South America, spread over large territories, undiscovered in some cases, makes indigenous communities particularly vulnerable to the activities of extractive industries ... violence against native Indians and the violations of their rights are too frequent in this region of the world.

(p. 12)

The report highlighted how Chile agreed to the declaration of the 2014 World Conference on Indigenous Peoples, yet has done little or nothing to implement its provisions.

Within this context, a decolonial qualitative research project was completed by Atallah with Mapuche communities. First, Atallah established a collaborative research team entitled MECIR – the *Mapuche Equipo Colaborativo para la Investigación de la Resiliencia* (in English, the “Mapuche Collaborative Resilience Research Team”). MECIR involved partnerships between a Chilean national research centre for disasters, a non-governmental organization of Indigenous advocates/researchers and a Mapuche community health centre. MECIR completed semi-structured interviews with ten participants in addition to extensive ethnographic observations during several months of field work. Four themes of resilience in Mapuche communities emerged: (1) *newen*, connoting strength, power and a spiritual/nature/life force; (2) *azmapu*, meaning the Mapuche ancestral systems of social organization and tribal law; (3) *nietun*, which MECIR used to signify a return to Mapuche ways of life and cultural revitalization; and (4) *marichiweu*, meaning resistance to oppression and struggles for self-determination (see Atallah, Contreras Painemal, Albornoz, Salgado, & Pilquil Lizama, 2018 for details of the MECIR model). Here, we will only explore the *nietun* theme as it compares with the concept of *awda* from the previous example.

Nietun is a word in Mapudungun that means “to return to have something once again”. *Nietun* can also refer to the process of returning to a land or a path to pick up something that you have lost along the way. In the MECIR model, *nietun* represents resilience as the passing down of understanding, language and Mapuche ways of life, returning to lands and Indigenous knowledge. In this light, the construct of *nietun* as resilience includes meanings related to the revitalization of cultural practices and the navigation through multiple identities in the southern borderlands as a site of conflict and resistance. *Nietun*, for the purposes of this emergent framework, has to do with the process of returning, not only by reclaiming lost lands, but also by reclaiming culture and dignity within Mapuche ways of being. *Nietun* as resilience involves intergenerational messaging in ways that promote cultural continuity and providing younger generations with access to developing rich and complex identities with pride and nuance to be able to combat the violent racialization process that labels Mapuche youth as “terrorists” within broader Chilean society. This dimension, which includes intergenerational storytelling and collective routines

and rituals, was evidenced in family dialogue with Perla, a 47-year-old female participant, and her mother, Macho Negro (both pseudonyms), a 75-year-old female participant:

PERLA: My mother never stops sharing the history of our grandmother to us ... of when they were kicked off our native lands ... She shares how she obtained so much knowledge and wisdom, which my mother then transmits to us, and to her grandchildren and great grandchildren ... by way of the fire. For example, without the fire, I could not sit here and drink yerba mate [a South American type of hot herbal drink] with her, and it is by way of the yerba mate, by way of the mate *tun* [daily collective ritual of sitting together and passing and sharing yerba mate together], where we also speak and share stories. And it is in these moments, like in the early morning around the fire, that my mother actually speaks about dreams, about nature, and the importance of responsibilities and giving back to the community.

MACHO NEGRO: Here in the morning when you wake up, we first do a *chachan* [a greeting] to the sun to begin the day ... because the sun is what gives us the day ... The light rises above the waters and above the life of the trees.

(previously published in Atallah, Contreras, Albornoz, Salgado, & Pilquil, 2018, pp. 589–590)

Another example of *nietun* is in the process of reclaiming Mapudungun itself. In addition to struggling for land rights, many Mapuche are advocating for Mapudungun instruction to be included within the education systems across the Araucanía region of Chile especially. As Puma (a pseudonym), a 71-year-old male participant shared:

PUMA: Now the children have an interest to speak Mapudungun because we have discovered the rebirth of wisdom, and that impacts the children, who want to return to be like the giant tree we call *pewen* [a pine tree native to Chile].

(previously published in Atallah et al., 2018, p. 586)

In this quote, Puma is communicating a nuanced perspective connecting the return to language with a return of knowledge that is grounded in the interdependent ecosystems constructed around *pewen* – trees that sustain life and identity. So profound is this connection that the Mapuche groups who live in the mountainous area of southern Chile within the *pewen* forests name themselves after the trees: they are called *pewenches*. The word *che* means people in Mapudungun, and *pewen* is the trees; *pewenches* literally means *people of the pewen*.

Tragically, the transnational forestry companies that surround many Mapuche communities are planting eucalyptus trees or non-native pine trees for paper products, lumber, woodchips and other uses. At times, the expansion of these forestry companies impacts Mapuche communities' resilient capacities to respond to disasters (Kronmuller, Atallah, Gutiérrez, Guerrero, & Gedda, 2017). In fact, many *pewen* ecosystems have been destroyed due to the transnational forestry industry in Chile. Participants from the current case example highlighted that not only are their *pewen* trees disappearing, but when these forestry companies construct vast foreign tree farms, natural water springs are also depleted, and toxins leak into rivers and lakes. Although these actions may not directly challenge human rights, Manzanilla

(a pseudonym), a 34-year-old female participant, explained that this violence perpetrated by settlers constitutes “environmental racism”. It is a disruption that violates the interdependence that Mapuche peoples have with the environment. In her interview, Manzanilla highlighted that, for the first time in millennia, her village lacks drinking water (it is now brought in on trucks because of the ongoing water crisis caused by the forestry companies).

Far from building resilience through the neo-liberal ideal of economic development (Brown, 2016; Ungar, 2018), the MECIR study found that, when settlers persist with unrestricted patterns of oppression, Indigenous groups suffer as their very material/spiritual/intellectual sources of resilience are attacked. As the example shows, Mapuche relations with their homelands have been disrupted by historical and ongoing settler colonialism, requiring decolonial perspectives on human-rights-in-place when conceptualising environmental justice.

Discussion

In this chapter, we reviewed findings from two very different studies of how Indigenous people cope in settlers' landscapes where their human and environmental rights are denied. Through qualitative interviews, both sets of participants made profound and contextually specific connections between their identification with place, the quality of their ecological and social environments and multiple dimensions of psychological wellbeing across generations. It is important to highlight that, consistent with decolonial psychology and transdisciplinary antiracism and transnational feminist approaches to inquiry in psychology and related disciplines (e.g. Atallah, Shapiro, Al-Azraq, Qaisi, & Suyemoto, 2018; Collins & Bilge, 2016; Ford & Airhihenbuwa, 2010; Wynter & McKittrick, 2015), when engaging in these resilience projects with both Palestinian and Mapuche Indigenous communities, the research process honoured local narratives and storytelling traditions. The results reflect efforts to avoid becoming yet another project that colonizes the knowledges of Indigenous peoples (Smith, 2012) rather than a partnership to convey their stories in ways that challenge privileged ways of knowing.

In our attempt to reconceptualize “human rights from below” (Dutta, 2017), this chapter has identified two culturally centred themes relevant to Indigenous understandings of the interdependence of people and environment: (1) *awda* from the Palestinian case example; and (2) *nietun* from the Mapuche case example. Both case examples demonstrate how environmental racism impacts experiences of place, health, and human rights, and how two distinct Indigenous groups aim to revitalize connections between lands and peoples through their own unique decolonial activism. With these examples in mind, we argue that environmental racism is an integral and ordinary part of settler colonial societies' strategic attacks on Indigenous and racialized communities' human rights. In the two case examples, although the distinct settings are oceans apart, both sets of participants emphasized the importance of returning to dignity and to lands, and of reconnecting to uniquely emplaced knowledges, cultural practices and belonging.

Concluding remarks

This chapter shows how structural dimensions of racism create commonalities transnationally (Davis, 2016). Furthermore, the empirically based themes that emerged from qualitative studies with Indigenous Palestinian and Mapuche communities reviewed in this chapter corroborate previous research, such as by Whyte (2018), who argues that “[s]ettler colonialism is violence that disrupts human relationships to the environment” (p. 137). Given the increasing awareness of ecological destruction during this period we now call the Anthropocene, it has become even more important to understand intersections between human rights, environmental concerns and the long-term wellbeing of human (and non-human) populations (Folke, 2016; Ungar, 2018). Truth-telling and opening dialogues with Indigenous groups on how ever-continuing territorial and cultural expansions through settler colonialism are contributing to the climate crisis may help to develop practices and policies that promote environmental rights and racial justice.

As mental health professionals concerned about human and ecological wellness and justice, we have a responsibility to advocate “that settler nations relate to Indigenous peoples in ways that secure needed lands” (Whyte, 2018, p. 141). There is a need for psychologists and allied professionals to become engaged in this struggle to recuperate lands, protect ecosystems, recover traditional ecological knowledges, revitalize ecocultural practices and Indigenous languages, document memories and promote healing from historical traumas. These processes involve a collective return to human dignity, emphasizing interdependence with environments as central to our collective expression of humanity.

Key lessons learned

- Decontextualized and universalist understandings of human rights need to be reconceptualized in ways that dismantle colonial power relations and address ecosocial interdependence between people and place.
- Indigenous understandings of environmental racism, resilience and resistance can provide insights into ways to heal and to restore interdependence between communities and ecosystems, and to work towards transforming the conditions that sustain injustice.

Questions

1. How is the promotion of human rights and human resilience deeply interrelated for Indigenous groups experiencing colonialism and environmental racism?
2. How can critical, decolonial perspectives contribute to engagement of psychologists in efforts to improve wellness and environmental justice?
3. What are ways that psychologists can work to expose and dismantle colonial power relations which are reflected in universalist human rights frameworks and discourses that ignore the social and political contexts in which people live?

4. What roles and responsibilities do we as psychologists have in contesting the conditions that make environmental injustices endure?
5. How is climate justice connected to decolonization? And what aspects of anthropogenic climate change can psychologists help to address?

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Torture and the role of the psychological profession

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Torture: a legal definition and some perspectives on torture

Torture is defined as

any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person for such purposes as obtaining from him or a third person information or a confession, punishing him for an act he or a third person has committed or is suspected of having committed, or intimidating or coercing him or a third person, or for any reason based on discrimination of any kind, when such pain or suffering is inflicted by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity.

This is the legal definition from the United Nations Convention Against Torture (UNCAT) (United Nations General Assembly, 1984), and one that all ratifying states are obliged to follow and incorporate into their domestic law, including with references to all the elements of the definition (CEJIL/APT, 2008). The definition emphasizes the *fact* that one or more persons exercise control and power over another human being deliberately and with intention, but not limited to this.

This definition does not reflect the wide range of medical, psychological and practical aspects involved in such prohibited acts. This chapter will try to widen the understanding of torture and ill-treatment to include these dimensions. We hope that this may enable psychologists to be in a better position to identify acts of torture and strengthen their ability to deal with it in the aftermath, that is, in work with survivors and in torture prevention. Prevention, in this context, is about identifying and documenting conditions and forms of treatment that represent serious risks that torture and ill-treatment may happen.

There are different perspectives from which torture can be discussed to broaden our understanding, such as neurobiology, ethics, philosophy and socio-political.

From a neurobiological point of view torture is carried out by creating contexts (including, but not limited to, pain) that induce overwhelming primary emotions (helplessness, loss of control and fear) and unbearable secondary emotions (humiliation, shame and guilt) that leave indelible marks on most persons submitted to such forms of treatment.

From an *ethical and philosophical* point of view, torture may be defined as an imposed relationship between two or more human beings characterized by a violation

of dignity (understood as the lack of recognition and respect) and a violation of autonomy (expressed in the absolute power, control and imposing of will of the perpetrator and the absolute lack of control, powerlessness and suppression of free will of the victim) (Luban et al., 2012; Maier, 2011; Pollmann, 2011; Sussman, 2005).

From a *socio-political* point of view, torture may be understood as a method of social control that instils fear and control in individuals and society as a whole. Torture takes place because there is a system in place (a torturing system) at different levels of a state and a society, consisting of those who willingly and with intent initiate and design, those who order and those who protect, those who decide not to know, those who are immediate perpetrators as well as a society at large that suffers, tolerates or even supports torture.

Does “psychological torture” exist?

The concept of “psychological torture” is part of our regular language, it is part of the experience of survivors, it appears in court rulings and news and it is incorporated as a concept in our daily language, even as a *common-sense* concept. But for a survivor, a researcher or a therapist there is a mind–body unity that makes it fictitious to create a distinction between purely physical or purely psychological methods or impacts. Any painful attack against the body will involve serious psychological reactions and consequences. Likewise, most psychological threats and pain will lead to bodily reactions.

At the same time, there may be a strong pragmatic and pedagogical reason to use this concept. In the following, we will refer to the term psychological torture, from an epistemological, pragmatic and pedagogical point of view. We will attempt to break the myth of wrecked bodies as the defining nucleus of torture and focus on the psychological processes associated with the breaking of will that torture implies. Physical pain and broken bodies are usually understood as the main source of suffering. From the point of view of those who define the damaging consequences and engage in healing, the main characteristic of torture may be about trying to break the “I”, the self, the identity. It is about creating submission, and destroying dignity and will. This is why, when documenting torture, it is often the psychologist and the psychiatrist and not the general practitioner who has a central role. No physical marks may be identified, but there may be lifelong psychological wounds. Psychologists have a very important part to play when we talk about torture, identification, prevention and healing.

Characterizing torture from the point of view of psychology

For decades, torturers have been thinking about the psychological processes of the victim and the way to influence him/her, be it interrogational torture, humiliation or punishment torture or torture to induce compliance and obedience. The origin of the idea of *targeting psychological processes during torture* is often dated back to the academic psychological research from the 1950s, and the way this is summarized in the 1963 Central Intelligence Agency (CIA) Kubark manual. According to the manual, physical torture often creates resistance while psychological torture destroys it (CIA, 1963). The purpose of modern-day torture was allegedly defined in

the US Army Human Resource Exploitation Training Manual as to progressively reduce the victim to an *infantile regressive state* where he will surrender to the will of the perpetrator, while not letting him enter into apathy and passive avoidance (1983; CIA, 1963). This idea has been developed extensively, including contextual, interactional and cognitive elements into different comprehensive models of breaking the will (Başoğlu, 2017; Pérez-Sales, 2017).

Psychological torture

We can define three different types of psychological torture according to ways of inflicting serious mental harm, but without using overtly aggressive or physical force (Pérez-Sales, 2017).

- I. Being subjected to *pure cognitive and emotional suffering*, characterized by threats and fear, questioning the core self through emotions (humiliation, shame and guilt)
- II. Being subjected to cognitive and emotional attacks through *no-touch physical manipulation of the body*; for instance, solitary confinement, music or painful sounds, hunger or sleep deprivation (creating pain with a hands-off policy)
- III. Being subjected to a *physical assault leading to critical psychological pain*. The body is used as a means to critically target the mind (such as asphyxia – plastic bags or waterboarding – or prolonged stress positions). The attack on the body has comparatively low physical risk, but the psychological suffering and damage are overwhelming.

These three types of psychological torture should be understood as steps in the relationship between psychological and physical attacks, where the ultimate goal is psychological: breaking the self. Rape is a very special and distinct form of violation as it constitutes a total attack on the psychological as well as the physical integrity of the person. And whereas it always represents psychological risk, it may or may not lead to serious physical injuries. This means that, given the circumstances, it may be considered to belong to this third category.

These are not clear-cut categories, but there is a continuum. Some studies show, for instance, that permanent identity breakdown can result from even brief incommunicado detentions (Pérez-Sales, Navarro-Lashayas, & Plaza, 2016).

Definition of torture from a medical and psychological point of view

Following the perspectives and arguments presented above, a way of defining torture from a medical and psychological point of view could be as *the use of techniques of physical, cognitive, emotional or sensory attacks that target the conscious mind aiming to coerce, break the will and ultimately produce an identity breakdown of the person*. This is associated with physical and psychological suffering and damage in most persons exposed to this form of treatment. Such techniques may be

used alone or combined with other techniques to produce a cumulative effect. From this point of view, “torture” and “psychological torture” are indistinguishable.

How does torture work? An integrative view

In contemporary torture the victim is often forced to play an active role in his or her own suffering, by moving the focus from the external infliction of pain by the torturer to subtle no-touch methods where the person is forced to confront his or her body and mind, creating, through these battles, a cognitive and emotional exhaustion (Pérez-Sales, 2017; Sveaass, 1994).

Table 15.1 offers a way of presenting a comprehensive and integrative view of torture from a teleological perspective. If the purpose of torture is to break the self, the table proposes to understand methods of torture not in the classical way, through their *modus operandi*, but through their *aim or intention*. Table 15.1 contains a map of basic human needs and the way torturing methods act in the process of demolishing the self. Level 1 describes how various basic human needs are targeted in different ways, involving a number of different needs (Pérez-Sales, 2017). For instance, sexual harassment is an attack on a number of different basic needs, such as safety and sense of security, physical integrity and body boundaries, and identity linked to gender and sexuality. In this model, fear, manipulation of hope and humiliation are understood as part of the same process as environment manipulation or infliction of pain. All of these are part of the same process and cannot be understood separately. This is the basis of the idea of the term *torturing environment* that we will develop later.

To group methods according to the basic needs of a human being means abandoning classifications based on *which technique* (among almost infinite possible methods) is used to produce pain or suffering, and focusing on the *purpose* that the perpetrator seeks with the technique. While the list of torture methods is limited only by human imagination, all methods seek to impact a wide range of basic human functions.

If all these range of purposes could be gathered and summarized, the result would be Figure 15.1.

We define a torturing environment *as a set of conditions or practices that obliterate the control and will of a detainee and that compromise the self* (Pérez-Sales, 2017). A torturing environment can be described as a set of cumulative or sequential attacks to basic needs, creating physical, cognitive and emotional exhaustion and confusion. It is the interconnection of the expectations of pain with actual physical pain and actions targeted to self, where the final purpose is to break the will of the person.

