

Equalities, Human Rights & Social Regeneration Conference

Introduction

The core aim of the conference was to explore the equalities and human rights debate in order to assist and support professionals working in the public sector to effectively tackle discrimination and social exclusion.

Equality and human rights work in the United Kingdom has long been one of the tools forming an integral part of the struggle against injustice and contributing to freedom from discrimination and the fear of discrimination. A large part of building a better future for all has been to ensure that throughout rebuilding and developing our communities we have promoted the use of new rights enshrined in new and emerging human rights and equalities legislation as a tool for tackling poverty and social exclusion.

Social regeneration is about shaping the communities of tomorrow and securing social justice, economic strength and sustainable futures for all. Public investment must tackle longstanding social and economic inequalities and revive local communities to develop a society where every person stands equally and has an opportunity to contribute to the diversity of our country.

The conference opened with a speech made by Kirit Mistry, the Vice Chair of East Midlands Racial Equality Consortium (EMREC). He spoke about the history of EMREC and how the organisation was formed. Additionally he spoke about the emergence of the new Equality and Human Rights Commission and how Racial Equality Councils are looking to diversify their work to cover all seven strands of equality and human rights. He spoke of the challenges that are faced by the Racial Equality Councils in the forthcoming years including securing future funding and building sustainability into all work undertaken. His response to the way forward from this is by forming Local Equality Partnerships.

The first guest speaker was Phil Hope MP- Minister of the East Midlands and Minister for the Third Sector. His speech focused on the social inequalities which have resulted in government policies to promote equality and human rights in Britain. The speech concentrated on the three E's namely; Equality, Engagement, and Empowerment. It was mentioned that in the last 10 years Corby has benefited from working in partnership, resulting in a real community transformation. However, this challenging task has only been possible through a great deal of hard work and determination. The outcomes being a direct result of personal and organisational commitment to making meaningful change.

Mr Hope identified what he thought were the key priorities for the East Midlands. These included promoting improvements in public services, ensuring that the region has a highly skilled workforce and rewarding jobs and providing the housing and infrastructure to support the expanding population. However these goals will only be achieved if steps are taken towards tackling the inequalities that still exist and affect parts of the region and the people that live in it.

One of the government's significant achievements of recent years is the creation of the Equalities and Human Rights Commission, of which the government is very proud. The creation of the new commission is a step towards tackling inequalities and disadvantage based on gender, race, disability, age, sexual orientation, religion or belief. This is a marker of the government's commitment to making this happen and the consequences which will be faced by organisations when they do not take this agenda seriously. Phil commented that there have been many improvements within the last decade which have made real differences to people's lives and also realised the potential of many people;

- 600,000 children have been lifted out of relative poverty.
- 2.9 million more people are in work than in 1997, with lone parent employment at record high. 90% of lone parents are women.
- The gap between the overall employment rate and the rate for people from BME backgrounds fell again last year.
- There have been year – on- year improvements since 2003, the proportion of Black and minority ethnic pupils achieving the equivalent of five or more A* - C GCSE's.
- Disabled people working in small firms now have the same rights as those working in large firms and service providers must, for the first time, make reasonable adjustments to physical features.

Phil went on to speak about the challenges and opportunities for the region. He gave an example of what he considered as a challenge; women in the East Midlands are suffering greater levels of long-term illness than men, a trend not reflected in the national average. He went on to say 14% of those with long-term ill health or disability being

involved in some form of learning in the last three years, compared to 42% of the non-disabled population. Mr Hope reflected that it is crucial that the issue of services and support for an increasingly ageing population need to be revisited with a greater emphasis on understanding and addressing the concomitant issues.

In order to meet these challenges the Government has set out priorities for the next three years in new Public Service Agreements. The government has explicitly stated in its Equalities Public Service Agreement (PSA 15) that the priority will be reducing inequalities, including those in Health, Education, Employment and the Criminal Justice System. This cannot be achieved solely by the government and needs sustained commitment from local authorities, third sector organisations and businesses to achieve meaningful change.

Local Area Agreements are at the heart of the new Public Service Agreement framework which sets out three year targets for local area top priorities. Many issues cannot be taken forward without a focus on local areas, such as improving 'civic participation' this is an important element that is reflected in the set of 'national indicators' which are a crucial part of the new framework. Participation is also about engagement in politics, and forms the very fabric of our society, it strengthens society, it ensures all voices are heard and represented.

