

Protecting Communities and Our Human Rights

Thursday 25 March 2010.

Derby City Council.

EHRC Speakers:

Patrick Devine & Jagdish Singh – Shemare.

<http://www.equalityhumanrights.com/human-rights/>

“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...unless these rights have meaning there, they have little meaning anywhere.

Without concerted citizen action to uphold them close to home, we shall look in vain for progress in the larger world”

*By Eleanor
Roosevelt,
Chairman of the
United Nations
Human Rights
Commission,
1948*

Barriers to embedding a Human Rights Approach

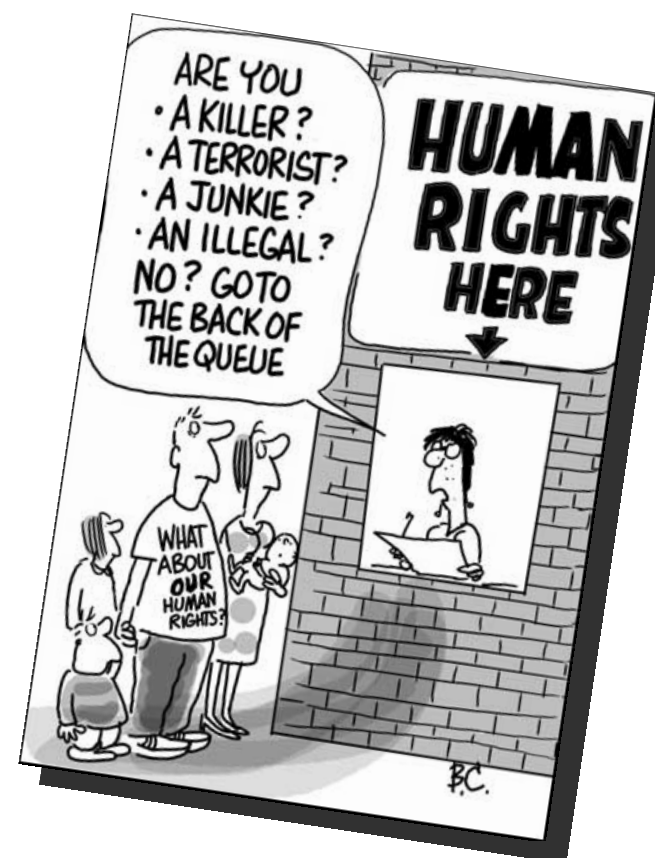
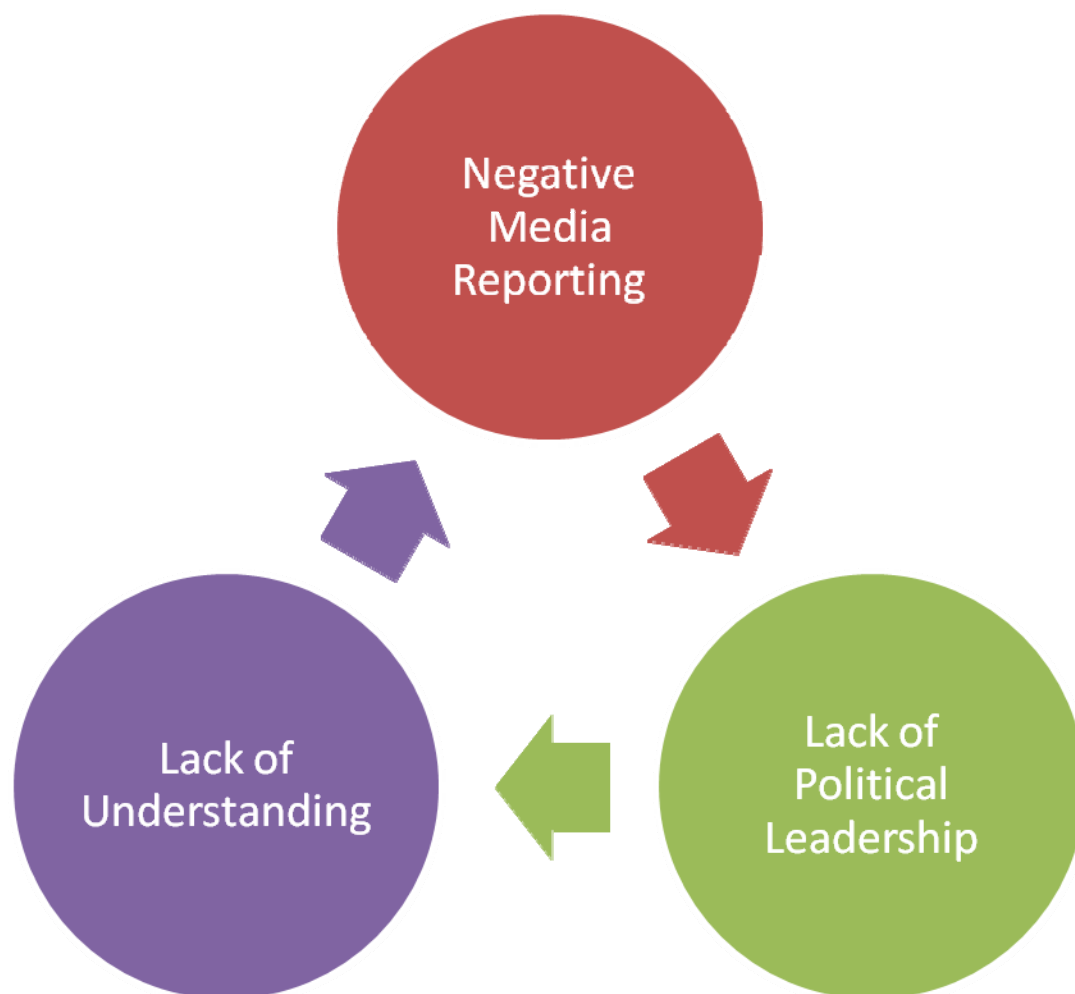
Serious criminals cannot be named and shamed because it could 'infringe their human rights'.