Psychological consequences

Sometimes torture, especially short-term torture aimed to induce a temporary break of the will, leaves no marks. It is a transitory process, but most of the time it affects the way the person understands him-/herself, the others or the surrounding world, possibly also in the long run. This form of torture can lead to a breakdown in worldviews expressed as permanent fear, loss of self-confidence and a deteriorated

Table 15.1 Psychological perspectives on torture – integrative view from the point of view of attacks on human needs

Level	Description
Level 1: map of human needs and potential attacks	<ol style="list-style-type: none"> 1. <i>Basic physiological functions (primary needs)</i>: size and cell conditions, sleep–wake disruptions, food and water intake, heat–cold, humidity, urination/defecation 2. <i>Relation to the environment</i>: sensory deprivation (hooding, earmuffs), handling time, sounds, noises, music, light conditions, mind-altering methods 3. <i>Need for safety</i>: fear/panic (witnessing, threats to person, family, use of phobias), manipulation of hope/pain expectations/terror (waiting time, ruminations on past, present and future), near death (dry and wet asphyxia, mock executions) 4. <i>Physical integrity</i>: pain inflicted by others (beatings, blunt trauma), self-inflicted forced pain (stress positions, positional torture), exhaustion exercises, extreme pain (electric, chemical mechanical pain devices), mutilations, brain injur 5. <i>Reproduction/sexual integrity</i>: forced nakedness, forced sex, sexual assaults, rape 6. <i>Need for control, meaning and purpose</i>: attacks on human autonomy (induced helplessness, absurd orders, illogic environment, forced compliance), instilling guilt (forced choices, betrayal or harm to others, use of themes or roles in interrogation), cognitive integrity (use of manipulation, cognitive exhaustion or deceptive techniques in interrogation), attacks on emotional homeostasis (induced extreme basic emotions – emotional exhaustion), instilling shame and humiliation (insults, taboos, hygiene, feral treatment), attacks on past beliefs and worldviews (including religious or political views) 7. <i>Need for belonging, acceptance and care</i>: blocking human contact (isolation, solitary confinement, incommunicado detention), breaking social identity networks (family, social, political, religious networks), manipulation of affect (forced traumatic bonding with torturer, love/hate manipulations, random rewards)
Level 2: psychological and possible neurobiological and impacts	<ol style="list-style-type: none"> 1. <i>Consciousness system and arousal system (tension – control)</i>: confusion, unreality, emotional exhaustion 2. <i>System of fight and defence (primary emotions)</i>: fear, anxiety, hyperarousal, rage, hopelessness 3. <i>System of secondary emotions (social emotions)</i>: humiliation, guilt, shame 4. <i>Higher functions</i>: impaired reasoning, impairment of the capacity for reflection, reasoned judgment and decision 5. <i>Ego functions (metacognitive functions)</i>: questioning the self/identity, submissive pseudo-self, identity loss, submissive attitudes

(Continued)

Table 15.1 (Cont.)

Level	Description
Level 3: medical and psychological syndromes	<ol style="list-style-type: none"> 1. <i>Brain</i>: brain damage, neuropsychological alterations 2. <i>Affect and anxiety circuits</i>: acute and chronic post-traumatic stress disorder (PTSD), panic attacks and other anxiety symptoms, permanent fear – phobias, chronic depression, dysthymia, chronic guilt, learned helplessness 3. <i>Higher functions (mind) – identity</i>: lasting personality changes, lasting changes in belief systems and worldviews, complex PTSD, modified/changed/grafted identity, identification with aggressor/perpetrator

Source: modified from Pérez-Sales, P. (2017). *Psychological Torture: Definition, evaluation and measurement*. London: Routledge.

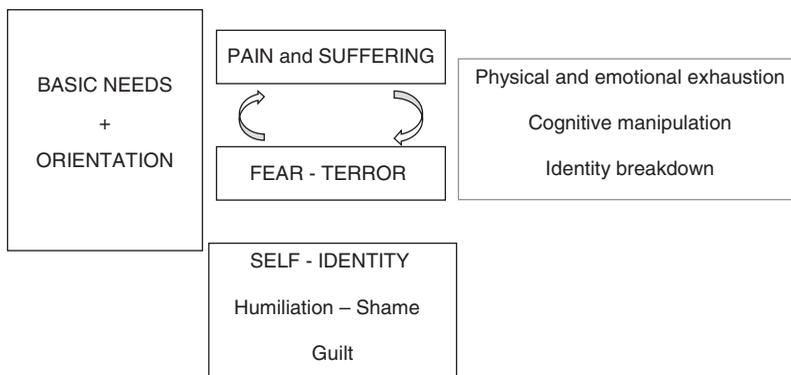


Figure 15.1 Structure of a torturing environment

Source: Modified from Pérez-Sales, P. (2017). *Psychological Torture: Definition, evaluation and measurement*. London: Routledge.

self-image. This may be even stronger when coupled with feelings of vulnerability and helplessness, shame or guilt. Torture might break confidence in the world as a safe place, with elements like lack of tolerance of uncertainty and ambiguity or distrust towards others. The breakdown of identity and worldviews is deeper when associated with an inability to give meaning to the experience (*Why me? How could it be?*), that is, a breakdown in the elements that gave meaning to life before torture. This may also include spirituality and ideological convictions and a perception of uselessness of suffering, lack of future and lack of sense of plenitude associated with a life project.

All these complex elements are the expression of damage to the identity understood as the way the person sees him-/herself. The consciousness of the human

being is transformed and the effects of torture can even become part of a new identity. This is why understanding the inner logic of torture (including its social and political dimensions) may be an essential part of the healing process.

Epidemiological data on the devastating impact of torture

Although the above concepts reflect the experience of most survivors and what we see in therapy, clinical research is largely based on the concept of post-traumatic stress disorder. We have many studies from different contexts and cultural backgrounds that compare physical and psychological elements of torture. They consistently show the greater impact and sequelae of psychological torture over physical torture and that the distinction between torture and cruel, inhuman and degrading treatment can be questioned. Somnier and Genefke (1986) showed through qualitative in-depth interviews that psychological torture is associated with more severe and lasting clinical symptoms than other forms of torture. This has been confirmed in studies in Australia (Momartin, Silove, Manicavasagar, & Steel, 2003), former German Democratic Republic (Bauer, Priebe, Häring, & Adamczak, 1993), Balkans (Başoğlu, 2009; Başoğlu, Livanou, & Crnobaric, 2007), Palestine (Punamäki, Qouta, & Sarraj, 2010), Korea (Choi, Lee, & Lee, 2017) and multicultural samples from the US (Hooberman, Rosenfeld, Lhewa, Rasmussen, & Keller, 2007; Kira, Ashby, Odenat, & Lewandowsky, 2013).

Psychological torture and psychological aspects of torture in international law

Psychological torture as a form of torture has been progressively recognized in the international legal sphere through judgments and pronouncements of different international bodies, constituting an increasingly solid corpus that now includes a vast number of sentences and statements. These sentences indicate that psychological torture as a term is gaining more acceptance and space as a legal concept (Cakal, 2018).

A medical and legal approach to the definition of torture

In the following, we will comment on and discuss the current legal definition of torture in the UNCAT in relation to key aspects relevant to a medical and psychological understanding of torture and its consequences:

- *Torture is not equivalent to pain.* This is only one (although an extremely important one) of many elements employed in the process of breaking the self. There is a need to challenge the concept that torture is not synonymous with damage and injuries to the physical body.
- *Fear and threats* are not only critical elements in breaking the will of the survivor, but they leave very serious marks in people's minds that can turn into deep and permanent anguish with time. Research shows that experiences of extreme and unsurmountable feelings of vulnerability, unpredictability and loss of control may also result in a biological imprint.

Table 15.2 Psychological torture – selection of relevant legal sentences (modified from Cakal, 2018)

Human Rights Committee

- Conditions of detention considered as either cruel, inhuman and degrading treatment (CIDT) (i.e. *Mukong v. Cameroon*, 1991) or torture (i.e. *Cariboni v. Uruguay*, 1987), taking into account purpose and severity of suffering
- Threats of torture or death credible and immediate (i.e. *Estrella v. Uruguay*, 1990)
- Methods specifically tailored to break the victim psychologically (i.e. *Estrella v. Uruguay*, 1990; *Puertas v. Spain*, 2013)
- Humiliation specially by nakedness and insults (i.e. *Gilboa v. Uruguay*, 1985) as CIDT

United Nations Committee Against Torture

- Solitary confinement (i.e. Reports on Turkey, 1993)

European Court of Human Rights

- Extreme conditions of detention either as torture (*Elci v. Turkey*, 2003; *Husayn (Zubaydah) v. Poland*, 2014) or CIDT (i.e. *Peers v. Greece*, 2001; *Kalashnikov v. Russia*, 2002)
- Threats of death, mock executions (*Elci v. Turkey*, 2003; *Selmouni v. France*, 1999; *Menesheva v. Russia*, 2006; *Illascu and others v. Moldova and Russia*, 2004), including threats to relatives (*Nechiporuk and Yonkalo v. Ukraine*, 2011) and threats of being physically tortured (*Gäfgen v. Germany*, 2010) or punished (*Campbell and Cosans v. UK*, 1982)
- Humiliation including insults, forced shaving (*Yankov v. Bulgaria*, 2003), nakedness (*Elci v. Turkey*, 2003) and sexual humiliation (*Aydin v. Turkey*, 1997; *Selmouni v. France*, 1999; *Akkoç v. Turkey*, 2000; *El Masri v. Macedonia*, 2012; *Valasinas v. Lithuania*, 2001)
- Rape as torture (i.e. *Aydin v. Turkey*, 1997; *Maslova v. Russia*, 2008)

Inter-American Court of Human Rights

- Inhuman conditions of detention with public exposure (*Cantoral-Benavides v. Peru*, 2000; *Tibi v. Ecuador*, 2004)
- Threats including being forced to see others tortured or killed; threats of death, including mock executions. Threats are considered torture if they are severe, credible and to be acted upon immediately (i.e. *Villagrán Morales v. Guatemala*, 1999; *Bámaca-Velásquez v. Guatemala*, 2000; *Caesar v. Trinidad & Tobago*, 2005 and many others). In some cases, this has been considered to amount to CIDT but not torture if the purpose was not clearly established (*19 Merchants v. Colombia*, 2004; *Mapiripán Massacre v. Colombia*, 2005; *La Cantuta v. Peru*, 2006)
- Anguish from being isolated and illegally detained in a clandestine detention centre (*Villagrán Morales v. Guatemala*, 1999) or in harsh conditions with prolonged solitary confinement (*Miguel Castro v. Peru*, 2006)
- Humiliation, prolonged (weeks) forced nudity as inhuman treatment (*Miguel Castro v. Peru*, 2006)
- Rape as psychological torture *per se* (*Raquel Mejía v. Peru*, 1996)
- Collective terror to intimidate the population (*Gomez-Paquiayauri v. Peru*, 2004; *Villagrán-Morales v. Guatemala*, 1999; *19 Tradesmen v. Colombia*, 2004)
- Comments: The definition of torture in the Inter-American Convention states that the degree of suffering is not a condition for torture and explicitly says that: "torture also includes the use of methods upon a person intended to obliterate the personality of the victim or to diminish his physical or mental capacities, even if they do not cause physical pain or mental anguish"

International criminal law

International Criminal Tribunal for the Former Yugoslavia

- Intimidation amounting to torture (Brdanin:IT-99-36, 2004; Krnojelac: IT-97-25, 2003). It includes being forced to see the sadistic killing, beatings of other detainees, sometimes relatives or neighbours, being forced to carry dead bodies of friends, relatives or neighbours or being forced to witness jeering and mocking over dead bodies

(Continued)

Table 15.2 (Cont.)

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- Rape as torture due to its symbolic value for the individual and community. Being raped during interrogation. Rape is torture in itself because of the humiliation and mental suffering it entails. No need for physical injuries or scars to be considered torture (Furundžija: IT-95-17/1, 2001; Delalic: IT-96-21-T, 1998, among many others)

Special Rapporteur against torture

Examples that can be found in Special Rapporteur reports include isolation, serious and credible threats, lack of information, torture that involves symbolic elements (i.e. forced head shaving, being urinated on, threat of rape), situations that create fear, being detained as a disappeared person but also the suffering inflicted to the relatives of the person who has been detained/disappeared

- *Questioning the self* through humiliation, or methods that induce deep shame or guilt, is not a minor form of ill-treatment but probably the most severe one. The suffering and psychological pain associated with this may leave permanent scars and damage which may often be far more severe in the long term than physical pain. The category *inhuman or degrading treatment* may be misleading if it creates an understanding that non-physical torture may be less severe or even “torture-lite”, thus hiding the devastating nature of psychological torture.
- The UN Convention distinguishes between *torture and inhuman and degrading treatment*, and refers to such treatment as acts that fulfil the elements of the definition but do not amount to torture (UNCAT; Article 16). The convention wisely allows different ways of interpreting this difference. The line between torture and ill-treatment is a difficult one to draw and different aspects have been considered important to differentiate between the two. These include levels of severity, of intent and of purpose. It is quite clear that determining the severity of suffering in an individual is an impossible task for the medical and psychological professions. In particular, it seems beyond what a health professional can do, to define what constitutes “extreme psychological suffering”, as this depends on the subjective experience of each survivor, and includes aspects related to context, to individual background, health condition and so on. An emphasis on severity of suffering assumes a linear relationship between torture experience, severity of suffering and psychological impacts. Such a relationship does not exist and cannot be defined. Different kinds of torturing environments produce different types of suffering (affective, emotional, somatosensorial). The individual and his or her sense of “self” will be affected in very different and specific ways, and these are impossible to quantify. The impact of torture will always depend on the physical and psychological characteristics of the person subjected to such acts, and on his or her physical and psychological vulnerability and factors of resilience. From the point of view of perpetrators, torture is the “art” of finding the limits of physical and psychological endurance to reach a breaking point of temporary or permanent submission. The torturer seeks the “limits” of the person subjected to torture. It is therefore urgent to define clear

regulations in any situation that may fall into torture, and create conditions that may guarantee against performing such harm on another human being.

- *The methods employed are relevant, but not in themselves the main criteria.* Torture methods cannot be conceptualized as more or less humane, “rough” or “lite” or amounting, by themselves to torture or ill-treatment according to a supposed level of suffering that they result in. Different torture methods may cause different types of physical or psychological pain and may awaken different personal dreads. Each method or set of methods challenges different psychological and physical limits, but in the end, all methods of torture are strategies within the broader game of domination and subjugation. This further means that the most banal technique can destroy a victim if applied within these contexts, in wilful and systematic ways, to persons in very vulnerable situations. Finding the answer to what can be considered torture or torture methods in and of itself, as in a list of *authorised methods*, is, thus, erroneous from a medical and psychological point of view, as well as from a legal point of view, and confers a false sense of protection.
- *Time and repetition* may be relevant criteria when assessing torture, but not in any absolute sense. This means that time spent under extreme stressors may be significant but not necessarily a signal of more severe suffering or consequences. Even very short periods of detention and suffering can have long-lasting effects. Furthermore, ongoing, repetitive infliction of pain may be criteria, but at the same time, severe one-time exposure may have lifelong effects. Both time and repetition may be criteria to support intentionality, but it may nevertheless be misleading to distinguish ill-treatment from torture using length of detention or repetition of abuses as main criteria.
- All the above leads to the conclusion that both torture and ill-treatment must be understood as a combination of many elements, where context, vulnerability, pain, intention and lack of control play important roles, and that one cannot define torture on the basis of method and degree of suffering alone.

The role of the psychologist

To document contemporary torture requires specific skills on the part of the psychologist. The international consensus tool in torture documentation is the Istanbul Protocol, or the *Manual on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment* (2004). This instrument was developed in 1999 by a broad international consensus movement of more than 80 organizations worldwide working with torture victims and endorsed by the UN. The Istanbul Protocol is a tool that requires specific training of and awareness from health professionals. Additionally, to document torture, an empathic and respectful approach that takes into account the reparative value of the documentation process itself is required. The concept of committed bond, developed by Lira (1991), proposing that in working with torture victims the psychologist cannot and should not maintain therapeutic neutrality, but must show commitment to the victim, is of particular relevance. This commitment is in no way incompatible with the objectivity and professionalism of the work, but implies maintaining an ethical position against political injustice and understanding the risk that a professionally distant attitude may turn out to be retraumatizing.

This idea connects with the idea of a liberation psychology, developed by Martin-Baro (1990) and others: a psychology that transcends academia to serve the community. Torture is usually part of an authoritarian or power-abusing system, that we can call a torturing system (Viñar & Ulriksen, 1990) – a system that allows torture to happen as a way of instilling fear and pursuing social control in a community. When political context is relevant, reducing torture victims to trauma patients means depriving the victim of her main and most important resource of resilience and alienating ourselves as part of the community or the society that suffers torture.

Istanbul Protocol

The Istanbul Protocol defines ways in which a professional can document and investigate torture from a medical and a psychological point of view. The result of such a process consists of a classical clinical report including some very specific elements. An understanding of the story of the alleged victim is of essence and psychologists and victim should work together on a recount of events. Facts must be detailed, and include emotions, feelings, ways of coping and ways of understanding the experience of physical and psychological suffering. Both recalling of facts and working with potentially negative emotions arising during that process require time. The protocol suggests that a detailed map of torture methods that the person was subjected to and the way in which these interact with each other is made. Such an interview should be followed by a clinical examination that is not limited to looking for signs or symptoms of trauma. It is important to keep in mind that the non-existence of clinical symptoms does not rule out torture, but may indicate that we are working with a resilient person. We therefore need to assess both the possible clinical impacts and the more subtle harm in existential terms in addition to a description of the mechanisms of psychological resistance.

The protocol also asks for an analysis of consistency between the narrative, the allegations, the impacts and the modes of coping, which will eventually enable the health professional to conclude whether the torture allegations are consistent and then make a formulation in legal terms. The character of documentation or evidence that goes beyond the classic clinical report is what makes the Istanbul Protocol unique and makes it an element of evidence in judicial or administrative proceedings. Bearing in mind that in most cases torture does not have witnesses and that increasingly torture leaves no physical marks or these usually disappear with time, the Istanbul Protocol assessment, done as soon as possible after torture has been alleged, may be the only tool the victim has to support allegations of torture.

Reparation and rehabilitation

The individual assessment and therapy of torture survivors must be part of an overall process of reparation and rehabilitation. Both are rights inherent to the condition of a victim of torture (Sveaass, 2008, 2013). Rehabilitation refers to the process of overcoming psychological damage. Reparation may entail the idea of public recognition and measures of remedy and prevention, including economic compensations. It may refer to both individual and community and social measures (Sveaass, Gaer, & Grossman, 2018).

Truth and justice are essential elements in reparation. From an individual point of view, both restore sense and meaning and partly confront damage in worldviews, trust in others and identity. Impunity perpetuates damage. Part of the inner experiences of victims can be strong feelings of guilt and shame, isolation and feeling of being blamed for their own suffering. Fighting impunity is part of the healing process (EATIP, GTNM/RJ, CINTRAS, & SERSOC, 2002). Even the best of therapy and care will not have the desired effect if it is provided in a context of impunity and denial (Sveaass & Sønneland, 2015). Acknowledgment is the basis for a healing process and very often the main revindication of victims to the state and society (Sveaass, 2013). The ethics of the psychological profession play an important role here, by underlying the duty of psychologists' associations not to remain silent about (suspicion of) torture, to support psychologists who have the courage to speak up against torture, including by reporting violations and finally, the need to include these elements in the professional codes.

Training

It is precisely because of this complex nature of torture and the complexities involved in working with victims that political, social, family and individual foci are required, and that specific training is needed for health professionals working with survivors. All this implies not only a special training and overview, but also engagement and a clear human rights-focused approach.

As addressed in other parts of this book, in the professional curricula of both psychology and medicine (including psychiatry), there is a lack of specific training in this area. It is extremely important that training in human rights in general and specifically in torture documentation and rehabilitation should be included as part of the curricula in psychological as well as medical faculties. As psychologists, we work with the most delicate of psychological issues, on the crossroads between politics, social science and history. We are looking into a complex mine-field and we must be prepared and be properly trained.