As a Minister for the East Midlands, as well as for the third sector Phil mentioned that he will be watching developments on how equalities will be reflected in the Local Area Agreements. At a regional level Phil stated that the East Midlands Development Agency will be starting work on a Single Regional Strategy where key agencies and initiatives across the East Midlands pull together to deliver much stronger sustainable economic development.

As the region develops, economically and socially and as parts of it undergo significant regeneration, we need to ensure that everyone benefits. This includes jobs for young and old, for men and women, houses and transport facilities that cater for the needs of those with disabilities and the needs of older people. We need to ensure that these changes benefit all communities including people from Black and minority ethnic backgrounds and help to close the gaps that exist in employment, housing and educational attainment. These are very important issues and progress has been made but more needs to be done to ensure progress is made at a much faster pace.

The second speaker at the event was Baroness Margaret Prosser. She opened her speech by expressing thanks to the East Midlands Racial Equality Consortium for organising such an important conference. Margaret spoke about the “Age of Difference” that we live in today which is very different to the landscape even five years ago, and will continue to dramatically change again in the next five years. Alongside this she stated that the equalities arena needs to adapt to the changes in order to ensure that inequalities and discrimination is tackled and that every citizen in Britain is protected against a whole host of barriers that are as diverse as the people they impact upon.

The Age of Difference

The Britain that we live in is experiencing hyper diversity at an unprecedented level, thus it is vital that we approach the issues of equalities at the national, regional and local level in a cross cutting, forward looking, robust and powerful way to take forward the challenges that are facing Britain today.

The Equality and Human Rights Commission

Is Britain’s first national institution charged with preventing the causes and effects of inequality, prejudice, discrimination and promoting and protecting the human rights, dignity and worth of all, the EHRC embodies fairness and social change.

The vision for the EHRC is to create

‘A society built on fairness and respect, and ensuring people are confident in all aspects of their diversity’

The Commission will also act as an independent voice for equality and human rights, tackling discrimination and expanding opportunity. She opined that by bringing the six equality strands together the commission would be in a more powerful position to affect change rather than when there were single equality organisations.

Margaret emphasised that the new commission will still be funding Racial Equality Councils as well as providing a further £6million to address all forms of inequalities at the local level. However, the Commission cannot deliver this on its own and thus needs a forward thinking voluntary sector which paves its way to developing new rules of engagement at the local level in order to provide an effective strategic approach that is joined up and creative and can effectively deal with the multi faceted issues affecting people’s daily lives.

She acknowledged the past success stories of the legacy commissions, and addressed the new challenges ahead in respect of sexual orientation, age, religion and belief. The commission is faced with a duty that was never an aspect of the work of our predecessors – how to resolve apparent tensions between different claims to equality - the claims of faith, compared to those of sexual orientation or of gender compared to those of ethnicity.

The Work of the Equality and Human Rights Commission

The Equality and Human Rights Commission (EHRC) is already addressing the weakness in Britain's current Equalities agenda, the focus is on finding solutions rather than just talking about them, for example:

1. Soon after the launch of the new commission, the government and local authorities were called upon to provide more support to the three million women who experience violence every year.
2. Children with learning disabilities will no longer be left out of the UK schools' equivalent of the Olympics after our threat of legal action pointing out that their exclusion was discriminatory and unlawful.
3. The issue of Equal Pay has begun to be robustly addressed. We have called for the Equal Pay Act to be amended so that the parties will be able to cut through the nightmare of the clogged up tribunal system by allowing representative actions. The Commission has already intervened in the controversial question of transitional arrangements – the extent to which employers can protect men's pay for a limited period while measures are put in place to bring women up to the same level.
4. The judgement in the Sharon Coleman case illustrates the way in which we can use an individual case strategically. Her case was about preventing employees from being treated less favourably at work because of their caring responsibilities irrespective of that care being for disabled relatives or elderly parents. Sharon was effectively placed in the perilous position of having to sacrifice her job because an inflexible system neither understood nor accepted her need to care for her disabled son. Sharon's rights and those of her son were abandoned in the face of the system which sought to diminish her human rights and those of her child.
5. The mentioned cases demonstrate that the current anti – discrimination laws are outdated and not relevant to Britain's hyper diversity today. Consequently, the new commission is working with the Government and other stakeholders to introduce a progressive, modern new Equality Bill which is fit for purpose for the 21st Century.
6. Earlier this year the EHRC launched its' Human Rights Inquiry. The inquiry will separate myth from reality and will focus on what drives public perceptions of human rights and whether the Human Rights Act leads to tangible benefits in the way that public services are provided. The final report is expected in December 2008.

