

Equality and Human Rights Commission

# Human rights and equality in the voluntary sector

Report of a pilot project by the British  
Institute of Human Rights (BIHR) and  
the Equality and Diversity Forum (EDF)

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BIHR is a national independent human rights charity with a passion for bringing rights to life in practical and meaningful ways, including through raising awareness, building the capacity of organisations and individuals to use human rights, providing information and support tools, and influencing policy. For further information, please visit [www.bihhr.org.uk](http://www.bihhr.org.uk).

EDF is a network of national organisations committed to promoting equal opportunities, social justice, good community relations, respect for human rights and an end to discrimination based on age, disability, gender and gender identity, race, religion or belief, and sexual orientation. For further information, please visit [www.edf.org.uk](http://www.edf.org.uk).

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### **Organisations participating in this pilot project**

Age UK

British Institute of Learning Disabilities

Carers UK

Children's Rights Alliance for England

Citizenship Foundation

Counsel and Care

Down's Syndrome Association

Housing Justice  
Learning Disability Coalition  
Macmillan Cancer Support  
Mind  
National AIDS Trust  
National Association for Voluntary and Community Action  
Oxfam  
Save the Children  
Scope  
Scottish Association for Mental Health  
Scottish Council for Voluntary Organisations  
Stonewall  
Welsh Council for Voluntary Action  
Women's Royal Voluntary Service  
YWCA (now Platform 51)

# 1. Introduction

This report is the result of a pilot project exploring how voluntary organisations that work in the equalities field are using human rights concepts, language and tools in their work. The pilot was carried out by the British Institute of Human Rights (BIHR) and the Equality and Diversity Forum (EDF) with funding from the Equality and Human Rights Commission (the Commission).

The context for the project is one in which human rights remain the subject of sometimes heated political and media debate in the UK. The three main political parties at Westminster went into the 2010 general election with sharply differing policies on human rights and civil liberties. The parties in the resulting coalition government hold broadly common views on topics such as identity cards and limiting use of the DNA database but significantly different views on the UK's Human Rights Act (HRA), which the Conservatives had pledged to repeal and the Liberal Democrats had promised to defend.

Meanwhile lively public and media debate continues on such issues as the impact of routine use of CCTV surveillance, in schools for example; the appropriate balance between press freedom of speech and the right to respect for private life in the reporting of celebrities' lives (as in the John Terry injunction case and the Max Mosley privacy case); how the right to religious expression and the right to equality for lesbian, gay, bisexual and transgender (LGBT) people sit together (on which there are a number of recent cases, including the ongoing legal action by Catholic Care, which wants to be allowed to refuse to consider LGBT people as potential adopters).

But there is another, perhaps less dramatic side, to human rights activity in the UK. As the Commission's Human Rights Inquiry<sup>1</sup> showed, human rights ideas and tools are being used in a variety of ways to improve the lives of ordinary people, often in quite everyday ways. They have been used by individuals to challenge poor treatment by public bodies and by public bodies as a strategic framework for improving their work as service providers, policymakers and employers.

This complex context forms the background against which voluntary and community organisations, including those working in pursuit of equality and social justice, have been considering what relevance human rights have for their work. Non-governmental organisations (NGOs) do not routinely share the legal obligations to protect and promote human rights that public bodies have as a result of the HRA and international human rights conventions, such as the Universal Declaration of Human Rights, to which the UK is a signatory<sup>2</sup>. But NGOs are starting to see that the practical benefits that some public bodies have secured from using human rights could be just as relevant to their work. Although it is still early days, some NGOs have begun exploring how they might use human rights ideas, language and tools to help them achieve their goals more effectively.

This project looked in particular at how equalities NGOs have addressed these questions. As the result of a relatively small pilot project, this report can only be the start of looking at how using human rights could help equalities NGOs to achieve their goals and help create a fairer society, but it is an important start.

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<sup>1</sup> Human Rights Inquiry Report of the Equality and Human Rights Commission, 2009.

<sup>2</sup> The situation differs to some extent when NGOs provide services on behalf of a public body.