Questions

1. In what way can we argue that the line between psychological and physical torture is a very difficult one?
2. What seems to be the characteristics of what we have described as psychological torture?
3. How can our knowledge about psychological torture and ill-treatment inform our ways of providing therapy to victims?
4. In what way can psychological abuse and ill-treatment be prevented and what are the specific ethical challenges to psychologists with regards to this?
5. Discuss how it is possible to inflict severe pain and suffering in other human beings. What are your thoughts about the psychological basis of doing such harm to others, and what could be the possible logic of the perpetrator?

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Gender and war

Bosnian psychologists dealing with conflict-related sexual violence during and after war

Inger Skjelsbæk

Introduction

How can psychologists help survivors of conflict-related sexual violence (CRSV) during and after armed conflict? In her seminal monograph on trauma and recovery, Herman (1997[1992], p. 4) argues that the therapist must: “integrate the clinical and social perspective on trauma without sacrificing either the complexity of individual experience or the breadth of political context”. But, what does that really mean? How to help a victim whose body has become a battlefield of war? How to ensure that the human rights of the survivors of these crimes are addressed during and after war in a socio-political landscape, where values and norms are in flux? While it is clear that gender-based violence “impairs or nullifies the enjoyment by women of human rights and fundamental freedoms under general international law or human rights conventions” (Ross, 2009, p. 442), it may not be evident how to address these violations in the transitional landscape from conflict to post-conflict settings.

As will be argued in this chapter, it is important to carefully consider how the use of rape and sexual violence during a conflict, as well as their impact in the aftermath of conflict, is framed by socio-political constructions of gender in the context in which the crimes occur. We cannot fully understand the implications of rape and sexual violence in war and its aftermath without understanding how gender relations – that is, notions of femininity and masculinity – are socially constructed in direct and symbolic social interactions in various settings. We need to understand how human rights violations such as CRSV transform predominantly female (but also male) bodies into battlefields for political grievances between warring parties (Skjelsbæk, 2006). We need to understand this in order to develop a therapeutic repertoire, which fits with the socio-political setting, as well as the individual gender-related experience for the victim, during and after conflict. And, as will be shown, taking these dimensions into account opens up possibilities for different approaches to mitigation and recovery.

This chapter will draw on interactions with Bosnian psychologists and other mental health professionals and map out what their considerations and experiences were with addressing CRSV during and after the Bosnian war of 1992–1995. Their concern with the impact of the political context, which framed the individual experiences of those affected by CRSV, had implications for how they saw their own possibility of mitigating the impact CRSV has on individuals and their environments.

The war context in Bosnia and Herzegovina

The most lethal conflicts in Europe since World War II took place in the territories of the former Yugoslavia. After the secession of Slovenia and Croatia in 1991, and of Bosnia and Herzegovina in 1992, Europe witnessed atrocities which many thought would never happen again after the atrocities of World War II. The exact number of casualties, refugees and internally displaced persons (IDPs) will never be known, but the pattern of “ethnic cleansing”, which many critics have called a euphemism for genocide, has left wounds and scars which will take generations to heal. An integral part of “ethnic cleansing” was the use of sexual violence, and while numbers vary greatly, it is commonly estimated that between 11,000 and 60,000 people were victimized by sexual violence.

In response to the war and the many IDPs in Bosnia during and after the war, several psychosocial centres were set up to help women (and children) who had suffered sexual violence crimes. Local women, psychologists, doctors, lawyers and others came together during the war, motivated by a wish to help the IDPs. The formal establishment of these centres came about when foreign individuals and organizations arrived seeking local partners with whom they could establish psychosocial assistance specifically aimed at Bosnian women. The centres, established during the war, were often transformed in the post-war phase. The post-war years changed their focus to include domestic violence, suicide, drug abuse and prostitution, or what the psychologists describe as post-war trauma (or “civil trauma”, as many of them call it). The majority of the psychologists remained committed to their work throughout the war and post-war years, despite periods of extreme stress, uncertainty and burnout.

In my PhD work, I interviewed a number of psychologists in Bosnia about their work (Skjelsbæk, 2007) and how they approached CRSV. In these conversations the psychologists framed CRSV in two different ways: as *gendered war violence*, linked to a specific time (the war between 1992 and 1995), altered material life conditions (threat of killings and destruction of homes and properties) and an aberrant set of morals and values (“ethnic cleansing”). This conceptualization contrasts with *post-war and pre-war gendered violence*, located within families as opposed to between ethnic groups and peace settings. The framing they use yields different ways of approaching therapy, as will be outlined below. However, before moving on it is important to know a little bit more about what CRSV is.

Conflict-related sexual violence

In the 1990s, before the war, the psycho-political understanding of CRSV was limited (Skjelsbæk, 2018), and it was regarded as simply a by-product of armed conflict, not as a central feature of warfare. This “by-product” did not merit scrutiny, nor systematic analyses. Hence, we had little understanding of the phenomenon, its complexities and varied impacts, psychologically, socially, culturally or politically. The wars in the 1990s, notably the ethnic conflict in Bosnia and the genocide in Rwanda, changed this perception. CRSV marked how we came to understand the so-called “new wars” where the frontlines were blurred, civilians the target and human rights violations rampant. From having been a hidden and

overlooked phenomenon, CRSV became increasingly front and centre stage in war reporting, fact finding and policy making in the 2000s. In addition, the adoption of the United Nations Security Council Resolution (UNSCR) 1325 in 2000 (United Nations Security Council, 2000), and pursuant resolutions by the UN Security Council ensured international political leadership and engagement in the prevention and mitigation of CRSV; and affirmed CRSV is not only a human rights abuse, a form of torture, but also a threat to international peace and security. Acknowledging this has implications for psychological conceptualizations as well; it means that therapeutic work with CRSV survivors entails attentiveness to individual, social and political dimensions simultaneously.

The increasing focus on sexual violence in war has resulted in an established psychological trauma literature. These studies have focused on: measuring various forms of trauma and post-traumatic stress disorder (PTSD) and providing frequency descriptions (such as Başoğlu et al., 2005; Folnegović-Šmalc, 1994); discussion of how to set a proper diagnosis (such as in Kozarić-Kovačić et al., 2004; Momartin, Silove, Manicavasagar, & Steel, 2004); focusing on rehabilitation approaches (such as Popović & Bravo-Mehmedbašić, 2000; Schnurr, Lunney, & Sengupta, 2004); and the use of psychosocial help and therapy methods (Arcel, 1995, 1998; Dybdahl, 2001). What unites these different psychological publications is that they are all narrowly focused on the individual and individual coping mechanisms. However, approaching the phenomenon of CRSV only from these perspectives would be incomplete, and detrimental. CRSV is an inherently social, political as well as individual problem, and must therefore be conceptualized, understood and approached as such, as a community approach. This was an essential starting point for local Bosnian psychologists and other health professionals in their attempts to address CRSV during and after the Bosnian war.

Addressing gendered war violence – during war

How to approach CRSV as an inherently social, political as well as individual issue, when they had no previous experience with this particular form of violence and no therapeutic language through which to address it, was unclear. The Bosnian psychologists had to construct a vocabulary which enabled them to address CRSV and make these experiences explicit and recognized as unique forms of violence, at a very particular point in time (the war). They had to do this in order to reach impacted groups and get in a position to be able to offer help. What the psychologists did was to talk about themselves as victims of the war, thereby focusing on having shared experiences with their clients; they too were suffering. They had made a choice to have only women working in the clinic and so focusing on shared womanhood, enabling a form of unity between psychologists and clients during the war period. This choice of having an all-female therapeutic space was important to create a sense of safety, in the event that some of the clients would have developed a general fear of men after the traumas they had suffered. This choice might have been very helpful for female clients but made it difficult for male clients who also had suffered from CRSV to seek help.

One psychologist explained that they all lived with traumas within themselves and in their families, whether they were clients or therapists. They lived with fear of

dying, both from shelling and from hunger, and were isolated due to the barricades around the city in which they lived. Further, they described victimization as loss of mobility, physical and emotional security, and a loss of a predictable future. For the psychologists, the war meant a sharp decline in their standard of living, and this aspect of their victimization was hurtful and humiliating. Another psychologist described how she had to clean other people's houses to make ends meet after having been accustomed to having help at home herself. She polished her nails at night so that no one would see how worn her hands were. Another psychologist described how she used her fur coat, a symbol of her former wealth and status, to fetch wood for her stove, which had replaced the electric oven they could no longer use.

However, this form of victimization was described as being very different from the ordeals that the clients had gone through. The majority of the psychologists lived in their own homes during the war. They were urban and educated, while their clients were predominantly rural and, in many cases, uneducated and they were IDPs. Despite these differences, situating themselves as women victims, and witnesses, created a sense of unity between the psychologists and the clients. It was the recognition that they were all victims in different ways that gave the psychologists the added energy they needed for the kind of work they did, and which opened up communication with the clients where stories on CRSV could be shared and addressed.

However, in order to be able to take on roles as therapists who could offer help, the psychologists needed to create a distance between themselves and their clients. They had to do this for several reasons: in order to be recognized as professionals, as having scholarly insight and authority, and to avoid being burnt out. The psychologists had to become professionals in dealing with gendered war traumas, while they were also experiencing traumas themselves.

At the beginning of their work during the war, the mere naming of sexual violence appeared as a major obstacle for the psychologists, because they were then forced to make visible a "private" matter within a public (albeit confidential) space (the psychosocial centre). The challenge was to acquire an appropriate language and appropriate therapy methods to deal with this issue. None of the psychologists were specialists in the field of gender-based violence. They said that they were afraid of asking the women who had survived CRSV about what had happened to them; the psychologists were afraid that asking too many questions would hurt the clients. In the first groups of clients, therefore, they did not use the word rape at all; they talked about when "it" happened, and they asked questions about how and when "it" happened. This is a common experience, historically, and in many parts of the world – struggling to find the appropriate vocabulary to articulate sexual crimes (see, for instance, Vigarello, 2001). These are crimes, and acts, which are difficult to articulate due to cultural and normative taboos. In the case of the Bosnian psychologists, the issue of sexual violence was perceived as so taboo that it was difficult even to name it, even for them as professionals. The way the psychologists coped with their own insecurities was through education. Before the formal opening of the centres in the midst of the war, the psychologists were able to find scholarly literature on sexual abuse and trauma responses in related fields. One or two people would read these texts and – if it was a foreign language – translate them for the others, and through this approach, highly eclectic therapeutic models could be

modified to fit the needs of their clients in the settings that they found themselves. Carefully selected Bosnian words, which would fit the ethnic and religious backgrounds of the clients, were chosen to open up conversations about sexual war trauma.

Midway through the war, the psychologists also met international health professionals who were willing and eager to fund and support local initiatives aimed at helping women raped during the war. Sometimes the internationals came to them, and sometimes the psychologists travelled abroad. However, few, if any, of the seminars and courses fitted the situation in Bosnia at the time, simply because this theme had not been addressed by psychologists and political scholars as something unique before. Some of the psychologists felt that everything they learned in those seminars (organized by internationals) and from the literature (Western psychology) had to be modified to fit the Bosnian war context. This was partly because they had not been exposed to counselling rape survivors before, and partly because the trauma literature did not adequately address the context of gendered war violence. Specialists from the Global North organized most courses. The educators had no direct experience of sexual violence during war, but used their expertise and experiences from other conflict and trauma theory. The themes covered stretched from Vietnam War syndrome and torture methods used in Latin America to trauma education related to natural disasters and even traffic accidents.

The challenge for the international educators was not only to try to fit existing theories on sexual violence, trauma and therapy to the extreme situation of the Bosnian war, but also to help the psychologists overcome their inhibitions and inexperience in talking and dealing with the issue of sexual violence. For the psychologists, on the other hand, there was a need to point out that the war in Bosnia was remarkably gruesome and the acts of sexual violence were such that it was difficult for even the most ardent psychiatric professional to find an appropriate way to respond. One psychologist formulated it like this: "You could be the best psychologist in Europe, but when it comes to war trauma you become a little student". The statement could have indicated that the education they received was useless, but in fact, the psychologists expressed considerable appreciation and also eagerness to learn. The ways in which the psychologists developed identities as professionals in dealing with war traumas, and CRSV in particular, rested on how they adapted their knowledge and experiences with those of their clients and educators. The international education provided them with a language, that is, a way of naming different stages in trauma and recovery linked to sexual crimes. In addition, the therapists learned therapeutic approaches such as confidence-building measures and group trust to address gendered war traumas, sexuality and violence *vis-à-vis* their clients. In other words, by adopting new terms and approaches, they became better equipped to handle the gendered traumas of their clients, which in turn, gave them increased authority and responsibility. Yet, at the same time, the psychologists were the experts on local Bosnian perceptions and taboos regarding sexual violence. This meant that they acted as professionals in transforming scholarly knowledge and therapeutic tools related to war trauma to fit the context of the Bosnian war. The local psychologists knew how to best balance outside knowledge (i.e. Western

psychology) with inside (i.e. Bosnian) cultural taboos. This balancing act is crucial for anyone who aims to address CRSV whether as a local or foreign psychologist.

One linguistic invention on which the psychologists insisted was on calling those impacted by CRSV survivors, as opposed to victims. The terminology could vary somewhat between “war rape survivors” and “war trauma survivors”. When asked why they used the word “survivor” rather than the more common word “victim”, they replied that they did not wish to victimize the women further and that “survivor” evokes a more positive, stronger image than “victim”. By insisting on using “survivor”, the psychologists evoke the image of a fighting soldier, an image most often associated with men providing a group identity. One result was that their families, rather than ostracizing them, often protected the war rape victims. One psychologist explained that sometimes the husband would come to the centre and say that strange and brutal things had happened to his wife, and he did not know what to do. In addition, because some men had the experience of being in prison or in concentration camps, they were aware of the things that were going on there and they had an understanding of what their wives were going through, but felt unable to offer help. Most likely, the husband knew what had happened to his wife and wanted her to get help. This is in contrast to the expectation that existed at the time when the first reporting of these crimes came in the summer of 1992 (Gutman, 1993), that a raped woman would be so stigmatized that she would be left by her husband or bring shame upon her family (Allen, 1996; Card, 1996; MacKinnon, 1994).

The psychologists further emphasized the importance of creating a safe environment for their clients. The thought was that it would be easier for victims of sexual violence to come to the centres if they had an all-female profile, i.e. that it was a centre for women only and not for male victims of CRSV. At the time of the establishment of the centres it was not known how widespread male victimization of CRSV was, and this approach would have seemed like a pragmatic one. In the aftermath of the war, and especially in the *ad hoc* International Criminal Tribunal for the former Yugoslavia (ICTY), a more nuanced picture and documentation of these crimes have emerged. The ICTY, which was established in 1993, and closed in 2017, revealed sexual abuse against male victims, especially in detention and prison centres (Skjelsbæk, 2015). However, in adopting such an approach, it was important to make sure that the centres did not become known as “rape centres”, because a “rape centre would have no clients”, as one psychologist pointed out. It would simply be too stigmatizing for victims to approach such a centre. They portrayed the centres as places where women with different war traumas could receive help, underscored by one psychologist who explained, “All our clients were women with war traumas, physical and psychological”. If the clients’ reasons for coming to the centre were multi-faceted, then the help the centres offered needed to be equally diverse.

While some psychologists emphasized the positive sides of describing sexual violence as one of several war traumas that women victims of war suffer from, others saw this as problematic. Describing sexual violence as one of several war traumas could be a way of hiding and thereby potentially a way of maintaining the stigma attached to victims of sexual violence. Framing sexual violence as one among many war traumas women suffered was also important for the psychologists and their relationships with the larger communities. Some of the psychologists were born and

raised in the city in which the psychosocial centre was located. They revealed that this was slightly problematic since their workplace was known as the rape centre in the city. It was as though the stigma that was attached to the rape victims had spread to them. However, when they could explain to their neighbours and families that they worked with women who were traumatized in different ways – in this way creating a unity among women suffering from different traumas during the war – they felt it was easier for them *vis-à-vis* outsiders.

Treating gendered post-war violence

In the post-war period, the psychosocial centres adapted their focus to address new social problems. It was particularly domestic violence, drug abuse, high suicide rates and prostitution that were new concerns the psychologists had to deal with in the aftermath of the war. Sexual violence continued to be a primary concern, but the parameters for this particular form of gendered violence changed; the war had ended and new concerns emerged. The ways in which these new gendered problems were perceived were twofold. On the one hand, there was a perception that sexual violence had increased as a result of the social unrest caused by the war, while on the other hand, there was the contrasting perception that more attention was given to these issues primarily because of all the aid workers who had come to the region and initiated psychosocial activities. In both cases, the war is seen as instrumental in making gendered violence in its multiple forms a theme of public debate and concern. The perceived increase in gendered violence was explained in different ways and had different implications for them as psychologists.

The first explanation was the fact that the war was marked by a collapse in morals and values, according to the local therapists. This collapse was given as a reason for why they claimed to see an increase in gendered violence within Bosnian families. One psychologist explained this by saying that the war traumas paved the way for increased domestic violence. While domestic violence had been prevalent before the war, it had been much more of a secret, according to the local therapists. The psychologists underscore that the traumatized soldiers were more aggressive and violent, especially against women. Further, the therapists emphasize that women's roles changed during the war: they had to work and make money for their families, but when the husbands came home from the frontline they were lost and had many war traumas and nightmares and had difficulties maintaining their roles as breadwinners and head of the household. This led to new traumas linked to money, how to survive and how to get by in a new Bosnian state.

Altered gender roles in post-conflict settings are common (Skjelsbaek, 1997). Women will often enter male-dominated arenas, which possibly adds to the aggression and frustration of many men. On top of all this come the economic frustration and material insecurity under which everyone lives. This frustration and insecurity are classic post-war, gendered consequences. For many men, the stress of post-conflict life, coupled with the changing roles of women, may have led to what Friedman (1992) has described as a heightened male vulnerability. Feelings of helplessness and despair result from their inability to take care of their families and from having witnessed family members being raped, tortured or killed. For some men, this vulnerability may

lead to the use of domestic violence as a way of re-establishing control and power. For others, it may mean passivity and deep depression.

Another argument made by the local therapists is that the symbolic value of women within Bosnian society changed after the war. In a thorough study of the roles of women in an ethnically mixed village in central Bosnia, Bringa (1995) argues that women in both Croat and Bosnian families were often seen as maintainers of family values and morals. When the war brought a collapse in normal values and morals, women increasingly became the targets of negative attention and violence. The values and morals they were seen to represent, according to Bringa, were distorted, and violence followed. This distortion means that the violence women experienced during the war did not end when the war ended in 1995, but was simply moved to the private sphere because of changing male and female identities. One psychologist explains that, after the war, she had learned that people had been raped, even in public places. She interpreted that as a sign of a collapse in morals and values in a society and setting where everything was allowed: stealing, violence, sexual harassment. The societal problems, the issues related to heightened male frustrations will be resolved, argues the psychologist, by placing the woman under them, by subordinating them. Gendered violence is a manifestation of this subordination.

