



A Guide to
Equality and
Diversity
in the Third Sector

olmec

Human Rights



EQUALITY STRAND

This chapter on Human Rights has been updated and is taken from the publication by Olmec *A Guide to Equality and Diversity in the Third Sector (2008)*. The update has been commissioned by the National Equality Partnership. A full copy of the Guide can be downloaded from Olmec's website: <http://www.olmec-ec.org.uk/documents/website%5CPublications%2FGuide%20to%20Equality%20and%20Diversity%20in%20the%20Third%20Sector.pdf>

Human Rights

The Human Rights Act 1998 is perhaps the single most important piece of legislation for equality and diversity in the United Kingdom. The Human Rights Act allows people to raise cases where they believe that a public authority has breached one of their human rights protected by the Act.

The Human Rights Act will be particularly important for the third sector in:

- **Holding public authorities to account** – the Human Rights Act provides an important tool for third sector organisations to challenge poor treatment and negotiate improvements to public services.
- **Campaigning and lobbying** – human rights can add highly effective and powerful moral and legal weight to campaigns and policy-influencing activities.
- **Improving service provision** – human rights provide a practical planning and decision-making framework for designing and delivering better quality services. Third sector organisations under contract to provide public services may be considered to be public authorities under the Human Rights Act, and will therefore need to ensure they are aware of their responsibilities under the Act.

Relevant rights protected in the Act include:

Article 2 The right to life

Article 3 The right to freedom from torture, inhumane and degrading treatment

Article 4 Prohibition of slavery and forced labour

Article 5 The right to liberty and security

Article 6 The right to a fair trial

Article 7 No punishment without law

Article 8 The right to respect for private and family life

Article 9 The right to the freedom of thought, conscience and religion

Article 10 The right to freedom of expression

Article 11 The right to the freedom of assembly and association

Article 12 Right to marry

Article 14 The right to freedom from discrimination on the grounds of sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status

Article 16 Restrictions on political activity of aliens

Article 17 Prohibition of Abuse of rights

Article 18 Limitation on use of restrictions of rights

The notion of human rights is based around the concepts of fairness, equality, respect, dignity and autonomy and this gives us a new paradigm through which to see people.¹ It allows us to think about everyone as having a certain minimum simply because they are human beings.

The Human Rights Act can be used alongside equality legislation as an additional tool to strengthen and support the work that equalities organisations are already doing. Imaginative use of the Human Rights Act has also been instrumental in pushing forward protection for people that do not fit neatly into fixed categories or where Parliament has yet to legislate on an equalities area. A human rights based approach adds practical value to equality and diversity work in a number of ways, including:

- **Greater protection against discrimination:** human rights belong to everyone; the Human Rights Act therefore provides important protection for groups who may face discrimination or poor treatment but are not covered by existing equality legislation, for example carers, homeless people, asylum seekers.
- **Protection against universally bad treatment:** if everyone is being poorly treated without distinction, this will not qualify as discrimination – for example if all residents at a care home are being mistreated by staff. The Human Rights Act can be used to address this kind of situation by judging poor treatment against a fixed standard, rather than requiring a victim to show they are being poorly treated in comparison to others.
- **Protection against other forms of ill-treatment:** disadvantaged groups may face forms of ill-treatment besides discrimination. The Human Rights Act goes beyond discrimination, providing a minimum standard below which public authorities must not go.
- **A more holistic approach:** human rights focus on individuals, rather than categorising people by specific characteristics. This widens the equality debate to include everyone rather than just specific groups. It also means human rights can address issues of multiple discrimination, where it is not clear why an individual is being poorly treated – focusing on the poor treatment itself, rather than the reason for the treatment.
- **A framework for balancing competing rights:** the majority of human rights are not absolute. The Human Rights Act contains a mechanism

1. www.bihhr.org.uk

for balancing the rights of individuals with each other, or with the rights and interests of the wider community. The Human Rights Act therefore offers an effective way forward in dealing with conflicts arising between different equalities strands – for example when religious beliefs clash with the rights of lesbian, gay, bisexual or transgender groups.

The Human Rights Act has been used to tackle inequality in a number of legal cases. For example, the House of Lords extended tenancy rights to same sex partnerships before Parliament voted to create Civil Partnerships. This was based on Article 8: the right to respect for private and family life.