The Woman Lawyer who wants to FREE the Yorkshire Ripper...because 'his human rights have been breached'

'Illegal immigrant who killed brilliant Oxford graduate after roaring through red light can't be deported...because of his human rights'

'Newspaper claims I cheated on Cheryl breached my human rights', claims Ashley Cole.

Barriers to embedding a Human Rights Approach



Objectives:

1. To raise awareness of the **different rights** and freedoms protected by the Human Rights Act 1998.
2. To show through examples how to consider the impact of human rights on individuals receiving services directly from local authorities or when implementing policies and procedures that affect the public.

Human Rights: the Values

- Fairness
- Respect
- Equality
- Dignity
- Autonomy



**Equality is central to Human Rights, but
not the whole story....**

Human Rights: the Principles:



Basic standards of treatment - state must fulfil.

Covers the state's relationship with individuals

Human Rights are:

Everywhere and Automatic

Human Rights : the History



1. English Bill of rights, 1689
2. Declaration of Independence, 1776
3. French revolution, 1789
4. Universal declaration of Human Rights, 1948
5. UK first country to sign up to European Convention on Human Rights, 1951
6. UK Citizens can take human Rights cases to the European Court, 1966
7. UK Parliament passes Human Rights Act, 1998
8. Human Rights Act comes into force, 2000

Human Rights: Modern History



- Universal Declaration of Human Rights, 1948: first formal statement in modern era:
 - ✓ limiting state control over inhabitants
- European Convention on Human Rights, 1950: making rights binding:
 - ✓ People can now call on and use rights in the courts
- Human Rights Act, 1998:
 - ✓ Bringing rights home (domestic enforceability)

The Articles:



Article 2 - Right to Life

Article 3 – Prohibition of Torture (inhumane or degrading treatment)

Article 4 – Prohibition of Slavery and forced labour

Article 5 – Right to Liberty and Security

Article 6 – Right to a fair trial

Article 7: No punishment without law

Article 8 - Right to respect for private and family life

The Articles:

Article 9 - Freedom of thought, conscience and religion

Article 10 - Freedom of expression;

Article 11 - Freedom of assembly and association;

Article 12 - Right to marry;

Article 14 - Prohibition of discrimination.

3 Building Blocks:

- **Human Rights Values**

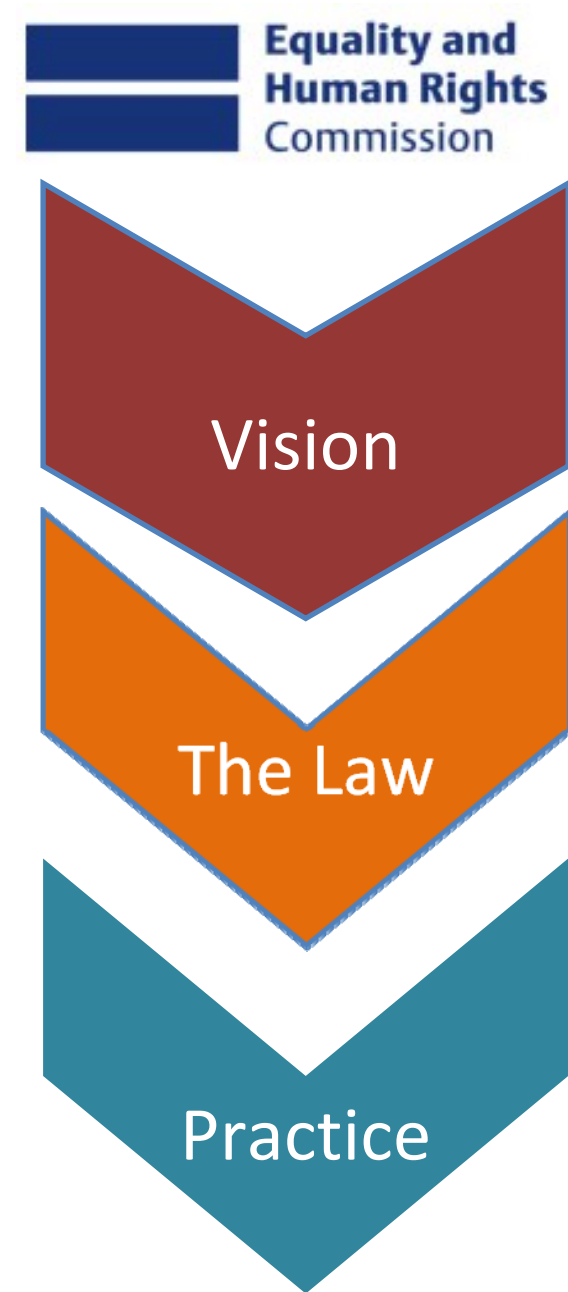
- Fairness – Respect
- Equality – Dignity
- Autonomy