The psychologists went on to point out that post-war violence, which they call domestic violence or civil trauma, is very different from war rape. It is more difficult to evoke the survivor identity for victims in the post-war setting, because the perpetrator–victim relationship does not run along ethnic or political lines. In the post-war setting, a rape victim is primarily a female party injured by a male perpetrator. Indeed, rape is a form of violence in which the relationship between the individual men and women involved is brought into question (Bitsch & Klemetsen, 2017; Ericsson, 2011). One psychologist explained that the stigma for women raped during the peace period would be much stronger than for women raped during the war. During the war, everyone thought about survival, and they thought about themselves as a group against the enemy. However, in the post-conflict setting this is different. Then they are not all equal. They have individual issues and lives. It is the individual life that frames the rape, and this locates the woman alone in her trauma, she does not share that experience with a group. It is not seen as a human rights violation in the same way as CRSV.

This development represents a shift towards “normal” perceptions of sexual violence in the Western world. In his introduction to the history of rape in France, Vignarello (2001, p. 1) argues that the “crime is now glaringly visible, prominent as never before in police enquiries, court proceedings, newspaper articles and public concerns” and goes on to say that this claim holds true for most Western societies. Acknowledging sexual violence as a crime shared with other European (and North American) societies is therefore, paradoxically, regarded as a form of development towards a “normal society”. Before the war, statistics on and political attention to gender-based violence were not common in the former Yugoslavia, but the war brought more attention to this violence also in times of peace. One psychologist formulates this development in the following way: “Now it is similar as in any Western society: the accusation against women about why she walked alone at night, why she wore a short skirt, and why she provoked the rape”.

For professional psychologists, the challenge is how to transform their experiences as therapists with war traumas and sexual violence during the war in order to adapt to situations involving peacetime violence against women. The pragmatic challenge is to adjust therapy models to fit more long-term abuse, which is what they have observed in the post-war phase. Based on their own observations, they suspect an increase in sexual violence against women in the post-war setting in Bosnia. They see this as linked to new forms of masculinity and femininity. Men are seen to be more aggressive, while women are seen as symbols of changing values and morals. When a woman is subjected to sexual violence, her mode of behaviour, clothes and attitudes are brought into question, which in many cases will be contrary to the ways in which a victim of a similar crime will be perceived during times of war, according to the psychologists. During times of war, a woman's ethnic identity will come into play and will lessen her perceived degree of complicity in the acts. The psychologists argue that what was considered abnormal behaviour during the war – that is, aberrant modes of morals and values – has become, to some extent, normal behaviour in the post-war setting.

The perceived increase in gendered post-war violence is also seen as the result of more attention devoted to this particular kind of violence. While statistical measures might have been able to evaluate this line of argument, such statistics do not exist. In any case, the reason why more attention is being paid in Bosnia after the war is that the war brought a new awareness of gender-related violence, as illegal acts, as human rights abuses against women. One psychologist underscores that there clearly is a new responsiveness about gendered sexual crimes in the post-war setting. Before the war, women would have to have kept silent about their experiences due to shame, fear of rejection and questions being raised about their morals, values and behaviours. The increase in attention and awareness raising linked to CRSV changed that perception. In addition, information campaigns, attention as well as medical and legal follow-up have made it easier for women to report and address gendered violence in their lives.

Yet, despite the optimism of this particular psychologist, another psychologist explains the difficulties they face when educating women about the issue of domestic violence. The difficulties arise in what is considered especially strongly traditional – that is, strongly patriarchal – families:

All of us Serbs, Catholics, and Bosniaks, have the same way of thinking, the same tradition. If you have a daughter, the purpose for that girl is to get married ... deliver babies ... cook and work in the field and it is hard work ... and to take care of her husband ... and to wash his legs and to be very nice to her husband when he beats her. In addition, some of them would talk to each other and say that my husband is very nice; he only beats me once a month, or only once a week. Because of their fathers, they are taught to live like that because he was beating their mother and that is normal.

Since violence against women also is seen as an integral part of traditional patriarchal family structures in Bosnia, the psychologists have taken it upon themselves to inform the wider public and change these perceptions. This has taken the form of extensive, professionalized collection, analysis and dissemination of statistical information about their

work and the prevalence of different problems. Furthermore, they often use the local media to promote their activities, while also focusing on women's rights in more general terms.

Conclusion

Addressing CRSV in a conflict setting and after is demanding for psychologists. In this study, it was particularly difficult for two main reasons: first, none of them had expert competence in war violence and second, they were victims of war, albeit in different ways to their clients. The important message conveyed by these psychologists is that CRSV is a psychological, social and political human rights issue. Therapeutic engagements must therefore have a political and social dimension. This means that psychological work must have a community perspective, which entails an engagement with political realities on the ground in the area of concern. The psychologists described in this chapter did this in two ways: first, by providing information to the larger communities about CRSV through outreach and information sharing and second, by staying engaged long term. In addition, the local psychologists made sure that the foreign psychologists who came with expert competence and funding resources learned about the local political and gendered dynamics. These are important lessons for potential foreign psychologists who might go to conflict-ridden areas to address CRSV; there is a need to engage in the local political context, adopt a community perspective, stay engaged long term and collaborate and learn from local expertise.

Two take-away points

- Make sure to engage and learn from local expertise and build your intervention respectfully on their recommendations and insights. It is important to learn about the local political context before, during and after conflict in order to understand the context in which the survivors, therapists and local expertise find themselves
- Make sure to design interventions that address both individual and political/community levels. A war is social and political upheaval and individual therapy without a community engagement will have limited impact. Psychological interventions will be most efficient if they are also part of transformational societal processes, such as transitional justice, community rebuilding and reconciliation efforts

Questions

1. How can you learn from local expertise and practice in approaching war trauma survivors, and what did the local therapists in the Bosnian case do?
2. In which ways do you need to make the political setting of war trauma integral to therapy with survivors? Are there specific word choices that can help?

3. How can gender impact experiences of war violence? How did the therapist deal with gender in order to address CRSV?
4. What is a gendered approach to CRSV survivors? What terms and approaches need to be considered?

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Human rights educational practice for psychologists

After having argued and discussed why psychology matters for human rights and why human rights matter for psychology, this part of the book supports psychologists' strengths to advocate for human rights and also to advocate for themselves as human rights defenders. It touches upon cognitive, affective and motivational processes relevant for human rights protection and promotion from a psychologist's perspective.

Considering that the psychological profession is practised around the world in different social, cultural, political, educational and legal environments, it is important to identify some principles that are often found to underlie effective teaching and learning. At the same time psychologists work in unique surroundings, so they need to adapt the application of psychological knowledge and techniques to different populations and circumstances.

Having in mind the various contexts psychologists work in, this fourth part of the book provides both a general framework for successful teaching and learning as well as more concrete examples.

It provides illustrations of how to create favourable learning opportunities that manage to communicate the relevance of human rights to psychological practice and how this can be applied in practical work. The aim is to discuss and describe different strategies of human rights training, in a way that takes into consideration the different levels of psychology education and different branches of psychology. These approaches are not limited to the formal teaching context, but can be extended to the non-formal and informal context.

In their chapter "Core competences for psychologists practising human rights-based approaches", Marlena Plavšić, Tony Wainwright and Artemis Giotsa suggest what type of knowledge, skills, attitudes and responsibilities psychologists need to develop or improve so they can become better human rights protectors and promoters. The competences relevant for psychological practice based on human rights-based approaches are connected with the International Declaration on Core Competences in Professional Psychology. This chapter compares one of the crucial competences in the Declaration, the one that obliges psychologists to act ethically, with psychologists practising as human rights defenders. The chapter proceeds with a description of a psychologist as a human rights teacher. The teacher's role as a facilitator is emphasised especially while implementing experiential and interactive techniques in the teaching process. It is also stressed that the teacher is at the same time a role model for the

students, as it adds to the credibility of her or his teaching. The chapter ends with an elaboration of the obstacles and benefits of being engaged in human rights protection.

In Felisa Tibbitts and Polli Hagenaars' chapter "Planning human rights education for psychologists", human rights education theories and practices significant for the education of psychology students are introduced. Firstly, the human rights education-related policies are outlined. Then different pedagogies relevant for human rights education are described through participatory methods, critical analysis and inclusive pedagogy. Pedagogy here is understood as the approach taken within an educational programme or a teaching and learning process. Due to the lack of programmes or curricula dedicated to psychology and human rights, the chapter further suggests how to develop educational material for a human rights-based psychology. Even though human rights education policies exist, and curriculum strategies and topics are proposed, additional support for its realisation is vital. The chapter ends with concrete examples of how psychologists and psychology organisations can support human rights. It is concluded that concrete actions are not only the responsibility of individual psychologists but also of their associations.

The final chapter of the book concludes with four examples of practising human rights education to various groups. Sarah Butchard, clinical psychologist, explains why she thinks it is a relevant priority for health care professionals to work within a human rights-based approach. She describes her positive experiences in delivering human rights training to clinical psychology trainees. Tommy Dunne explains the reasons why people living with dementia can face discrimination and treatment that contravenes their human rights. He concludes with the importance of education about human rights in order to have a more meaningful and dignified life. Hilda Engel, child psychotherapist, tells a particular story about inspiring young people, aged 12–16 years, to become interested in the topic of human rights and to be actively engaged in a human rights protection action. Artemis Giotsa, social psychologist, shares her story about the implementation of a course about human rights and teaching at the university where she works. She explains the importance of such a course specifically targeted at future teachers.

Following on from the previous parts of the book that have provided arguments for the need and relevance of promoting human rights within psychologists' work, this final part encourages building and enhancing psychologists' capacities for its implementation in practice. The last chapters are focused on translation of theoretical and practical aspects of human rights protection into educational settings that inspire learning as well as teaching. It is about how human rights, when well communicated and understood in training and education, can make important differences on the ground.

Core competences for psychologists practising human rights-based approaches

Marlena Plavšić, Tony Wainwright and Artemis Giotsa

Introduction

This chapter addresses the key competences relevant for psychological practice based on human rights, connecting them with the International Declaration on Core Competences in Professional Psychology (IDCCPP) (IDCCPP, 2016). It further elaborates how one of the core competences in the Declaration, the one that requires psychologists to practise ethically, can be linked with psychologists acting as human rights defenders. Two models are used: James Rest's and Urban Jonsson's. Then the role of psychologists as human rights teachers is described, as they have to be a model for the students. Finally, challenges and benefits of human rights involvement are tackled in the concluding part of the chapter.

Competence-based approach

Seymour (2016), in his chapter in Ulrich and O'Flaherty's book on the professional identity of the human rights field officer, sets out to "if not bridge different aspects of the work of two different but related types of professionals, then at least define where such a bridge starts and ends and what it may look like" (p. 115). In this case, the two professional groups Seymour is considering are both concerned with human rights work, but we can apply some of the same ideas to begin to build a similar bridge between human rights workers and psychologists. The European Federation of Psychologists' Associations (EFPA) started building one such bridge by establishing the Board Human Rights and Psychology that put the education of psychologists on human rights as one of its core activities (EFPA, 2017).

The competence-based approach was taken as the starting point in defining what psychologists need in order to become better human rights defenders and promoters within their professional setting. Competencies for critical human rights-based approaches to applied psychology, as a wider framework, are presented earlier in the book. However, the necessary key competences can be linked to and build upon the IDCCPP (further: Declaration), which was adopted by the International Association of Applied Psychology (IAAP) and the International Union of Psychological Science (IUPsyS) in 2016. According to this Declaration, competence is defined as a "combination of practical and theoretical knowledge, cognitive skills, behaviour and values, used to perform a specific behaviour or set of behaviours to a standard, in professional practice settings associated with a professional role" (IDCCPP,

2016, p. 4). If taken as a useful model of key competences a psychologist should perform, this model can be translated to competences for human rights-based approaches in psychology. Our attempt to do so is presented in Table 17.1. The first column lists competences from the Declaration, the second column is a proposal of how these competences can be translated to competences for a human rights-based approach in psychology and the third column provides some generic examples.

Table 17.1 Example of core competences in professional psychology translated to competences for human rights

<i>Competence in the Declaration</i>	<i>Translation to competences for a human rights-based approach</i>	<i>Example</i>
Possesses the necessary knowledge	Interprets human rights and links with underlying psychological rationales	Illustrating how violation of human rights relates to mental health deterioration
Possesses the necessary skills	Identifies the necessary human rights-related documents and institutions	Linking actions, or the lack of, with violation of certain articles of specific conventions, covenants, etc.
Practises ethically	Implements procedures according to ethical codes and principles	Refusing to do something that is against the ethical code
Acts professionally	Applies psychological procedures in a human rights-based approach	Defending client's right to get the appropriate service
Relates appropriately to clients and others	Protects human rights of clients and others	Educating people about human rights
Works with diversity and demonstrates cultural competence	Works with diversity and demonstrates cultural competence	Supporting decisions clients make related to their cultural background
Operates as an evidence-based practitioner	Operates as a human rights and evidence-based practitioner	Making policies related to human rights protection
Reflects on own work	Reflects on own work from the human rights-based approach	Discussing procedures on supervision
Sets relevant goals	Sets goals related to human rights promotion and alleviation of human rights violations	Planning and implementing a campaign for protection of certain human rights
Conducts psychological assessments and evaluations	Assesses (risks of) human rights violation and evaluates human rights protection	Risk assessing in a community (e.g. in an institution, town, country) or in a specific group of people (e.g. national groups, professional groups, age groups)
Conducts psychological interventions	Conducts interventions to protect human rights or alleviate human rights violations	Counselling people whose human rights were violated
Communicates effectively and appropriately	Communicates effectively and appropriately	Giving interviews to the media about the human rights-related action

As Table 17.1 suggests, the core competences for psychological work can be a good base to introduce competences relevant for psychological work related to human rights. Going back to Seymour's metaphor, the large degree of overlap suggests that bridging the two professional sets of competences makes sense.

Connecting psychological ethics and human rights in practice

One of the core competences in the Declaration that is perhaps closest to the human rights-based approach requires psychologists to practise ethically. The connection between how a psychologist acts ethically and how a psychologist acts as a human rights defender can be illustrated using two models. The first, The Four Component Model, was developed by an educational psychologist, James Rest (Rest, 1982), building on the work of Lawrence Kohlberg, and has been used, along with other related models, to frame psychometric assessments aimed at measuring ethical competence (Lind, 2016). The British Psychological Society (BPS) has published guidance based on this model for teaching and assessing ethical competence in psychology education (Bullen & Wainwright, 2015) and the model has been found to be useful for many different professional groups. The human rights expert and practitioner, Urban Jonsson, whose main area of practice was nutrition and human rights, developed the second model. He stresses that the aim is to shift the paradigm from one where meeting needs is the aim to rights being realised (Jonsson, 2003, p. 21). In a paper on how to develop human rights programming he describes a model of capacity building (similar to the concept of competence) that complements the four-component model and provides a helpful way to think about how human rights principles and ethical practice can work together (Jonsson, 2003; OHCHR, 2006). The four components are sensitivity, reasoning, motivation and implementation. These map on to the four themes in the Jonsson model (Table 17.2). In Table 17.2, we show how

Table 17.2 Comparison of the four-component model and the capability model

	<i>Rest four-component model</i>	<i>Jonsson capability/capacity model</i>	
	<i>Ethical practitioner</i>	<i>Human rights claims holder</i>	<i>Human rights duty bearer</i>
Sensitivity	Able to recognise an issue has an ethical dimension	Has the capability to assess a rights claim	Has the capability to assess a rights duty
Reasoning	Able to consider the pros and cons of different actions	Has the capability to analyse the rights claim	Has the capability to analyse the rights duty
Motivation	Has the motivation to take action on the ethical issue	Is motivated to communicate and take action about the rights claim	Is motivated to communicate and take action about the rights duty
Action	Has the competence to take effective ethical action	Has the capability to take action on the rights claim	Has the capability to take action on the rights duty

psychological ideas can be helpful when these two models are combined. From the above, there do not appear to be any conflicts between professional ethical duties and human rights obligations. Given this parallel, it underscores how ethical competence and human rights competence will be very similar.

The four-component model suggests there are some key psychological processes that are necessary when making a decision about what action to take in a situation where there is an ethical choice. One of the great benefits of this model is its simplicity as it gives a straightforward heuristic for decision making. However ethical choices are not the easiest decisions to make, and while this framework can be helpful, we don't pretend it can give all the answers, and we are not sure anything can. The four components are ethical sensitivity, ethical reasoning, ethical motivation and ethical implementation and we will describe these in turn and show how they can map on to Jonsson's approach. They are not to be thought of as stages, but as psychologically important aspects of the process that are necessary in acting ethically.

For our purposes in this chapter, Jonsson's model can be understood as starting from the assumption that there are two players (or, as typically described in human rights literature, "actors") – an individual who is entitled to make a human rights *claim* and an individual who has a *duty* to fulfil this (Jonsson, 2003). Jonsson then takes the important step of explaining that it is lack of *capacity* that may stand in the way of the claim being met. The main themes of Jonsson's model are as follows.

Claims and duties

The usually understood relationship between claim and duty is extended to include all relevant people and organisations at "sub-national, community and household levels" (Jonsson, 2003, p. 15). This important way of thinking takes the model away from a legalistic framework. A human right represents a specific relationship between an individual who has a valid claim and another individual, group or institution (including the state) with a duty to respect, protect and fulfil the right.

Capacity

Capacity, broadly defined, is the factor determining how well rights are claimed and duties are fulfilled. In this sense capacity is both an individual competence and also the contextual situation – availability of resources and so on that make fulfilling the right possible.

Communication

Communication patterns reflect power relationships within a community and the extent to which human rights are realised. Having laws is not the same as claiming a right in daily life.

Ethics

A human rights approach has an ethical dimension concerning both what should be done and how it should be done.

As the author and developers of the four-components approach to moral behaviour point out, the concept is not linear and actions result from a combination and interaction of the components, and if any one of them fails it will end up in a lack of action (Thoma, Rest, & Davison, 1991).

Putting the two models together

Ethical and human rights sensitivity

Firstly, there will be a need to be able to identify whether a given situation has an ethical dimension or human rights dimension. To be sensitive in this regard, both emotional reactions to the situation as well as the thoughts you might have are important factors. It turns out that there is a wide range of ethical sensitivity on this dimension: some of us seeing ethical questions in almost everything, others being much more limited in what they would include in their ethical scheme. Ethical sensitivity is clearly important, because if you don't notice that something has an ethical dimension to it, you may well not make judgments that take that into account – perhaps making simply practical judgments. The same is likely to apply to human rights sensitivity, where we know that many psychologists, for example, would be unaware of the various human rights duties and claims that might apply. So, the skill would include the ability to recognise the way a particular situation might be immediately detrimental to an individual or a group, but also that even if that isn't the immediate case, it may lead to future violations of human rights. This competence can be strengthened in a number of ways. Firstly, by keeping in mind our social identity as human beings. Seeing others as part of our group and being at risk of harm will be an important starting point. Secondly, by cultivating empathy and compassion towards others – taking perspectives from different roles, so learners can get better at perceiving when human rights might be endangered. In the case of ethical sensitivity, the touchstone might be a professional code; for human rights sensitivity there is the much more extensive material on human rights law to consult. So as a first step, learners can become more sensitive by being better educated in this material.