The report covers:

- The aims and methodology of the project.
- The links between equality and human rights.
- Why human rights might be particularly useful to organisations working on equalities.
- How equalities organisations are using human rights now.
- What barriers hold equalities voluntary organisations back from making greater use of human rights and how these might be overcome.

## About the project

This project aimed to shed some light on how equality NGOs view human rights and how, if at all, they use human rights ideas, language and tools to achieve their goals. Working with a sample of equality organisations, it explored what organisations are doing now with human rights and whether they see actual or potential benefits in using human rights. Where organisations were not using human rights in their work, or only doing so implicitly, the project looked at why this was and if organisations saw barriers to making more use of human rights in their work.

## Methodology

This was a small-scale pilot project designed to establish the scope for further work on how equality and social justice organisations use human rights in their work. Fifty-three organisations were contacted by email and, where possible, were followed up by telephone; of these, 23 organisations were able to take part in the project either by participating in a roundtable or by telephone interview or both. The intention was to include a range of organisations in terms of activity, interest group and remit and their position in relation to human rights; some of the organisations are using human rights as a core part of their work internally and externally whereas others are not yet doing so.

## 2. Human rights and equalities

### Links between equality and human rights

Equality is a core part of human rights: the first article of the Universal Declaration of Human Rights (UDHR) 1948, states ‘all human beings are born free and equal in dignity and rights’.<sup>3</sup> The prohibition of discrimination and recognition of equality is woven through the human rights agreements which followed, such as the European Convention on Human Rights (ECHR). Some subsequent international human rights agreements are explicitly concerned with equality, including the conventions on the elimination of race discrimination and discrimination against women and those protecting the rights of children and of disabled people.

Within the UK’s domestic law on human rights, non-discrimination is built into each right within the HRA: virtually all start with the words ‘everyone’ or, in the case of rights prohibiting certain treatment, ‘no one’. Article 14 also prohibits discrimination in the enjoyment of ECHR rights ‘on any ground such as sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status’.

There is also strong ethical synergy between equality and human rights: equality is one of the five widely accepted core principles of human rights (the others are fairness, respect, dignity and autonomy). These core human rights principles resonate strongly with the values of equality and social justice organisations.

In spite of the interdependent relationship of equality and human rights, until recently UK thinking and practice about equality and human rights tended to develop distinctly. Those who called for the first

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<sup>3</sup> The UDHR was one of the first international agreements drafted by the United Nations in 1948 in the aftermath of the Second World War.

anti-discrimination and equal pay legislation in the 1960s and 70s did not, on the whole, see themselves as human rights campaigners. Policy thinking still often does not connect the two and government policy on equality and on human rights is handled by separate departments. Ten years ago, NGOs working in the two fields had little contact with one another, although this is changing and some equality NGOs would now see and describe themselves as human rights organisations.

## What value can human rights and the HRA add for equality NGOs?

All NGOs can potentially use human rights to strengthen their work but there are a number of reasons why they might be of particular value to equality NGOs:

### **1. Equality issues are often struggles for human rights**

Some early equality campaigns in the UK, such as the vote for women, were in themselves human rights campaigns, in this case for full civil and political rights. Recent examples of equality issues that are clearly also human rights questions include challenges to hospitals that fail to ensure older patients and patients with learning disabilities are fed, and the struggle of LGBT people for full equality in law, including the right to private and family life.

### **2. People who face discrimination and inequality in their daily lives may be especially likely to experience poor treatment by the state**

People who suffer discrimination and inequality are more likely than others to be excluded from positions of power and to lack resources and thus to be in positions where they are more likely to be exposed to poor treatment by public bodies. Equality organisations can use the HRA to challenge this; for example, one learning disabled couple used their right to respect for a private life under the HRA to stop the use of CCTV in their bedroom at night.

