

Building and Sustaining Support for Human Rights in the UK

Reviewing the landscape

1. Introduction

The terms of reference for this project asked for the following broad questions to be addressed:

- What is the nature scale and urgency of the challenge facing support for human rights in the UK today?
- To what extent and with what impact are these challenges presently being addressed?
- What is the current funding context for work supporting human rights in the UK?

These questions have been considered through structured discussions with thirteen donors, civil society leaders, grantees and other stakeholders, including one from Northern Ireland and one from Scotland, over a 5-week period spanning December 2018 – January 2019. These interviews have been supplemented by desk research and, to some extent, my own experience of using human rights to promote and advance social justice over a 25-year period.

The themes that emerged from these conversations are set out below in summary form.

2. Challenge facing support for human rights

2.1 Some introductory issues

- The real question is what is the challenge for human rights *per se*, in pursuing their intended purpose of ensuring all people live in dignity, freedom, equality, justice and peace. This is more than a marketing issue.

- The human rights framework is deeply contested as one that is intended to hold states to account and put them under external scrutiny – with the inevitable tension with national sovereignty this brings. This is inherently uncomfortable for nation states and is often unwelcome. This is the strength of the framework but also at the root of much of its unpopularity.
- In the present global context, the balance between the concepts of internationalism and national sovereignty is tipping in favour of the latter. Liberal internationalism – the founding faith of the UN from which the global human rights project emanates – is presently in retreat. There can be no doubt that a rising tide of narrow, divisive nationalism is sweeping the world, from the significant electoral gains made by far right and nationalist parties in Europe to the simplistic populism of Donald Trump in the USA. Brexit can, among other things, be viewed as a shift to a more nationalistic outlook and this will have ramifications for how human rights – which epitomise an internationalist vision of the world – are perceived and thought about in the UK.

2.2 The current state of play

- The views of those who have been most hostile to the human rights – and it is the hard-line Brexiteers who are the most naturally antagonistic – have changed little. A number of interviewees pointed out that if they are disappointed in their aims over Brexit, the European Convention on Human Rights (ECHR) is an obvious next target, which may or may not play out depending on the balance of power in the Conservative party/Government of the day. A post Brexit attack on the ECHR would be a real blow to the whole Convention system as, because it does not have direct effect, states need to be committed to it and it can all too easily be ignored.
- However, outside those with hard-line ideological views about human rights, some interviewees point to a change in dynamics, with a perception by some of less political hostility towards human rights as it becomes more established and accepted as part of the UK constitutional settlement. This is particularly so with Brexit bringing a splintering

of hard political lines leading to an openness to look at human rights with new eyes and a fresh perspective. The way the report of UN Special Rapporteur on extreme poverty and human rights, Professor Philip Alston, on poverty in the UK was received by Government and debated in parliament was given as an example of this.¹

- There was general consensus among those interviewees who expressed a view that other political parties are increasingly explicitly committed to the Human Rights Act (HRA) and the human rights framework more generally with even, at least one interviewee suggested, a possible opportunity for progress in terms of economic and social rights if there were to be a Labour Government with a Corbyn Prime Minister.
- In terms of policy there are more opportunities presenting themselves to introduce human rights as a mechanism to achieve change as all parties are talking about how to reach 'ordinary people' and there is a move away from approaches which focuses on specific delivery models and ever tighter controls on expenditure. An example of this given by a number of interviewees was Theresa May's speech on the steps of Downing Street where she spoke about 'burning injustices' and the tone, in similar vein, of some of the 2017 Conservative manifesto. There is an opportunity to show the value of human rights concepts in improving the lives of ordinary people and its resonance with other agendas.
- Some interviewees spoke about the potential to inject human rights into debates/dialogue on how to heal the extreme divides in society in a post Brexit era.
- Public services are transforming using new models and approaches such as social prescribing and co-production/design/delivery. The new frameworks which are developing involve less of a provider-user split. There is a significant opportunity for human rights to play a valuable role in this context, importing as it does an approach

¹ <https://hansard.parliament.uk/commons/2019-01-07/debates/7B80FBA6-9A43-4255-9CBD-2AEBD7B7BC79/UNSpecialRapporteurOnExtremePovertyAndHumanRights>

based on participation, accountability, equality, empowerment and ethical standards and values such as dignity, respect and autonomy.