Ethical and human rights reasoning

Secondly, you need to be able to reason about the particular ethical or human rights questions that have been identified and to have the ability to weigh up how different responses to the issue align with professional codes or a human rights-based approach. In order to do this, there is a need to be able to consider both sides of an argument to be aware of the many biases that are part of our cognitive makeup. Some of these biases may be implicit – that is, you may have a particular emotional response to the situation that may lead your reasoning in one way rather than another. Reasoning about the rights and wrongs of a situation will also need

to be considered in the light of how you work out what are the relevant duties and claims in a human rights-based approach and in particular who are the duty bearers and who are the claims holders. This is not always as easy as it seems as in all situations, as human beings we are both duty bearers and rights holders. This component means taking into account all the various standpoints, different stakeholders' needs, expectations, previous experiences and other variables, while planning actions and solutions for the (potentially) threatening situation. For the creative practitioner, it can burst with ideas and proposals as it provides the opportunity to generate many solutions to potential human rights violations and to articulate arguments why certain approaches would be beneficial and how they would lead to protecting the person's human rights. Reasoning here should not be done in isolation and whether it is ethical or human rights reasoning, discussion with colleagues and other stakeholders is a significant part of this competence.

Ethical and human rights motivation

The next component poses the question of how motivated the person is to do something about the relevant issue. Psychologists have done much work on motivation so this is an area about which there is good research (Rosenberg & Siegel, 2018). While often the reason for ethical motivation being compromised is that there are conflicts of interest or experience of having taken ethical action and been punished for it. As noted in the next component, it may take courage to act ethically. Similar considerations that are raised in working ethically apply in taking a human rights-based approach. One in particular needs to be addressed directly, and that has been called "human rights scepticism" where a person may consider human rights as a framework to be flawed. To be motivated to address an issue in human rights terms there needs to be, at the least, some commitment to the idea that such rights are useful in practice. There are many possible reasons why an individual may be sceptical, ranging from seeing human rights only to do with the state's obligations, or being a legalistic way of viewing things. On a more positive note, motivation can be strengthened by learning about examples where actions taken resulted in useful outcomes to those concerned and some of that can be helped with an evidence-based as well as a values-based approach. So, for a psychologist, knowing that there are effective methods for delivering benefits to people using a human rights-based approach could be a strong motivator. One useful example of applying an evidence approach to "doing good", albeit from a somewhat different field, is called Effective Altruism (www.effectivealtruism.org) that sets out to show what were and what were not effective ways of doing good; there are summaries and reviews of such effective interventions in the Campbell Collaboration (<https://campbellcollaboration.org>).

Ethical and human rights action

This component identifies the integrity, character and perseverance that a person needs to see through plans and the organisational skills to deliver them. Even in relatively safe situations, outside, for example, of zones of conflict, raising concerns can be a high-risk strategy for various reasons. For example, for managers in busy

organisations, someone raising an ethical matter with them can mean a lot of extra work – it is much easier to ignore things and get on with the tasks allocated. If the question concerns the actions of an individual, it can divide opinion and the person raising the issue can suffer the “shoot the messenger” fate. Under ideal circumstances, raising either an ethical or human rights issue would be welcomed, but this may not be the case. Taking action, then, is best seen as something that needs planning and is best done with others, so that there is some collective commitment to the ethics, values and human rights involved. An important issue to recognise here for both teachers and students is that there is no dividing line between a psychologist who takes action and someone who takes on an activist role.

Following Jonsson’s ideas, actions would involve addressing the capacity issues that have been identified, whether these are individuals who lack the capacity to make a claim or duty bearers, and finding ways to build capacity. Clearly the actions required will depend on the analysis and could focus on empowerment strategies for those making a claim, or other actions if the duty bearers lack capacity.

Among the extensive psychological literature on taking action, one that may be helpful draws on the work on expertise developed by Gary Klein (Klein, Shneiderman, Hoffman, & Ford, 2017). This suggests that, for the experienced practitioner in any field, plans to intervene are often built from a series of templates that we measure the current situation against. This is well-researched territory and should be an important source material for teachers and students. In brief, the way an action plan can be developed is by imagining various scenarios and simulations very rapidly, of actions with predictions of their feasibility, and then making the best choice.

Taking this a bit further, taking action, ideally with others, includes planning concrete actions and the timeframe, defining roles and tasks, foreseeing weaknesses, especially demotivation, fatigue, frustration and making back-up plans. It also involves debriefing, supervision, monitoring and evaluation. For psychologists it means that they have set goals and put their self-discipline, strength and skills into actions that will reach the set goals. This component embraces all kinds of competences: intrapersonal (self-awareness, self-confidence, persistence, emotional stability, etc.), interpersonal (active listening, non-verbal sensitivity, providing feedback, etc.), problem solving, technical and so on.

For psychologists it is important to commit to human rights protection. If they internalise this as a value, then they feel in harmony with themselves and they are seen as credible (e.g. Ryan & Deci, 2017). The lack of this commitment to social responsibility results in taking no actions or in taking harmful actions. In order to support psychologists in setting higher aspirational standards in protection of human rights, good examples of psychologists as human right defenders can be promoted. This component can also be strengthened by reflecting on and discussing personal, professional and societal expectations and responsibilities.

Examples of actions that can be taken include directly approaching the individuals concerned, raising the issue with senior individuals or taking the matter outside the organisation to the general public through the press or social media. Psychologists could have, by virtue of their psychological training, particular skills in conflict analysis and resolution, so many actions can be developed that would build on these skills.

The righteous psychologist

Besides sets of specific knowledge and skills and quality assurance, a profession involves a commitment to serve the interests of clients as well as the welfare of society, providing the basis for the profession's autonomy and public esteem (Colby & Sullivan, 2008). The authors state that an occupation can be considered a profession only if it is, in its core, defined as serving some important aspect of the common good. Psychology undoubtedly fits the required description.

As in practically all applied psychological subjects, psychology teachers not only deliver content related to the subject, but also are models of what they teach. For example, a psychologist teaching educational psychology is expected to organise and perform the lecture according to the principles of good teaching practice that she/he teaches about. In the case of human rights education, the teacher becomes the model. As Magendzo (2005; p. 140) describes, such a teacher has "basic knowledge of the fundamental rights of people, who then applies them in the promotion and defence of his or her own rights and the rights of others" and "also has a basic knowledge of the institutions, especially those of the community, whose role is the protection of those rights, and to which one can resort to when such rights are violated". Further such a teacher:

shall necessarily develop many skills that allow him or her to say 'No' with autonomy, freedom and responsibility when faced with situations that threaten one's dignity. Ultimately what teachers gain is the power to refuse arbitrary, unfair and abusive requests that impair individual rights.

Training for human rights education includes strengthening teachers for their role. Psychology students learning about human rights must have a model in their teacher. The model teachers, besides having the theoretical and practical knowledge about human rights issues, also show that they implement that knowledge for human rights promotion and protection in various communities. They can start in the classroom and stretch it outside to the local, regional, national and/or global levels (e.g. help to create policies, documents, campaigns or programmes for governments or institutions to be more respectful of human rights; explain to various audiences the harmful effect of human rights in certain cases and the beneficial effects of human right protection; work with people whose rights were violated, and so on). The teachers involved in human rights education advocate for their human rights as well, do not take part in actions that potentially violate human rights or dignity, discuss with students their examples of good practice in human rights promotion, but also discuss examples of mistakes and omissions, as learning from them is invaluable. It is essential that the teacher, being responsible and accountable, builds trust, respect and solidarity, and is opposed to offensive, abusive or discriminating requirements threatening human rights (Magendzo, 2005). However, such models also have intra- as well as interpersonal struggles and competing claims and try to reconcile them. Mentkowski and associates (2000) conclude from their extensive studies of competence development that substantial dimensions of professional growth, self-reflection and self-assessment can be developed and supported by instruction and practice. Bebeau and Monson (2011) stress that professional education is

most effective if it is authentic and accountable. An example would be education that pursues a culture based on respect for all students, faculty and staff and if it strengthens the responsibility of the professions to society by linking the study programme with societal inequalities.

Human rights and human wrongs

When teaching students about human rights, students may express doubts about their utility or significance – what we refer to as human rights scepticism. This needs to be openly discussed as it is a widely shared perception that human rights are overly legalistic and protect the rights of wrongdoers at the expense of everyone else. However, one particular challenge to human rights that we don't discuss elsewhere concerns the way that human beings, as a species, have become so dominant, and have exerted such an enormous impact on ecological systems and the environment more widely, that they should not be considered to be entitled to rights at all, but should be convicted of crimes against the species that have been made extinct by their actions. The challenge is that human rights advocates suffer from “speciesism” where they privilege our own species at the expense of all others (Adams, 2018).

There is a solid scientific consensus that, among other things, climate change, biodiversity loss, unprecedented rates of extinctions in recent times and acidification of the oceans have been caused by human activity. The impact of this human activity that we collectively take part in affects both human and non-human animals as well as plants. It differentially impacts on the poor and disadvantaged to a very significant degree, and this gives us the framework for climate justice.

So how should human rights teachers deal with this issue? Firstly, we suggest that students are encouraged to consider what effect a respect for human rights might have on climate change. This could be a simple exercise where a group of people living in an island nation are at risk of being flooded and their nation disappearing (<https://www.activesustainability.com>). This is likely to find that a respect for the rights of the peoples here would result in collective action to reduce greenhouse gas emissions and so on. However, another possible response might be suggested, whereby people carry on with “business as usual” and here you might introduce the well-known concept of the tragedy of the commons that was the subject of a 1968 paper in *Science* by Garrett Hardin, philosopher and ecologist (Hardin, 1968), and, in a sense, is a thought experiment. Imagine you have some common land over which a group of farmers (commoners) have grazing rights. As there is limited grazing, there is only enough to support each commoner having a certain number of stock. However, it will benefit each one in the short term to increase the number of their stock, but this will be at the expense of the other farmers. This will result in overexploitation of the available resource and none of the commoners will be able to graze their animals. Hardin's analysis described the damage that innocent actions by individuals can inflict on the environment. So, writ large, the global impact on our use of the world's resources is having just the impact he would predict. Hardin has said that he should have called this situation “The Tragedy of the Unregulated Commons” as he believed that if we develop good governance we may avoid the worst effects. Human rights frameworks provide just such a governance system.

Furthermore, as Garrett Hardin concludes: “Education can counteract the natural tendency to do the wrong thing, but the inexorable succession of generations requires that the basis for this knowledge be constantly refreshed” (Hardin, 2001, p. 29).

Challenges and benefits of human rights involvement

Although there is considerable evidence of psychologists’ contribution to human rights protection in history as well as today (see, for example, Nadal’s article from 2017), there are many causes why nowadays psychologists may be reluctant to advocate for human rights. Nadal (2017) identified major obstacles underlying such hesitation: ethical concerns and professional boundaries, the belief in political neutrality in psychology, a desire to maintain personal balance and self-care, the lack of psychology training on social activism and the belief that such advocacy is unnecessary in psychology. Seymour says with reference to human rights scepticism something that echoes what we hear on occasion from psychologists and others:

One explanation given, particularly by those working in emergency contexts who are sceptical of the role of human rights in their work, is that a human rights based approach is a time-consuming luxury which is neither practical nor relevant when the urgent business of life saving necessarily dominates the resources of those on the ground.

(Seymour, 2016, p. 119)

On the personal level, psychologists devoted to human rights promotion can also face various challenges. They should understand that personal growth happens life-long and they should query their own positions of influence. They explore how their positions of power and privileges or lack of them shape their views, biases, attitudes and actions (Nadal, 2017). In human rights education psychologists as teachers often become facilitators of an interactive, participatory process of experiential learning. A facilitator structures the learning environment with various activities and encourages participants to be active and included. A sensitive facilitator makes sure the atmosphere is safe and trustworthy so different opinions can be expressed without assault, shame and guilt. Nancy Flowers, with her colleagues (2000) as well as the staff of Global Kids (2007), have thoroughly examined good and bad practices of group facilitation related to the topics of human rights and have written useful handbooks about it. Competent facilitators are aware of cognitive and affective processes that arise during education; they use precise language, open questions and appropriate humour, avoid oversimplifications, encourage various perspectives, raise awareness of the influence words may have on people’s understanding and feelings. When it comes to examples of violation of human rights and consequently to suffering, it is important not to compare the intensity of pain between different examples, as people feel it is humiliating. All the student-centred teaching and learning strategies (e.g. Socratic questioning, problem-based, project-based, case-based, inquiry-based learning) are useful as they encourage students’ curiosity and motivate them to come up with their examples, experiences, observations and solutions. It is important that topics related to human rights are

relevant to participants' lives, but also connected to a larger, world picture. A facilitator carefully mediates discussions of controversial themes in the classroom and yet elucidates misinformation. Finally, a thorough and accountable human rights education should perpetually strive to reorganise its values, knowledge, skills and practices and unveil the underlying power structures and mechanisms (Keet, 2017).

One of the competences human rights practitioners should have and vigorously promote is self-care. Being actively involved in challenges and demanding and sometimes risky situations, they are exposed to numerous and various stressors (Ajduković, 2012). For example, while working with people who suffered from human rights violations, psychologists can suffer from vicarious or secondary traumatisation. Then there are many and often unrealistic expectations different stakeholders have from people included in the field of human rights. Also human right activists often share such high but unworkable expectations from themselves. Media can sometimes put further pressure or present human rights-related issues in a sensationalistic way that is additionally harmful. One of the most relevant problems in the field of self-care can be insufficient support (in capacity building, peer support, supervision, etc.) that human right activists get. It is therefore vital that psychologists dedicated to human rights promotion have in mind the high relevance of self-care and that they pursue efficient strategies of burn-out prevention, and coping if it occurs.

In return, a human rights-based approach can benefit the basic psychological competences and psychologist's capacities for good psychological practice, so it can boost psychologists' motivation to engage in it. On one hand, psychologists build their knowledge about human rights-related documents, institutions and procedures. On the other hand, they serve as models to other colleagues and students, as well as clients. Finally, promotion of human rights typically involves activism which appears to bring benefits at both individual and institutional levels. Namely, there is evidence that engaging in activism is related to higher levels of hedonic well-being (e.g. life satisfaction and positive affect), eudaimonic well-being (e.g. personal growth, purpose in life, vitality), social well-being (e.g. social integration) and satisfaction of basic psychological needs (Klar & Kasser, 2009). It seems that holding back from acting out against perceived social hazards presents a long-term risk for mental health trajectory. Longitudinal data show that activists report having lower (self-related) microworries and higher macroworries (concerned with larger entities) (Boehnke & Wong, 2011). At the institutional level, there is evidence that organisations that promote employee inclusion are more likely to obtain benefits of a high-trust workplace, including effective working relationships and increased employee performance and well-being (Downey, van der Werff, Thomas, & Plaut, 2015).

There is an interconnection between human rights protection and peace. The protection and fulfilment of human rights can help societies to be more peaceful, with elimination of violence and other direct or indirect forms of aggression. Peaceful societies promote the development of peaceful beliefs, harmonious relationships between groups, equality between political and economic systems (Twose & Cohrs, 2015) and consequently people with fewer mental health issues and better health status (Giotso & Mitrogiorgou, 2014).

Questions

1. What key competences do psychologists need in becoming better human rights defenders and promoters?
2. How can you define the cross-cultural competence of a psychologist?
3. In your country, which human rights are most violated and how can you help people to deal with them through your profession?
4. How could the challenges that Nadal mentions be overcome?
5. What would be the efficient coping strategies of self-care for human rights activists?

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Planning human rights education for psychologists

Felisa Tibbitts and Polli Hagenaaars

Introduction

Respect for individual clients and for society at large needs to guide psychologists' actions in the science and practice of psychology. The Universal Declaration of Human Rights (UDHR) refers to *all* human beings in recognising their equal rights. This principle, together with dignity, inclusion and freedom, forms the basis of a human rights based-and-oriented psychology, hereafter called a human rights-based psychology. The UDHR and related human rights standards and values are an attempt to render the concept of human dignity operational (De Baets, 2008).

One of the most important ways to anchor human rights within the profession of psychology is the inclusion of human rights in the academic education and continuous professional development of psychologists. A human rights-based curriculum in psychology will train students in the organisational and professional skills needed for a human rights orientation. Education for human rights has the promise to cultivate the “humanist-practitioner” (Korn, 1985), one who will practise psychology responsibly and positively for both individuals and society.

In this chapter, we first introduce human rights education (HRE) theories and practices relevant for the education of psychology students. We then suggest how to educate for a human rights-based psychology through curriculum strategies and themes that can be infused in the initial education and ongoing training of psychologists. The chapter concludes with questions to encourage critical reflection and discussion along with additional resources for curriculum planning.

Human rights education policies

HRE is a field of educational theory and practice that is gaining increased attention and significance across the globe. Inter-governmental organisations, including the United Nations (UN) and regional human rights entities such as the Council of Europe, have promoted HRE in policies and practices. There is now a permanent and ongoing World Programme for HRE (United Nations, Office of the High Commissioner for Human Rights, 2005) and in 2011 the UN General Assembly passed the Declaration on Human Rights Education and Training (United Nations, General Assembly, 2011).

From the UN point of view, knowledge about human rights by all actors in society is fundamental to the virtuous cycle of people knowing and claiming their rights, and governments being held accountable for their human rights promises. HRE has a place in all

forms of education and training, including the formal, non-formal and informal sectors. The second paragraph of the UN Declaration defines HRE *about, through* and *for* human rights, with a framework of personal empowerment. HRE teaching and learning practices should affirm the learning outcomes of taking action to promote human rights.

There are different implications of this for the integration of HRE within psychology studies or trainings. These are that:

- HRE should include knowledge about relevant international and regional human rights standards.
- HRE should be carried out in a way that reflects the core human rights value of equality, meaning the inalienable equal worth of every human being; and the other human rights values of dignity, freedom and inclusion.
- HRE should ultimately result in learners being motivated to promote and protect human rights, and that human rights will be experienced as relevant to their daily lives.

According to the HRE model called “Accountability – Professional Development Model”, a successful HRE experience should influence learners’ knowledge, attitude and actions so that they respect and promote human rights standards in their professional roles (Tibbitts, 2002; 2017). This chapter will focus on ways in which HRE for professionals can be organised so that psychologists actively respect, protect and promote human rights as part of their professional activity.

Human rights education pedagogy

Promoting human rights and preventing human rights violations are central to HRE. HRE for psychologists means the promotion of a rights-based approach. To realise the full impact of such an approach, we need to move beyond knowledge about human rights and educate psychologists in ways that involve the internalisation of ethical norms that can influence research, practice and social action. Social-behavioural approaches are needed, with human rights as the core framework. This is in line with the “capabilities approach” argued by Sen (1999), who sees capabilities as essential for freedom to being human, to develop and for the realisation of human rights. We argue that this capabilities approach is linked both to the education of psychologists but also to their work with their clients.