### **3. The ‘Heineken effect’ of the HRA**

Equality and discrimination law allow people to challenge poor treatment because of their race or gender or another protected characteristic, but usually only when they can show that someone else without that characteristic was or would have been better treated. If there is no such comparator, such a challenge may fail. Examples include poor treatment of elderly people in residential care (when there is no younger comparator group) or the former Commission for Race Equality’s finding that treatment of ethnic minority prisoners was poor but often no worse than that of others. Because it addresses poor treatment by the state regardless of cause, the HRA can reach these inequality issues that anti-discrimination law struggles to reach.

### **4. Common values**

The ethical synergy between the values of equality and human rights mean that human rights language and ideas should lend themselves particularly well to the work of equalities organisations. Values such as an emphasis on participation and empowerment are shared between the equality and human rights movements.

### **5. Human rights provide a new language**

Human rights approaches can help organisations to move away from language that can stigmatise service users and reinforce negative stereotypes. A human rights lens shifts perspective from charity and ‘needs’ to legally based rights. This can be a powerful shift in emphasis, which can transform a campaign ask from ‘wish list’ to calling for the government or public body to deliver on core standards for which it is accountable.

### 3. Equality organisations using human rights in practice

The case studies below show organisations using different ways of making practical connections between equality and human rights. Some are explicitly using human rights law; others use human rights implicitly, using the principles but not necessarily linking these to the law. Although they cannot give a comprehensive review of how equality organisations are using human rights, each of the case studies shows that linking human rights to equality and social justice work has real and practical benefits.

The approaches covered by the case studies include using human rights to:

- tackle equality problems
- tackle discrimination not covered by equality law
- empower individuals to advocate for themselves
- make campaigns more effective
- strengthen the voice of people facing discrimination
- improve services
- address potentially competing equality rights, and
- aid organisational development.

## Using human rights law to tackle equality problems

Organisations like Counsel and Care<sup>4</sup> have found that a human rights analysis can help challenge a public body's decisions about its policies, services and practices for people experiencing discrimination when equality law alone would be insufficient.

### **Counsel and Care: using the HRA directly**

Mr V contacted Counsel and Care when social services threatened to move his wife into a care home which was some distance from the family. Mrs V has Alzheimer's and is blind. Mrs V had temporarily moved into a local nursing home after being hurt in a fall. Mr V was also injured in the fall, and unable to care for his wife at home. Social services decided Mrs V should be moved to a permanent care home but Mr V disagreed with the home social services chose, because it was too far for him and other family members to travel to see Mrs V. Counsel and Care helped Mr V to challenge this decision by providing information on community care laws and combining this with the argument that social services needed to consider Mr V's right to private and family life under the HRA (Article 8). This helped Mr V persuade social services to allow Mrs V to remain in the nursing home close to her family.

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<sup>4</sup> Counsel and Care supports older people, their families and carers to hold public services to account. For more information visit [www.counselandcare.org.uk](http://www.counselandcare.org.uk)

The Down's Syndrome Association<sup>5</sup> has used human rights law and disability equality law together to secure equality of opportunity for its clients.

### **Down's Syndrome Association: using the HRA and the public sector equality duty together**

M approached the Down's Syndrome Association (DSA) for help when a housing association refused to transfer her family to an area nearer E's school. E, who has Down's syndrome, wanted to go to the same mainstream secondary school as her friends. The family felt that moving to the same borough as the school would enable E to build a social life through clubs and after-school activities but the family's housing association decided the family was not eligible for a transfer. The DSA told M that the disability equality duty allows public bodies like housing associations to treat disabled people more favourably and that, when making decisions, the housing association should consider E's rights under the HRA. These include rights to participate in public life, and the need to remove unreasonable barriers to accessing essential economic, social, cultural and recreational activities (Article 8).

M used this information to challenge the eligibility decision. This led the housing association to reassess the family's application and the family were rehoused in the same area as the school. The housing association also changed its eligibility system.

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<sup>5</sup> The DSA provides information and support for people with Down's syndrome, their families and carers, and the professionals who work with them. For more information visit [www.downs-syndrome.org.uk](http://www.downs-syndrome.org.uk)

## Using the HRA to challenge discrimination not covered by equality law

The HRA guarantees that the rights it contains can be enjoyed without discrimination on 'any ground'. This can be an important tool when working with people or groups who are not directly covered by equality law, such as some language minorities, asylum seekers and refugees, homeless people and people living in poverty.