The Human Rights Act also has a strong value outside of the courtroom. The language and ideas of human rights can be used to challenge poor treatment and improve public services, without having to go to court. For example:

A mental health hospital had a practice of sectioning asylum seekers who spoke little or no English without the use of an interpreter. Members of a user-led mental health befriending scheme used human rights language to successfully challenge this practice. They argued that it breached the asylum seekers' right not to be discriminated against on the basis of language and their right to liberty.

This and other examples of how the Human Rights Act has been used outside of the courtroom can be found in *'The Human Rights Act – Changing Lives'*, 2nd Edition (British Institute of Human Rights, 2008).

Resources

Ministry of Justice

The Ministry of Justice's website contains advice and guidance on the Human Rights Act.

<http://www.justice.gov.uk/guidance/humanrights.htm>

www.justice.gov.uk

Directgov

Gives basic introductory information about rights and responsibilities of individuals, human rights and where they come from:

http://www.direct.gov.uk/en/Rightsandresponsibilities/index.htm?cids=Google_PPC&cre=Rights_and_Responsibilities

It also has information on the Human Rights Act

http://www.direct.gov.uk/en/RightsAndResponsibilities/DG_4002951

Your Human Rights (BIHR)

This is a series of four guides written by the British Institute of Human Rights which focus on the practical relevance of human rights. They are written directly for people living with mental health problems, disabled people, older people and refugees and asylum seekers.

<http://www.bihr.org.uk/>

Your Human Rights: A Guide for People Living with Mental Health Problems (British Institute of Human Rights) (2006)

This is one of a series of four guides written by the British Institute of Human Rights which focus on the practical relevance of human rights for people living with mental health issues.

http://www.bihr.org/downloads/guide/bihr_mental-health_guide.pdf

Your Human Rights: A Guide for Disabled People (British Institute of Human Rights) (2006).

This is one of a series of four guides written by the British Institute of Human Rights which focus on the practical relevance of human rights for disabled people.

http://www.bihr.org.uk/sites/default/files/bihr_disabled_guide.pdf

Your Human Rights: A Guide for Older People (British Institute of Human Rights) (2006).

This is one of a series of four guides written by the British Institute of Human Rights which focus on the practical relevance of human rights for older people.

http://www.bihr.org.uk/sites/default/files/bihr_older-people_guide.pdf

Your Human Rights: A Guide for Refugees and Asylum Seekers (British Institute of Human Rights) (2006).

This is one of a series of four guides written by the British Institute of Human Rights which focus on the practical relevance of human rights for refugees and asylum seekers.

http://www.bihr.org.uk/sites/default/files/bihr_refugee_guide.pdf

Charities working in the field of human rights. Charity Commission (2008)

This report looks at charities registered with the Charities commission with a specific focus on Human Rights.

<http://www.charity-commission.gov.uk/publications/rs16.asp>

Esuantsiwa Goldsmith, J., Anona Development Consultancy (2007) The Relationship Between the Commission for Equality and Human Rights (CEHR) and the Voluntary and Community Sector: Draft Conclusions and Recommendations. Equality and Diversity Forum.

A report commissioned by the Equality and Diversity Forum on how the Equalities and Human rights voluntary and community organisations will interact with CEHR (now the EHRC).

<http://www.edf.org.uk/publications/EDFmtg26JulyPresentationFINAL.ppt#258,3,Methodology>

NCVO and BIHR (2006) Report of NCVO/BIHR Roundtable: Human Rights and the VCS NCVO, London.

<http://www.edf.org.uk/news/ncvobihrrreport.final.doc>

The Human Rights Act – Changing Lives, 2nd Edition (British Institute of Human Rights 2008)

This publication demonstrates the range of safeguards provided by the Human Rights Act and the real difference human rights makes to people's lives.