Human Rights

This is launched at a time when Britain approaches the 10th anniversary of the enactment of the Human Rights Act and the United Nations Universal Declaration of Human Rights. Despite human rights featuring in British Law for nearly a decade there are still blank or mixed reactions from a large proportion of the British public. There has

also been widespread negative propaganda regarding Human Rights which has suggested it is being used as a tool for people to demand what they are not entitled too, especially terrorists and criminals.

According to a poll 40% have not heard the phrase 'Human Rights', are unable to name any of the protected rights or don't know if they support the legislation. Nevertheless, 47% supported 'human rights' laws in Britain. The Commission is moving human rights from the legalistic civil liberties sphere to the territory of standards in public services; of dignity, respect and fairness in human life.

The human rights framework will not dictate how people should behave but it does provide us with an underlying framework of values to help establish how we can learn to live with each other. In a diverse society shared values are the fundamental glue that holds us together; and the way we behave towards each other is the outward manifestation of our values.

In terms of the Commission's legal work it is unable to take freestanding human rights cases directly, although through funding it can help organisations that take on human right casework, and will be able to intervene in any human rights case. The Commission will also be able to carry out human rights inquiries and investigations, however, it does not possess the same range of enforcement powers in relation to human rights as it does in the field of equality generally.

In conclusion, Margaret emphasised the Commission's support to local and innovative work which uses human rights principles and methods to resolve disputes without expensive time – consuming and intimidating litigation. She also stressed the importance of equality and human rights approach to future work in the region, not only to build a cohesive region but also to create a safer, prosperous and more secure Britain.

Roger McKenzie delivered his speech on migrant workers and equality and human rights challenges for employers. He opened his speech by providing his own personal experiences and the challenges that he has been faced with when arguing and campaigning for social justice. Roger spoke about three hurdles that have to be overcome to do this;

The first hurdle is getting people to listen to you in the first place. Very few people want to hear about some of the difficult issues that need to be raised around equality and human rights. Roger referred to Baroness Prosser's speech where she had mentioned that we live in an 'Age of Difference' he claimed that perhaps it should be called an 'Age of Indifference'.

The second hurdle is death by discussion or kindness. This hurdle often involves more working or tasks groups, more policy discussions or policy positions agreed that make no difference to the lives of anyone.

The third and final hurdle that Roger referred to is when things start to happen. At this stage at least there is progress in terms of diversity in the workplace.

The new commission has been allocated the money and resources to get on top of the emerging issues and should be left to tackle them.

Roger spoke of his personal and political commitment in challenging the position facing migrant workers today. He mentioned that his parents and people of that generation who came to this country from the Caribbean or the Indian sub – continent were called immigrants. Today they are referred to as migrant workers. So he posed the question whether this was a shift or change in terminology, or is to do with where these migrant workers are coming from and the colour of their skin?

When Roger's parents came into the United Kingdom from Jamaica in the early 1960's there was no real infrastructure to support them. There have been some improvements in this respect with today's migrant workers but there are still some parts of this region that just do not have the infrastructure in place for housing, schools or social services to meet the needs of these new workers and their families.

Many of the same problems exist in work places but the attitude of trade unions has changed markedly. During the influx of migrant worker's from the 1960's onwards the attitude of trade unions was to be fearful, while happy to take union subs from the new arrivals they were not keen to provide proper representation and to deal with racism. That was a reality of daily life both in and outside the workplace. In many ways we are still dealing with the legacy of this racism today, because it is the attitudes, practices and policies from those days that continue to cause problems in some workplaces today.

There is still much to be done in handling personal cases of discrimination in the workplace and there is a need for better placing of these issues on the collective bargaining agenda. This is why the Trade Union Congress (TUC) changed its rules a few years ago to make it a condition of affiliation to the TUC that all unions should have to demonstrate their commitment to equality. In turn they also have to report to the TUC Congress every two years on the progress that they are making.

The TUC provides support and guidance to unions to help them to make progress, especially the smaller affiliates that perhaps do not have the same resources available as their larger colleagues. Roger emphasised that much of the work carried out in the Midlands TUC aims to link trade union activity to other like – minded social movements and that the trade union movement has made a massive leap from where they were in the 1960's.