### **Housing Justice<sup>6</sup>: using human rights to tackle discrimination experienced by homeless people**

Housing Justice became concerned by Operation Poncho, which involved local councils and police waking up homeless people in the middle of the night, conducting welfare checks and hosing down the area where they are sleeping to prevent them from staying there. Housing Justice bought together a range of organisations, including soup kitchens and shelters, to form a Homeless Human Rights Action Team. The Action Team raised their concerns with officials, framing the poor treatment of homeless people in human rights terms. The operation has subsequently ceased. However, the Action Team members are still working together and using human rights to challenge issues faced by homeless people, such as the use of ASBOs that leave homeless people with poor access to food, shelter and toilets.

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<sup>6</sup> Housing Justice is a homelessness charity which has been piloting the use of human rights in its campaigning and advocacy work. For more information see [www.housingjustice.org.uk](http://www.housingjustice.org.uk)

In some cases, equality organisations have used the HRA to challenge the discriminatory impact of other laws or rules.

### **Stonewall: campaigning for equal treatment**

Stonewall<sup>7</sup> used human rights laws to tackle the discrimination against lesbian, gay and bisexual (LGB) people before such discrimination was explicitly unlawful. They supported former armed forces personnel who had been discharged for being lesbians or gay men to challenge the ban on lesbians and gay men serving in the armed forces. The courts decided the ban violated the right to a private life (Article 8) and non-discrimination (Article 14).<sup>8</sup> Stonewall also used the HRA to support cases seeking equal rights for same-sex couples to succeed to a tenancy when a partner dies.<sup>9</sup> The courts decided that the relevant housing laws should be read so that the word 'spouse' included same sex partners.

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<sup>7</sup> For more information please visit [www.stonewall.org.uk](http://www.stonewall.org.uk)

<sup>8</sup> Lustig-Prean and Beckett v UK (1999).

<sup>9</sup> Ghaidan v Godin Mendoza (2004).

## Empowering individuals to advocate for themselves

Equality and social justice organisations are starting to use human rights tools in their advocacy, advice and information services to enable clients to challenge poor treatment themselves with confidence.

### **Counsel and Care: equipping people with human rights tools**

Counsel and Care provides service users with information about the HRA, including outline letters to challenge public authorities, guidance and factsheets. Their 2010/11 guides *Independent Advocacy* and *Abuse – Older People at Risk* both contain sections that set out how the HRA is relevant to a range of issues older people face, including eviction from a care home or people who want to remain in their own home feeling pressurised to move into care. These issues potentially raise human rights including protection from inhuman or degrading treatment (Article 3), respect for private and family life and home (article 8), freedom of expression (article 10) and non-discrimination (Article 14).

### **Down's Syndrome Association: using human rights to strengthen the voices of people with Down's syndrome**

The DSA's 2008 Awareness Raising Week focused on cuts to services for people with learning disabilities, and using human rights to challenge them. In a booklet called *You Are Human*, the DSA explained in simple terms how people can use the HRA. It features real-life case studies where people have successfully used human rights to hold services to account, simple ways for people to campaign on their own behalf, and examples of how to use human rights when writing to councils.

## Making campaigns and lobbying more effective

Equality NGOs have used human rights to win the argument in campaigns and to build from an individual case to a change in policy.

### **NAT: using human rights to strengthen a campaign**

The National Aids Trust (NAT)<sup>10</sup> uses human rights standards to assess policies and laws in its work to hold the government and others to account. NAT has used the HRA as a key part of its campaigning and lobbying work on the lack of access to NHS HIV treatment for refused asylum seekers and undocumented migrants. NAT argued that this issue engaged the right to life (Article 2), freedom from inhuman or degrading treatment (Article 3), respect for private and family life, which includes physical and psychological integrity (Article 8), and to non-discrimination (Article 14). The Joint Committee on Human Rights (JCHR) subsequently held an inquiry into the treatment of asylum seekers. The JCHR criticised the lack of access to free NHS treatment as denials of human rights. NAT used the JCHR's recommendations to lobby the (previous) government to change its policy and to encourage parliamentarians to amend a health bill. During debate on this bill, several peers championed this use of human rights, with one saying: 'This is surely a perfect example of a group of [vulnerable] people who need to be protected under the... legislation [the HRA].' The then government agreed to review the situation and consulted on proposed changes to rules on charges.