Pedagogy, or how teaching and learning are organised, is a central consideration for effective HRE. Practitioners and theorists have identified different pedagogies relevant for HRE: participatory methods, critical pedagogy and inclusive education. We elaborate on each of these briefly in the following paragraphs.

Participatory methods

Teaching, as the method and practice of instruction, refers to the way information and learning experiences are delivered, facilitated and cultivated in learning environments. HRE concepts and values, particularly those touching upon the socio-emotional and

behavioural dimensions, are best communicated through participatory pedagogical methods, which are interactive, inclusive and learner-centred, and therefore enable the direct involvement of learners (Tibbitts, 2002; 2017; United Nations, Office of the High Commissioner for Human Rights, 2000).

Examples of participatory methods include open discussion and dialogue, learner-directed projects and research, paired and small-group work, and activities such as debate, role play, simulations and use of the arts and media. These and other creative ways to engage people in their learning involve more than listening, reading and writing.

For example, in psychology education, students might be asked to carry out debates on the legal and ethical dimensions of providing counselling services to stateless persons. Learners might also carry out a service-learning project in their community that they have designed in cooperation with a local agency or civil society organisation. The participatory nature of HRE pedagogy is integral to the HRE approach and ensures that, instead of a passive delivery of information, learners benefit from active learning and practical experience, ideally grounded in their everyday lives, and which develops their critical thinking and problem-solving skills. Participatory methods foster the development of individuals who are more flexible, able to adapt and open to change as society advances (Levrero, 2017). Indeed, just as international understanding about what constitutes human rights has developed over the years, what has been recognised as “natural” versus “deviant” behaviour has evolved in psychology. An example is the way homosexuality was categorised as a mental disorder. It was removed from the *Diagnostic and Statistical Manual* (DSM) in 1973, but was only removed in 1990 removed from the World Health Organization *International Statistical Classification of Diseases and Related Health Problems* (ICD-10) (Council of Europe, 2011).

Critical analysis and critical pedagogy

Critical pedagogy, which developed on the basis of Paulo Freire’s work in Brazil (1968), facilitates learners’ ability to think critically about their education situation and to recognise connections between their individual problems and experiences and the social contexts in which they live. In the literature, critical pedagogy is seen as a central approach for fostering personal agency and challenging inequality and oppression in society (Farahmandpur, McLaren, Martin, & Jaramillo, 2004; Shor & Freire, 1987). Through debate, engagement, a “language of scepticism” (Giroux, 2006, p. 33) and the cultivation of a critical consciousness about dominant beliefs and power structures (Bartolomé, 2004), the praxis of critical pedagogy is to foster both *understanding* and *agency* in learners.

HRE for psychologists can promote a critical consciousness. Critical perspectives can be developed on conditions that negatively affect the mental well-being of people and the root causes of such conditions. It has been argued, by South African psychologists as well as others, that without understanding the underlying conditions that result in mental distress, such as inequality and poverty, interventions will not be appropriate (Clay, 2017).

Self-reflexive inquiry is a form of critical pedagogy involving both introspection and analysis. The reflexive inquiry process helps to locate the learner in his or her own historical moment and life. Moreover, asking psychologists to consider their broad personal, social, cultural and political environments from a historical perspective facilitates historical consciousness (Kemmis, 2011). Such a consciousness involves not only an understanding of one's own history but also injustices related to one's conditions and the consequences of one's own way of thinking and acting.

In terms of promoting agency, awareness of structural violence necessitates a response. There is the potential for psychologists to more strongly associate their professional choices with the goal of promoting social justice. Such self-knowledge – and associated racial and cultural consciousness – might be considered key for effectiveness (Gay & Kirkland, 2003), as every service provider works with clients and in contexts that bear semblances of discrimination, inequality, status differences and structural violence.

Critical consciousness and critical pedagogy can contribute to changes in the individual, which may result in a stronger engagement in social change. Lykes and Moane (2009) have explored feminist liberation psychology and critical reflexivity as praxis, traditions linked with critical consciousness. Liberation psychology draws on work developed in the Latin American context as well as other contexts of “oppression, struggle and postcolonialism” (p. 285). Although with different historical and political contexts, they share assumptions about values and methodologies, with a focus on transformative social actions. The agenda is to develop a science of psychology that “liberates and transforms” (p. 285).

Pedagogy for inclusive education

Learner-centred education broadly encompasses methods of teaching that shift the focus of instruction from the teacher to the student. The Declaration on Human Rights Education and Training (United Nations General Assembly, 2011) indicated that HRE “should use languages and methods suited to target groups, taking into account their specific needs and conditions” (Article 3, para 3). Other UN standards on the right to education have highlighted the importance of delivering education in ways that are non-discriminatory (see UN Committee on Economic, Social and Cultural Rights, General Comment 13 on the Right to Education, 1999). Pedagogy for inclusive education means actively identifying and helping to overcome barriers that certain learners may have to learning. These barriers can be associated with membership of a vulnerable group (although this may be unknown to the educator). Potential barriers to inclusion might be:

- Poor previous education due to coming from an impoverished background and a poor schooling system;
- Non-native speaking;
- Physical disability, illness or other condition that impedes a student being able to have access to classrooms or resources or to be able to participate at the same level of speed as other students in the class.

Educators committed to human rights will actively seek to identify practices that reflect equality and non-discrimination in how teaching is conducted. Instructors

will remain aware of background features of the learner that makes the learner either advantaged or disadvantaged in being able to succeed in the class. The educator might even think about his or her own expectations of students and to make adjustments so that all learners can succeed in the classroom. A pedagogy of inclusion will likely result in the educator retaining high expectations for all students but demonstrating flexibility in how teaching is carried out and how learning is demonstrated.

Human rights education curriculum

We have presented HRE theories addressing pedagogy and methods of instruction. The “takeaways” for psychology education are that approaches should be participatory and learner-centred, incorporate critical reflection and pedagogy, disrupt racism or exclusion of any kind in the learning environment and move learners to be motivated and activated by human rights. In keeping with a “human rights approach”, classrooms should be inclusive of persons who are differently abled or belong to marginalised groups. An HRE classroom will have an atmosphere that respects the human dignity of all learners as well as the instructor.

At the time that this publication was prepared there were almost no programmes or curricula dedicated to psychology and human rights. There are numerous higher education programmes in Europe, as well as other regions, that offer studies in human rights. These are often found in legal education and there are examples of inter-disciplinary human rights studies. A Master’s programme in Human Rights has operated at the Ludwig Boltzmann Institute of Human Rights of the University of Vienna, Austria, since 2002, and it has a section dedicated to psychology (<https://bim.lbg.ac.at/en>). The European Inter-University Centre for Human Rights and Democratisation (EIUC) is a global network of universities offering studies in human rights and democracy in Venice, Italy (www.eiuc.org/).

In some countries, psychology courses have sometimes integrated an aspect of human rights. One example is a one-week intensive training that is offered by the University of Oslo in Norway. The aim of this week is to integrate ethics, laws and a human rights perspective into the professional practice of psychologists (Box 18.1).

Box 18.1 Curriculum for psychologists, University of Oslo, Psychology Department (University of Oslo Department of Psychology, 2018-2019)

Information meeting

Patient rights and professional responsibility/topics from the Health Personnel Act

Mental Health Care Law

Human rights and psychological work

Criminal law expert

Child-expert work and the child-expert commission

Psychologists in the media
 The role of the psychologist in the municipal health and care service
 Leadership in mental health care
 The role of the psychologist in the use of coercion
 Management
 Psychologist, subject and law + journal regulations

Human rights naturally intersect with ethical norms, which are relevant for psychology in three key areas: research, practices and social issues that influence and could potentially be informed by psychology (Payton, 1984). HRE can be carried out in education and training for each of these areas of psychology.

HRE can be organised through pre-service courses within training academies or higher education institutes and trainings carried out once these professionals are on the job. As with other kinds of training, when they are carried out by persons with the same professional background, this can assist in understanding the conditions under which people are working, and direct the HRE in a practical, applied and sympathetic manner.

Strategising for human rights education curriculum development

Based on ideas already presented in this chapter, as well as good HRE practices in other sectors, we propose some strategies for HRE curriculum development.

Learning outcomes

One possible first step is to identify learning outcomes for programming. Some of these learning outcomes might be associated with specific competences identified for professional practice. There may be indirect references, such as respect for cultural diversity, existing in national codes of conduct or competences that can be built on through HRE. The South African Professional Conduct Guidelines in Psychology (Psychological Society of South Africa, 2007), for example, includes principles, some of which are explicitly linked with human rights:

Psychologists accord appropriate respect to the fundamental human rights, dignity and worth of all people.

Psychologists are sensitive to real and ascribed differences in power between themselves and others, and they do not exploit or mislead other people during or after professional relationships.

Psychologists apply and make public their knowledge of psychology in order to contribute to human wellbeing.

(Psychological Society of South Africa, 2007, pp. 14–15)

Curriculum strategies

There are principles of good practice for HRE but there are no ready-made formulas. For each of these venues, for each set of learners, HRE is customised. A term that has come to be used in the field of HRE is vernacularisation or localisation. It is this adjustment to content and methodologies in programming that allows the message of human rights to be brought closer to people in their daily lives.

In terms of curriculum infusion, there are different strategies available in higher education institutions or training bodies. Human rights can be infused within existing courses; new courses can be established; and co-curricular experiences can be initiated (such as practicums or work in the community). Decisions about whether or not to add new courses or to infuse HRE in other ways will obviously depend upon the mission of the institution, faculty interest and leadership and other factors that might influence such decisions, such as signals from the psychology community, research and student interest.

Within specific higher education institutions or training bodies, the HRE element may be infused within existing courses or practicums. These curriculum design and infusion strategies are fairly straightforward:

- Co-curriculum development with students, that is, the educator collaborating directly with learners in identify related human rights/HRE themes and then incorporating these using participatory instructional methods;
- Integrating key HRE themes within existing psychology courses or practicums (for example, related to “ethics”);
- Developing new courses focused on human rights and psychology (for example, “peace psychology” or “critical psychology”);
- Organising co-curricular opportunities (for example, service learning or internships that link human rights with psychology);
- Continuous professional development: HRE as part of post-academic education for professionals, scientists or psychologists active in public service.

Ingredients for human rights education in psychology: curriculum themes

In this section we propose four clusters of course themes related to human rights and psychology. These themes might constitute an entire course or a section of a course. They could potentially be infused with general studies of psychology (for example, undergraduate or liberal arts studies); within PhD studies and thus research-oriented), as well as within practitioner-oriented studies. Potentially a blending of themes from these four clusters would be eligible to be included in each of these areas of psychology studies, though we recognise that the “ethics” and “advocacy”-oriented courses are more applied and thus possibly more relevant for practising psychologists, counsellors and researchers.

We recommend that, when including human rights perspectives in your curriculum, you remain grounded in research and scholarship; draw on historical examples, when possible; encourage critical perspectives (even on the human rights frame); foster and model respectful discussions; be ready to explore and confront your biases; and

discuss any potentially challenging topics with your supervisor so that he or she is informed about your curricular choices (Woolf, 2016).

Introduction to human rights and links with psychology

A human rights-based psychology will have to incorporate all that is needed to support human rights values and principles. This first requires a general understanding of human rights as well as the application of a human rights lens to psychology as a science and a profession.

Illustrative themes:

- The UDHR and its principles;
- Knowledge about international and regional human rights standards, including the rights of marginalised groups and intersectionality (e.g., persons with disabilities, LGBTQI+, older persons, stateless persons);
- Personal understanding of the role of psychology and psychologists in society;
- Personal attitudes towards ethnic and gender differences.

INTERNATIONAL AND REGIONAL HUMAN RIGHTS STANDARDS RELATED TO PSYCHOLOGY

Those studying psychology should become aware of the core human rights conventions and covenants and associated human rights values and principles and relevant (inter-)national regulations. Relevant standards address the right to health, freedom from torture, freedom from discrimination and the rights of vulnerable and minority groups such as women, children, persons with disabilities, LGBTQI+, the elderly, migrants, indigenous persons, persons in humanitarian emergencies and persons with unclear legal status such as refugees and immigrants.

Key documents of importance for psychologists to be aware of and acquainted with are, first of all, the UDHR and the core human rights treaties, including the Covenants on Economic, Social and Cultural Rights (1966b) and Political and Civil Rights (1966a). Relevant conventions could be those that pertain to the clients of psychologists, such as the Convention on the Elimination of All Forms of Racial Discrimination (1965), the Convention on the Elimination of All Forms of Discrimination Against Women (1979), the Convention on the Rights of the Child (1989) and the Convention on the Rights of Persons with Disabilities (2007). There are additional international human rights standards that provide guiding principles for states, such as the Istanbul Protocol on documentation and investigation of torture, and the Mandela Rules, that is, the revised UN Standard Minimum Rules for the Treatment of Prisoners. In addition, there are the regional conventions and treaties that may be highly relevant.

An essential part of a course on human rights and psychology could be an outline of the principles of the UDHR, with the core principle of the unalienable worth of all human beings, and its implications for psychology. A presentation of the human rights-based approach to programming can introduce both the legal standards and human rights norms, such as inclusion and non-discrimination, and their relevance for research, practice and social action in psychology.

HISTORY OF PSYCHOLOGY/PSYCHOLOGISTS AND HUMAN RIGHTS

Another theme to explore is the contribution of the science and practice of psychology to the fulfilment of human rights and, at times, the undermining of human rights. There is an abundance of findings in the scientific literature of psychology with implications for human rights, especially in social psychology and cross-cultural psychology. Of primary interest is the study of ethnocentrism, stereotyping and prejudice, explaining the discriminatory treatment of “others” (Allport, 1954; Pettigrew & Tropp, 2011). The relevance for HRE is evident: psychologists have the methods and the knowledge to promote intergroup contacts and social inclusion, supported by the principle of Inclusion and the Convention on the Elimination of All Forms of Racial Discrimination (1969). This also emerges from the study of minority groups, with the associated topics of enforced assimilation and marginalisation (Sam & Berry, 2016; Schwartz & Unger, 2017).

A somewhat separate field in applied psychology is the approach to intergroup violence and reconciliation. Students can learn about the prevention of the harmful consequences of conflict and abuse, and about the restoration of human rights consciousness and behaviour. An integrative framework incorporating different cognitive, affective and motivated processes was developed by Leidner and Li (2015).

Part of psychology’s own past reflects exclusion rather than inclusion. The influence of unequal historical and social-economic relationships has left deep traces, for instance on psychometric research to examine racial differences in intelligence.

Human rights as part of ethics/codes of conduct training

HOW HUMAN RIGHTS ARE LINKED WITH EXISTING ETHICAL FRAMEWORKS AND STATEMENTS ISSUED BY INTERNATIONAL AND NATIONAL ASSOCIATIONS OF PSYCHOLOGISTS

As mentioned earlier, codes of conduct have ethical dimensions that can be extended and deepened by linking with the human rights framework. The human rights framework has particular power when applied in situations where national and legal policy guidelines do not address specific circumstances faced by a psychologist, or even might be contradictory, as was the case in the participation of psychologists in the so-called “enhanced interrogations” – read “torture” – in Guantanamo Bay.

Illustrative themes:

- Ethical standards, human rights and psychology;
- “Do well” and “do no harm”.

A human rights-based approach to psychology highlights the links between human rights and codes of conduct within psychology. In addition to infusing the norms of human rights, HRE calls for critical reflection. As Patel (2003) wrote:

Psychologists have an ethical duty to critically examine their own role in sustaining the very inequalities and abuses of power which lead to human rights violations, whether it is in their knowledge base, research, clinical or service-development activities.

(p. 18)

In terms of accountability, in a human rights-based psychology much attention will be given to ethics education, reflecting the ethical obligations of psychologists for the protection and promotion of human rights.

National codes usually provide rules of conduct as well as principles, where the principles are aspirational and the rules are mandatory (e.g. APA, 2010). This distinction gives the principles an appearance of a non-obligatory character. Principles are of a higher order than rules but they need implementation and accountability. The principles of human rights should be made part of national codes. One example is the Code of Ethics for psychologists working in Aotearoa/New Zealand, that explicitly addresses inclusion (NZPS & NZPB & NZCCP, 2012). “The principle of respect for the dignity of persons and peoples requires that each person and all peoples are positively valued in their own right and are shown respect and granted dignity as part of their common humanity” (p. 4). In New Zealand, the basis for respect between the indigenous people (*tangata whenua* – those who are Māori) and others (those who are not Māori¹) is set out in the Treaty of Waitangi. This Code acknowledges the equal worth of the peoples of New Zealand.

In addition to reviewing national codes of conduct, there are regional and international ones that are relevant. For example, the European Federation of Psychologists’ Associations has a “meta-code” for national member associations with wide frames that can be discussed. This meta-code includes references to “person’s rights and dignity” and “avoidance of harm” (EFPA, 1995; 2005). The International Project on Competence in Psychology has developed a declaration on core competences that include “[r]esolves ethical dilemmas in one’s professional practice using an appropriate approach”, “[w]orks with knowledge and understanding of the historical, political, social, and cultural context of clients, colleagues, and relevant others” and “[p]lans and carries out psychological interventions with individuals, groups, communities, organizations, systems, or society” (IAAP & IUPsyS, 2016, pp. 11, 12, 14).

Advocacy and root cause analysis within practicums

A human rights-based psychology will devote time to understanding the root causes of human suffering and intergroup conflicts. The purpose is not only to enhance the ability to understand the conditions leading to mental distress but also to identify underlying factors that might be influenced in order to reduce individual suffering. Patel (2003) notes that psychologists’ “preoccupation with individual suffering” have restricted their contributions to understanding “the nature, causes and function of war” as well as structural inequality and abuses of power (pp. 19–20). Patel goes on to note that “psychological research could contribute to socio-political and

historical factors and their psychological consequences for communities, which can lead to preventative measures” (p. 20).

Illustrative themes:

- Individual and social responsibilities of mental health professionals;
- Psychological theories of distress, e.g. linked to human rights as discrimination or dehumanisation;
- Addressing causes of distress through research and clinical practice;
- Role of psychology in public debates.

ROOT CAUSES OF MENTAL DISTRESS (DUE TO HUMAN RIGHTS VIOLATIONS)

Certain environmental conditions, including political, social and discriminatory ones, can be seen as violating human rights and contributing to individual human suffering. Psychological well-being is negatively influenced in settings of violence, humanitarian emergencies, post-conflict and extreme poverty (Patel, 2003). “Little exists on the role of psychology in either challenging such practices and in providing healthcare in a way which does not neglect the political and social contexts of conflicts and human rights abuses” (Patel, 2003, p. 20). These are areas that could be further explored through HRE in psychology.