Roger raised concerns over the way that certain political parties have sought to divide workers against each other by claiming that one group is receiving preferential treatment at the expense of other groups. This racist division also affects the communities where people try to survive as best they can. He mentioned how migrant workers get used as a political football to be kicked around when the going gets tough. However, there is much more that can be done to support migrant workers both in the workplace and in the community. For example, the TUC in this region has been providing employment and welfare advice sessions to migrant workers. This is done effectively by working in partnership with other agencies to co-ordinate this support rather than it be piecemeal or leaving gaps.

On a final note Roger stated that by looking ahead from a trade union perspective, the trade union movement in this country will look much more diverse than it does now. It will start to see more Black people than we currently do in very senior levels of the trade union movement. One of the many challenges is to balance the need for the unions not just to be seen as being a movement that represents and stands up for the poorest workers but one that stands up for everyone regardless of income, race, gender, sexuality, disability or age. A movement that speaks and acts fearlessly against discrimination wherever it may be found and promotes a view of a fairer and more equal society for all working people and their families. This can be accomplished by working in partnership with the government and with employees to shape a more progressive role. That is why it is imperative that the new commission is given the money to do their job even in the light of public service cuts.

Paul Quinn from West Northampton Development Corporation (WNDC) spoke about the impact of equalities and human rights on social regeneration. He started his speech by defining some key terms:

What is WNDC? It;

- It is one of only three Urban Development Corporations.
- Is part of the MKSM growth area.
- Is a very powerful vehicle for delivery of sustainable communities and growth.
- Has both regeneration and development control powers.
- Is only a small organisation– success is entirely reliant on creating and sustaining successful partnerships.

What Are Our Targets?

- 37,500 new homes in West Northamptonshire by 2021
- 37,000 new jobs
- Overseeing growth of Northampton to become city of 300,000
- Generation of Daventry and Towcester
- Create the infrastructure required to deliver sustainable communities

The Vision for West Northamptonshire;

WNDC's vision is that by 2021:

- Northampton will be transformed into a prosperous and dynamic regional city with a growing knowledge based economy.
- Daventry and Towcester will be successful and distinctive market towns.
- West Northamptonshire will be better connected to national and international markets – a gateway economy that capitalises on its position within the London city-region.

Paul pointed out that WNDC's collective challenge is to harness the growth agenda to progress social justice, human rights and equality.

The Challenge: Housing

- House prices rising above national average (64% or £70,000 increase since 2000).
- Number of households and population rising.
- Too few homes being built.
- Affordable housing supply almost stagnant locally and in reverse nationally.
- Growing affordability gap.
- In recent years lower quartile house prices rose by 34% and lower quartile income by just 6%.
- Quality of homes (new and existing) needs to be lifted.

Creating a Sustainable Tenure Mix

- At least 25% of all homes approved by WNDC to be social housing managed by RSLs.
- Further 10% as shared ownership, shared equity or other low start equity products offered at levels.
- Accessible to first time buyers, key workers and others unable to afford homeownership without such low start scheme.
- WNDC, DDC and Housing Corporation to introduce new management arrangements.

Setting Design and Sustainability Standards

- Design coding for all schemes over 500 homes.
- CABE or OPUN Design Review of all significant schemes or buildings.
- Building for Life Silver Standard mandatory.
- Code for Sustainable Homes already applied to all planning applications.

The Challenge: Employment and Business

- Employment levels high but skills levels low.
- Pockets of deprivation.
- Significant out commuting.
- Opportunity to create new and support existing social enterprises.
- Commitment to create new jobs for the new homes.
- Prepare the town centres for growth and change.

The Challenge: Regeneration

- Delivering community infrastructure.
- Benefit the existing as well as the new communities.
- Community and voluntary sector as full partners.
- Creating additionality – using Development Control powers to create training opportunities, jobs for local people, etc.
- Long term management arrangements with the RSL's the Housing Corporation, etc.

Forward Planning Based on Shared Values

- Use Growth as a catalyst to address existing deficits.
- Harness energy of development to drive up standards.
- Actively seek out additionality.
- Raise expectations.