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<sup>10</sup> For more information visit [www.nat.org.uk](http://www.nat.org.uk)

Mind<sup>11</sup> is using a human rights analysis in its *Another Assault* campaign, to call for a justice system that treats victims with mental health problems as equal citizens with equal rights to justice. They have already secured a change in policy by the Crown Prosecution Service.

**Mind: from an individual's case to a change in public policy**

Mind's research (*Another Assault*, 2007) shows that a disproportionate number of people with mental health conditions experience crime and victimisation, and when this is reported the authorities often fail to deal with it effectively. FB<sup>12</sup> brought proceedings using the HRA to challenge the decision of the Crown Prosecution Service (CPS) to drop the case against the man who assaulted him. (The CPS had assumed that because FB has schizophrenia he would be an unreliable witness.) The court said the way the CPS had treated FB breached his fundamental right to dignity and humane treatment (Article 3). Importantly, this HRA case was also a catalyst for the CPS to review its policies and practices. The CPS has now produced a public policy statement and prosecution guidance on supporting victims and witnesses who experience mental distress, and on how to use psychiatric evidence appropriately and is piloting mental health awareness training. Together with the Bar Council and the Law Society Charity, the CPS has also funded Mind's recently launched mental health toolkit for prosecutors and advocates, to help ensure equal access to justice in the future.

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<sup>11</sup> For more information visit [www.mind.org.uk](http://www.mind.org.uk)

<sup>12</sup> FB v the Director of Public Prosecution.

### **Age UK: using human rights for local and national change for older people**

When the draft NHS Constitution was published, Age Concern (now part of Age UK) raised concerns that the document did not refer to human rights despite being about patients' rights and the responsibilities of the health services. This influenced the final document, which links human rights and equality and puts them at the heart of the NHS. At an individual level Age UK is supporting older people in Hackney, Slough, Derby and Stockport to use human rights to improve their lives. One group is speaking out for the HRA and another is making an awareness-raising video about older people and human rights. Early learning reveals that appropriate and relevant information about human rights really resonates with older people, who are finding that human rights can be a practical tool that empowers them to question poor treatment and hold services to account. One participant said: 'Human rights make me feel that people care about us.'

## Using human rights to improve services

In the public sector, some organisations have used a human rights framework to help them improve their services. Some equalities NGOs are starting to develop similar approaches, exploring how human rights principles can help them to tackle inequalities in their area of work.

### **Macmillan Cancer Support: a human rights framework for equalities in cancer care**

Research shows that there are many inequalities in cancer care and outcomes, as there are in other areas of health. Macmillan's project aims to provide practical, on-the-ground approaches to improving equality practice in a cancer care setting using human rights principles. The first phase tested how human rights principles can be given practical expression in the experiences of service users and staff in three cancer care settings – Bury NHS, Merseyside and Cheshire Cancer Network, and South East London Cancer Network. Evaluation so far indicates that people found the concept of human rights easy to understand and that it made sense in relation to 'the everyday considerations of what we do'. Staff were enthused by the potential application of human rights within their work and feedback on linking human rights and equalities was overwhelmingly positive, with staff recognising how using human rights principles could make an impact on the lives of patients. Potential barriers to implementing this work were logistical (such as time, competing priorities and the challenge of changing longstanding practices and ways of thinking), but money was specifically not identified as a barrier.

## Using human rights to strengthen the voice of people facing discrimination

People who experience discrimination and inequality frequently feel excluded from participating in decisions that affect them. Many equality organisations are trying to change this and some are now using human rights to strengthen their voices.