ETHICS AND THE PRACTICE OF PSYCHOLOGY

Social action can be incorporated both within practicums as well as within research practices (Patel, 2003). There are examples of psychological associations and psychologists attempting to influence policy through reports and statements. For example: American Psychological Association (APA) President Dr Antonio Puente called on President Trump in 2017 to protect the Deferred Action for Childhood Arrivals programme (DACA), noting that ending it would break up families and derail many young immigrants’ chances for a quality education and future. The DACA programme protects certain undocumented immigrants from deportation, temporarily providing them with the authorisation to work and study in the United States (Puente, 2017).

Foundations of psychology – cross-cultural and decolonial perspectives

Teo (1999) argues that:

[t]raditional – mainstream – psychology has not sufficiently paid attention to psychological patterns that are connected with social conditions, power differentials, or the relation between those who are in positions of dominance and those who are dominated.

(p. 132)

Patel (2003) argues that Eurocentric notions of health have resulted in a clear division of physical and psychological health research (p. 22). Western interventions also are individual-based, with technical solutions, even in situations where groups

of people are experiencing trauma or deprivation, such as in situations of conflict or poverty (Patel, 2003, p. 25). Another problem is the assumed “universality” in psychological responses, without attention to cultural differences; expressions of trauma may look different from culture to culture (Patel, 2003, p. 26). Context needs to be kept in mind. HRE could infuse such critiques and offer diverse strategies for diagnosis and treatment.

Pseudo-scientific notions about people have entered the science of psychology and the humanities and should be recognised as such. For example, the concept of “Caucasian” should no longer be employed in psychology due to its unscientific status (Teo, 1999, p. 156). Adams, Dobles, Gómez, Kurtiş and Molina (2015) edited a special issue of the *Journal of Social and Political Psychology* that illuminates different possibilities for decolonisation in (hegemonic) psychological science. The articles form a unique and valuable introduction to decolonising psychological science.

Illustrative themes:

- Critical psychology (examines social context, economics and structural violence and how they play out in people’s psychological lives);
- Culture and psychology (including eurocentricity, individualism and pathology);
- Power differences and influences on human behaviour.

FOUNDATIONS OF PSYCHOLOGY – CROSS-CULTURAL, FEMINIST AND DECOLONIAL PERSPECTIVES

Research in psychology is mostly based on the behaviour of (Western) students, but these are hardly representative of the world population. A curriculum has to open doors to the world that is coming into the practice room with the clients. “Cross-cultural psychology began with applying Western categories and methodologies to other cultures, but rarely in order to challenge Western psychology’s foundation” (Teo, 1999, p. 161). Thus, psychology should be presented as multi-indigenous, decolonial and inclusive in its theories, methods, research and practice (Hagenaars, 2018).

How can psychologists and psychology organisations support human rights education?

Human rights are meaningless without actions (Sen, 1999). Concrete actions are the responsibility of individual psychologists as well as of their associations, local, national and international. The range of possible actions has a broad scope; they can be directed at human rights of individual persons, groups and society at large (EFPA Board Human Rights and Psychology, 2015).

Over the years both international and national psychology associations have endorsed the ethical dimension of psychology. Such references have implicitly or explicitly referenced what can be viewed as human rights norms in the professional practices of researchers, practitioners and educators within psychology. These include the Psychology Coalition at the UN; the UN Principles of Medical Ethics, which prohibits complicity in torture (Patel, 2003, p. 17); the World Medical

Association, which passed an HRE resolution in 1999 (Hulsizer & Woolf, 2012); and the European Federation of Psychologists' Associations, which established the Board Human Rights and Psychology in 2013. The APA has in the past issued statements and principles related to human rights, psychologists and codes of conduct. The APA has historically supported in the United States the Equal Rights Amendment and humane treatment of prisoners, and the ending of corporal punishment, discrimination against homosexuals and torture (Hulsizer & Woolf, 2012, p. 382).

Codes of conduct and associated competences should be reviewed and infused with human rights norms – as well as human rights standards. Equally important, those codes would be taught and internalised for those trained in psychology and there would be the means of holding these professionals accountable. Reference to human rights standards and norms can be made more explicit in codes and competences and brought into the classroom through use of themes presented in this chapter. In keeping with the human rights-based approach, HRE can include pedagogies and critical questions that reflect on the origins and practices of psychology.

In the seminal article from 2017, Nadal describes ways in which psychologists can stand up for human rights:

[P]sychologist-activists who are scholars, educators, and trainers recognize the multiple ways they can use their power to combat oppression. Not only do they inspire students in their classrooms, but they also turn to both mainstream and social media to impart their wisdom. They know to not only publish studies that other academics will read (or that will get them tenure) but ensure that their work is available (and intellectually accessible) to less privileged people with a human right to knowledge.

(p. 943)

Questions

1. What are the ethical guidelines or codes of conduct that apply to your practice as a psychologist? Do these include any explicit mention of human rights or any mention of human rights values/principles? Are those guidelines explicitly focused on “do well” to individuals and to society?
2. What are your personal views about the role of psychologists in addressing underlying legal, cultural or structural injustices that undermine the health and well-being of current or potential clients?
3. What are concrete ways that you can incorporate human rights into your current or future practices?
4. How can you continue to learn about human rights and reflect on your practice?

Note

1 Authors are unable to find the term for those who are non-Māori.

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Stories of human rights

Teaching and learning

Sarah Butchard, Tommy Dunne, Hilda Engel and Artemis Giotsa

Our final chapter has contributions from four people. Firstly, from the UK we have Sarah Butchard's story. She is a clinical psychologist who has worked on human rights in clinical settings and explored how best they can be deployed to help those who are at risk of having their needs not met, or their rights violated. She has worked alongside Tommy Dunne, who lives with dementia, and is part of a group who have developed some wonderful online videos of their experiences (<https://tinyurl.com/Tommy-s-HR-Story>). Tommy gives an account of what it means to him to have learned about human rights and how they can help him and others in his situation. Then we have Hilda Engel, a tireless worker for human rights in The Netherlands, who describes the inspiring work they have been doing with young people so that they learn about the relevance of human rights in their own lives and in the lives of other people. The final story, by Artemis Giotsa, is from Greece, where Artemis, as psychologist and professor at the university, has witnessed in recent times many people coming to the aid of those fleeing from persecution and conflict and how human rights has been a key way of understanding what needs to be done. The financial crisis was also witness to human rights violations on a wide scale. We hope you will think about these stories and relate them to your own lives and what your own story is.

Personal reflections on delivering human rights training

Sarah Butchard

Human rights are the foundation of everything I, as a clinical psychologist, do and believe in. Every day I encounter people who have directly had their human rights violated, or are at risk of this happening: people who are detained against their wishes, those who are deemed as not being able to make decisions for themselves, those who have experienced psychological or physical trauma and those who are excluded by society. There are often moral, legal and societal considerations as to why these people have had their human rights infringed, but it does not detract from the fact this violation has taken place. To forget this fact brings with it the risk of accepting increasingly more restrictions on human rights without question.

The underlying assumptions of both applied psychological practice and human rights-based approaches are closely aligned. For psychologists, issues of human rights should not be only abstract concepts but reflect formalised systems for

ensuring that people's basic needs are satisfied. I don't think anyone would disagree that we should protect those most vulnerable in our society whether that be due to age, capacity or diagnosis and yet human rights violations still occur – why?

Despite the recognition of the overlap between human rights-based approaches (HRBA) and high-quality clinical practice it can, on occasion, feel like the task-driven, bureaucratic approaches to health care delivery are in direct opposition to HRBA, which compel us to work in ways which value each person's individuality. It has been asserted that:

As service delivery changes, it has never been more important that clinical psychologists and other health professionals have the courage, tenacity, and moral compass to identify, influence, and defend the human rights of those we serve and those we work alongside.

(Butchard et al., 2015, p. 9)

For me it is therefore abundantly clear that equipping health care professionals with the knowledge, skills and confidence to work within an HRBA is a priority.

For me a primary aim of any human rights training programme delivered to colleagues working in health and social care settings is ensuring that the applicability of the principles to the day-to-day work they undertake is clear. Taken in isolation the Human Rights Act can feel like a detached, unwieldy legal document but an HRBA to care provides a translation from law to clinical practice. However, it has been said that “Issues of human rights are not abstract, legal, provisions, but reflect formalised systems for ensuring that people's basic needs are satisfied” (Tai et al., 2009, p. 25). They operationalise ways of interacting with people we support that will uphold and promote their human rights.

My personal experience of delivering human rights training has been to clinical psychology trainees and to staff in dementia care homes and inpatient wards. When I initially embarked on training others in human rights I approached the work with some trepidation. The training delivered to trainee clinical psychologists was in the form of enquiry-based learning and was based on a manual developed for this purpose. It felt vital that individuals training to work with some of the most vulnerable people in society could fully engage with the importance of not only ensuring human rights are not violated but actively promoting the rights of those who may struggle to do this for themselves. I was concerned that there may be resistance to facing how clinical psychology can play a role in undermining human rights on occasions, as it can feel threatening to face your own limitations, particularly when you are just entering a profession, and when you see your primary goal as supporting people. It seemed imperative however to acknowledge that both human rights and the protection of them are everybody's responsibility and some common practices can cause potential harm. I was impressed by the level of reflection that these issues were greeted with.

When considering staff working on dementia inpatient wards or in care homes I worried about how the training would be received: whether staff, who were already stretched to capacity, would see this as another system designed to monitor them against standards, which they felt that they could never live up to. Would it feel threatening, with people fearing that the motivation was to uncover poor

practice and punish it? I was aware that staff in these settings often felt undervalued and I wanted to ensure that any training provided acted as a way to empower them as opposed to making them even more disenfranchised. In essence I wanted to promote their rights in the training as well.

However, on all occasions I was pleasantly surprised by the response to human rights training. It was received with openness, honesty and a level of self-awareness that was refreshing to see. Those involved in the training commented that it provided them with frameworks to legitimise their actions, which they instinctively thought were correct, but for which they found a rationale difficult to articulate. At a period when there are unprecedented pressures on time and resources, staff reported that an HRBA gave them the legal “backbone” to stand firm on issues that they felt were morally imperative. And for me this highlights the true benefits of training health care staff in HRBA. For, by increasing their knowledge, awareness and passion for upholding the human rights of others, you also unleash in them a desire to claim their own human rights, including the right to support others in a way that is congruent with their moral and ethical codes, with the backing of the law. I am hopeful that this could result in not only a more highly skilled workforce who feel supported in working in ethical ways but better outcomes for those they support.

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Human rights apply to everyone

Tommy Dunne

Surely human rights only apply to other people? People without the legal protections that we have in this country. How could human rights even be considered to apply to people living with dementia? Yet people living with dementia are the most devalued in our society: the ones who get hit with the double stigma of old age and cognitive impairment, people whose human rights have been disregarded as society

places emphasis on intact cognition. While a diagnosis of dementia is often necessary for people to access the appropriate care and support services required to maintain their mental and physical well-being, receiving the diagnosis of dementia unfortunately frequently leads to us being denied our human rights both in the community and in care homes. It is well publicised that people living with dementia can face discrimination and treatment that contravenes their human rights for three key reasons:

1. Ageism
2. The stigma and discrimination associated with the condition
3. Lack of capacity to challenge and report incidents that occur.

Just because I've been diagnosed with dementia should not exclude me from being involved in decisions about my care. Having dementia does not stop me from being a human being. A lot of my peers, myself included, fear being mistreated and abused just because we have dementia. Some of those who will be looking after us in care will not see us as intelligent people with an illness; all they will see is the dementia, that they think gives them the right to treat us how they think fit and not as a person who has human rights.

But human rights compel you to treat people living with dementia as human beings and failure to take our human rights into account can also lead to legal suits which impose an additional financial burden and undermine public confidence in services.

It is only now that dementia is being recognised as a disability and, just as importantly, that dementia is increasingly being viewed as having a rights-based dimension.

People must never forget that human rights guarantee people living with dementia the means necessary to satisfy their basic needs, such as food and housing, so they can take full advantage of all opportunities. By guaranteeing life, liberty, equality and security, human rights protect people against abuse by those who are more powerful.

When we talk about those who are more powerful, we are not just talking about the government; it could be a care home, or even a carer.

So when my peers and myself were given the opportunity by Dr Sarah Butchard from Mossley Hill Hospital to make a series of short films on the FREIDA (fairness, respect, equality, identity, dignity and autonomy) principles, I was over the moon. Here at last was a chance to show people what our human rights mean to us as people living with dementia.

But how was I going to get over in a two-minute film what something so important as my rights were? How could I show people that I am not invisible, that I'm still an intelligent person who has the same rights as them?

I'm a great believer in the only way to get people to understand what it's like to live with dementia is for people living with dementia to tell them what it's like. Likewise it is better if people living with dementia explain their human rights.

What better way to influence and educate people than to hear it directly from people who are experiencing it every minute of every day and also for our fellow peers to see it explained in a simple way which I'm sure will inspire them as much as the films inspired me?

When I first told people that my peers and myself were making a series of short films about human rights, I was shocked at some of the responses, such as: “Human rights? You don’t live in a third-world country” or “Your carers will look after those for you; you don’t need to be bothered about those”.

How can we expect people to understand dementia unless they have been educated by the people who are living with it?

I think that the films we have made will be of great benefit to show at post-diagnostic groups, at the time when you are at your lowest and fear for your future. I wish I had seen films like these when I was first diagnosed as they would have given me hope, because hope is the one thing that we need most to get us through every day.

The films should be shown in every care home and hospital as well as to general practitioners. The only way we can beat the stigma of dementia is by showing that those living with it have the same rights as those who don’t.

I sometimes look at the films to remind me that I’m still here and that I do have rights.

Human rights “in practice”

Hilda Engel

I am a member of the Soroptimists in The Netherlands, an organisation that is part of the Soroptimist International organisation (<http://soroptimistinternational.org>). We are working women whose aim is to improve the lives of women and children around the world.

We decided we would like to help youngsters to become more interested in human rights. After a good deal of thought and discussion and for that reason, we came up with the idea of an award – the so-called “Golden STEM” (Soroptimist Trophy Education huMan rights); stem meaning voice, specifically developed for students aged 12–16, in what we call in The Netherlands, VMBO (Technical Secondary Education). We decided to focus on this level of education as these students are not awarded many prizes for their efforts and we thought they deserve more.

To our great luck, we found two schools willing to participate in this project and still more lucky to meet a very enthusiastic director (of both schools) and an even more inspired teacher of social studies. The project during the “pilot” consisted of three units: A, B and C within one lesson block of social studies.

The first of these classes (A) are required for all students and part of the final school examinations whereas parts B and C are optional. Each group of two to three students could choose to focus on learning about one of the following “Children’s Rights”:

- The right to equal treatment
- The right to be a person
- The right to a private opinion and public participation
- The right to privacy
- The right to security and protection.

After some brainstorming sessions with the teacher, we decided these introductory lessons would not follow an overly legal approach, as the kids wouldn’t be

interested in it very much, but to concentrate on these rights and how they might affect them in day-to-day life. In other parts of the course, in part B the kids are involved in devising a charity action of some sort in The Netherlands or in a foreign country, and for part C they would present their charity work and its results.

The competition for the award involved the teacher selecting about five groups of students to show their presentation during a festive meeting in front of their classmates, teachers, parents and other interested people. Thereafter, a jury of persons from diverse backgrounds, including psychologists, evaluated the presentations and announced the winners of the trophy.

It really was impressive and sometimes even moving to see how these relatively poorly educated youngsters, normally more interested in themselves or their direct surroundings, had plunged into their projects and had very creatively invented a charity action for it!

The charity ideas included: providing more possibilities for disabled people within football clubs in The Netherlands; the famine in Yemen; the poor conditions of education due to the crisis in Venezuela; and the “scandalous punishment” (their words) of the Iranian human rights activist Nasrin Sotoudeh (www.amnesty.org/en/get-involved/take-action/iran-free-nasrin-satoudeh-now/). The actions that were associated with these ideas were just as diverse and creative.

The trophy was won by a project to help kids who were not getting a good education in Venezuela and they used the award of €250 to organise boat trips in the harbour of IJmuiden (where the biggest lock in Europe is being built). This money was a welcome start for this “enterprise”. The money they raise with these boat trips will be used for the goal mentioned above, support of children’s education in Venezuela.

But at least as meaningful for the result of this project is the statement of the teacher: “thanks to this human rights project I could get ‘society’ into the classroom”. The kids found it very exciting and the teachers and we, the members of the Soroptimists, found it inspiring and we all learned a lot about human rights along the way.

We, Haarlem Soroptimists, are able to look back on a successful first award of this trophy and are willing to expand gradually the amount of participating schools and to make their experiences available to other Soroptimist clubs in the country.

Teaching human rights in education

Artemis Giotsa

As a professor in social psychology at the Faculty of Education (University of Ioannina in Greece), I strive to engage, challenge and inspire growth in my students. It is my belief that every student is capable of tasting the passion that I feel for psychology. During the financial crisis in Greece over the last ten years, many human rights violations occurred. Consequently, it is important to integrate human rights teaching in the curriculum of our department. Many students are interested in human rights issues, such as children trafficking, LGBTIQ+ issues, children’s rights,

women's rights and vulnerable population rights (e.g. prisoners). The focus is to help students learn about human rights and then to become collaborators in the exploration of human rights theory, research and practice.

The course entitled "Human Rights and Education" is interdisciplinary and covers topics from different areas on human rights: human rights and teachers, human rights and psychology, human rights and children, human rights and elderly people, human rights and arts.

The aim of the course is to familiarise participants with the basic concepts of human rights, showing them how to defend them at the micro and macro level, thinking in systems terms. More specifically, students are trained in how they can incorporate into their teaching as future teachers declarations of human rights and the United Nations sustainable development goals with a view to helping children develop more sensitivity towards social inequalities, to eliminate prejudices and discrimination.

Participants have the opportunity to become familiar with a wide range of interdisciplinary theoretical approaches derived from psychology, educational, sociological, special education, sports, and health education.

The first area of teaching is based on the study and analysis of different declarations of human rights. We present the declarations of human rights and then there is a critical and fruitful conversation about which countries' human rights declarations are being followed and which are not. This is also connected with the cultural context and we focus also on the possible contradictions, such as that countries with a high level of knowledge do not respect human rights.

In order to engage my students, I try to use vivid examples of psychological phenomena, especially from the real world, to draw them into the thick of the learning experience. I prefer to teach through demonstrations: by conducting mini-experiments in human rights and analysing data in the classroom, by participating in brainstorming, small-group debates, role-playing, by observing behaviours from "the real world" and by discussing case studies of violations of human rights emerging from different systems such as social, professional, educational and family.

Moreover, I encourage my students to ask questions and to discuss in small groups. Above all else, I challenge my students to understand that I am always open to their thoughts, eager to hear their opinions and thrilled to learn with and through them.

Another primary goal is to incorporate research into teaching. I am able to help students connect course content on human rights with the ongoing process of research and as a result I have had several of my students go on to work in my lab. We have developed in the department of pre-school education a lab based on "Human Rights and Interpersonal Relationships". We focus on the promotion and protection of human rights in society. To further foster an appreciation for research I encourage students to attend talks, conferences and congresses at national and international levels. I also invite students to participate in the piloting of my studies so that they can experience the research process first-hand. One of the greatest goals I have is to teach my students to become motivated, insightful and enthusiastic thinkers. I try also to introduce human rights in other courses of psychology such as social psychology; cross-cultural psychology; study of values; interpersonal relationships; and social representations.