The next speaker of the day was Dee Martin who represented Leicestershire Centre for Integrated Living (CIL), she spoke about visions for the future under the Human Rights Act. Attention was drawn to funding, which is a big problem, as disabled people do not have the infrastructure like the other equality strands. User led organisations are under threat as they are invaded by private organisations. The centre for independent living challenges these disability issues.

Dee went on to highlight that the community needs to look at disabled people in volunteering, and this can be accomplished by working in partnership with other organisations, especially the Racial Equality Councils.

Human Rights and Disabled People

Dee referred to the Amsterdam Treaty (1995) in particular, article 14 of the convention which deals with discrimination;

“The enjoyment of the rights and freedoms set forth in this convention shall be secured without discrimination on any grounds such as sex, race, colour, language or religion”

Accentuating that disability was not even mentioned in this article.

Human Rights and Independent Living

(Countries that have signed up to it are: Jamaica, Peru, India, Bangladesh, South Asia)

- Right to live life (Article 2)
- Prohibition of torture an inhuman or degrading treatment (Article 3)
- Respect for family and private life (Article 8)
- Applies to Public Sector
- Putting people first
- Minimum standards

Britain did not sign up to the additional components, but have made changes to accommodate disabled peoples' needs. For Example; the formats in which information is provided and transport arrangements. However, there is still much to be done as a lot of disabled people are still living in poverty. The new Bill uses the postcode lottery system, hence producing barriers and it only applies to public sector bodies. So there is a huge threat for disabled and old people under the Bill.

She went further to speak about human rights in Education; she called for an active policy in welcoming disabled students (many schools do not have this).

Human Rights and Mental Health

Disability affects many people from different Black Minority Ethnic communities many of whom are more prone to;

- Getting major illnesses
- More likely to be homeless
- Considered to be unreliable witnesses
- Face inflammatory media coverage
- Black people with mental health are up to 25 times more likely to be detained in high security psychiatric hospitals.

In conclusion Dee mentioned regardless of the Disability Discrimination Act and Human Rights Law existing, it will not be possible to secure peoples' rights unless mechanisms and infrastructure support are in place to make things happen. The barriers that need to be tackled are negative images and negative attitudes of individuals in society. So there is a long way to go before we see real progress.

The next guest speaker was Tony Montinaro from Derbyshire Friends. His speech was based on the new challenges for equality and human rights in Britain in relation to sexual orientation. There are new challenges, and in the past few months we have heard comments such as;

A reason for change?

- 'Political correctness goes too far'
- 'People need to be a little less sensitive'
- 'I don't know how the staff will cope!'
- 'They just assumed'
- 'Yes we have a policy'
- 'It's not a priority'
- 'No real problem'
- 'I do it to tick a box'
- 'I'm not giving you any money!'
- 'Why should they be treated any differently?'
- 'We are too busy to deal with anything else'
- 'They offered me a helpline...'
- 'Where do I go?'

A whole new world

- Mutual respect between groups based on understanding and valuing diversity and on shared respect for equality and human rights
- People's ability to achieve their potential is not limited by prejudice or discrimination
- Every individual has an equal opportunity to participate in society
- Mapping the current national/local situation.
- No body previously responsible for promoting human rights.