### **Carers UK: giving a voice to carers' human rights concerns**

Carers UK<sup>13</sup> work to give carers a voice through their extensive membership of carers and carers' organisations, involving thousands of carers every year. Carers UK uses their experiences, through research, providing advice, consultations and support forums, to highlight principles and breaches of human rights and equalities issues. This evidence and experience from carers, as experts, is used as a basis for achieving change and this has helped to secure and influence several pieces of legislation and concrete rights. Carers UK has published the only report into carers and the Human Rights Act based on experiences and, in 2008, helped to influence the government's national strategy for carers, setting a 10-year vision for public services and government. Carers raised concerns about lack of respect for their human rights, including the impact of a lack of appropriate support on their ability to have a life outside caring, being forced into financial hardship and not being treated with dignity and respect<sup>14</sup>. Over the last eight years, more concrete examples and evidence on equality issues from the census have been used to build a case for equalities legislation for carers in their own right, which has now been partially realised by the Equality Act 2010. This was underpinned by the important case supported by the Commission and taken by Sharon Coleman, a member of Carers UK.

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<sup>13</sup> For more information visit [www.carersuk.org](http://www.carersuk.org)

<sup>14</sup> Carers' Voices: Shaping the 2008 national strategy for carers.

## Framework for addressing potentially competing rights

With some notable exceptions, such as the prohibition of torture, human rights are not absolutes. Instead they require the weighing up of the rights of individuals against each other, or against the rights and interests of the community as a whole. This balancing framework is based on the principles of proportionality and necessity. In cases of conflict arising between different equality interests, a human rights approach can offer a way forward.

### **Stonewall: moving the dialogue forward**

Stonewall has found the HRA useful in campaigning for equal rights for LGB people. This work can throw up issues of competing rights or perceived tensions between the rights of LGB people to non-discrimination and others' freedom of religion. Parliamentarians can be unsure how to support LGB equality while also respecting the rights of religious communities. Stonewall used the HRA to explain how the right to hold religious beliefs is protected absolutely (Article 9), but the right to manifest these beliefs is qualified. This means thinking about public safety, rights and freedoms of others, such as protection against discrimination for LGB people to enjoy their rights to private and family life. Human rights provides a vital balancing framework which allows the rights of various groups to be taken into account, finding a way forward in what might at first appear to be a stalemate.

## Using human rights for organisational development

Some equalities organisations are proactively making human rights part of their strategic direction and daily practice.

### Putting human rights at the heart of the organisation

**Age UK** is the new organisation combining Help the Aged and Age Concern. In *Agenda for Later Life 2010: Our five-year ambition for public policy*, Age UK articulates the importance of human rights for older people, anchoring this within its work on equal respect. Age UK notes that the issues it focuses on under equal respect all involve fundamental human rights, including preventing abuse and degrading treatment, tightly controlling when people can be deprived of their liberty and autonomy, and securing non-discrimination. It also notes that the HRA is a powerful instrument for change and has been used many times to guarantee a better and fairer service from public services such as local authorities and the police.

**British Institute of Learning Disabilities (BILD)**<sup>15</sup> recognises that people with learning disabilities experience neglect, abuse, discrimination and indifference. In response BILD has decided that a human rights framework is central to its future work. Work on the human rights of people with learning disabilities is now one of BILD's four strategic priorities and BILD has appointed a development manager for human rights to push this forward.

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<sup>15</sup> For more information visit [www.bild.org.uk](http://www.bild.org.uk)

Doing this effectively involves building the capacity of the organisation to use human rights so that staff members feel confident about the new tool. Scottish Association for Mental Health (SAMH) identified that the issues their service users raised around inequality were about human rights and launched an organisation-wide programme in response.

**Scottish Association for Mental Health: building internal capacity**

Alongside its outward-facing human rights programme, Respect, Protect, Fulfil, the Scottish Association for Mental Health (SAMH) seeks to develop a human rights-based culture within the organisation by building the capacity and awareness of staff. SAMH believes that adopting the standards of human rights law even when it does not apply to SAMH directly ensures high-quality services with staff and service users feeling valued and empowered to use human rights to improve their own lives and the lives of others. To take this forward SAMH has developed an internal guide together with training to demonstrate to staff how human rights relate to their work.