<http://www.bihhr.org.uk/documents/policy/changing-lives-second-edition>

Human rights are children's rights (National Children's Bureau and the British Institute of Human Rights, 2008)

A Guide to the Human Rights Act 1998 (3rd Edition), Ministry of Justice

<http://www.justice.gov.uk/whatwedo/humanrights.htm>

Human Rights Act Toolkit, LAG, 2003, Jenny Watson and Mitchell Woolf

<http://www.lag.org.uk/Templates/System/Publications.asp?NodeID=89151&Mode=display>

Liberty's online 'Your Rights' guide – www.yourrights.org.uk

Liberty also runs a voluntary sector advice service specifically for voluntary sector organisations that require human rights advice, including a helpline and an online query form— details are on their website: <http://www.yourrights.org.uk/voluntary-sector/index.html>. They also have a separate advice service and helpline for the general public.

Ours to Own: Understanding Human Rights (Equality and Human Rights Commission, 2008)

<http://edit.equalityhumanrights.com/en/publicationsandresources/Pages/Ourstooown.aspx>

The human rights section of the Equality and Human Rights Commission's website contains detailed information on human rights

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

Organisations

Equality and Human Rights Commission (EHRC)

Part of the EHRC's remit is to promote new understanding of equality and human rights culture. It will be providing training and other services on this.

The website contains specific information on human rights.

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

Equality and Human Rights Commission Manchester

Arndale House, The Arndale Centre
Manchester, M4 3AQ
Tel: 0161 829 8100
Fax: 01925 884 000

London

3 More London, Riverside Tooley Street, London, SE1 2RG
Tel: 020 3117 0235
Fax: 0207 407 7557
info@equalityhumanrights.com
www.equalityhumanrights.com

Cardiff

3rd Floor
3 Callaghan Square
Cardiff CF10 5BT
Tel: 02920 447710
Textphone: 02920 447713
Fax: 02920 447712
Email: wales@equalityhumanrights.com

Northern Ireland Human Rights Commission NIHRC

Temple Court
39 North Street
Belfast
Northern Ireland
BT1 1NA
Tel: +44 (0) 28 9024 3987
Fax: +44 (0) 28 9024 7844
Textphone: +44 (0) 28 9024 9066
www.nihrc.org

Scottish Human Rights Commission

Optima House
58 Robertson Street
Glasgow
G2 8DU
Tel: 0141 243 2721
Email: hello@scottishhumanrights.com
<http://scottishhumanrights.com>

British Institute of Human Rights

The BIHR is a campaigning organisation that provides training to organisations that want to employ a human rights based approach to their work. Their website has a wealth of information and publications on human rights, legislation and other issues. As well as resources, briefings and guides, BIHR provides training around human rights. BIHR do not provide human rights advice.

British Institute of Human Rights

King's College London
7th Floor, Melbourne House
46 Aldwych
London, WC2B 4LL
Tel: 0207 848 1818
Fax: 0207 848 1814
Email: info@bihr.org.uk
www.bihr.org.uk

Amnesty International UK

Internationally, Amnesty is one of the most renowned human rights organisations. It campaigns to improve human rights in the UK and across the globe.

Amnesty International UK

The Human Rights Action Centre
17-25 New Inn Yard
London, EC2A 3EA
Tel: +44 (0) 20 7033 1500
Fax: +44 (0) 20 7033 1503
Textphone: +44 (0) 20 7033 1664
Email: sct@amnesty.org.uk
www.amnesty.org.uk

Liberty

Liberty is a civil liberties campaigning organisation. It has a website which explains various articles in the Human Rights Act 1998

<http://www.yourrights.org.uk/>

It takes on a small number of cases where it believes that there is a point of law that needs to be decided on. It runs a telephone helpline designed specifically for third sector organisations for questions on human rights issues: **0845 122 8621**

The helpline is open Monday 14:30 -16:30 and Tuesdays and Thursdays 10 -12.

Liberty

21 Tabard Street
London SE1 4LA
Tel: 020 7403 3888
www.liberty-human-rights.org.uk

Justice

Justice is an all-party law reform and human rights organisation working to improve the legal system and the quality of justice by: promoting human rights, improving the legal system and access to justice, improving criminal justice and raising the standard of EU justice and home affairs. Justice does not provide human rights advice.

Justice

59 Carter Lane
London EC4V 5AQ
Tel: 020 7329 5100 - Fax 020 7329 5055
Email: admin@justice.org.uk
www.justice.org.uk

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www.improvingsupport.org.uk/equalityanddiversity

Your gateway to third sector support, information and resources.