After completing the course on “Human Rights and Education”, students will be able to:

- Recognise the international conventions of human rights
- Interpret concepts of human rights related to education
- Apply methods of advocacy and prevention of human rights
- Collaborate with other scientists and experts for the protection of human rights.

Teaching my students the topic of human rights pushes me every day to interact and to collaborate with young people, to inspire them and to be inspired.

Postscript

The role of psychological ethics in building a universal culture of human rights

Janel Gauthier

The aim of the present book is to raise awareness among psychologists and psychology students about their role as human rights promoters and protectors, both in psychology and in society at large. This goal is laudable, exciting, challenging, and most important to achieve. However, the publication of a book such as this one is a means to an end, not an end in itself. How does the psychology community move forward toward this goal? How does it build a universal culture of human rights for serving humanity in a rapidly globalizing world? The purpose of the following remarks is to explore the role of ethics in the development and strengthening of a human rights-oriented approach in psychology.

The rationale for connecting psychological ethics to human rights

As reflected in the *Universal Declaration of Ethical Principles for Psychologists* (2008) and in many psychology ethics codes, psychology functions as a discipline within the context of human society. As a science and a profession, psychology has responsibilities to society, including adequately training its members, encouraging the development of beneficial social structures and policies, and using its knowledge to change those aspects of society that cause serious harm. But how does psychology meet these responsibilities? Do these include actively promoting and protecting human rights? If so, what does this mean for psychology in a globalizing world?

Part II of the present book focuses on human rights and professional ethics. This coverage is most welcome. Rightly so, it highlights the fact that professional ethics has a broader meaning than the individual responsibility that a psychologist or other professional has to his or her client. It also highlights the fact that this responsibility extends to the welfare of the wider population and to the world globally. Connecting human rights to ethics is of the utmost importance in human rights education in psychology to bring more psychologists to employ their knowledge and skills for the promotion and defense of human rights, the prevention of human rights violations, as well as for alleviating the harmful consequences of those violations. This connection cannot be overemphasized.

Emphasis on human rights education for psychologists makes perfect sense for psychology when one considers the moral values underlying human rights. The language in human rights and ethics documents may be different (e.g., “moral rights” vs.

“human rights”), but many of the moral values highlighted in the two types of documents are the same. For example, they both recognize the inherent dignity of all human beings; both claim that respect for human dignity is the foundation of freedom, justice, and peace in the world; both share the same fundamental goals of protecting society from harm and enhancing the quality of life of all human beings.

The need for a moral foundation in advancing the promotion and defense of human rights

In an overview of the historical development and contemporary meaning of human rights, Gauthier and Sinclair (in press) have shown that the concept of human rights is neither unitary nor universal. It has evolved and become more inclusive over time, but it has not achieved “universality.” How can we bring people from different cultures together to create a better world? How can the human rights movement be seen as *universally respectful* rather than *unilaterally imposed*? Authors addressing those questions (e.g., Gauthier & Sinclair, in press; Pettifor & Ferrero, 2012) recommend: prolonged dialogue; open discussion of ethics, virtue, and human rights issues; building trust and understanding of cultural and political issues; and generally avoiding confrontations, coercion, and hostile encounters. “Cultural humility,” as defined in the *International Declaration on Core Competences in Professional Psychology* (2016), would be another recommendation to consider. These recommendations reflect the belief that common humanitarian values exist across cultures, and that specific human rights legislation and ethics rules should not be enforced on those who perceive them to be a threat to their cultural identity. Prescriptive/imposed approaches lead to resistance and revolution. Aspirational/educational approaches allow learning, understanding, and evolution.

Indeed, in one of the chapters included in the present book, Rama Charan Tripathi focuses on how the concept of “human rights” is construed and translated across nations and cultures. In his chapter, Tripathi considers how the emphasis on “human rights” (i.e., individuals’ rights) has whittled away the rights of the collectives and discusses in his conclusion whether human rights will endure for a longer period if they are supported by a global ethic rather than by a legal order or prescriptions.

The *Universal Declaration of Ethical Principles for Psychologists* (2008) provides a generic set of ethical principles to encourage and support global thinking about ethics. It is recognized in this document that differences exist in the way professional and scientific responsibilities to society are interpreted by psychologists in different cultures. This is why, in addition to being knowledgeable about the various United Nations (UN) human rights instruments, psychologists also should be knowledgeable about the ones developed outside of the UN which, for whatever reason, have not been ratified by the UN. In a globalizing world, it is imperative that psychologists be well and fully informed about how human rights are defined and conceptualized around the world and be open enough to be appreciative and respectful of other views. Ethnocentrism is not constructive. We can all learn from each other. Cultural humility is at the core of “enlightened” globalization (Kim & Park, 2007). It entails the active inclusion of other cultural world views to develop authentic and respectful relationships.

In conclusion

As previously stated, the construct of human rights is neither unitary nor universal. Differences exist in the way human rights are articulated and interpreted in different cultures. Because it is based on shared human values, the *Universal Declaration of Ethical Principles for Psychologists* (2008) can provide psychologists with a moral framework to address culture-specific interpretations of human rights in a way that is both culturally appropriate and ethically sound (Gauthier & Pettifor, 2012).

Since World War II, advances in technology, increased ease of travel, economic developments, and political events have brought rapid globalization. Globalization is with us and will continue to grow. There are no road maps showing the way to enlightened globalization. However, as suggested in the present postscript, ethical principles can provide moral guidance. Human rights education for psychologists has a better chance to succeed and contribute further to the protection and well-being of all persons and peoples around the world if it is supported by psychological ethics.

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- Pettifor, J. L., & Ferrero, A. (2012). Ethical dilemmas, cultural differences, and the globalization of psychology. In M. M. Leach, M. J. Stevens, G. Lindsay, A. Ferrero, & Y. Korkut (Eds.), *The Oxford handbook of international psychological ethics* (pp. 28–41). New York: Oxford University Press.
- Universal Declaration of Ethical Principles for Psychologists*. (2008). Retrieved from www.iupsys.net/about/governance/universal-declaration-of-ethical-principles-for-psychologists.html

Teaching and learning sources

Along with their chapters, some authors provided lists of sources they found useful for teaching or learning about human rights. It is limited to the sources in the English language as the book is written in the same language. The resources either provide a broader insight into certain themes or help teachers or facilitators to apply methods and techniques that encourage learning. Please take the list as illustrative tips.

Psychology and human rights

- Alston, P., & Goodman, R. (2013). *International human rights*. Oxford University Press.
- European Union Agency for Fundamental Rights (FRA): <https://fra.europa.eu/en>
- Freeman, M. (2017). *Human rights*. John Wiley & Sons.
- Isa, F. G., & De Feyter, K. (Eds.). (2009). *International human rights law in a global context*. Universidad de Deusto.
- Mental health in war and conflict areas: health and human rights: www.hhri.org/
- Nowak, M., Januszewski, K. M., & Hofstätter, T. (Eds.). (2012). *All human rights for all: Vienna manual on human rights*. Intersentia.
- Psychology site with numerous articles that include ethics and critical thinking: <https://kspope.com/>

Psychologists violating human rights

- Coalition of Ethical Psychologists: <http://ethicalpsychology.org>
- Doctors of the Dark Side, about the involvement of psychologists and doctors in Guantanamo Bay: <https://doctorsofthedarkside.com/>
- Torture, APA and the Hoffman Report: www.psychologytoday.com/us/blog/the-fight-against-hate/201507/torture-apa-and-the-hoffman-report-what-now

Human rights education methodologies

- *Amnesty International facilitation manual: A guide to using participatory methodologies for human rights education*: www.amnesty.org/en/documents/act35/020/2011/en/

- Council of Europe: *Compass: Manual for HRE with young people*: www.coe.int/en/web/compass/introducing-human-rights-education
- Flowers, N., Bernbaum, M., Rudelius-Palmer, K., Tolman, J. (2000). *The human rights education handbook: Effective practices for learning, action, and change*. Minneapolis: Human Rights Resource Center: <http://hrlibrary.umn.edu/edumat/pdf/hreh.pdf>
- Freire, P. (2018). *Pedagogy of the oppressed*. New York: Bloomsbury Publishing.
- Global Kids Inc. (2007). *Teen action curriculum*. New York: City Department of Youth & Community Development: www.psychologicalscience.org/observer/putting-social-justice-into-practice-in-psychology-courses
- Mental health and gender-based violence. Helping survivors of sexual violence in conflict – a training manual: www.hhri.org/gbv-training-manual/
- Meyers, S. A. (2007). Putting social justice into practice in psychology courses. *APS Observer*, 20(9).
- Office of the UN High Commissioner for Human Rights: *Human rights training: A manual on human rights training methodology*: www.ohchr.org/Documents/Publications/training6en.pdf
- Office of the UN High Commissioner for Human Rights: *Human rights and social work*: www.ohchr.org/Documents/Publications/training1en.pdf
- The global human rights education and training centre: www.hrea.org/
- The World Health Organization's (WHO) Quality Rights Training Tools: www.who.int/mental_health/policy/quality_rights/guidance_training_tools/en/

Children's rights

- *Born into danger*, UNICEF video: www.youtube.com
- Center on the Developing Child, Harvard University: <https://developingchild.harvard.edu/>
- Convention on the Rights of the Child by UNICEF: www.unicef.org/child-rights-convention
- OHCHR, *Human rights education in primary and secondary school systems: A self-assessment guide for governments*: www.ohchr.org/Documents/Publications/SelfAssessmentGuideforGovernments.pdf
- The Early Childhood Development Action Network (ECDAN): <https://ecdpeace.org/work-content/early-childhood-development-action-network-ecdan>
- The economics of human potential: <https://heckmanequation.org>
- The longitudinal young lives study of childhood poverty in four countries: www.younglives.org.uk/
- UNHCR guidelines on determining the best interest of the child: www.unhcr.org
- Yousafzai, M. & Lamb, C. (2013). *I am Malala – The story of the girl who stood up for education and was shot by Taliban*. Boston: Little Brown and Company.

Specific topics

- An informative website containing interviews with people with psychosocial disabilities on supported decision-making: <http://healthtalkaustralia.org/mental-health-and-supported-decision-making/>
- Butchard, S., Cameron, A., Donald, A., Dowling, C., Forde, E., Eames, C., Roberts, B. (2015). Human rights in clinical psychology: Enquiry based learning resources for training clinical psychologists in human rights decision-making, leadership and evaluation. www.merseyscare.nhs.uk/media/2865/enquiry-based-learning-manual.docx
- For an inside look at involuntary detention and treatment, the documentary *Changing minds: The inside story* is set in a mental health facility at Campbelltown Hospital in Sydney, Australia: <https://iview.abc.net.au/show/changing-minds-the-inside-story>
- Guru, G. (Ed.) (2009). *Humiliation: Claims and contexts*. New Delhi: Oxford University Press.
- Hochschild, A. (1998). *King Leopold's ghost: A story of greed, terror, and heroism in colonial Africa*. Wilmington: Mariner Books.
- Istanbul Protocol – Manual on the effective investigation and documentation of torture and other cruel, inhuman or degrading treatment or punishment: www.ohchr.org/Documents/Publications/training8Rev1en.pdf
- The National Geographic film: *Five indigenous communities fight for their land*: <https://video.nationalgeographic.com/video/short-film-showcase/00000151-ee9a-db5f-a55b-fedee1290000>

Organisations related to human rights

- Amnesty International (AI): www.amnesty.org/en/
- Association for the Prevention of Torture (APT): www.apt.ch/
- Dignity: <https://dignity.dk/en/>
- Freedom from Torture: www.freedomfromtorture.org/
- Health and Human Rights Info (HHRI): www.hhri.org
- Human Rights Watch: www.hrw.org/
- International Council for Rehabilitation of Torture (IRCT): <https://irct.org/>
- International Society for Health and Human Rights (ISHHR): <https://ishhr.com/>
- Pharos: www.pharos.nl/english/asylum-seekers-and-refugees
- Raoul Wallenberg Institute <https://rwi.lu.se/>
- Word Organisation against Torture (OMCT): www.omct.org/
- Xenion: www.xenion.org/en/home-2/

Human rights monitoring mechanisms at international, regional and national levels

In the chapters in the book, many human rights documents and mechanisms have been referred to. For a clearer understanding, we provide here an overview or a summary of the main human rights instruments as we know them in an international context, in the United Nations (UN) system, and regionally, in the different regional human rights systems. The information in this appendix is based on the UN Office of the High Commissioner for Human Rights (OHCHR) web page, the web pages of the regional systems and other relevant sources (see notes).

International bodies and mechanisms – the United Nations¹

The Universal Declaration of Human Rights (1948) was the first legal document protecting universal human rights. Together with the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights, the three instruments form the so-called International Bill of Human Rights. A series of international human rights treaties and other instruments adopted since 1945 have expanded the body of international human rights law.

High Commissioner for Human Rights

The Commissioner for Human Rights (OHCHR) has lead responsibility in the UN system for the promotion and protection of human rights. The office supports the human rights components of peacekeeping missions in several countries, and has many country and regional offices and centres. The High Commissioner for Human Rights regularly comments on human rights situations in the world and has the authority to investigate situations and issue reports on them.

Human rights treaty bodies

The human rights treaty bodies are committees of independent experts that monitor implementation of the core international human rights treaties:

- Human Rights Committee (CCPR)
- Committee on Economic, Social and Cultural Rights (CESCR)
- Committee on the Elimination of Racial Discrimination (CERD)
- Committee on the Elimination of Discrimination Against Women (CEDAW)

- Committee Against Torture (CAT)
- Subcommittee on Prevention of Torture (SPT)
- Committee on the Rights of the Child (CRC)
- Committee on Migrant Workers (CMW)
- Committee on the Rights of Persons with Disabilities (CRPD)
- Committee on Enforced Disappearances (CED).

Human Rights Council

- The Human Rights Council, established in 2006, replaced the 60-year-old UN Commission on Human Rights as the key independent UN intergovernmental body responsible for human rights.

Special procedures

The special procedures of the Human Rights Council are prominent, independent experts working on a voluntary basis who examine, monitor, publicly report and advise on human rights from a thematic or country-specific perspective.

Regional human rights bodies²

Regional human rights bodies monitor, promote and protect human rights in several geographic regions around the world. In Africa, the Americas and Europe, the regional human rights systems play a significant role in protecting human rights among their Member States, including by deciding States' responsibility for violations alleged in complaints submitted by individuals. Additionally, newer bodies with fewer functions monitor human rights conditions in the countries of the Middle East and Southeast Asia.

The regional human rights bodies are:

- African Commission on Human and Peoples' Rights
- African Court on Human and Peoples' Rights
- Arab Human Rights Committee
- ASEAN Intergovernmental Commission on Human Rights
- European Court of Human Rights
- European Committee of Social Rights
- Inter-American Court of Human Rights
- Inter-American Commission on Human Rights.

National bodies and mechanisms

National human rights institutions (NHRIs)

The NHRIs are established nationally and shall comply with the principles relating to the status of the national institutions, known as the Paris Principles. The NHRIs play a crucial role in promoting and monitoring the effective implementation of international human rights standards at the national level, a role which is increasingly recognised by the international community.³

National preventive mechanisms (NPM)⁴

States that have ratified the Optional Protocol to the Convention Against Torture (OPCAT) are required to set up a national preventive mechanism as part of their treaty obligations.⁵ Article 3 of OPCAT says:

Each state party shall set up, designate or maintain at the domestic level one or several visiting bodies for the prevention of torture and other cruel, inhuman or degrading treatment or punishment (hereinafter referred to as the national preventive mechanism).

(Optional Protocol to the CAT, Article 3)

The national preventive mechanisms shall be granted at a minimum the power:

- (a) To regularly examine the treatment of the persons deprived of their liberty in places of detention as defined in article 4, with a view to strengthening, if necessary, their protection against torture and other cruel, inhuman or degrading treatment or punishment;
- (b) To make recommendations to the relevant authorities with the aim of improving the treatment and the conditions of the persons deprived of their liberty and to prevent torture and other cruel, inhuman or degrading treatment or punishment, taking into consideration the relevant norms of the UN;
- (c) To submit proposals and observations concerning existing or draft legislation (article 19).⁶ The NPMs can be designated as a part of an existing mechanism, such as an NHRI or an Ombudsperson, or as a new body. Independence and multi-disciplinary composition are required regardless of the model chosen in the state party.

National ombudspersons/ombudsman/ombud/public advocate⁷

This is an official who is charged with representing the interests of the public by investigating and addressing complaints of maladministration or a violation of rights. The ombudsman is usually appointed by the government or by parliament, but with a significant degree of independence. In some countries an inspector general, citizen advocate or other official may have duties similar to those of a national ombudsman, and may also be appointed by legislature. Below the national level an ombudsman may be appointed by a state, local or municipal government. Unofficial ombudsmen may be appointed by, or even work for, a corporation such as a utility supplier, newspaper, NGO or professional regulatory body.

The typical duties of an ombudsman are to investigate complaints and attempt to resolve them, usually through recommendations (binding or not) or mediation. Ombudsmen sometimes also aim to identify systematic issues leading to poor service or breaches of people's rights. At the national level, most ombudsmen have a wide mandate to deal with the entire public sector, and sometimes also elements of the private sector (for example, contracted service providers). In some cases, there is a more restricted mandate, for example with particular sectors of society.

Other complaints or overseeing bodies established by the national state

There may be different bodies established in order to monitor procedures, sectors and institutions in the different national states, including bodies aimed at receiving and working on different forms of complaints, either in collaboration with the ombud or as separate unities. These are different in different countries but important to be aware of and informed about how to use or collaborate with such institutions.

The national judiciary system

The judiciary (also known as the judicial system or the court system) is the system of courts that interprets and applies the law in the name of the state.⁸

Civil society organisations and networks

A civil society organisation is a group of people which operates in the community, in a way that is distinct from both government and business. They may be established for different purposes, including protection of human rights. Civil society organisations, including professional associations, may play a vital role in reporting to human rights monitoring bodies in the international, regional and national system.⁹

Notes

- 1 www.un.org/en/sections/what-we-do/protect-human-rights/index.html
- 2 <https://ijrcenter.org/regional/>
- 3 www.ohchr.org/en/countries/nhri/pages/nhrimain.aspx
- 4 www.ohchr.org/EN/HRBodies/OPCAT/Pages/NationalPreventiveMechanisms.aspx
- 5 www.ohchr.org/EN/ProfessionalInterest/Pages/OPCAT.aspx
- 6 www.ohchr.org/EN/ProfessionalInterest/Pages/OPCAT.aspx
- 7 <https://en.wikipedia.org/wiki/Ombudsman>
- 8 https://www.sciencedaily.com/terms/judicial_power.htm
- 9 <https://www.un.org/en/sections/resources-different-audiences/civil-society/index.html>

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