## **Providing a framework in which diverse organisations can work together**

The universal standards that human rights capture can provide the foundation to help build alliances between equalities groups that share a common issue but have different approaches. This has been the experience of the Learning Disability Coalition.<sup>16</sup>

### **Learning Disability Coalition: bringing together 14 diverse organisations**

The Learning Disability Coalition (LDC) represents 14 learning disability organisations who have come together to campaign with one voice to press the government to provide sufficient funding to enable people with a learning disability to have the same choices and chances as everyone else. The 14 LDC members bring different perspectives on social care but human rights provide a common language that they can all use to articulate their shared commitment to realising people's potential. The LDC use this shared commitment to human rights in their policy-influencing work, stating that the funding of social care support is essential to ensure that the human rights of people with learning disabilities are realised.<sup>17</sup>

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<sup>16</sup> For more information visit [www.learningdisabilitycoalition.org.uk](http://www.learningdisabilitycoalition.org.uk)

<sup>17</sup> Case for Change 2008.

## 4. Conclusions and next steps

The case studies in this report show that some mainstream equality NGOs, both large and small, are now using human rights principles, language and law and are getting practical results from doing so. Where organisations are using human rights in their work, it is as a supplement to equality legislation and other tools, not a substitute for them. This work is innovative and should be celebrated.

Although only some of the organisations involved in this pilot were using the HRA directly, all agreed that it provides a vital underpinning framework to their work: any changes in domestic human rights legislation would need to add to the HRA and its enforcement mechanisms (be 'HRA plus'), not step back from or weaken it.

The pilot also identified that:

- **Using human rights is a relatively new way of working, with some associated challenges.** When organisations are just beginning to use human rights principles, they can be uncertain about how far they might reach. We found, for instance, organisations seeing what were effectively breaches of human rights by public bodies (such as failing to ensure hospital patients are fed) but lacking the knowledge of human rights frameworks that might have enabled them to challenge this. In this context, the 'mood music' around human rights is as important as actual or proposed changes to domestic human rights legislation.
- **Equalities NGOs are on a continuum from those for whom human rights are central to those who take little or no account of them, with organisations at all points in between.** Although some - like the British Institute of Learning Disabilities, Age UK and the Scottish Association for Mental Health - are seeking to make human rights central to their work, others are at the start of the

journey. Some equalities NGOs are making limited use of human rights, or using human rights principles without doing so explicitly. In others, human rights ideas and language are used in some projects but not in the organisation's work as a whole. These variations are unsurprising, but more would be gained for service users and other beneficiaries if more equalities NGOs were able to use human rights strategically in their work.

- **Barriers exist that limit the gains that have so far been made.**

The main barriers the pilot project identified are:

- The often heated tone of domestic political and media debate about human rights. This can put organisations off using them: they fear, for example, being on the receiving end of inaccurate stories or hostile responses, or being wrongly associated in donors' minds with negative myths about human rights. This anxiety can also deter NGOs that do use human rights from speaking about their experience.
- The relatively low level of knowledge and information that equality organisations currently have about human rights. This means that NGOs that could benefit from using human rights-based approaches often do not know about them or about how to start using them. The low level of knowledge combined with the concerns arising from negative stereotypes about human rights mean that some equalities NGOs lack confident capacity about using human rights in their work.
- Organisations that are using human rights-based approaches are often doing so in isolation and without much support. Organisations learning by themselves is not always the most effective way to avoid mistakes and wasted effort, and opportunities for NGOs to learn from each other have so far been limited.
- So far civil society representative and leadership bodies have not paid much attention to the potential contribution of human rights to the NGO sector's work as a whole. The scope of this pilot project

did not extend to exploring this issue but there would be real benefit from doing so as bodies like the National Council for Voluntary Organisations (NCVO), the Association of Chief Executives of Voluntary Organisations (ACEVO), the National Association for Voluntary and Community Action (NAVCA) and their equivalents in Scotland and Wales have a potentially significant role to play. Those civil society sectoral organisations that were able to participate in the pilot project were enthusiastic about the potential.

