

When Human Rights and Psychology Meet

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According to many scholars, the human rights instruments of international, regional, and domestic systems have sparked [a large and growing number of empirical](#) and [interdisciplinary](#) studies. The fields of psychology, anthropology, economics, history, political science, development studies, for instance, have added great vigor to the different human rights frameworks and their application. The interface between psychology and human rights, in particular, has received significant attention. And literature examining the influence the two fields have on each other is fast growing.

A *psychology-informed view* of human rights has been taken into account by many scholars while examining the short-term and long-term effects of human rights violations on individuals and communities. In [Trauma and Human Rights: Integrating Approaches to Address Human Suffering](#), for instance, the authors discuss the trauma-informed approach in the context of human rights violations, namely domestic violence, racial and other forms of discrimination, etc. In the paper on [Trauma among children and legal implications](#), the authors advance a *trauma-informed approach* to human rights. The approach considers the experiences of trauma associated with physical abuse, sexual abuse, neglect, psychological/emotional abuse, community violence, natural disasters, serious accidents, parental death/grief, medical procedures and conditions, and terrorism. In the case of violations including rape and torture, the paper [Torture by means of Rape](#) concerns the psychological suffering of victims of rape, abuse, and torture in light of the [Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment](#).

As for the jurisprudence of international human rights bodies, the advancement of a *psychology-informed view* of human rights is noticeable. Take the example of the Report of the [Special Rapporteur](#) on torture and other cruel, inhuman, or degrading treatment or punishment on *Biopsychosocial factors conducive to torture and ill-treatment*. The Report explores the root causes of the current worldwide complacency concerning torture and ill-treatment and recommends the urgent and proactive incorporation of science-based conclusions into ongoing, policy-based global governance reform processes. Further, the report provides that the root cause of the systemic governance failure is attributed to the generic biopsychosocial factors that have shaped human decision-making throughout history, irrespective of national, cultural, religious, or other distinctive influences.

Since the two fields are creating a landscape of new concepts and perspectives, one may study this interface broadly under three headings;

- (a) Psychology in Human Rights.
- (b) Rights-Based Approach to Psychological Science and Research.
- (c) Psychology and Human Rights in Law and Policy.

On the first, i.e., **psychology in human rights**, there is growing support for including individuals and societies' psychological experiences and needs in working human rights institutions and processes. The *trauma-informed approaches*, as mentioned earlier, fit the description. Another way to look at this is through the prism of legal reasoning and

adjudication. In the landmark case of *Nathanson v. Farai Mteliso and Others*, for instance, the damages awarded to the petitioner by the High Court of Zimbabwe were computed bearing in mind the experience of emotional distress (for unlawful arrest and malicious prosecution) by the plaintiff at the hands of the state authorities. In the case of *X and Y v. Georgia*, the CEDAW Committee (Convention on the Elimination of All Forms of Discrimination against Women) included within the obligations of states the duty to protect individuals from psychological abuse (2015). In

Moving ahead, the **rights-based approach to psychological science and research** supports including human rights standards and principles within psychological research and practice. The most suitable illustration is about advancements in the field of neuroscience. The advances have created human rights standards to protect the human mind from interference, manipulation, and control. The broader usage of expressions like [neuro rights](#), [mental privacy](#), [psychological continuity](#), and [psychological integrity](#) in human rights literature reflects the emergence of these concepts of mutual relevance.

In 2020, the American Psychological Association (APA) Task Force on Human Rights adopted the Resolution [APA, Psychology, and Human Rights](#) to integrate human rights principles into psychological science research and applications. The report incorporates the *Five Connections Framework*, a fully operationalized theoretical framework to enable the APA to fulfill its human rights commitments. The Five Connections include:

1. Psychologists possess human rights by virtue of being human and specific rights essential to their profession and discipline.
2. Psychologists apply their knowledge and methods to the greater realization of human rights.
3. Psychologists respect human rights and oppose the misuse of psychological science, practice, and applications and their negative impact on human rights.
4. Psychologists advance equal access to the benefits of psychological science and practice;.
5. Psychologists advocate for human rights.

The APA Task Force also endorses a set of directives to oppose the misuse of psychological science, practice, and applications and encourage psychologists to support and advocate for populations at risk of human rights violations, including marginalized populations both domestically and globally. An illustration of the possible misuse of psychological science, practice, and applications can be seen in the state-specific Report of the *Network for Protection against Discrimination*, submitted before the CRC mechanisms (under the [Convention on the Rights of Child](#)). The report highlights discriminatory language in several Macedonian textbooks covering *psychiatry, medical psychology, and psychology*. The Network highlights that *the textbooks pathologize homosexuality and contribute to marginalization, discrimination, and stigma against LGBTI people*. The report establishes cause for educational reforms on the grounds of human rights protection.

On the third heading i.e., **psychology and human rights in law and policy**, one can examine their role in the context of legislative interventions advancing a *psychology-informed* understanding of human vulnerability, suffering, and emotional wellbeing. One notable example is the [Domestic Abuse \(Scotland\) Act, 2018](#). The legislation is viewed as providing a comprehensive framework for criminalizing coercive and controlling behaviors while expanding the scope of *psychological harm* in the case of abusive relationships. On the

scope of the legislation, [Cairns](#) writes, *one notable feature of the new offence, and one that distinguishes it from other comparable offences, is that it captures both behaviour that was already criminal under Scots law (e.g. assault, threatening and abusive behaviour, sexual offences) and behaviour that was not previously criminal (i.e. psychological and/or emotional abuse)*. In terms of specific human rights, the study by [Lutz, Streb, and Dudeck](#) advocates for institutional reforms to protect migrants in prison settings. The study finds that *more psychological distress* is experienced by migrants facing long-term imprisonment than other migrants. As expressed by the authors, *being a migrant by itself did not lead to increased psychological distress, but migrants who had poor or missing social relationships with fellow inmates and those who were more afraid of experiencing crime showed significantly increased distress. Prisons should be made aware of these parameters and should create an environment that supports migrants in building social relationships with fellow prisoners*. (Also see [long-term solitary confinement](#)).

As for carving out a methodology for human rights and psychology research, [Gary B. Melton](#) advocates for developing an *express jurisprudential theory* for (a) the determination of topics of interdisciplinary study and (b) for the facilitation of a coherent and sensitive judicial protection of fundamental rights. In the words of Melton, *it is time for a jurisprudence that is consonant with social reality and personal experience; it is time for psychology that illuminates such concerns*. In the same context, [Twose and Cohers](#) emphasize using focused research compilations to investigate more specific subtopics within the larger realm of human rights research. The authors write, *the study of human rights opens the door to interesting psycho-legal questions about the meaning of particular rights, such as the right to privacy or the rights of particular populations, such as children*. There are many areas for psychologists to contribute to promoting and protecting *human rights in the criminal justice and correctional systems, or more broadly speaking, human rights in the practice of psychology and the professional work of psychologists*.

In conclusion, the exchange between the two fields redefines the framework of human rights and their corresponding obligations. In addition, the creation of *standards* and *concepts* of mutual relevance enhances both areas' capacity to address the most compelling challenges for individuals, societies, and states.

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