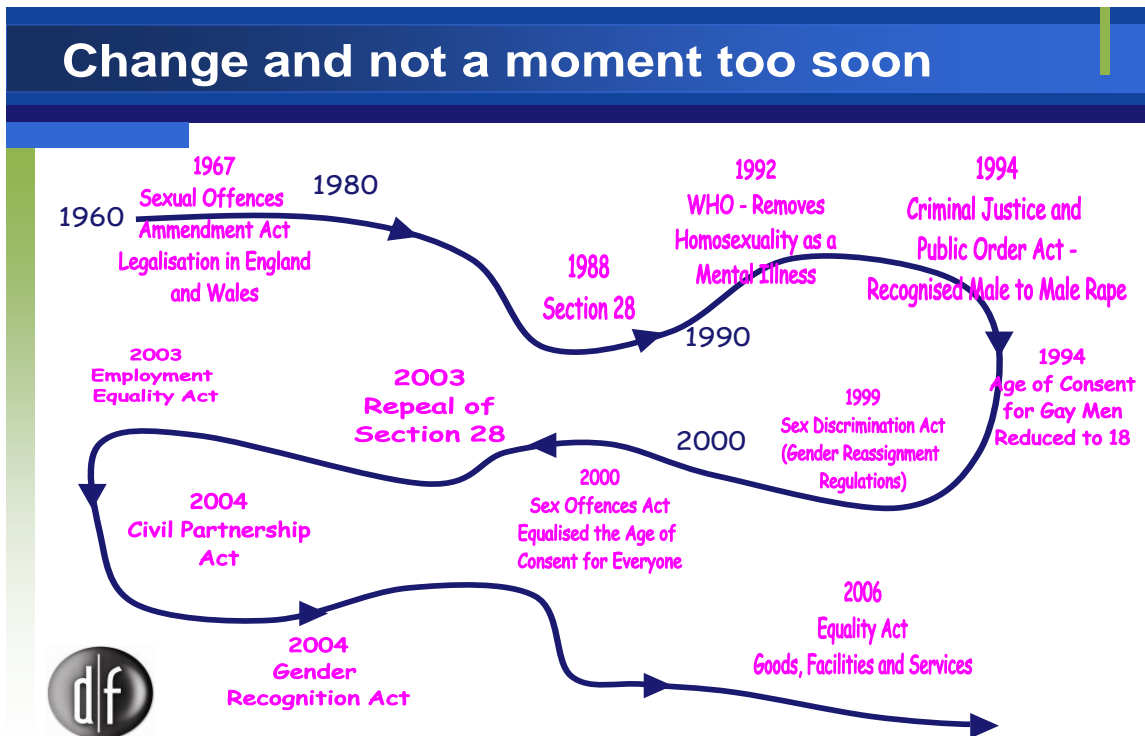
'The Others'

- Keeping it real
- Fair and Equal
- Rights - Moving beyond a job or duty to human rights i.e. training providers and the third sector
- Rights - Recognising all; 'the others' – socio & economic i.e. homeless and mental health
- Sharing information, skills and support and working together.

There has been a lot of legislation around in relation to improving peoples lives, however there is still a vast amount of work to be done. Such as providing protection against discrimination in new areas, the area of equality has developed at a fast pace over the past few years and this prohibits discrimination on the basis of someone's actual or perceived sexual orientation, or the sexual orientation of someone with whom he/she is associated. Refers to the provision of goods, facilities and services, for example;

- Refused access to support, help or advice
- Refused entry/service, or encountered discourteous/hostile treatment at organisations

- LGBT Services or Issues not highlighted/referred in resources or leaflets
- Regulations apply to all sexual orientations;
- Heterosexual, lesbian, gay and bisexual.



Criminal Justice and Immigration Bill

Offence of incitement to hatred on the grounds of sexual orientation.

- Narrow wording of the offence,
- High threshold test (to prove intent);
- Additional safeguards

Balance;

- Between freedom of speech
- Protection from hatred on grounds of sexual orientation

The challenges?

It is important that the new strands be sufficiently resourced but without detracting from the resources applied to existing strands and so diluting the effect of their work. Policy interventions for equality have often developed in response to equality-related legislation. This approach has led to the development of single-issue policy and practices based around tackling discrimination and unequal treatment. Improving access to services; delivering services that are fair, personal & responsive and securing sustained improvements in patient experience.

Challenges at a local level

Locality level - Previously we have thought about equality at a national level, this new framework gives an opportunity to consider how we can lever better equality outcomes at a local level.

- **LSP's** - Understanding connections, Inequality/Indicators } Risk: Equality will drop and little engagement
- **LAA's** - Less discernible equality indicators
- **Community Cohesion** - Strong and Unified Communities
- **Impact Assessments** – Knowledge, Skills, Engagement, and Resources

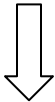
Equality becomes more embedded in strategic thinking, Focus on working in partnership and a focus on outcomes. A much more joined up equality voice at local level and much better local mapping.

Making a Difference

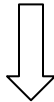
Consistent Clear Comprehensive Resources
Consultation Involvement Critical Friend Role
Bill of Rights Equality Guarantee } To further increase the support given to people.

Support...

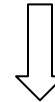
How do we refer?



Where do we refer?



What makes a Difference?



This can be done by working together, active engagement, more awareness and recognition, sharing skills, knowledge and support, human rights and equality and individuals.

What is required..