- There is potential, and internal appetite, for the Equality and Human Rights Commission to develop a strengthened leadership role in relation to human rights and to become a more effective regulator using international human rights standards. Its new strategic plan is currently being developed so it remains to be seen if this is reflected in the plan when its published later in the year.
- Some interviewees felt that the press is no longer as hostile as it has been in the past. One pointed as evidence of this to the way the Philip Alston report, referred to above, was reported in relatively straight terms. There is less of a set line in the right wing press, more fractured opinions, more space for human rights.
- The recent ComRes report, as well as the earlier research work undertaken by EDF/Equally Ours, show that a large proportion of the British public have conflicted views about human rights.² Whilst there is broad support for the importance of human rights and the principles that underpin them, there is disquiet about how they are used, and who benefits from them. As one interviewee put it *“The general public may be conceptually open to human rights, but they are also suspicious”*.
- It is very difficult to know whether there has been any significant shift in public perception of human rights in the last decade. There has been no baseline assessment or evaluation of initiatives which would help develop an understanding about the impact of specific approaches. However, the need to attend to public opinion and the potential role for strategic communications appears to be more firmly agreed by human rights advocates. There has been significant effort directed towards diagnosing the problem and new evidence-based messages have been developed and disseminated.

² <https://www.equalityhumanrights.com/en/publication-download/talking-about-human-rights-how-identify-and-engage-range-audiences>. See also <https://www.equallyours.org.uk/strategic-communications/>

- The state of play is different in Scotland which generally has a more progressive outlook regarding human rights.
 - The HRA is seen as having had a significant positive impact on Scots law and substantive rights protection. It is reported to have been a key driver in developing a human rights culture in Scotland, in the Scottish Government, Parliament and public bodies as well as in civil society and beyond.³
 - In the face of the Brexit vote, Scotland's First Minister set up an Advisory Group on Human Rights Leadership in November 2017. It was tasked with making recommendations on how Scotland can "continue to lead by example in the field of human rights. This includes economic, social, cultural and environmental rights." As one interviewee put it "*Brexit has focussed minds about how to shore up human rights in Scotland*".
 - The group delivered its report in December 2018 and recommended, among other things, incorporating all Scotland's UN treaty obligation's into Scottish law, including economic, social, cultural and environmental rights. The First Minister has committed to setting up a taskforce in early 2019 to take forward these recommendations.
 - Scotland's first National Action Plan for Human Rights (SNAP) 2013-2017 called for incorporation of all the rights found in the UN treaties. The second action plan due to be launched in 2019 is expected to reaffirm incorporation of such rights as a priority. One interviewee noted, "*the challenge will be ensuring the rhetoric is not streets ahead of reality*" and pointed to other examples where this had been the case.
 - In 2017 the Scottish Human Rights Commission contracted YouGov to conduct research into knowledge and attitudes towards human rights by people in Scotland.

³ See Scottish Human Rights Commission written evidence to the Joint Committee on Human Rights <http://www.scottishhumanrights.com/media/1796/shrc-submission-to-the-jchr-on-hra-1998-13-september-2018.pdf>

- The findings demonstrated strong support for human rights in Scotland, with 42% of those surveyed being supportive of human rights, 30% conflicted, 13% opposed and 14% disengaged.⁴ One interviewee said that although there is still a lack of understanding among people in Scotland about human rights, the overall attitude is more positive. This more positive tone is also apparent in press coverage of human rights, which has not nearly reached the levels of hostility seen in England.
- In Northern Ireland the position is different again as human rights were a significant part of the discourse in the conflict and the peace process.
 - Human rights tend to be viewed with suspicion by Unionists particularly around state accountability and lack of reciprocity regarding non state actors. One interviewee spoke about how most hostility and antipathy towards human rights centres around this type of issue rather than on the HRA *per se*.
 - There is significant anxiety that the UK's exit from the EU could seriously undermine the equality and human rights provisions that are a crucial part of the Belfast/Good Friday agreement. As one leading academic, Professor Colin Harvey, has said "Brexit will not erase human rights and equality in Northern Ireland or the UK. But it looks like the start of a process of potential decline and erosion with consequences that are hard to predict but do not look appealing. The scale of anxiety in Northern Ireland flows from the belief that another pillar of the peace process is being torn down and that a supranational framework of guarantees and relative security will disappear."⁵
 - One interviewee reported that, generally, public perceptions about human rights tend to be more positive in Northern Ireland than in England. There was huge public support for (and civil society engagement in the consultation process about) a Northern Ireland Bill of Rights, as envisaged by the Belfast/Good Friday Agreement. The Northern Ireland Human Rights Commission delivered advice to the Secretary of State for Northern Ireland on 10 December 2008 and the Northern Ireland Office

⁴ http://www.scottishhumanrights.com/media/1754/building_a_human_rights_culture_scotland.pdf

⁵ <http://ukandeu.ac.uk/still-here-brexit-and-human-rights-in-northern-ireland/>

subsequently undertook a public consultation. However, over 10 years later such a bill has not been adopted.