There are a number of ways in which organisations involved in this pilot thought these barriers might be surmounted.

- Equalities NGOs wanted to see **practical examples** of how they might use human rights to strengthen their own work. The case studies in this report, although based on a small pilot, should go some way to meeting this need but as work in this area develops it will be important to capture and share new and emerging practice within the equalities sector.
- It is equally important to **raise awareness** of how equalities NGOs are using human rights both to foster learning between those who have already started to use them and to encourage others to begin. Although publications have an important role to play here, further investment in face-to-face awareness-raising will be needed to secure significant change. Publicising major legal victories, especially those with a wider impact on policy or practice, would also be helpful. Many organisations have a role to play here, including the Equality and Human Rights Commission, relevant government departments, civil society leadership bodies like NCVO and equalities and human rights NGOs themselves.
- Awareness also needs to be raised further about **how equalities and human rights link** with each other. Despite some progress in the 10 years since the HRA came into force, levels of understanding about how equalities and human rights relate are still low. Similarly,

more thought needs to be given to how **using human rights might help NGOs to address major policy agendas**, such as personalisation of services, the need to support changing patterns of family life, and the Big Society. There are common themes here of participation and of giving people more say about decisions affecting their lives, but these links are not often recognised.

- There is a pressing need to **build the capacity of NGOs to use human rights** effectively in their work. The Commission should lead this task, working with and through appropriate NGOs. The need to build capacity almost certainly goes beyond the equalities sector, although this pilot only looked at equalities NGOs. There are a number of ways in which this could be done including **human rights guidance and tools that are specifically aimed at NGOs** that can provide information and show in practical ways what gains organisations can secure. The main reasons why guidance and tools designed specifically for NGOs are important are because NGOs' legal position in relation to human rights differs from that of public bodies and so that guidance can be tailored to an NGO audience that contains a larger number of small organisations than the public sector. Guidance and tools should be easy to use, practically orientated and avoid jargon. Capacity could also be developed by supporting NGO **projects that pilot further innovative ways of using human rights** with a view to capturing approaches that can be adapted for use by other organisations. Some training and consultancy would be needed to secure this.
- The potential contribution of **civil society infrastructure organisations** needs to be further identified and developed. Use of human rights law and principles is in its infancy among NGOs as a whole, not just those in the equalities sector. There are strong links between equality and human rights that might predispose equalities NGOs to use human rights approaches but these approaches should have significant value for a wide range of NGOs: core human rights principles like participation and empowerment are central to the ethos of most civil society organisations. For this potential to be realised,

work will need to be done with civil society leadership and infrastructure organisations to raise their awareness and encourage them to take an active role. Again, the Commission has a role to play here alongside leading equalities and human rights NGOs.

The most challenging barrier to overcome is the nervousness that some NGOs feel about using human rights because of the negative stereotypes that surround the HRA. However inaccurate these stereotypes are, they still appear to have an effect: an employee of one large and well-known equalities NGO described piloting human rights approaches without calling them this and choosing not to draw these pilots to the attention of the charity's senior management for fear that they might not want the charity to be associated with human rights-based approaches.

For obvious reasons this problem cannot be overcome solely by actions within the equalities NGO sector, but organisations participating in the project saw a role for themselves in helping to build a different climate around human rights. They can do this by example in their own work and by how they engage with decision-makers. Age UK, for example, has taken a policy position that rather than debating repeal of the Human Rights Act, 'politicians and regulators focus their attention on pressing all public bodies to embed the principles of human rights into their work, so the law becomes a positive tool for change'.

NGOs also felt that there was 'safety in numbers'. They wanted to know that they would not be alone in using human rights principles and law in their work but would instead be part of a wider picture within which human rights approaches were a mainstream tool for achieving their goals like any other. This feeling of safety in numbers would be greatly helped if the recommendations above were adopted.

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