- Good information, advice and assistance on equality and diversity, human rights and good relations
- Guidance and good practice to help employers and service providers support equality and human rights,
- Strong evidence base and understanding of discrimination,
- Outcomes to work towards and benchmarks for progress,
- Challenge prejudice
- Working in partnership
- Leadership

To conclude, what is required for lesbian, gay, bisexual and trans gender services is good practice, guidance to help employers, strong evidence base and understanding of discrimination. So outcomes can be put in place to work towards and benchmarks set to measure progress.

The final speaker at the conference was Ceri Goddard, who works for the British Institute for Human Rights. Ceri spoke of the origins and key features of human rights within Great Britain. Addressing the key principles and how it impacts on the UK legal system.

She opened her speech by talking about what the British Institute of Human Rights do. The aim of the institute is:

‘to bring human rights to life as a practical tool to promote social justice and tackle inequalities’

This is achievable by

- Raising awareness
- Building capacity to use human rights based approaches
- Influencing policy change

Human Rights in Action

- The right to private life – enabling a gay disabled man to attend a gay pub.
- Freedom from discrimination – challenging the sectioning of people who spoke little or no English without the use of an interpreter
- Right to Life – securing safe accommodation for a woman and her child at risk of harm from a violent ex partner.
- Freedom from inhuman and degrading treatment – tackling the destitution of asylum seekers.

Human Rights – Ideas

Human Rights are about individual rights, respect, and other people’s human rights, a fair government, law and order. It’s about human rights of young people, having shelter, suitable care, and healthy and happy lives. The state has the overall say in who has human rights and who does not.

Human Rights derives from the following quote:

‘All Human beings are born free and equal in dignity and rights’

(Article 1, Universal Declaration of Human Rights)

This was drafted following the second World War in response to the genocide and the inhumane treatment of certain sections of society.

Human Rights: Purpose and key features

- **Express key values and principles:** such as freedom, dignity, democracy and equality
How do we make this happen?
- By setting **basic standards** that the state must not go below and some times must protect and fulfil.
- **Belong to everyone** – as human beings (universal)
- **Are “not” given and can’t be “taken away”** – only limited or restricted to consider others.

Individual human rights expressing broader principles and values

- **Fairness** – right to a fair trial
- **Equality** – freedom from discrimination *
- **Dignity** – freedom from inhuman and degrading treatment, minimum standard of living (secures society that values dignity)

*In the enjoyment of other rights and as a 'free standing' right.

Kind of Rights

- **Civil and political rights** e.g. freedom of expression, right to liberty and Economic, Social and Cultural Rights – e.g. right to an adequate standard of living, right to education.
- **These rights are interdependent** – put together they are what we all need to flourish as human beings.
- Set out in range of international treaties on issues (e.g. racism), groups (e.g. women, children, people with disabilities) and at regional and domestic level.

Human Rights and Equality

- Equality is a core human rights principle.
- Equality is a Human Right.

Both of these have been separated in Legislation in the United Kingdom.

What is a Human Rights Based Approach?

- The Process of putting human rights principles and standards into practice
- Aims to secure the full enjoyment of human rights by all
- Based on twin premises –all people have rights (we are all rights holders)
- For each right there is a corresponding duty (on the **state** mostly, Police protect our safety and the National Health Service look after our health, this is a human right) to respect, protect and to fulfil these rights
- Views 'rights as relationships' in particular governing relations between those with greater and lesser power in a democracy.

Rights and Needs a Distinction

- **A Right** “is something to which one is entitled solely by virtue of being a person.....enables a person to live with dignity...can be enforced...and entails government obligation.”
- **A Need** “is an aspiration that can be quite legitimate but not necessarily associated with an obligation by government to cater to it. The satisfaction of a need cannot be enforced. Human rights make the difference between *being* and just merely existing.”

What A Human Rights Based Approach to change is;

The process by which rights are made a **reality** in peoples lives by:

- Putting the realisation of human rights principles and legal standards at the heart of policy, planning and delivery (using a HR lens)
- Ensuring clear accountability
- Empowering people with knowledge and skills and commitment to realise human rights
- Enabling meaningful **participation** of all key stakeholders
- Non – Discrimination and attention to vulnerable groups (a priority)

Human Rights in the UK – The Law

There are three layers of Human Rights Law, the Human Rights Act 1998, European Convention on Human Rights and the Universal Declaration of Human Rights.