- **Human Rights Articles**

- Right to life
- Right to freedom from degrading and inhuman treatment
- Right to family and private life
- Right to liberty

- **Human Rights Based Approach**

- Put human rights at the heart of policy and planning
- Ensure accountability – Empowerment,– Participation
- Non-discrimination and attention to vulnerable groups



The Law : how does it Work?



Human Rights apply to the relationship between the person and the state (not between individuals).

There are different types of Human Rights (different levels of interference)

1. **Absolute:** Cannot be limited or interfered with in any way
2. **Limited:** Can be limited only in specific and finite circumstances under UK law
3. **Qualified:** Any infringement needs to promote a specific legitimate aim - in interests of national security, public safety etc. The infringement must be properly regulated by the law and must be necessary in a democratic society.
 1. *Necessary*
 2. *Proportionate*
 3. *In pursuit of a legitimate aim*
 4. *Prescribed by law*

The Human Rights Approach:



- ✓ Not just about litigation – proactive approach.
- ✓ Broader than anti-discrimination law – more ambitious vision of equality, dignity and fairness.
- ✓ Creating a culture of rights and dignity.

The Human Rights Approach:

Looking at a policy or issue
through a *human rights lens*

Ask:

- Are any human rights affected?
- If so, how?
- And who is responsible?



Case Study 1:

*A woman is denied housing
and police protection to
leave her abusive husband.*

2: Right to life

- *3: Right to be free from inhuman and degrading treatment*

Case Study 2:

*A local authority fails to prevent
a wide range of abuse in care
homes – i.e. over-medication,
rough handling...*

3: Right to be free from inhuman and degrading treatment

8: Right to privacy and family life

14: Prohibition of discrimination

Case Study 3:

A disabled child suffers from a chest infection; against the wishes of her mother she is not put on a ventilator and is given a “Do Not Resuscitate” Order.

2: Right to life

3: Right to be free from inhuman and degrading treatment

14: Prohibition of discrimination

Our Vision

- 1. There is a dignified life for everyone;*
- 2. People's freedom and opportunities to achieve their life goals are progressively expanded and are unhindered by prejudice, discrimination or arbitrary restraint;*
- 3. Human rights are recognised as values we share with one another, as well as rights we claim for ourselves, helping to build a more cohesive, civilised and fair society.*

Our Powers:

- 1. Specific responsibilities;**
- 2. National Human Rights Institution – A status.**
- 3. Remit – England and Wales;**
- 4. Advise Government, conduct Inquiries, make Recommendations, intervene in Cases, where necessary.**

More Information?



Sources for More Information on Human Rights and the work being done by the Equality and Human Rights Commission.

- The Human Rights Act: <http://www.equalityhumanrights.com/human-rights/what-are-human-rights/the-human-rights-act/>
- Our Human Rights Strategy: <http://www.equalityhumanrights.com/human-rights/our-human-rights-strategy/>
- Human Rights Debate: <http://www.equalityhumanrights.com/human-rights/human-rights-debate/>
- Learn More about Human Rights: <http://www.equalityhumanrights.com/human-rights/international-framework/60th-anniversary-of-the-declaration/learn-more-about-human-rights/>

Human Rights and Local Government project



To carry out 5 short-term projects in different local authorities, each lasting about 6 months. The projects will address particular areas where a human rights based approach is likely to have an impact - for example, housing, social care, education, minorities, planning, environment etc.

To draw out general recommendations on a human rights policy for local authorities. These will be derived from the experience in the pilot regions and will be built into a report at the end of the project which will outline key successes and learning points.

To disseminate the benefits for local authorities of incorporating human rights into policy and practice. The results of the work in pilot regions will form the basis for two learning events for representatives from local authorities. These will take place towards the end of 2010.

The project was launched in November 2009 at an event attended by over 80 delegates. It will run until March 2011.

For further information, please contact Ellie Keen at eekeen@bihr.org.uk.