- A recent report of the Northern Ireland Human Rights Consortium, a broad alliance of civil society organisations in Northern Ireland, states: “The uncertainty and disruption of Brexit highlights the current human rights lacuna in Northern Ireland in the form of the outstanding commitment from the Belfast/Good Friday Agreement of a strong and inclusive Bill of Rights for Northern Ireland. While it is not a perfect solution to the complexity of rights issues raised by the UK leaving the EU, it is clear that it could offer reassurance to people living in Northern Ireland that the constitutional settlement for Northern Ireland post-Brexit will be founded on a robust human rights framework.”⁶

2.3 Rising to the Challenge

- ***Human rights are still seen as theoretical concepts.*** More needs to be done to show what difference human rights can make in practical terms, and somewhat less promotion of the methodology for its own sake. Interviewees said, “*If human rights are not associated with any action why would anyone be interested – it feels like a phony war*” and “*People don’t understand what human rights mean – it’s very woolly*”.
- ***Human rights are still perceived to be connected to leftist elites.*** Comments from interviewees included the following: “*Having the Human Rights Act as a thing of the left is very unhelpful*”, “*There is no real engagement of the right – no progressive consensus as there is in Scotland*” and “*There is a need to span right and left – why isn’t there a Tory human rights group?*”
- ***There is a lack of connectedness to social justice and other agendas.*** Despite their synergy and utility in these areas, human rights rarely feature in discussions or developments

⁶ <http://www.humanrightsconsortium.org/wp-content/uploads/2018/01/RIGHTS-AT-RISK-Final.pdf>

around issues such as housing, homelessness, health, social care etc. Some interviewees felt there is a need to listen, learn and move towards those closest to/experts in these area and work alongside them. One interviewee said, *“There appears to be a reticence to work with social justice organisations who are the experts on the issue.”*

- ***Framing is helpful but connection with authenticity is crucial.*** Framing needs to be understood as something more than marketing an unpopular idea or pandering to popular prejudice. Given that everything is framed, it needs to be framed accurately in ways that are completely authentic. As one interviewee said, *“Framing isn’t about communications, its about everything we do”*. For a good example of framing from this perspective see the work of Anat Shenker-Osorio *“A brilliant Way of Living our Lives: how to talk about human rights”*.⁷
- ***The importance of the relational to building a culture of rights.*** One interviewee spoke about how human rights are talked about in very technocratic terms and are seen as transactional/rational in nature (associated with scrutiny, data, accountability) rather than relational (associated with what connects people, a sense of identity, well-being, story-telling). The HRA was meant to be more than about incorporating legal standards into domestic law – it was intended to inspire the development of a culture of rights. This has yet to happen in England where, as one interviewee said, *“There has never been a public conversation about human rights and it’s a necessary step”*. There is scope for better use of a relational approach to human rights, alongside the rational, to build such a culture.
- ***Opportunity to expand human rights protections.*** One interviewee spoke of the benefits, and possible opportunity post Brexit, of bringing all rights, including those relating to issues such as consumer protection and information rights, under one umbrella so there can be great clarity in what feels to many like a muddled space. Two interviewees spoke

⁷ <http://australianprogress.org.au/wp-content/uploads/2018/10/A-Brilliant-Way-of-Living-Our-Lives-How-to-Talk-About-Human-Rights.pdf>

about the opportunity, in the current political context, to start working towards a broader range of incorporated rights, including economic, social and cultural rights.

3. Issues for Donors

- ***Back organisations not just projects.*** Core funding is essential to building sustainable organisations which are able to be proactive as well as reactive. Securing human rights protections in the UK requires both approaches and will take decades. It needs consistent support that is not only crisis driven.
- ***Work in partnership.*** Developing partnerships rather than more typical donor/grantee relationships could have benefits in terms of sustainability, longevity and impact.
- ***Risk taking/driving change.*** Some donors felt that now was the time to take risk, to allow organisations to have ambition and courage. One said *“This moment won’t come again and there is a real opportunity to get behind the sector for a longer period, to encourage bigger scale action. Turbo charge while you can.”*
- ***Many donors fund human rights work – but they don’t call it that and why should they.*** Donors funding social justice initiatives are in practice funding human rights work. There is an opportunity to make connections with these funders and demonstrate practical/tangible relevance of human rights to their issues.
- ***Scale of task v funds available.*** Funding tends to be small scale when compared to the size of the challenge. It is important to think about scalability and avoid projects being set up to fail because they are too small to make impact.
- ***Enabling collaboration.*** Human rights organisations, working to demonstrate the value and importance of the framework, need space to be able to collaborate more with each other and develop strong/lasting relationships of trust given the scale of the challenge



and the small size of the sector. Support facilitating collaboration between human rights organisations across the devolved nations is reported to have been invaluable.

END

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