The Human Rights Act (HRA) 1998

Two major aims:

- Incorporation of European Community HR rights law into domestic law.
- Create a new culture of respect for human rights.
- Public authorities must respect Convention rights in all that they do. (section 6)
- People can raise complaints in any existing procedure or may start proceedings under the HRA.
- A 'Super Law' (almost) - all existing legislation should be applied compatibly with the convention rights and new legislation should be compatible to start with.

The Human Rights Act is a powerful and useful instrument. The powers of this Act lie in the ideas and its' wording.

Convention Rights

- Rights to Life
- Right not be tortured or treated in an inhuman or degrading way.
- Right to be free from slavery or forced labour
- Right to Liberty
- Right to a fair trial
- Right to respect for private and family life, home and correspondence
- Right to no punishment without law
- Right to freedom of thought, conscience and religion
- Right to freedom of expression
- Right to marry and found a family
- Right not to be discriminated against in relation to any of the rights contained in the European Convention.
- Right to Education

The above is an indication of a few of the many convention rights that exist. In general they are either civil or political rights. However, not all of the convention rights are of the

same type. Some are **Absolute** (cannot be limited or breached by the state) and some are **not** Absolute.

Types of Rights

- **Absolute rights** – can never be interfered with (Freedom from torture)
- **Limited rights** – (Liberty) can be restricted in some tightly defined circumstances i.e. Sectioned under the Mental Health Act.
- **Qualified rights** – (privacy and family life/expression) the right of the individual has to be balanced against the rights of others or in the interests of the wider community.

Article 14 – Prohibition of discrimination

- Not a freestanding right – must be linked to one of the other rights in the ECHR
- Non exhaustive list of grounds upon which discrimination can be prohibited.
- Not all differential treatment is discrimination - can be objectively and reasonably justified. For example; In order to qualify as a fire fighter there is a height restriction which is 5ft 6.

Human Rights and Equality

A human rights vision of equality is ambitious – beyond anti – discrimination

- Non – exhaustive grounds for discrimination and tackles multiple - discrimination. For example; a young disabled Asian boy bullied at school and hospitalised, Human Rights Law can be applied.
- Protects against universally bad treatment, for example; Care Homes mistreatment of residents.
- Framework for balancing rights
- Recognises commonality and difference.

Equality and Human Rights Commission

- Fills an institutional vacuum with duties to promote human rights, good practice and HRA compliance and powers such as advice, education, inquiries and legal cases.
- Broad inclusive definition of civil, political economic, social and cultural human rights
- An underpinning role for human rights.

In conclusion, when looking at human rights and human rights based approaches in helping equality work, there is an accountability issue; who is responsible?

Consequently when this happens you have to consider the Equality Legislation along with the Human Rights Legislation and utilise it as a catalyst to make the appropriate challenges. It is always important to analyse what the challenges are as this will benefit everyone along with awareness if all support mechanism are working to achieve the same goal.

Questions posed to the panel:

Why haven't older people been mentioned in the presentation? (Margaret)

Answer: Age legislation prevents any discrimination on the grounds of age. There are current campaigns fighting to extend this legislation to cover sexual orientation and services. The new commission would support the extended legislation to include goods and services to the elderly. So it is not at the bottom of our agenda it is quite central.

Has political correctness gone too far? The new commission should work directly with members of the public to tackle this issue.

Answer: We should remember that the term was put together by the right wing media we would rather be in politically correctness than in politically incorrectness. However a lot of money has been invested into the Racial Equality Councils to further develop their work in this area.

How do you expect Voluntary Community Sector (VCS) groups to carry out community engagement, and cohesion with limited funding?

Answer: VCS need to work together to think across all six equality strands, and need to focus on the areas that they are good at and be accountable to the people that they serve. The issues of funding mean that the projects are only short term and these are deep rooted issues that need to be tackled. Thinking on this is still evolving as ECHR is still fairly new.

What the new commission is in the process of conducting is a scoping exercise done in all the regions of the UK. By mapping each English region aids in looking for clusters of issues to concentrate efforts on, and strategically think about what is chosen and then to pick the battles and hopefully win them.

How will the HR legislation help the underachievement of Black –Asian /African Caribbean boys at school?

Answer: There is along history of this, and Human Rights legislation will not solely resolve this matter. It has to be resolved at a local level by challenging deprivation, and social well-being. However Human Rights Legislation can be used as tool to aid this but only when it's fully understood and there needs to be a better management of institutions.

Human Rights legislation should be used as a Bible when referring to the six equality strands when looking at discrimination.